

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 373

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 303, 319, 320a, 601b, and 732 (MCL 257.303,
257.319, 257.320a, 257.601b, and 257.732), sections 303, 319,
320a, and 732 as amended by 2000 PA 460 and section 601b as added
by 1996 PA 320, and by adding section 601c.

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.

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

1 ~~(d) A person who has been convicted of or received a~~
2 ~~juvenile disposition for a violation of section 625(4) or (5),~~
3 ~~section 653a(4), or section 904(4) or (5).~~

4 ~~(e) A person who has been convicted of or received a juve-~~
5 ~~nile disposition for negligent homicide, manslaughter, or murder~~
6 ~~resulting from the operation of a vehicle.~~

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

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

23 ~~(A) A violation or attempted violation of section 625(1),~~
24 ~~(3), (4), (5), or (7), section 653a(4), or section 904(4) or~~
25 ~~(5).~~

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

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

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

5 ~~(ii) Any combination of 3 convictions within 10 years for~~
6 ~~any of the following or 1 conviction for a violation or attempted~~
7 ~~violation of section 625(6) and any combination of 2 convictions~~
8 ~~for any of the following within 10 years, if any of the convic-~~
9 ~~tions resulted from an arrest on or after January 1, 1992:~~

10 ~~(A) A violation or attempted violation of section 625(1),~~
11 ~~(3), (4), (5), or (7), section 653a(4), or section 904(4) or~~
12 ~~(5).~~

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

15 ~~(C) A violation or attempted violation of section 625m.~~

16 ~~(D) Negligent homicide, manslaughter, or murder resulting~~
17 ~~from the operation of a vehicle or an attempt to commit any of~~
18 ~~those crimes.~~

19 ~~(D) -(g)- A person who in the opinion of the secretary of~~
20 ~~state is afflicted with or suffering from a physical or mental~~
21 ~~disability or disease preventing that person from exercising rea-~~
22 ~~sonable and ordinary control over a motor vehicle while operating~~
23 ~~the motor vehicle upon the highways.~~

24 ~~(E) -(h)- A person who is unable to understand highway warn-~~
25 ~~ing or direction signs in the English language.~~

26 ~~-(i) A person who is an habitually reckless driver. Two~~
27 ~~convictions within 7 years for violating any combination of~~

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1 ~~section 626 or section 653a(3) or a local ordinance of this state~~
2 ~~or a law of another state substantially similar to section 626 or~~
3 ~~section 653a(3) are prima facie evidence that the person is an~~
4 ~~habitually reckless driver.~~

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

9 ~~(F) —(k)— A person who is unable to pass a knowledge, skill,~~
10 ~~or ability test administered by the secretary of state in connec-~~
11 ~~tion with the issuance of an original operator's or chauffeur's~~
12 ~~license, original motorcycle indorsement, or an original or~~
13 ~~renewal of a vehicle group designation or vehicle indorsement.~~

14 ~~(G) —(l)— A person who has been convicted of, has received a~~
15 ~~juvenile disposition for, or has been determined responsible for~~
16 ~~2 or more moving violations under a law of this state, a local~~
17 ~~ordinance substantially corresponding to a law of this state, or~~
18 ~~a law of another state substantially corresponding to a law of~~
19 ~~this state within the preceding 3 years, if the violations~~
20 ~~occurred before issuance of an original license to the person in~~
21 ~~this or another state.~~

22 ~~(H) —(m)— A nonresident including a foreign exchange~~
23 ~~student.~~

24 ~~(I) —(n)— A person who has failed to answer a citation or~~
25 ~~notice to appear in court or for any matter pending or fails to~~
26 ~~comply with an order or judgment of the court, including, but not~~
27 ~~limited to, paying all fines, costs, fees, and assessments, in~~

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1 violation of section 321a, until that person answers the citation
2 or notice to appear in court or for any matter pending or com-
3 plies with an order or judgment of the court, including, but not
4 limited to, paying all fines, costs, fees, and assessments, as
5 provided under section 321a.

6 (J) ~~(o)~~ A person not licensed under this act who has been
7 convicted of, has received a juvenile disposition for, or has
8 been determined responsible for a crime or civil infraction
9 described in section 319, 324, or 904. A person shall be denied
10 a license under this subdivision for the length of time corre-
11 sponding to the period of the licensing sanction that would have
12 been imposed under section 319, 324, or 904 if the person had
13 been licensed at the time of the violation.

14 (K) ~~(p)~~ A person not licensed under this act who has been
15 convicted of or received a juvenile disposition for committing a
16 crime described in section 319e. A person shall be denied a
17 license under this subdivision for the length of time that corre-
18 sponds to the period of the licensing sanction that would have
19 been imposed under section 319e if the person had been licensed
20 at the time of the violation.

21 (l) ~~(q)~~ A person not licensed under this act who is deter-
22 mined to have violated section 33b(1) of former 1933 (Ex Sess)
23 PA 8, section 703(1) of the Michigan liquor control code of 1998,
24 1998 PA 58, MCL 436.1703, or section 624a or 624b of this act.
25 The person shall be denied a license under this subdivision for a
26 period of time that corresponds to the period of the licensing

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1 sanction that would have been imposed under those sections had
2 the person been licensed at the time of the violation.

3 ~~(r) A person who has been convicted of a violation of sec-~~
4 ~~tion 602a(4) or (5) of this act or a violation of section 479a(4)~~
5 ~~or (5) of the Michigan penal code, 1931 PA 328, MCL 750.479a.~~

6 (2) Upon receiving the appropriate records of conviction,
7 the secretary of state shall revoke the OPERATOR'S OR CHAUFFEUR'S
8 LICENSE OF A PERSON AND DENY ISSUANCE OF AN operator's or
9 chauffeur's license ~~of~~ TO a person having any of the following,
10 whether under a law of this state, a local ordinance substan-
11 tially corresponding to a law of this state, or a law of another
12 state substantially corresponding to a law of this state:

13 (a) Any combination of 2 convictions within 7 years for ~~any~~
14 ~~of the following:~~ (i) ~~Reckless~~ RECKLESS driving in violation of
15 section 626.

16 ~~(ii) A violation or attempted violation of section~~
17 ~~653a(3).~~

18 (b) ~~Two convictions of a felony in which a motor vehicle~~
19 ~~was used within 7 years.~~ ANY COMBINATION OF 2 OR MORE CONVIC-
20 TIONS WITHIN 7 YEARS FOR ANY OF THE FOLLOWING:

21 (i) A FELONY IN WHICH A MOTOR VEHICLE WAS USED.

22 (ii) A VIOLATION OR ATTEMPTED VIOLATION OF SECTION 601B(2)
23 OR (3), SECTION 601C(1) OR (2), SECTION 602A(4) OR (5), SECTION
24 653A(3) OR (4), OR SECTION 904(4) OR (5).

25 (iii) NEGLIGENT HOMICIDE, MANSLAUGHTER, OR MURDER RESULTING
26 FROM THE OPERATION OF A VEHICLE OR AN ATTEMPT TO COMMIT ANY OF
27 THOSE CRIMES.

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1 (iv) A VIOLATION OR ATTEMPTED VIOLATION OF SECTION 479A(4)
2 OR (5) OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.479A.

3 (c) Any combination of 2 convictions within 7 years for any
4 of the following or a combination of 1 conviction for a violation
5 or attempted violation of section 625(6) and 1 conviction for any
6 of the following within 7 years:

7 (i) A violation or attempted violation of section 625(1),
8 (3), (4), (5), or (7). ~~, section 653a(4), or section 904(4) or~~
9 ~~(5).~~

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

12 (iii) A violation or attempted violation of section 625m.

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

16 (d) One conviction for a violation or attempted violation of
17 SECTION [601B(3)], SECTION [601C(2)], SECTION 602A(4)
18 OR (5), section 625(4) or (5), section [653a(4)],
19 or section 904(4) or (5).

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

23 (F) ONE CONVICTION FOR A VIOLATION OR ATTEMPTED VIOLATION OF
24 SECTION 479A(4) OR (5) OF THE MICHIGAN PENAL CODE, 1931 PA 328,
25 MCL 750.479A.

26 (G) ~~(f)~~ Any combination of 3 convictions within 10 years
27 for any of the following or 1 conviction for a violation or

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1 attempted violation of section 625(6) and any combination of 2
2 convictions for any of the following within 10 years, if any of
3 the convictions resulted from an arrest on or after January 1,
4 1992:

5 (i) A violation or attempted violation of section 625(1),
6 (3), (4), (5), or (7). ~~, section 653a(4), or section 904(4) or~~
7 ~~(5).~~

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

10 (iii) A violation or attempted violation of section 625m.

11 ~~(iv) Negligent homicide, manslaughter, or murder resulting~~
12 ~~from the operation of a vehicle or an attempt to commit any of~~
13 ~~those crimes.~~

14 ~~(g) A violation of section 602a(4) or (5) of this act or~~
15 ~~section 479a(4) or (5) of the Michigan penal code, 1931 PA 328,~~
16 ~~MCL 750.479a.~~

17 (3) The secretary of state shall revoke a license under sub-
18 section (2) notwithstanding a court order.

19 (4) The secretary of state shall not issue a license under
20 this act to a person whose license has been revoked under this
21 act or REVOKED AND denied under subsection ~~(1)(d), (e), (f),~~
22 ~~(i), (j), or (r)~~ (2) until all of the following occur, as
23 applicable:

24 (a) The later of the following:

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

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

4 (b) For a denial under subsection ~~(1)(f), (i), or (j) based~~
5 ~~on prima facie evidence,~~ (2)(A), (B), (C), AND (G), the person
6 rebuts BY CLEAR AND CONVINCING EVIDENCE the presumption resulting
7 from the prima facie evidence ~~by clear and convincing evidence~~
8 THAT HE OR SHE IS A HABITUAL OFFENDER. THE CONVICTIONS THAT
9 RESULTED IN THE REVOCATION AND DENIAL CONSTITUTE PRIMA FACIE EVI-
10 DENCE THAT HE OR SHE IS A HABITUAL OFFENDER.

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

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

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

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

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

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

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

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1 Sec. 319. (1) The secretary of state shall immediately
2 suspend a person's license as provided in this section upon
3 receiving a record of the person's conviction for a crime
4 described in this section, whether the conviction is under a law
5 of this state, a local ordinance substantially corresponding to a
6 law of this state, or a law of another state substantially corre-
7 sponding to a law of this state.

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

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

12 (b) A violation of section 413 of the Michigan penal code,
13 1931 PA 328, MCL 750.413.

14 (c) A violation of section 1 of 1931 PA 214, MCL 752.191.

15 (d) Failing to stop and disclose identity at the scene of an
16 accident resulting in death or serious injury in violation of
17 section 617.

18 (e) A felony in which a motor vehicle was used. As used in
19 this section, "felony in which a motor vehicle was used" means a
20 felony during the commission of which the person convicted oper-
21 ated a motor vehicle and while operating the vehicle presented
22 real or potential harm to persons or property and 1 or more of
23 the following circumstances existed:

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

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

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

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

4 (f) A violation of section 602a(2) or (3) of this act or
5 section 479a(2) or (3) of the Michigan penal code, 1931 PA 328,
6 MCL 750.479a.

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

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

11 (b) A violation of SECTION 601B(2), SECTION 601C(1), section
12 626, or section 653a(3).

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

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

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

22 (5) For perjury or making a false certification to the sec-
23 retary of state under any law requiring the registration of a
24 motor vehicle or regulating the operation of a vehicle on a high-
25 way, the secretary shall suspend the person's license as
26 follows:

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

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

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

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

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

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

16 (a) If the person has 1 prior conviction for an offense
17 described in this subsection or section 33b(1) of former 1933 (Ex
18 Sess) PA 8, for 90 days. The secretary of state may issue the
19 person a restricted license after the first 30 days of
20 suspension.

21 (b) If the person has 2 or more prior convictions for an
22 offense described in this subsection or section 33b(1) of former
23 1933 (Ex Sess) PA 8, for 1 year. The secretary of state may
24 issue the person a restricted license after the first 60 days of
25 suspension.

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

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1 (a) For 180 days for a violation of section 625(1) if the
2 person has no prior convictions within 7 years. The secretary of
3 state may issue the person a restricted license during all or a
4 specified portion of the suspension, except that the secretary of
5 state shall not issue a restricted license during the first 30
6 days of suspension.

7 (b) For 90 days for a violation of section 625(3) if the
8 person has no prior convictions within 7 years. However, if the
9 person is convicted of a violation of section 625(3), for operat-
10 ing a vehicle when, due to the consumption of a controlled sub-
11 stance or a combination of intoxicating liquor and a controlled
12 substance, the person's ability to operate the vehicle was visi-
13 bly impaired, the secretary of state shall suspend the person's
14 license under this subdivision for 180 days. The secretary of
15 state may issue the person a restricted license during all or a
16 specified portion of the suspension.

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

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

24 (e) For 180 days for a violation of section 625(7) if the
25 person has no prior convictions within 7 years. The secretary of
26 state may issue the person a restricted license after the first
27 90 days of suspension.

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

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

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

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

12 (10) For a violation of section 315(4), the secretary of
13 state may suspend the person's license for 6 months and shall
14 revoke the person's license for a second or subsequent conviction
15 as required under section 315(5).

16 (11) Except as provided in subsection (13), a suspension
17 under this section shall be imposed notwithstanding a court
18 order.

19 (12) If the secretary of state receives records of more than
20 1 conviction of a person resulting from the same incident, a sus-
21 pension shall be imposed only for the violation to which the
22 longest period of suspension applies under this section.

23 (13) The secretary of state may waive a suspension of a
24 person's license imposed under this act if the person submits
25 proof that a court in another state revoked, suspended, or
26 restricted his or her license for a period equal to or greater
27 than the period of a suspension prescribed under this act for the

1 violation and that the revocation, suspension, or restriction was
2 served for the violation, or may grant a restricted license.

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

7 (15) The secretary of state shall not issue a restricted
8 license to a person under subsection (8) that would permit the
9 person to operate a commercial motor vehicle that hauls hazardous
10 material.

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

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

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

16 (i) The person's residence.

17 (ii) The person's work location.

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

20 (iv) The court probation department.

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

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

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

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

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

10 (a) Except as provided in subsection (19), a violation or
11 attempted violation of section 625(1), (3), (4), (5), (6), or
12 (7), section 625m, former section 625(1) or (2), or former sec-
13 tion 625b.

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

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

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

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

7 (a) Manslaughter, negligent homicide, or a felony
8 resulting from the operation of a motor vehicle, ORV,
9 or snowmobile..... 6 points

10 (b) A violation of section ~~653a(4)~~ 601B(2) OR
11 (3), 601C(1) OR (2), OR 653A(3) OR (4)..... 6 points

12 (c) A violation of section 625(1), (4), (5), or
13 (7), section 81134 or 82127(1) of the natural resources
14 and environmental protection act, 1994 PA 451,
15 MCL 324.81134 and 324.82127, or a law or ordinance sub-
16 stantially corresponding to section 625(1), (4), (5),
17 or (7) or, section 81134 or 82127(1) of the natural
18 resources and environmental protection act, 1994
19 PA 451, MCL 324.81134 and 324.82127..... 6 points

20 (d) Failing to stop and disclose identity at the
21 scene of an accident when required by law..... 6 points

22 (e) Operating a motor vehicle in violation of sec-
23 tion 626 ~~or section 653a(3)~~..... 6 points

24 (f) Fleeing or eluding an officer..... 6 points

25 (g) Violation of any law or ordinance pertaining
26 to speed by exceeding the lawful maximum by more than
27 15 miles per hour..... 4 points

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- 1 (h) Violation of section 625(3) or (6), section
2 81135 or 82127(3) of the natural resources and environ-
3 mental protection act, 1994 PA 451, MCL 324.81135 and
4 324.82127, or a law or ordinance substantially corre-
5 sponding to section 625(3) or (6) or, section 81135 or
6 82127(3) of the natural resources and environmental
7 protection act, 1994 PA 451, MCL 324.81135 and
8 324.82127..... 4 points
- 9 (i) Violation of section 626a or a law or ordi-
10 nance substantially corresponding to section 626a..... 4 points
- 11 (j) Violation of section 653a(2)..... 4 points
- 12 (k) Violation of any law or ordinance pertaining
13 to speed by exceeding the lawful maximum by more than
14 10 but not more than 15 miles per hour or careless
15 driving in violation of section 626b or a law or ordi-
16 nance substantially corresponding to section 626b..... 3 points
- 17 (l) Violation of any law or ordinance pertaining
18 to speed by exceeding the lawful maximum by 10 miles
19 per hour or less..... 2 points
- 20 (m) Disobeying a traffic signal or stop sign, or
21 improper passing..... 3 points
- 22 (n) Violation of section 624a, 624b, or a law or
23 ordinance substantially corresponding to section 624a
24 or 624b..... 2 points
- 25 (o) Violation of section 310e(4) or (6) or a law
26 or ordinance substantially corresponding to section
27 310e(4) or (6)..... 2 points

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1 (p) All other moving violations pertaining to the
2 operation of motor vehicles reported under this section 2 points

3 (q) A refusal by a person less than 21 years of
4 age to submit to a preliminary breath test required by
5 a peace officer under section 625a..... 2 points

6 (2) Points shall not be entered for a violation of section
7 310e(14), 311, 625m, 658, 717, 719, 719a, or 723.

8 (3) Points shall not be entered for bond forfeitures.

9 (4) Points shall not be entered for overweight loads or for
10 defective equipment.

11 (5) If more than 1 conviction, civil infraction determina-
12 tion, or probate court disposition results from the same inci-
13 dent, points shall be entered only for the violation that
14 receives the highest number of points under this section.

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

21 (7) If a person violates a speed restriction established by
22 an executive order issued during a state of energy emergency as
23 provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of
24 state shall enter points for the violation pursuant to subsection
25 (1).

26 (8) The secretary of state shall enter 6 points upon the
27 record of a person whose license is suspended or denied pursuant

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1 to section 625f. However, if a conviction, civil infraction
2 determination, or probate court disposition results from the same
3 incident, additional points for that offense shall not be
4 entered.

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

12 Sec. 601b. (1) Notwithstanding any other provision of this
13 act, a person responsible for a moving violation in a construc-
14 tion zone, at an emergency scene, or in a school zone during the
15 period beginning 30 minutes before school in the morning and
16 through 30 minutes after school in the afternoon is subject to a
17 fine that is double the fine otherwise prescribed for that moving
18 violation.

19 (2) A PERSON WHO COMMITS A MOVING VIOLATION THAT HAS CRIMI-
20 NAL PENALTIES AND AS A RESULT CAUSES INJURY TO A PERSON WORKING
21 IN THE CONSTRUCTION ZONE IS GUILTY OF A MISDEMEANOR PUNISHABLE BY
22 A FINE OF NOT MORE THAN \$1,000.00 OR IMPRISONMENT FOR NOT MORE
23 THAN 1 YEAR, OR BOTH.

24 (3) A PERSON WHO COMMITS A MOVING VIOLATION THAT HAS CRIMI-
25 NAL PENALTIES AND AS A RESULT CAUSES DEATH TO A PERSON WORKING IN
26 THE CONSTRUCTION ZONE IS GUILTY OF A FELONY PUNISHABLE BY A FINE

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1 OF NOT MORE THAN \$7,500.00 OR BY IMPRISONMENT FOR NOT MORE THAN
2 15 YEARS, OR BOTH.

3 (4) ~~(2)~~ Whenever practical, signs designed in compliance
4 with the uniform manual of traffic control devices shall be
5 appropriately placed at the construction zone by the state trans-
6 portation department or road authority having jurisdiction over
7 the construction zone notifying operators of vehicles ~~that~~ OF
8 THE INCREASED FINES AND PENALTIES PROVIDED BY THIS SECTION for
9 the protection and safety of construction workers. ~~the fine for~~
10 ~~a moving violation in this work area is double the fine otherwise~~
11 ~~prescribed for that moving violation.~~

12 (5) SUBSECTIONS (2) AND (3) DO NOT APPLY IF THE INJURY OR
13 DEATH WAS CAUSED BY THE NEGLIGENCE OF THE PERSON WORKING IN THE
14 CONSTRUCTION ZONE.

15 (6) ~~(3)~~ As used in this section:

16 (a) "Construction zone" means a designated work area
17 described in section 627.

18 (b) "Emergency scene" means a traffic accident, a serious
19 incident caused by weather conditions, or another occurrence
20 along a highway or street for which a police officer, firefight-
21 er, or emergency medical personnel are summoned to aid an injured
22 victim.

23 (c) "Moving violation" means an act or omission prohibited
24 under this act or a local ordinance substantially corresponding
25 to this act that occurs while a person is operating a motor vehi-
26 cle, and for which the person is subject to a fine.

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1 (d) "School zone" means that term as defined in section
2 627a.

3 SEC. 601C. (1) A PERSON WHO COMMITS A MOVING VIOLATION THAT
4 HAS CRIMINAL PENALTIES AND AS A RESULT CAUSES INJURY TO A PERSON
5 OPERATING AN IMPLEMENT OF HUSBANDRY ON A HIGHWAY IN COMPLIANCE
6 WITH THIS ACT IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISON-
7 MENT FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN
8 \$1,000.00, OR BOTH.

9 (2) A PERSON WHO COMMITS A MOVING VIOLATION THAT HAS CRIMI-
10 NAL PENALTIES AND AS A RESULT CAUSES DEATH TO A PERSON OPERATING
11 AN IMPLEMENT OF HUSBANDRY ON A HIGHWAY IN COMPLIANCE WITH THIS
12 ACT IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE
13 THAN 15 YEARS OR A FINE OF NOT MORE THAN \$7,500.00, OR BOTH.

14 (3) AS USED IN THIS SECTION, "MOVING VIOLATION" MEANS AN ACT
15 OR OMISSION PROHIBITED UNDER THIS ACT OR A LOCAL ORDINANCE SUB-
16 STANTIALY CORRESPONDING TO THIS ACT THAT OCCURS WHILE A PERSON
17 IS OPERATING A MOTOR VEHICLE, AND FOR WHICH THE PERSON IS SUBJECT
18 TO A FINE.

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 and ~~—, beginning~~
24 ~~October 1, 2000,~~ with those offenses pertaining to the operation
25 of ORVs or snowmobiles for which points are assessed under sec-
26 tion ~~—320a(1)(b) or (f)—~~ 320A(1)(C) OR (H). Except as provided
27 in subsection (15), the municipal judge or clerk of the court of

1 record shall prepare and forward to the secretary of state an
2 abstract of the court record as follows:

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

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

13 (c) ~~Beginning October 1, 2000, immediately~~ IMMEDIATELY for
14 each case charging a violation of section 82127(1) or (3), 81134,
15 or 81135 of the natural resources and environmental protection
16 act, 1994 PA 451, MCL 324.82127, 324.81134, and 324.81135, or a
17 local ordinance substantially corresponding to those sections.

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

26 (3) The abstract or report required under this section shall
27 be made upon a form furnished by the secretary of state. An

1 abstract shall be certified by signature, stamp, or facsimile
2 signature of the person required to prepare the abstract as
3 correct. An abstract or report shall include all of the
4 following:

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

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

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

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

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

15 (f) Whether bail was forfeited.

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

18 (h) The vehicle identification number and registration plate
19 number of all vehicles that are ordered immobilized or
20 forfeited.

21 (i) Other information considered necessary to the secretary
22 of state.

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

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

1 (b) A violation of section 1 of 1931 PA 214, MCL 752.191.

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

4 ~~(d) A violation of section 653a(4).~~

5 (D) ~~(e)~~ A violation of section 703 of the Michigan liquor
6 control code of 1998, 1998 PA 58, MCL 436.1703, or a local ordi-
7 nance substantially corresponding to that section.

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

16 (F) ~~(g)~~ An attempt to commit an offense described in sub-
17 divisions (a) to ~~(e)~~ (D).

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

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

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

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

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

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

8 "You are charged with the commission of a felony in which a
9 motor vehicle was used. If you are convicted and the judge finds
10 that the conviction is for a felony in which a motor vehicle was
11 used, as defined in section 319 of the Michigan vehicle code,
12 1949 PA 300, MCL 257.319, your driver's license shall be sus-
13 pended by the secretary of state."

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

20 "You are accused of an act the nature of which constitutes a
21 felony in which a motor vehicle was used. If the accusation is
22 found to be true and the judge or referee finds that the nature
23 of the act constitutes a felony in which a motor vehicle was
24 used, as defined in section 319 of the Michigan vehicle code,
25 1949 PA 300, MCL 257.319, your driver's license shall be sus-
26 pended by the secretary of state."

1 (8) If the court determines as part of the sentence or
2 disposition that the felony for which the person was convicted or
3 adjudicated and with respect to which notice was given under sub-
4 section (6) or (7) is a felony in which a motor vehicle was used,
5 the clerk of the court shall forward an abstract of the court
6 record of that conviction to the secretary of state.

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

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

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

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

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

18 (10) If a person is charged with a felony in which a commer-
19 cial motor vehicle was used and for which a vehicle group desig-
20 nation on a license is subject to suspension or revocation under
21 section 319b(1)(c)(iii), 319b(1)(d), or 319b(1)(e)(iii), or
22 319b(1)(f)(i), the prosecuting attorney shall include the follow-
23 ing statement on the complaint and information filed in district
24 or circuit court:

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

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1 commercial motor vehicle was used, as defined in section 319b of
2 the Michigan vehicle code, 1949 PA 300, MCL 257.319b, all vehicle
3 group designations on your driver's license shall be suspended or
4 revoked by the secretary of state."

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

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

20 (a) The name and title of the person required to forward
21 abstracts.

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

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

24 (d) The following statement:

25 "I certify that all abstracts required by section 732 of the
26 Michigan vehicle code, MCL 257.732; MSA 9.2432, for the period

1 _____ through _____ have been forwarded to the
2 secretary of state.".

3 (e) Other information the secretary of state considers
4 necessary.

5 (f) The signature of the person required to forward
6 abstracts.

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

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

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

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

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

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

1 (d) A pedestrian, passenger, or bicycle violation, other
2 than a violation of section 703(1) or (2) of the Michigan liquor
3 control code of 1998, 1998 PA 58, MCL 436.1703, or a local ordi-
4 nance substantially corresponding to section 703(1) or (2) of the
5 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703,
6 or section 624a or 624b or a local ordinance substantially corre-
7 sponding to section 624a or 624b.

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

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

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

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

1 with the record of the conviction or civil infraction
2 determination.

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

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

18 Enacting section 1. This amendatory act takes effect
19 October 1, 2001.