

SB 373, As Passed Senate, June 5, 2001

**SUBSTITUTE FOR
SENATE BILL NO. 373**

(As amended June 5, 2001)

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, 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.

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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 juve-
4 nile disposition for a violation of SECTION 601B(3), SECTION
5 601C(2), section 625(4) or (5), section 653a(4), or section 904(4) or (5).

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

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

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

25 (A) A violation or attempted violation of SECTION 601B(3),
26 SECTION 601C(2), section 625(1), (3), (4), (5), or (7), section 653a(4), or
27 section 904(4) or (5).

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

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

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

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

12 (A) A violation or attempted violation of SECTION 601B(3),
13 SECTION 601C(2), section 625(1), (3), (4), (5), or (7), section 653a(4), or sec-
14 tion 904(4) or (5).

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

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

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

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

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

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1 (i) A person who is an habitually reckless driver. Two
2 convictions within 7 years for violating any combination of
3 SECTION 601B(2), SECTION 601C(1), section 626, or section 653a(3) or
4 a local ordinance of this state or a law of another state substantially simi-
5 lar to SECTION 601B(2), SECTION 601C(1), section 626, or section
6 653a(3) are prima facie evidence that the person is an habitually reckless driver.

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

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

16 (l) A person who has been convicted of, has received a juve-
17 nile disposition for, or has been determined responsible for 2 or
18 more moving violations under a law of this state, a local ordi-
19 nance substantially corresponding to a law of this state, or a
20 law of another state substantially corresponding to a law of this
21 state within the preceding 3 years, if the violations occurred
22 before issuance of an original license to the person in this or
23 another state.

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

25 (n) A person who has failed to answer a citation or notice
26 to appear in court or for any matter pending or fails to comply
27 with an order or judgment of the court, including, but not

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

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

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

22 (q) A person not licensed under this act who is determined
23 to have violated section 33b(1) of former 1933 (Ex Sess) PA 8,
24 section 703(1) of the Michigan liquor control code of 1998, 1998
25 PA 58, MCL 436.1703, or section 624a or 624b of this act. The
26 person shall be denied a license under this subdivision for a
27 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 having any of the following, whether under a
9 law of this state, a local ordinance substantially corresponding
10 to a law of this state, or a law of another state substantially
11 corresponding to a law of this state:

12 (a) Any combination of 2 convictions within 7 years for any
13 of the following:

14 (i) A VIOLATION OR ATTEMPTED VIOLATION OF SECTION 601B(2).
15 (ii) A VIOLATION OR ATTEMPTED VIOLATION OF SECTION 601C(1).
16 (iii) ~~(i)~~ Reckless driving in violation of section 626.

17 (iv) ~~(ii)~~ A violation or attempted violation of section
18 653a(3).

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

21 (c) Any combination of 2 convictions within 7 years for any
22 of the following or a combination of 1 conviction for a violation
23 or attempted violation of section 625(6) and 1 conviction for any
24 of the following within 7 years:

25 (i) A violation or attempted violation of SECTION 601B(3),
26 SECTION 601C(2),
27 section 625(1), (3), (4), (5), or (7), section 653a(4), or sec-
28 tion 904(4) or (5).

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

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

4 (iv) Negligent homicide, manslaughter, or murder resulting
5 from the operation of a vehicle or an attempt to commit any of
6 those crimes.

7 (d) One conviction for a violation or attempted violation of
8 SECTION 601B(3), SECTION 601C(2), section 625(4) or (5), section
9 653a(4), or section 904(4) or (5).

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

13 (f) Any combination of 3 convictions within 10 years for any
14 of the following or 1 conviction for a violation or attempted
15 violation of section 625(6) and any combination of 2 convictions
16 for any of the following within 10 years, if any of the convic-
17 tions resulted from an arrest on or after January 1, 1992:

18 (i) A violation or attempted violation of SECTION 601B(3),
19 SECTION 601C(2), section 625(1), (3), (4), (5), or (7), section 653a(4), or sec-
20 tion 904(4) or (5).

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

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

24 (iv) Negligent homicide, manslaughter, or murder resulting
25 from the operation of a vehicle or an attempt to commit any of
26 those crimes.

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

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

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

10 (a) The later of the following:

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

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

16 (b) For a denial under subsection (1)(f), (i), or (j) based
17 on prima facie evidence, the person rebuts the presumption
18 resulting from the prima facie evidence by clear and convincing
19 evidence.

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

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

25 (6) As used in this section, "felony in which a motor vehi-
26 cle was used" means a felony during the commission of which the
27 person operated a motor vehicle and while operating the vehicle

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

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

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

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

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

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

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

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

20 (b) A violation of section 413 of the Michigan penal code,
21 1931 PA 328, MCL 750.413.

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

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

26 (e) A felony in which a motor vehicle was used. As used in
27 this section, "felony in which a motor vehicle was used" means a

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1 felony during the commission of which the person convicted
2 operated a motor vehicle and while operating the vehicle
3 presented real or potential harm to persons or property and 1 or
4 more of the following circumstances existed:

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

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

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

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

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

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

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

18 (b) A violation of SECTION 601B(2), SECTION 601C(1), section
19 626, or section 653a(3).

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

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

25 (4) The secretary of state shall suspend the person's
26 license for 30 days for malicious destruction resulting from the

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1 operation of a vehicle under section 382(1)(a) of the Michigan
2 penal code, 1931 PA 328, MCL 750.382.

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

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

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

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

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

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

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

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

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1 (b) If the person has 2 or more prior convictions for an
2 offense described in this subsection or section 33b(1) of former
3 1933 (Ex Sess) PA 8, for 1 year. The secretary of state may
4 issue the person a restricted license after the first 60 days of
5 suspension.

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

8 (a) For 180 days for a violation of section 625(1) if the
9 person has no prior convictions within 7 years. The secretary of
10 state may issue the person a restricted license during all or a
11 specified portion of the suspension, except that the secretary of
12 state shall not issue a restricted license during the first 30
13 days of suspension.

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

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

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

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

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

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

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

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

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

23 (11) Except as provided in subsection (13), a suspension
24 under this section shall be imposed notwithstanding a court
25 order.

26 (12) If the secretary of state receives records of more than
27 1 conviction of a person resulting from the same incident, a

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1 suspension shall be imposed only for the violation to which the
2 longest period of suspension applies under this section.

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

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

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

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

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

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

23 (i) The person's residence.

24 (ii) The person's work location.

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

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1 (iv) The court probation department.

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

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

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

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

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

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

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

24 (19) Except for purposes of the suspensions described in
25 subsection (8)(c) and (d), only 1 violation or attempted viola-
26 tion of section 625(6), a local ordinance substantially
27 corresponding to section 625(6), or a law of another state

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1 substantially corresponding to section 625(6) may be used as a
2 prior conviction.

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

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

13 (a) Manslaughter, negligent homicide, or a felony
14 resulting from the operation of a motor vehicle, ORV,
15 or snowmobile..... 6 points

16 (b) A violation of section ~~653a(4)~~ 601B(2) OR
17 (3), 601C(1) OR (2), OR 653A(3) OR
18 (4)..... 6 points

19 (c) A violation of section 625(1), (4), (5), or
20 (7), section 81134 or 82127(1) of the natural resources
21 and environmental protection act, 1994 PA 451,
22 MCL 324.81134 and 324.82127, or a law or ordinance sub-
23 stantially corresponding to section 625(1), (4), (5),
24 or (7) or, section 81134 or 82127(1) of the natural
25 resources and environmental protection act, 1994
26 PA 451, MCL 324.81134 and 324.82127..... 6 points

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

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

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- 1 (n) Violation of section 624a, 624b, or a law or
2 ordinance substantially corresponding to section 624a
3 or 624b..... 2 points
- 4 (o) Violation of section 310e(4) or (6) or a law
5 or ordinance substantially corresponding to section
6 310e(4) or (6)..... 2 points
- 7 (p) All other moving violations pertaining to the
8 operation of motor vehicles reported under this section 2 points
- 9 (q) A refusal by a person less than 21 years of
10 age to submit to a preliminary breath test required by
11 a peace officer under section 625a..... 2 points
- 12 (2) Points shall not be entered for a violation of section
13 310e(14), 311, 625m, 658, 717, 719, 719a, or 723.
- 14 (3) Points shall not be entered for bond forfeitures.
- 15 (4) Points shall not be entered for overweight loads or for
16 defective equipment.
- 17 (5) If more than 1 conviction, civil infraction determina-
18 tion, or probate court disposition results from the same inci-
19 dent, points shall be entered only for the violation that
20 receives the highest number of points under this section.
- 21 (6) If a person has accumulated 9 points as provided in this
22 section, the secretary of state may call the person in for an
23 interview as to the person's driving ability and record after due
24 notice as to time and place of the interview. If the person
25 fails to appear as provided in this subsection, the secretary of
26 state shall add 3 points to the person's record.

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1 (7) If a person violates a speed restriction established by
2 an executive order issued during a state of energy emergency as
3 provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of
4 state shall enter points for the violation pursuant to subsection
5 (1).

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

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

19 Sec. 601b. (1) Notwithstanding any other provision of this
20 act, a person responsible for a moving violation in a construc-
21 tion zone, at an emergency scene, or in a school zone during the
22 period beginning 30 minutes before school in the morning and
23 through 30 minutes after school in the afternoon is subject to a
24 fine that is double the fine otherwise prescribed for that moving
25 violation.

26 (2) A
27 PERSON WHO COMMITS A MOVING VIOLATION THAT HAS CRIMINAL PENALTIES
AND AS A RESULT CAUSES INJURY TO A

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1 PERSON WORKING IN THE CONSTRUCTION ZONE IS GUILTY OF A MISDEMEANOR
2 PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000.00 OR IMPRISONMENT
3 FOR NOT MORE THAN 1 YEAR, OR BOTH.

4 (3) [REDACTED] A
5 PERSON WHO COMMITS A MOVING VIOLATION THAT HAS CRIMINAL PENALTIES
6 AND AS A RESULT CAUSES DEATH TO A
7 PERSON WORKING IN THE CONSTRUCTION ZONE IS GUILTY OF A FELONY
8 PUNISHABLE BY A FINE OF NOT MORE THAN \$7,500.00 OR BY IMPRISON-
9 MENT FOR NOT MORE THAN 15 YEARS, OR BOTH.

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

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

18 (6) ~~(3)~~ As used in this section:

19 (a) "Construction zone" means a designated work area
20 described in section 627.

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

26 (c) "Moving violation" means an act or omission prohibited
27 under this act or a local ordinance substantially corresponding

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1 to this act that occurs while a person is operating a motor
2 vehicle, and for which the person is subject to a fine.

3 (d) "School zone" means that term as defined in section
4 627a.

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

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

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13 Sec. 732. (1) Each municipal judge and each clerk of a
14 court of record shall keep a full record of every case in which a
15 person is charged with or cited for a violation of this act or a
16 local ordinance substantially corresponding to this act regulat-
17 ing the operation of vehicles on highways and ~~, beginning~~
18 ~~October 1, 2000,~~ with those offenses pertaining to the operation
19 of ORVs or snowmobiles for which points are assessed under sec-
20 tion ~~320a(1)(b) or (f)~~ 320A(1)(C) OR (H). Except as provided
21 in subsection (15), the municipal judge or clerk of the court of
22 record shall prepare and forward to the secretary of state an
23 abstract of the court record as follows:

24 (a) Within 14 days after a conviction, forfeiture of bail,
25 or entry of a civil infraction determination or default judgment
26 upon a charge of or citation for violating or attempting to

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1 violate this act or a local ordinance substantially corresponding
2 to this act regulating the operation of vehicles on highways.

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

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

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

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

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

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

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

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

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

11 (f) Whether bail was forfeited.

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

14 (h) The vehicle identification number and registration plate
15 number of all vehicles that are ordered immobilized or
16 forfeited.

17 (i) Other information considered necessary to the secretary
18 of state.

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (6) If a person is charged with a felony in which a motor
27 vehicle was used, other than a felony specified in subsection (4)

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1 or section 319, the prosecuting attorney shall include the
2 following statement on the complaint and information filed in
3 district or circuit court:

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

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

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

23 (8) If the court determines as part of the sentence or dis-
24 position that the felony for which the person was convicted or
25 adjudicated and with respect to which notice was given under sub-
26 section (6) or (7) is a felony in which a motor vehicle was used,

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

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

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

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

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

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

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

21 "You are charged with the commission of a felony in which a
22 commercial motor vehicle was used. If you are convicted and the
23 judge finds that the conviction is for a felony in which a com-
24 mercial motor vehicle was used, as defined in section 319b of the
25 Michigan vehicle code, 1949 PA 300, MCL 257.319b, all vehicle
26 group designations on your driver's license shall be suspended or
27 revoked by the secretary of state."

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

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

16 (a) The name and title of the person required to forward
17 abstracts.

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

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

20 (d) The following statement:

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

25 (e) Other information the secretary of state considers
26 necessary.

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1 (f) The signature of the person required to forward
2 abstracts.

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

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

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

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

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

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

24 (d) A pedestrian, passenger, or bicycle violation, other
25 than a violation of section 703(1) or (2) of the Michigan liquor
26 control code of 1998, 1998 PA 58, MCL 436.1703, or a local
27 ordinance substantially corresponding to section 703(1) or (2) of

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

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

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

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

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

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

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

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

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12 Enacting section 1. This amendatory act takes effect
13 September 1, 2001.