

SENATE BILL NO. 231

March 22, 2023, Introduced by Senator JOHNSON and referred to the Committee on Civil Rights, Judiciary, and Public Safety.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 320a, 602b, 602c, and 732 (MCL 257.320a, 257.602b, 257.602c, and 257.732), section 320a as amended by 2018 PA 349, section 602b as amended by 2016 PA 332, section 602c as added by 2012 PA 592, and section 732 as amended by 2017 PA 160.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 320a. (1) Within 5 days after receipt of a properly
2 prepared abstract from a court of this state or another state, the

1 secretary of state shall record the date of conviction, civil
2 infraction determination, or probate court disposition, and the
3 number of points for each, based on the following formula, except
4 as otherwise provided in this section and section 629c:

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

8 (b) A violation of section 601b(2) or (3),
9 601c(1) or (2), or 653a(3) or (4) or, beginning
10 October 31, 2010, a violation of section 601d..... 6 points

11 (c) A violation of section 625(1), (4), (5),
12 (7), or (8), section 81134 or 82127(1) of the
13 natural resources and environmental protection act,
14 1994 PA 451, MCL 324.81134 and 324.82127, or a law
15 or ordinance substantially corresponding to section
16 625(1), (4), (5), (7), or (8), or section 81134 or
17 82127(1) of the natural resources and environmental
18 protection act, 1994 PA 451, MCL 324.81134 and
19 324.82127..... 6 points

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

22 (e) Operating a motor vehicle in violation of
23 section 626..... 6 points

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

25 (g) A violation of section 627(6) pertaining
26 to speed in a work zone described in that section by
27 exceeding the lawful maximum by more than 15 miles
28 per hour..... 5 points

1 (h) A violation of any law or ordinance
2 pertaining to speed by exceeding the lawful maximum
3 by more than 15 miles per hour..... 4 points

4 (i) A violation of section 625(3) or (6),
5 section ~~81135 or~~ 82127(3) of the natural resources
6 and environmental protection act, 1994 PA 451, MCL
7 ~~324.81135 and~~ 324.82127, or a law or ordinance
8 substantially corresponding to section 625(3) or (6)
9 or section ~~81135 or~~ 82127(3) of the natural
10 resources and environmental protection act, 1994 PA
11 451, MCL ~~324.81135 and~~ 324.82127..... 4 points

12 (j) A violation of section 626a or a law or
13 ordinance substantially corresponding to section
14 626a..... 4 points

15 (k) A violation of section 627(6) pertaining
16 to speed in a work zone described in that section by
17 exceeding the lawful maximum by more than 10 but not
18 more than 15 miles per hour..... 4 points

19 (l) Beginning October 31, 2010, a moving
20 violation resulting in an at-fault collision with
21 another vehicle, ~~a person,~~ **an individual**, or any
22 other object..... 4 points

23 (m) Careless driving in violation of section
24 626b or a law or ordinance substantially
25 corresponding to section 626b..... 3 points

26 (n) A violation of any law or ordinance
27 pertaining to speed by exceeding the lawful maximum
28 by more than 10 miles per hour but not more than 15
29 miles per hour..... 3 points

- 1 (o) A violation of section 653a(2)..... 2 points
- 2 (p) A violation of any law or ordinance
- 3 pertaining to speed by exceeding the lawful maximum
- 4 by more than 5 miles per hour but not more than 10
- 5 miles per hour..... 2 points
- 6 (q) A violation of any law or ordinance
- 7 pertaining to speed by exceeding the lawful maximum
- 8 by more than 1 mile per hour but not more than 5
- 9 miles per hour..... 1 point
- 10 (r) Disobeying a traffic signal or stop sign,
- 11 or improper passing..... 3 points
- 12 (s) A violation of section 624a, 624b, or a
- 13 law or ordinance substantially corresponding to
- 14 section 624a or 624b..... 2 points
- 15 (t) A violation of section 310e(4) or (6) or a
- 16 law or ordinance substantially corresponding to
- 17 section 310e(4) or (6)..... 2 points
- 18 (u) All other moving violations pertaining to
- 19 the operation of motor vehicles reported under this
- 20 section..... 2 points
- 21 (v) A refusal by ~~a person~~**an individual** less
- 22 than 21 years of age to submit to a preliminary
- 23 breath test required by a peace officer under
- 24 section 625a..... 2 points
- 25 (w) A violation of section 627(6) pertaining
- 26 to speed in a work zone described in that section by
- 27 exceeding the lawful maximum by 10 miles per hour or
- 28 less..... 3 points

1 **(x) A third or subsequent violation of section**
2 **602b(1)..... 2 points**

3 **(y) A second violation of section 602b(1)..... 1 point**

4 (2) Points ~~shall~~**must** not be entered for a violation of
5 section 310e(14), 311, ~~602b(1),~~ 602c, 625m, 658, 710d, 717, 719,
6 719a, or 723.

7 (3) Points ~~shall~~**must** not be entered for bond forfeitures.

8 (4) Points ~~shall~~**must** not be entered for overweight loads or
9 for defective equipment.

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

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

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

26 (8) The secretary of state shall enter 6 points upon the
27 record of ~~a person~~**an individual** whose license is suspended or
28 denied under section 625f. However, if a conviction, civil
29 infraction determination, or probate court disposition results from

1 the same incident, additional points for that offense ~~shall~~**must**
2 not be entered.

3 (9) If a Michigan driver commits a violation in another state
4 that would be a civil infraction if committed in Michigan, and a
5 conviction results solely because of the failure of the Michigan
6 driver to appear in that state to contest the violation, upon
7 receipt of the abstract of conviction by the secretary of state,
8 the violation ~~shall~~**must** be noted on the **Michigan** driver's record,
9 but ~~no~~ points ~~shall~~**must not** be assessed against ~~his or her~~
10 ~~driver's~~**the driver** license **of the Michigan driver**.

11 Sec. 602b. (1) Except as otherwise provided in this section, a
12 ~~person~~**an individual** shall not read, manually type, or send a text
13 ~~message on a wireless 2-way communication~~**hold or use a portable**
14 **electronic** device that is located in the person's hand or in the
15 person's lap, including a wireless telephone used in cellular
16 telephone service or personal communication service, while
17 operating a motor vehicle that is moving on a highway or street in
18 this state, . As used in this subsection, a wireless 2-way
19 communication device does not include a global positioning or
20 navigation system that is affixed to the motor vehicle. This
21 subsection does not apply to a person operating a commercial
22 ~~vehicle including operation while temporarily stationary because of~~
23 **traffic, a traffic light or stop sign, or otherwise, but not**
24 **including operation when the vehicle has been pulled over to the**
25 **side of or off of the roadway and is stopped in a location where it**
26 **can safely remain stationary. An individual may activate or**
27 **deactivate a portable electronic device while the individual is**
28 **operating a motor vehicle if the portable electronic device is**
29 **mounted on the windshield, dashboard, or center console in a manner**

1 that does not hinder the individual's view of the road and if the
2 individual's hand is used to activate or deactivate a feature or
3 function of the portable electronic device with a single swipe or
4 tap of the individual's finger. This subsection does not apply to
5 an individual who uses a portable electronic device while operating
6 a motor vehicle if the portable electronic device is specifically
7 designed and configured to allow voice-operated and hands-free
8 operation and is being used in that manner by the individual while
9 operating the motor vehicle. This subsection does not apply to an
10 individual who holds or uses a portable electronic device while
11 operating a motor vehicle if the vehicle is stopped at the side of
12 or off of a public highway in a location where the vehicle is not
13 otherwise prohibited from stopping by law, rule, regulation, or a
14 lawful order or direction of a police officer.

15 (2) Except as otherwise provided in this section, ~~a person~~**an**
16 **individual** shall not read, manually type, or send a text message on
17 a wireless 2-way communication device that is located in the
18 ~~person's~~**individual's** hand or in the ~~person's~~**individual's** lap,
19 including a wireless telephone used in cellular telephone service
20 or personal communication service, while operating a commercial
21 motor vehicle or a school bus on a highway or street in this state.
22 As used in this subsection, ~~a wireless~~**"wireless 2-way**
23 **communication device"** means a mobile telephone as that term is
24 **defined in 49 CFR 390.5.** Wireless 2-way communication device does
25 not include a global positioning or navigation system that is
26 affixed to the commercial motor vehicle or school bus.

27 (3) Except as otherwise provided in this section, ~~a person~~**an**
28 **individual** shall not use a hand-held mobile telephone to conduct a
29 voice communication while operating a commercial motor vehicle or a

1 school bus on a highway, including while temporarily stationary due
2 to traffic, a traffic control device, or other momentary delays.
3 This subsection does not apply if the operator of the commercial
4 vehicle or school bus has moved the vehicle to the side of, or off,
5 a highway and has stopped in a location where the vehicle can
6 safely remain stationary. As used in this subsection, "mobile
7 telephone" **means that term as defined in 49 CFR 390.5. Mobile**
8 **telephone** does not include a 2-way radio service or citizens band
9 radio service. As used in this subsection, "use a hand-held mobile
10 telephone" means 1 or more of the following:

11 (a) Using at least 1 hand to hold a mobile telephone to
12 conduct a voice communication.

13 (b) Dialing or answering a mobile telephone by pressing more
14 than a single button.

15 (c) Reaching for a mobile telephone in a manner that requires
16 a driver to maneuver so that ~~he or she~~ **the driver** is no longer in a
17 seated driving position, restrained by a seat belt that is
18 installed as required by 49 CFR 393.93 and adjusted in accordance
19 with the vehicle manufacturer's instructions.

20 (4) Subsections (1), (2), and (3) do not apply to an
21 individual who is using a device described in subsection (1) or (3)
22 to do any of the following:

23 (a) Report a traffic accident, medical emergency, or serious
24 road hazard.

25 (b) Report a situation in which the ~~person~~ **individual** believes
26 ~~his or her~~ **the individual's** personal safety is in jeopardy.

27 (c) Report or avert the perpetration or potential perpetration
28 of a criminal act against the individual or another
29 ~~person~~ **individual**.

1 (d) Carry out official duties as a police officer, law
2 enforcement official, member of a paid or volunteer fire
3 department, or operator of an emergency vehicle.

4 (e) Operate or program the operation of an automated motor
5 vehicle while testing or operating the automated motor vehicle
6 without a human operator **while the automated driving system is**
7 **engaged.**

8 (5) Subsection (1) does not apply to ~~a person~~ **an individual**
9 using an on-demand automated motor vehicle network.

10 (6) An individual who violates this section is responsible for
11 a civil infraction and ~~shall~~ **must** be ordered to pay a civil fine as
12 follows:

13 (a) For a first violation, ~~\$100.00.~~ **\$125.00.**

14 (b) For a second or subsequent violation, ~~\$200.00.~~ **\$250.00.**

15 (7) This section supersedes all local ordinances regulating
16 the use of a communications device while operating a motor vehicle
17 in motion on a highway or street, except that a unit of local
18 government may adopt an ordinance or enforce an existing ordinance
19 substantially corresponding to this section.

20 **(8) This section does not authorize the seizure or forfeiture**
21 **of a portable electronic device, unless seizure or forfeiture is**
22 **otherwise required by law.**

23 **(9) A violation of this section is eligible for primary**
24 **enforcement by law enforcement officers. This subsection does not**
25 **affect or alter the primary enforcement of a violation of any other**
26 **section of this act by law enforcement officers.**

27 (10) As used in this section:

28 (a) "Portable electronic device" means any of the following:

29 (i) A wireless telephone.

1 (ii) An electronic wireless communication device. As used in
2 this subdivision, "electronic wireless communication device" does
3 not include a transceiver or a transmitter-receiver radio.

4 (iii) A personal digital assistant.

5 (iv) A device that has mobile data access.

6 (v) A laptop computer.

7 (vi) A pager.

8 (vii) A broadband personal communication device.

9 (viii) A 2-way messaging device.

10 (ix) An electronic game.

11 (x) A portable computing device.

12 (xi) Except as provided in subdivision (b), a navigation device
13 or a GPS device.

14 (xii) Any other electronic device that is used to conduct a
15 search or to input, write, send, receive, or read text for present
16 or future communication.

17 (b) Portable electronic device does not include amateur radio
18 service equipment used by a licensee of the Federal Communications
19 Commission.

20 (c) "Use" means to hold a portable electronic device while
21 doing any of the following:

22 (i) Conducting a search.

23 (ii) Viewing, taking, or transmitting an image or video.

24 (iii) Playing games.

25 (iv) For the purpose of present or future communication, doing
26 1 or more of the following:

27 (A) Performing a command or request to access an internet
28 page.

1 **(B) Composing, sending, reading, viewing, accessing, browsing,**
2 **transmitting, saving, or retrieving an email message, text message,**
3 **instant message, or other electronic data.**

4 Sec. 602c. (1) Except as provided in this section, **and in**
5 **addition to the requirements of section 602b,** an individual issued
6 a level 1 or level 2 graduated license under section 310e shall not
7 use a cellular telephone while operating a motor vehicle upon a
8 highway or street. For purposes of this subsection, "use" means to
9 initiate a call; answer a call; or listen to or engage in verbal
10 communication through the cellular telephone.

11 (2) Subsection (1) does not apply to an individual who is
12 using a cellular telephone to do any of the following:

13 (a) Report a traffic accident, medical emergency, or serious
14 road hazard.

15 (b) Report a situation in which the ~~person~~**individual** believes
16 ~~his or her~~**the individual's** personal safety is in jeopardy.

17 (c) Report or avert the perpetration or potential perpetration
18 of a criminal act against the individual or another
19 ~~person~~**individual**.

20 ~~(3) Subsection (1) does not apply to an individual using a~~
21 ~~voice-operated system that is integrated into the motor vehicle.~~

22 **(3)** ~~(4)~~An individual who violates this section is responsible
23 for a civil infraction.

24 **(4)** ~~(5)~~This section supersedes all local ordinances
25 regulating the use of a cellular telephone by an individual issued
26 a level 1 or level 2 graduated license while operating a motor
27 vehicle in motion on a highway or street, except that a unit of
28 local government may adopt an ordinance or enforce an existing
29 ordinance substantially corresponding to this section.

1 (5) ~~(6)~~—This section shall be known and may be cited as
2 "Kelsey's Law".

3 Sec. 732. (1) Each municipal judge and each clerk of a court
4 of record shall keep a full record of every case in which ~~a person~~
5 **an individual** is charged with or cited for a violation of this act
6 or a local ordinance substantially corresponding to this act
7 regulating the operation of vehicles on highways and with those
8 offenses pertaining to the operation of ORVs or snowmobiles for
9 which points are assessed under section 320a(1)(c) or (i). Except
10 as provided in subsection (16), the municipal judge or clerk of the
11 court of record shall prepare and forward to the secretary of state
12 an abstract of the court record as follows:

13 (a) Not more than 5 days after a conviction, forfeiture of
14 bail, or entry of a civil infraction determination or default
15 judgment upon a charge of or citation for violating or attempting
16 to violate this act or a local ordinance substantially
17 corresponding to this act regulating the operation of vehicles on
18 highways.

19 (b) Immediately for each case charging a violation of section
20 625(1), (3), (4), (5), (6), (7), or (8) or section 625m or a local
21 ordinance substantially corresponding to section 625(1), (3), (6),
22 or (8) or section 625m in which the charge is dismissed or the
23 defendant is acquitted.

24 (c) Immediately for each case charging a violation of section
25 82127(1) or (3) or 81134 of the natural resources and environmental
26 protection act, 1994 PA 451, MCL 324.82127 and 324.81134, or a
27 local ordinance substantially corresponding to those sections.

28 (2) If a city or village department, bureau, or person is
29 authorized to accept a payment of money as a settlement for a

1 violation of a local ordinance substantially corresponding to this
2 act, the city or village department, bureau, or person shall send a
3 full report of each case in which ~~a person~~ **an individual** pays any
4 amount of money to the city or village department, bureau, or
5 person to the secretary of state upon a form prescribed by the
6 secretary of state.

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

13 (a) The name, address, and date of birth of the ~~person~~
14 **individual** charged or cited.

15 (b) The number of the ~~person's~~ **individual's** operator's or
16 chauffeur's license, if any.

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

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

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

23 (f) Whether bail was forfeited.

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

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

28 (i) Other information considered necessary to the secretary of
29 state.

1 (4) The clerk of the court also shall forward an abstract of
2 the court record to the secretary of state upon ~~a person's~~ **an**
3 **individual's** conviction or, for the purposes of subdivision (d), a
4 finding or admission of responsibility, involving any of the
5 following:

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

8 (b) A violation of section 1 of former 1931 PA 214.

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

11 (d) A violation of sections 701(1) and 703 of the Michigan
12 liquor control code of 1998, 1998 PA 58, MCL 436.1701 and 436.1703,
13 or a local ordinance substantially corresponding to those sections.

14 (e) A violation of section 411a(2) of the Michigan penal code,
15 1931 PA 328, MCL 750.411a.

16 (f) A violation of motor carrier safety regulations 49 CFR
17 392.10 or 392.11 as adopted by section 1a of the motor carrier
18 safety act of 1963, 1963 PA 181, MCL 480.11a.

19 (g) A violation of section 57 of the pupil transportation act,
20 1990 PA 187, MCL 257.1857.

21 (h) An attempt to violate, a conspiracy to violate, or a
22 violation of part 74 of the public health code, 1978 PA 368, MCL
23 333.7401 to 333.7461, or a local ordinance that prohibits conduct
24 prohibited under part 74 of the public health code, 1978 PA 368,
25 MCL 333.7401 to 333.7461, unless the convicted ~~person~~ **individual** is
26 sentenced to life imprisonment or a minimum term of imprisonment
27 that exceeds 1 year for the offense.

28 (i) An attempt to commit an offense described in subdivisions
29 (a) to (g).

1 (j) A violation of chapter LXXXIII-A of the Michigan penal
2 code, 1931 PA 328, MCL 750.543a to 750.543z.

3 (k) A violation of section 3101, 3102(1), or 3103 of the
4 insurance code of 1956, 1956 PA 218, MCL 500.3101, 500.3102, and
5 500.3103.

6 (l) A violation listed as a disqualifying offense under 49 CFR
7 383.51.

8 (5) The clerk of the court shall also forward an abstract of
9 the court record to the secretary of state if a ~~person~~**an**
10 **individual** has pled guilty to, or offered a plea of admission in a
11 juvenile proceeding for, a violation of section 703 of the Michigan
12 liquor control code of 1998, 1998 PA 58, MCL 436.1703, or a local
13 ordinance substantially corresponding to that section, and has had
14 further proceedings deferred under that section. If the ~~person~~
15 **individual** is sentenced to a term of probation and terms and
16 conditions of probation are fulfilled and the court discharges the
17 individual and dismisses the proceedings, the court shall also
18 report the dismissal to the secretary of state.

19 (6) As used in subsections (7) to (9), "felony in which a
20 motor vehicle was used" means a felony during the commission of
21 which the ~~person~~**individual** operated a motor vehicle and while
22 operating the vehicle presented real or potential harm to ~~persons~~
23 **individuals** or property and 1 or more of the following
24 circumstances existed:

- 25 (a) The vehicle was used as an instrument of the felony.
26 (b) The vehicle was used to transport a victim of the felony.
27 (c) The vehicle was used to flee the scene of the felony.
28 (d) The vehicle was necessary for the commission of the
29 felony.

1 (7) If ~~a person~~**an individual** is charged with a felony in
2 which a motor vehicle was used, other than a felony specified in
3 subsection (4) or section 319, the prosecuting attorney shall
4 include the following statement on the complaint and information
5 filed in district or circuit court:

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

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

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

24 (9) If the court determines as part of the sentence or
25 disposition that the felony for which the ~~person~~**individual** was
26 convicted or adjudicated and with respect to which notice was given
27 under subsection (7) or (8) is a felony in which a motor vehicle
28 was used, the clerk of the court shall forward an abstract of the
29 court record of that conviction to the secretary of state.

1 (10) As used in subsections (11) and (12), "felony in which a
2 commercial motor vehicle was used" means a felony during the
3 commission of which the ~~person~~**individual** operated a commercial
4 motor vehicle and while the ~~person~~**individual** was operating the
5 vehicle 1 or more of the following circumstances existed:

- 6 (a) The vehicle was used as an instrument of the felony.
7 (b) The vehicle was used to transport a victim of the felony.
8 (c) The vehicle was used to flee the scene of the felony.
9 (d) The vehicle was necessary for the commission of the
10 felony.

11 (11) If ~~a person~~**an individual** is charged with a felony in
12 which a commercial motor vehicle was used and for which a vehicle
13 group designation on a license is subject to suspension or
14 revocation under section 319b(1) (c) *(iii)*, 319b(1) (d), 319b(1) (e) *(iii)*,
15 or 319b(1) (f) *(i)*, the prosecuting attorney shall include the
16 following statement on the complaint and information filed in
17 district or circuit court:

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

25 (12) If the judge determines as part of the sentence that the
26 felony for which the defendant was convicted and with respect to
27 which notice was given under subsection (11) is a felony in which a
28 commercial motor vehicle was used, the clerk of the court shall
29 forward an abstract of the court record of that conviction to the

1 secretary of state.

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

11 (a) The name and title of the ~~person~~**individual** required to
 12 forward abstracts.

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

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

15 (d) The following statement:

16 "I certify that all abstracts required by section 732 of the
 17 Michigan vehicle code, **1949 PA 300**, MCL 257.732, ~~MSA 9.2432~~, for
 18 the period _____ through _____ have been
 19 forwarded to the secretary of state."

20 (e) Other information the secretary of state considers
 21 necessary.

22 (f) The signature of the ~~person~~**individual** required to forward
 23 abstracts.

24 (14) The failure, refusal, or neglect of a ~~person~~**an**
 25 **individual** to comply with this section constitutes misconduct in
 26 office and is grounds for removal from office.

27 (15) Except as provided in subsection (16), the secretary of
 28 state shall keep all abstracts received under this section at the
 29 secretary of state's main office and the abstracts ~~shall~~**must** be

1 open for public inspection during the office's usual business
 2 hours. Each abstract ~~shall~~**must** be entered upon the master driving
 3 record of the ~~person~~**individual** to whom it pertains.

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

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

10 (b) A nonmoving violation that is not the basis for the
 11 secretary of state's suspension, revocation, or denial of an
 12 operator's or chauffeur's license.

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

16 (d) A pedestrian, passenger, or bicycle violation, other than
 17 a violation of section 703(1) or (2) of the Michigan liquor control
 18 code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance
 19 substantially corresponding to section 703(1) or (2) of the
 20 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or
 21 section 624a or 624b or a local ordinance substantially
 22 corresponding to section 624a or 624b.

23 (e) A violation of section 710e or a local ordinance
 24 substantially corresponding to section 710e.

25 (f) A violation of section 328(1) if, before the appearance
 26 date on the citation, the ~~person~~**individual** submits proof to the
 27 court that the motor vehicle had insurance meeting the requirements
 28 of sections 3101 and 3102 of the insurance code of 1956, 1956 PA
 29 218, MCL 500.3101 and 500.3102, at the time the citation was

1 issued. Insurance obtained subsequent to the time of the violation
2 does not make the violation an exception under this subsection.

3 (g) A violation described in section 319b(10) (b) (vii) if,
4 before the court appearance date or date fines are to be paid, the
5 ~~person~~**individual** submits proof to the court that ~~he or she~~**the**
6 **individual** held a valid commercial driver license on the date the
7 citation was issued.

8 (h) A violation of section 311 if the ~~person~~**individual** was
9 driving a noncommercial vehicle and, before the court appearance
10 date or the date fines are to be paid, the ~~person~~**individual**
11 submits proof to the court that ~~he or she~~**the individual** held a
12 valid driver license on the date the citation was issued.

13 ~~(i) A violation of section 602b(1) or 602c.~~

14 (17) Except as otherwise provided in this subsection, the
15 secretary of state shall discard and not enter on the master
16 driving record an abstract for a bond forfeiture that occurred
17 outside this state. The secretary of state shall enter on the
18 master driving record an abstract for a conviction, as **that term is**
19 defined in section 8a(b), that occurred outside this state in
20 connection with the operation of a commercial motor vehicle or for
21 a conviction of ~~a person~~**an individual** licensed as a commercial
22 motor vehicle driver.

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

28 (19) If a conviction or civil infraction determination is
29 reversed upon appeal, the ~~person~~**individual** whose conviction or

1 determination has been reversed may serve on the secretary of state
2 a certified copy of the order of reversal. The secretary of state
3 shall enter the order in the proper book or index in connection
4 with the record of the conviction or civil infraction
5 determination.

6 (20) The secretary of state may permit a city or village
7 department, bureau, person, or court to modify the requirement as
8 to the time and manner of reporting a conviction, civil infraction
9 determination, or settlement to the secretary of state if the
10 modification will increase the economy and efficiency of collecting
11 and utilizing the records. If the permitted abstract of court
12 record reporting a conviction, civil infraction determination, or
13 settlement originates as a part of the written notice to appear,
14 authorized in section 728(1) or 742(1), the form of the written
15 notice and report ~~shall~~**must** be as prescribed by the secretary of
16 state.

17 (21) Notwithstanding any other law of this state, a court
18 shall not take under advisement an offense committed by ~~a person~~**an**
19 **individual** while operating a motor vehicle for which this act
20 requires a conviction or civil infraction determination to be
21 reported to the secretary of state. A conviction or civil
22 infraction determination that is the subject of this subsection
23 ~~shall~~**must** not be masked, delayed, diverted, suspended, or
24 suppressed by a court. Upon a conviction or civil infraction
25 determination, the conviction or civil infraction determination
26 ~~shall~~**must** immediately be reported to the secretary of state in
27 accordance with this section.

28 (22) Except as provided in this act and notwithstanding any
29 other provision of law, a court shall not order expunction of any

1 violation reportable to the secretary of state under this section.

2 Enacting section 1. This amendatory act takes effect 90 days

3 after the date it is enacted into law.