

**SUBSTITUTE FOR
HOUSE BILL NO. 5846**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 204a, 208, 303, 304, 317, 319, 320e, 321a,
328, and 907 (MCL 257.204a, 257.208, 257.303, 257.304, 257.317,
257.319, 257.320e, 257.321a, 257.328, and 257.907), section 204a as
amended by 2016 PA 332, section 208 as amended by 2006 PA 565,
section 303 as amended by 2012 PA 498, section 304 as amended by
2018 PA 48, section 317 as amended by 2018 PA 566, section 319 as
amended by 2016 PA 358, section 320e as amended by 2003 PA 152,
section 321a as amended by 2017 PA 236, section 328 as amended by
2015 PA 135, and section 907 as amended by 2015 PA 126; and to
repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:



1 Sec. 204a. (1) The secretary of state shall create and
 2 maintain a computerized central file that provides an individual
 3 historical driving record for a natural person with respect to all
 4 of the following:

5 (a) A license issued to the ~~person~~**individual** under chapter
 6 III.

7 (b) A conviction, civil infraction determination, or other
 8 licensing action that is entered against the ~~person~~**individual** for
 9 a violation of this act or a local ordinance **that** substantially
 10 ~~corresponding~~**corresponds** to a provision of this act, or that is
 11 reported to the secretary of state by another jurisdiction.

12 (c) A failure of the ~~person~~**individual**, including a
 13 nonresident, to comply with a suspension issued ~~pursuant to~~**under**
 14 section 321a.

15 (d) A cancellation, denial, revocation, suspension, or
 16 restriction of the ~~person's~~**individual's** operating privilege, a
 17 failure to pay a department of state driver responsibility fee, or
 18 other licensing action regarding that ~~person~~**individual**, under
 19 this act or that is reported to the secretary of state by another
 20 jurisdiction. This subdivision also applies to nonresidents.

21 (e) An accident in which the ~~person~~**individual** is involved.

22 (f) A conviction of the person for an offense described in
 23 **former** section 319e.

24 (g) Any driving record requested and received by the secretary
 25 of state under section 307.

26 (h) Any notice given by the secretary of state and the
 27 information provided in that notice under section ~~317(3)~~**or**
 28 ~~(4)~~**317(2) or (3)**.

29 (i) Any other information received by the secretary of state



1 regarding the ~~person~~**individual** that is required to be maintained
2 as part of the ~~person's~~**individual's** driving record as provided by
3 law.

4 (2) A secretary of state certified computer-generated or paper
5 copy of an order, record, or paper maintained in the computerized
6 central file of the secretary of state is admissible in evidence in
7 the same manner as the original and is prima facie proof of the
8 contents of and the facts stated in the original.

9 (3) An order, record, or paper generated by the computerized
10 central file of the secretary of state may be certified
11 electronically by the generating computer. The certification ~~shall~~
12 **must** be a certification of the order, record, or paper as it
13 appeared on a specific date.

14 (4) A court or the office of the clerk of a court of this
15 state ~~which~~**that** is electronically connected by a terminal device
16 to the computerized central file of the secretary of state may
17 receive into and use as evidence in any case the computer-generated
18 certified information obtained by the terminal device from the
19 file. A duly authorized employee of a court of record of this state
20 may order a record for an individual from a secretary of state
21 computer terminal device located in, and under the control of, the
22 court, and certify in writing that the document was produced from
23 the terminal and that the document was not altered in any way.

24 (5) After receiving a request for information contained in
25 records maintained under this section, the secretary of state shall
26 provide the information, in a form prescribed by the secretary of
27 state, to any of the following:

28 (a) Another state.

29 (b) The United States ~~secretary of transportation~~**Secretary of**



1 **Transportation.**

2 (c) The ~~person~~**individual** who is the subject of the record.

3 (d) A motor carrier employer or prospective motor carrier
4 employer, but only if the ~~person~~**individual** who is the subject of
5 the record is first notified of the request as prescribed by the
6 secretary of state.

7 (e) An authorized agent of a ~~person~~**an individual** or entity
8 listed in subdivisions (a) to (d).

9 Sec. 208. (1) Except as otherwise specified in this section,
10 the secretary of state may destroy any department records
11 maintained on file for 7 years, including the information contained
12 in the central file maintained under section 204a.

13 (2) Except as otherwise provided in this section, records of
14 convictions of any offense for which points are provided under
15 section 320a(1)(a), (b), (c), or (g) or section 320a(8) may be
16 destroyed after being maintained on file for 10 years. However, if
17 a ~~person~~**an individual** is convicted of violating section 625, the
18 record of that conviction ~~shall~~**must** be maintained for the life of
19 the ~~person~~**individual**.

20 (3) If a ~~person~~**an individual** who is a commercial license
21 holder or a noncommercial license holder who operates a commercial
22 motor vehicle is convicted under a law of this state, a local
23 ordinance **that** substantially ~~corresponding~~**corresponds** to a law of
24 this state, or a law of another state **that** substantially
25 ~~corresponding~~**corresponds** to a law of this state of any of the
26 following violations, the record of that conviction ~~shall~~**must** be
27 maintained for the life of the ~~person~~**individual** or until the
28 ~~person~~**individual** moves to another jurisdiction:

29 (a) Operating a vehicle in violation of section 625.



1 (b) Operating a commercial motor vehicle in violation of
2 section 625m.

3 (c) Leaving the scene of an accident.

4 (d) Using a vehicle to commit a felony.

5 (e) Refusing to take an alcohol or controlled substance test
6 required under this act.

7 (f) Operating a commercial motor vehicle when the ~~person's~~
8 **individual's** operator's or chauffeur's license or vehicle group
9 designation is suspended, revoked, or canceled as a result of prior
10 violations committed while operating a commercial motor vehicle.

11 (g) Operating a commercial motor vehicle when the ~~person~~
12 **individual** is disqualified from operating a commercial motor
13 vehicle.

14 (h) Causing any fatality through the negligent operation of a
15 commercial motor vehicle.

16 (4) Records of stolen vehicles reported in section 253 may be
17 destroyed after being maintained on file for the year of entry plus
18 4 years.

19 (5) Except as otherwise specified in this act, records the
20 secretary of state considers obsolete and of no further service in
21 carrying out the department's powers and duties may be destroyed
22 ~~upon~~ **on** that determination.

23 (6) If a record of suspension under section 321a does not
24 contain a conviction for a violation of section 904 or a local
25 ordinance **that** substantially ~~corresponding~~ **corresponds** to section
26 904 during the period of suspension, the secretary of state may
27 destroy the record 180 days after the suspension terminates or as
28 provided in subsections (1) to (5).

29 ~~(7) The secretary of state may destroy a record of receipt of~~



1 ~~the notice provided for in section 321a(7) after the court involved~~
 2 ~~informs the secretary of state that all outstanding matters~~
 3 ~~regarding section 321a(7) have been resolved.~~

4 (7) ~~(8)~~—The secretary of state may destroy a record maintained
 5 ~~pursuant to~~ **under** section 204a 180 days after the nonresident
 6 driver against whom a civil infraction determination is entered
 7 complies with an order or judgment issued ~~pursuant to~~ **under** section
 8 907.

9 Sec. 303. (1) The secretary of state shall not issue a license
 10 under this act to any of the following ~~persons:~~ **individuals:**

11 (a) ~~A person,~~ **An individual**, as an operator, who is less than
 12 18 years of age, except as otherwise provided in this act.

13 (b) ~~A person,~~ **An individual**, as a chauffeur, who is less than
 14 18 years of age, except as otherwise provided in this act.

15 (c) ~~A person~~ **An individual** whose license is suspended,
 16 revoked, denied, or canceled in any state. If the suspension,
 17 revocation, denial, or cancellation is not from the jurisdiction
 18 that issued the last license to the ~~person,~~ **individual**, the
 19 secretary of state may issue a license after the expiration of 5
 20 years from the effective date of the most recent suspension,
 21 revocation, denial, or cancellation.

22 (d) ~~A person~~ **An individual** who in the opinion of the secretary
 23 of state is afflicted with or suffering from a physical or mental
 24 disability or disease ~~preventing that person~~ **prevents the**
 25 **individual** from exercising reasonable and ordinary control over a
 26 motor vehicle while operating the motor vehicle ~~upon~~ **on** the
 27 highways.

28 (e) ~~A person~~ **An individual** who is unable to understand highway
 29 warning or direction signs in the English language.



1 (f) ~~A person~~ **An individual** who is unable to pass a knowledge,
2 skill, or ability test administered by the secretary of state in
3 connection with ~~the issuance of~~ **issuing** an original operator's or
4 chauffeur's license, original motorcycle indorsement, or an
5 original or renewal of a vehicle group designation or vehicle
6 indorsement.

7 (g) ~~A person~~ **An individual** who has been convicted of, has
8 received a juvenile disposition for, or has been determined
9 responsible for 2 or more moving violations under a law of this
10 state, a local ordinance substantially corresponding to a law of
11 this state, or a law of another state substantially corresponding
12 to a law of this state within the preceding 3 years, if the
13 violations occurred before issuance of an original license to the
14 person in this state, another state, or another country.

15 (h) A nonresident, including, but not limited to, a foreign
16 exchange student.

17 (i) ~~A person~~ **An individual** who has failed to answer a citation
18 or notice to appear in court or for any matter pending or fails to
19 comply with an order or judgment of the court, including, but not
20 limited to, paying all fines, costs, fees, and assessments, in
21 violation of section 321a, until that ~~person~~ **individual** answers the
22 citation or notice to appear in court or for any matter pending or
23 complies with an order or judgment of the court, including, but not
24 limited to, paying all fines, costs, fees, and assessments, as
25 provided under section 321a.

26 (j) ~~A person~~ **An individual** not licensed under this act who has
27 been convicted of, has received a juvenile disposition for, or has
28 been determined responsible for a crime or civil infraction
29 described in section 319, 324, or 904. ~~A person~~ **An individual** shall



1 be denied a license under this subdivision for the length of time
 2 corresponding to the period of the licensing sanction that would
 3 have been imposed under section 319, 324, or 904 if the ~~person~~
 4 **individual** had been licensed at the time of the violation.

5 ~~(k) A person not licensed under this act who has been~~
 6 ~~convicted of or received a juvenile disposition for committing a~~
 7 ~~crime described in section 319e. A person shall be denied a license~~
 8 ~~under this subdivision for the length of time that corresponds to~~
 9 ~~the period of the licensing sanction that would have been imposed~~
 10 ~~under section 319e if the person had been licensed at the time of~~
 11 ~~the violation.~~

12 ~~(k) (l) A person~~ **An individual** not licensed under this act who
 13 is determined to have violated ~~section 33b(1) of former 1933 (Ex~~
 14 ~~Sess) PA 8, section 703(1) of the Michigan liquor control code of~~
 15 ~~1998, 1998 PA 58, MCL 436.1703, or section 624a or 624b. The person~~
 16 **individual** shall be denied a license under this subdivision for a
 17 period of time that corresponds to the period of the licensing
 18 sanction that would have been imposed under those sections had the
 19 ~~person~~ **individual** been licensed at the time of the violation.

20 ~~(l) (m) A person~~ **An individual** whose commercial driver license
 21 application is canceled under section 324(2).

22 ~~(m) (n)~~ Unless otherwise eligible under section 307(1), a
 23 ~~person~~ **an individual** who is not a citizen of the United States.

24 (2) ~~Upon~~ **On** receiving the appropriate records of conviction,
 25 the secretary of state shall revoke the operator's or chauffeur's
 26 license of a ~~person~~ **an individual** and deny issuance of an
 27 operator's or chauffeur's license to a ~~person having~~ **an individual**
 28 **who has** any of the following, whether under a law of this state, a
 29 local ordinance **that** substantially ~~corresponding~~ **corresponds** to a



1 law of this state, a law of another state **that** substantially
 2 ~~corresponding~~ **corresponds** to a law of this state, or, beginning
 3 October 31, 2010, a law of the United States **that** substantially
 4 ~~corresponding~~ **corresponds** to a law of this state:

5 (a) Any combination of 2 convictions within 7 years for
 6 reckless driving in violation of section 626 before October 31,
 7 2010 or, beginning October 31, 2010, 626(2).

8 (b) Any combination of 2 or more convictions within 7 years
 9 for any of the following:

10 (i) A felony in which a motor vehicle was used.

11 (ii) A violation or attempted violation of section 601b(2) or
 12 (3), section 601c(1) or (2), section 602a(4) or (5), section 617,
 13 section 653a(3) or (4), or section 904(4) or (5).

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

17 (iv) A violation or attempted violation of section 479a(4) or
 18 (5) of the Michigan penal code, 1931 PA 328, MCL 750.479a.

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

23 (i) A violation or attempted violation of section 625, except a
 24 violation of section 625(2), or a violation of any prior enactment
 25 of section 625 in which the defendant operated a vehicle while
 26 under the influence of intoxicating or alcoholic liquor or a
 27 controlled substance, or a combination of intoxicating or alcoholic
 28 liquor and a controlled substance, or while visibly impaired, or
 29 with an unlawful bodily alcohol content.



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

2 (iii) A violation or attempted violation of former section 625b.

3 (d) One conviction for a violation or attempted violation of
4 section 315(5), section 601b(3), section 601c(2), section 602a(4)
5 or (5), section 617, section 625(4) or (5), section 653a(4),
6 section 904(4) or (5), or, beginning October 31, 2010, section
7 626(3) or (4).

8 (e) One conviction of negligent homicide, manslaughter, or
9 murder ~~resulting~~**that results** from the operation of a vehicle or an
10 attempt to commit any of those crimes.

11 (f) One conviction for a violation or attempted violation of
12 section 479a(4) or (5) of the Michigan penal code, 1931 PA 328, MCL
13 750.479a.

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

19 (i) A violation or attempted violation of section 625, except a
20 violation of section 625(2), or a violation of any prior enactment
21 of section 625 in which the defendant operated a vehicle while
22 under the influence of intoxicating or alcoholic liquor or a
23 controlled substance, or a combination of intoxicating or alcoholic
24 liquor and a controlled substance, or while visibly impaired, or
25 with an unlawful bodily alcohol content.

26 (ii) A violation or attempted violation of section 625m.

27 (iii) A violation or attempted violation of former section 625b.

28 (3) The secretary of state shall revoke a license under
29 subsection (2) notwithstanding a court order unless the court order



1 complies with section 323.

2 (4) Except as otherwise provided under section 304, the
3 secretary of state shall not issue a license under this act to a
4 ~~person~~**an individual** whose license has been revoked under this act
5 or revoked and denied under subsection (2) until all of the
6 following occur, as applicable:

7 (a) The later of the following:

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

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

13 (b) For a denial under subsection (2)(a), (b), (c), and (g),
14 the ~~person~~**individual** rebuts by clear and convincing evidence the
15 presumption ~~resulting~~**that results** from the prima facie evidence
16 that he or she is a habitual offender. The convictions that
17 resulted in the revocation and denial constitute prima facie
18 evidence that he or she is a habitual offender.

19 (c) The ~~person~~**individual** meets the requirements of the
20 department.

21 ~~(5) The secretary of state may deny issuance of an operator's~~
22 ~~license as follows:~~

23 ~~(a) Until the age of 17, to a person not licensed under this~~
24 ~~act who was convicted of or received a juvenile disposition for~~
25 ~~violating or attempting to violate section 411a(2) of the Michigan~~
26 ~~penal code, 1931 PA 328, MCL 750.411a, involving a school when he~~
27 ~~or she was less than 14 years of age. A person not issued a license~~
28 ~~under this subdivision is not eligible to begin graduated licensing~~
29 ~~training until he or she attains 16 years of age.~~



1 ~~(b) To a person less than 21 years of age not licensed under~~
 2 ~~this act who was convicted of or received a juvenile disposition~~
 3 ~~for violating or attempting to violate section 411a(2) of the~~
 4 ~~Michigan penal code, 1931 PA 328, MCL 750.411a, involving a school~~
 5 ~~when he or she was 14 years of age or older, until 3 years after~~
 6 ~~the date of the conviction or juvenile disposition. A person not~~
 7 ~~issued a license under this subdivision is not eligible to begin~~
 8 ~~graduated licensing training or otherwise obtain an original~~
 9 ~~operator's or chauffeur's license until 3 years after the date of~~
 10 ~~the conviction or juvenile disposition.~~

11 (5) ~~(6)~~The secretary of state shall deny issuance of ~~issuing~~
 12 a vehicle group designation to a ~~person~~**an individual** under either
 13 of the following circumstances:

14 (a) The ~~person~~**individual** has been disqualified by the United
 15 States ~~secretary of transportation~~**Secretary of Transportation** from
 16 operating a commercial motor vehicle.

17 (b) Beginning on and after January 30, 2012, the ~~person~~
 18 **individual** does not meet the requirements of the federal
 19 regulations under **49 CFR** parts 383 and 391 by refusing to certify
 20 the type of commercial motor vehicle operation the ~~person~~
 21 **individual** intends to perform and, if required, fails to present to
 22 the secretary of state a valid medical certification.

23 (6) ~~(7)~~Multiple convictions or civil infraction
 24 determinations ~~resulting~~**that result** from the same incident ~~shall~~
 25 **must** be treated as a single violation for purposes of denial or
 26 revocation of a license under this section.

27 (7) ~~(8)~~As used in this section, "felony in which a motor
 28 vehicle was used" means a felony during the commission of which the
 29 ~~person~~**individual** operated a motor vehicle and while operating the



1 vehicle presented real or potential harm to ~~persons~~**individuals** or
 2 property and 1 or 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 felony.
 5 (c) The vehicle was used to flee the scene of the felony.
 6 (d) The vehicle was necessary for the commission of the
 7 felony.

8 Sec. 304. (1) Except as provided in subsection (3), the
 9 secretary of state shall issue a restricted license to ~~a person~~**an**
 10 **individual** whose license was suspended or restricted under section
 11 319 or revoked or denied under section 303 based on either of the
 12 following:

13 (a) Two or more convictions for violating section 625(1) or
 14 (3) or a local ordinance of this state **that** substantially
 15 ~~corresponding~~**corresponds** to section 625(1) or (3).

16 (b) One conviction for violating section 625(1) or (3) or a
 17 local ordinance of this state **that** substantially ~~corresponding~~
 18 **corresponds** to section 625(1) or (3), preceded by 1 or more
 19 convictions for violating a local ordinance or law of another state
 20 **that** substantially ~~corresponding~~**corresponds** to section 625(1),
 21 (3), or (6), or a law of the United States **that** substantially
 22 ~~corresponding~~**corresponds** to section 625(1), (3), or (6).

23 (2) A restricted license issued under subsection (1) must not
 24 be issued until after the ~~person's~~**individual's** operator's or
 25 chauffeur's license has been suspended or revoked for 45 days and
 26 the judge assigned to a DWI/sobriety court certifies to the
 27 secretary of state that both of the following conditions have been
 28 met:

29 (a) The ~~person~~**individual** has been admitted into a



1 DWI/sobriety court program.

2 (b) An ignition interlock device approved, certified, and
3 installed as required under sections 625k and 625l has been
4 installed on each motor vehicle owned or operated, or both, by the
5 individual.

6 (3) A restricted license must not be issued under subsection
7 (1) if the ~~person~~**individual** is otherwise ineligible for an
8 operator's or chauffeur's license under this act, unless the
9 ~~person's~~**individual's** ineligibility is based on 1 or more of the
10 following:

11 (a) Section 303(1) (i) or ~~(l)~~. **(k)**.

12 (b) Section 303(2) (c) (i) or (iii).

13 (c) Section 303(2) (g) (i) or (iii).

14 (d) Section 319(4), (5), (6), (7), (8) (a) to (e), or (9).

15 ~~(e) Section 319e(2) (a) or (b).~~

16 **(e)** ~~(f)~~ Section 320(1) (d).

17 **(f)** ~~(g)~~ Section ~~321a(1), (2), or (3).~~ **321a(1) or (2)**.

18 **(g)** ~~(h)~~ Section 323c.

19 **(h)** ~~(i)~~ Section 625f.

20 **(i)** ~~(j)~~ Section 732a(5).

21 **(j)** ~~(k)~~ Section 904(10).

22 **(k)** ~~(l)~~ Section 82105a(2) of the natural resources and
23 environmental protection act, 1994 PA 451, MCL 324.82105a.

24 **(l)** ~~(m)~~ Section 3177 of the insurance code of 1956, 1956 PA
25 218, MCL 500.3177.

26 **(m)** ~~(n)~~ Section 10 of the motor vehicle **accident** claims act,
27 1965 PA 198, MCL 257.1110.

28 (4) A restricted license issued under subsection (1) permits
29 the ~~person~~**individual** to whom it is issued to operate only the



1 vehicle equipped with an ignition interlock device described in
2 subsection (2) (b), to take any driving skills test required by the
3 secretary of state, and to drive to and from any combination of the
4 following locations or events:

5 (a) In the course of the ~~person's~~**individual's** employment or
6 occupation if the employment or occupation does not require a
7 commercial driver license.

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

9 (i) The ~~person's~~**individual's** residence.

10 (ii) The ~~person's~~**individual's** work location.

11 (iii) An alcohol, drug, or mental health education and treatment
12 as ordered by the court.

13 (iv) Alcoholics Anonymous, Narcotics Anonymous, or other court-
14 ordered self-help programs.

15 (v) Court hearings and probation appointments.

16 (vi) Court-ordered community service.

17 (vii) An educational institution at which the ~~person~~**individual**
18 is enrolled as a student.

19 (viii) A place of regularly occurring medical treatment for a
20 serious condition or medical emergency for the ~~person~~**individual** or
21 a member of the ~~person's~~**individual's** household or immediate
22 family.

23 (ix) Alcohol or drug testing as ordered by the court.

24 (x) An ignition interlock service provider as required.

25 (xi) At the discretion of the judge, the custodian of a minor
26 child may drive to and from the facilities of a provider of day
27 care services at which the custodian's minor child is enrolled, or
28 an educational institution at which the custodian's minor child is



1 enrolled as a student for the purposes of classes, academic
2 meetings or conferences, and athletic or other extracurricular
3 activities sanctioned by the educational institution in which the
4 minor child is a participant. As used in this subparagraph, "minor
5 child" means an individual who is less than 18 years of age.

6 (5) While driving with a restricted license, the ~~person~~
7 **individual** shall carry proof of his or her destination and the
8 hours of any employment, class, or other reason for traveling and
9 shall display that proof ~~upon~~**on** a peace officer's request.

10 (6) Except as otherwise provided in this section, a restricted
11 license issued under subsection (1) is effective until a hearing
12 officer orders an unrestricted license under section 322. Subject
13 to subsection (7), the hearing officer shall not order an
14 unrestricted license until the later of the following events
15 occurs:

16 (a) The court notifies the secretary of state that the ~~person~~
17 **individual** has successfully completed the DWI/sobriety court
18 program.

19 (b) The minimum period of license sanction that would have
20 been imposed under section 303 or 319 but for this section has been
21 completed.

22 (c) The ~~person~~**individual** demonstrates that he or she has
23 operated with an ignition interlock device for not less than 1
24 year.

25 (d) The ~~person~~**individual** satisfies the requirements of
26 section 303 and R 257.313 of the Michigan Administrative Code.

27 (7) A hearing officer shall not issue an unrestricted license
28 for at least 1 year if either of the following applies:

29 (a) The hearing officer determines that the ~~person~~**individual**



1 consumed any alcohol during the period that his or her license was
2 restricted under this section, as determined by breath, blood,
3 urine, or transdermal testing unless a second test, administered
4 within 5 minutes after administering the first test, showed an
5 absence of alcohol.

6 (b) The hearing officer determines that the ~~person~~**individual**
7 consumed or otherwise used any controlled substance during the
8 period that his or her license was restricted under this section,
9 except as lawfully prescribed.

10 (8) In determining whether to order an unrestricted license
11 under subsection (6), the successful completion of the DWI/sobriety
12 court program and a certificate from the DWI/sobriety court judge
13 must be considered positive evidence of the petitioner's abstinence
14 while the petitioner participated in the DWI/sobriety court
15 program. This subsection does not apply to a determination made
16 under subsection (7). As used in this subsection, "certificate"
17 includes, but is not limited to, a statement that the participant
18 has maintained a period of abstinence from alcohol for not less
19 than 6 months at the time the participant completed the
20 DWI/sobriety court program.

21 (9) If the secretary of state receives a notification from the
22 DWI/sobriety court under section 1084(7) of the revised judicature
23 act of 1961, 1961 PA 236, MCL 600.1084, the secretary of state
24 shall summarily impose 1 of the following license sanctions, as
25 applicable:

26 (a) Suspension for the full length of time provided under
27 section 319(8). However, a restricted license must not be issued as
28 provided under section 319(8). This subdivision applies if the
29 underlying conviction or convictions would have subjected the



1 ~~person~~**individual** to a license sanction under section 319(8) if
 2 this section did not apply.

3 (b) A license revocation and denial for the full length of
 4 time provided under section 303. The minimum period of license
 5 revocation and denial imposed must be the same as if this section
 6 did not apply. This subdivision applies if the underlying
 7 conviction or convictions would have caused a license revocation
 8 and denial under section 303 if this section did not apply.

9 (10) After the ~~person~~**individual** completes the DWI/sobriety
 10 court program, the following apply:

11 (a) The secretary of state shall postpone considering the
 12 issuance of an unrestricted license under section 322 for a period
 13 of 3 months for each act that would be a minor violation if the
 14 ~~person's~~**individual's** license had been issued under section 322(6).
 15 As used in this subdivision, "minor violation" means that term as
 16 defined in R 257.301a of the Michigan Administrative Code.

17 (b) The restricted license issued under this section must be
 18 suspended or revoked or denied as provided in subsection (9),
 19 unless set aside under section 322(5), if any of the following
 20 events occur:

21 (i) The ~~person~~**individual** operates a motor vehicle without an
 22 ignition interlock device that meets the criteria under subsection
 23 (2)(b).

24 (ii) The ~~person~~**individual** removes, or causes to be removed, an
 25 ignition interlock device from a vehicle he or she owns or operates
 26 unless the secretary of state has authorized its removal under
 27 section 322a.

28 (iii) The ~~person~~**individual** commits any other act that would be
 29 a major violation if the ~~person's~~**individual's** license had been



1 issued under section 322(6). As used in this subparagraph, "major
2 violation" means that term as defined in R 257.301a of the Michigan
3 Administrative Code.

4 (iv) The ~~person~~**individual** is arrested for a violation of any
5 of the following:

6 (A) Section 625.

7 (B) A local ordinance of this state or another state **that**
8 substantially ~~corresponding~~**corresponds** to section 625.

9 (C) A law of the United States **that** substantially
10 ~~corresponding~~**corresponds** to section 625.

11 (c) If the ~~person~~**individual** is convicted of or found
12 responsible for any offense that requires the suspension,
13 revocation, denial, or cancellation of the ~~person's~~**individual's**
14 operator's or chauffeur's license, the restricted license issued
15 under this section must be suspended until the requisite period of
16 license suspension, revocation, denial, or cancellation, as
17 appropriate, has elapsed.

18 (d) If the ~~person~~**individual** has failed to pay any court-
19 ordered fines or costs that resulted from the operation of a
20 vehicle, the restricted license issued under this section must be
21 suspended pending payment of those fines and costs.

22 (11) All driver responsibility fees required to be assessed by
23 the secretary of state under section 732a for the conviction or
24 convictions that led to the restricted license under this section
25 must be held in abeyance as follows:

26 (a) The fees must be held in abeyance during the time the
27 ~~person~~**individual** has a restricted license under this section and
28 is participating in the DWI/sobriety court program.

29 (b) Except as otherwise provided in this subdivision, at the



1 end of the ~~person's~~**individual's** participation in the DWI/sobriety
 2 court program, the driver responsibility fees must be assessed and
 3 paid under the payment schedule described in section 732a. If the
 4 ~~person's~~**individual's** participation in the DWI/sobriety court
 5 program is completed on or after October 1, 2018, the driver
 6 responsibility fees are waived and ~~shall~~**must** not be collected.

7 (12) The vehicle of an individual admitted to the DWI/sobriety
 8 court program whose vehicle would otherwise be subject to
 9 immobilization or forfeiture under this act is exempt from both
 10 immobilization and forfeiture under sections 625n and 904d if both
 11 of the following apply:

12 (a) The ~~person~~**individual** is a DWI/sobriety court program
 13 participant in good standing or the ~~person~~**individual** successfully
 14 satisfactorily completes the DWI/sobriety court program.

15 (b) The ~~person~~**individual** does not subsequently violate a law
 16 of this state for which vehicle immobilization or forfeiture is a
 17 sanction.

18 (13) This section only applies to individuals arrested for a
 19 violation of section 625 on or after January 1, 2011.

20 (14) As used in this section:

21 (a) "DWI/sobriety court" means that term as defined in section
 22 1084 of the revised judicature act of 1961, 1961 PA 236, MCL
 23 600.1084. Beginning January 1, 2018, DWI/sobriety court includes
 24 only a DWI/sobriety court that is certified by the state court
 25 administrative office as provided in section 1084(3) of the revised
 26 judicature act of 1961, 1961 PA 236, MCL 600.1084.

27 (b) "DWI/sobriety court program" means "program" as that term
 28 is defined in section 1084 of the revised judicature act of 1961,
 29 1961 PA 236, MCL 600.1084.



1 Sec. 317. (1) The secretary of state may suspend, deny, or
 2 revoke the right of a nonresident to operate a motor vehicle in
 3 this state for a cause for which the license of a resident driver
 4 may be suspended, denied, or revoked. A nonresident who drives a
 5 motor vehicle ~~upon~~**on** a highway when the privilege to drive has
 6 been suspended, revoked, or denied by the secretary of state is
 7 guilty of a misdemeanor punishable as provided in section 904.

8 ~~(2) The secretary of state, upon receiving a record of a~~
 9 ~~violation of section 321a(1) by a nonresident in this state, shall~~
 10 ~~notify the motor vehicle administration or other appropriate~~
 11 ~~officer of the state where the nonresident is licensed of that~~
 12 ~~violation. The notification required under this subsection shall be~~
 13 ~~given no later than 6 months after the date the citation was issued~~
 14 ~~to the nonresident. This subsection does not apply unless the~~
 15 ~~governor of this state has entered into an interstate compact~~
 16 ~~requiring the notification described in this subsection. The~~
 17 ~~secretary of state may only share the information described in this~~
 18 ~~subsection to verify driving privileges or licensure status, to~~
 19 ~~report a conviction or withdrawal, or to ensure compliance with 49~~
 20 ~~CFR 384.209.~~

21 (2) ~~(3)~~The secretary of state, ~~upon~~**on** receiving a record of
 22 the conviction, civil infraction determination, suspension,
 23 revocation, or forfeiture of bail in this state of a nonresident of
 24 a violation the record of which is required to be maintained under
 25 section 204a, shall forward a certified copy of the record to the
 26 motor vehicle administrator or other appropriate officer in the
 27 state in which the ~~person~~**individual** is a resident.

28 (3) ~~(4)~~Within 10 days after an appeal is completed or the
 29 appeal period has expired if an appeal is not made in a conviction,



1 civil infraction determination, or bond forfeiture entered against
 2 a nonresident in this state for a violation committed while
 3 operating a commercial motor vehicle or any violation for a
 4 commercial driver license holder regardless of vehicle type, except
 5 a parking violation, the secretary of state shall notify the motor
 6 vehicle administration or other appropriate officer of the state
 7 where the nonresident is licensed of that conviction,
 8 determination, or forfeiture.

9 (4) ~~(5)~~—If the secretary of state suspends, revokes, cancels,
 10 or denies the driving privileges of a nonresident for 60 days or
 11 more and that nonresident is licensed by another state to operate a
 12 commercial motor vehicle, the secretary of state shall, within 10
 13 days after the effective date of the suspension, revocation,
 14 cancellation, or denial, forward a notification about that
 15 suspension, revocation, cancellation, or denial to the motor
 16 vehicle administrator or other appropriate officer of the state
 17 where the nonresident is licensed to operate a motor vehicle. A
 18 notice given under this subsection must include both the denial, if
 19 any, and the violation that caused the suspension, revocation,
 20 cancellation, or denial of the nonresident's driving privileges.

21 Sec. 319. (1) The secretary of state shall immediately suspend
 22 ~~a person's~~**an individual's** license as provided in this section on
 23 receiving a record of the ~~person's~~**individual's** conviction for a
 24 crime described in this section, whether the conviction is under a
 25 law of this state, a local ordinance **that** substantially
 26 ~~corresponding~~**corresponds** to a law of this state, a law of another
 27 state **that** substantially ~~corresponding~~**corresponds** to a law of this
 28 state, or, beginning October 31, 2010, a law of the United States
 29 **that** substantially ~~corresponding~~**corresponds** to a law of this



1 state.

2 (2) The secretary of state shall suspend the ~~person's~~
3 **individual's** license for 1 year for any of the following crimes:

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

6 (b) A violation of section 413 of the Michigan penal code,
7 1931 PA 328, MCL 750.413.

8 ~~(c) A violation of section 1 of former 1931 PA 214, MCL~~
9 ~~752.191, or former section 626c.~~

10 **(c)** ~~(d)~~ A felony in which a motor vehicle was used. As used in
11 this section, "felony in which a motor vehicle was used" means a
12 felony during the commission of which the ~~person~~**individual**
13 convicted operated a motor vehicle and while operating the vehicle
14 presented real or potential harm to ~~persons~~**individuals** or property
15 and 1 or more of the following circumstances existed:

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

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

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

19 (iv) The vehicle was necessary for the commission of the
20 felony.

21 **(d)** ~~(e)~~ A violation of section 602a(2) or (3) ~~of this act or~~
22 section 479a(2) or (3) of the Michigan penal code, 1931 PA 328, MCL
23 750.479a.

24 **(e)** ~~(f)~~ Beginning October 31, 2010, a violation of section
25 601d.

26 (3) The secretary of state shall suspend the ~~person's~~
27 **individual's** license for 90 days for any of the following crimes:

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



1 (b) A violation of section 601b(2), section 601c(1), section
 2 653a(3), section 626 before October 31, 2010, or, beginning October
 3 31, 2010, section 626(2).

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

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

9 (4) The secretary of state shall suspend the ~~person's~~
 10 **individual's** license for 30 days for malicious destruction
 11 resulting from the operation of a vehicle under section 382(1)(a)
 12 of the Michigan penal code, 1931 PA 328, MCL 750.382.

13 (5) For perjury or making a false certification to the
 14 secretary of state under any law requiring the registration of a
 15 motor vehicle or regulating the operation of a vehicle on a
 16 highway, or for conduct prohibited under section 324(1) or a local
 17 ordinance **that** substantially ~~corresponding~~ **corresponds** to section
 18 324(1), the secretary of state shall suspend the ~~person's~~
 19 **individual's** license as follows:

20 (a) If the ~~person~~ **individual** has no prior conviction for an
 21 offense described in this subsection within 7 years, for 90 days.

22 (b) If the ~~person~~ **individual** has 1 or more prior convictions
 23 for an offense described in this subsection within 7 years, for 1
 24 year.

25 (6) For a violation of section 414 of the Michigan penal code,
 26 1931 PA 328, MCL 750.414, the secretary of state shall suspend the
 27 ~~person's~~ **individual's** license as follows:

28 (a) If the ~~person~~ **individual** has no prior conviction for that
 29 offense within 7 years, for 90 days.



1 (b) If the ~~person~~**individual** has 1 or more prior convictions
2 for that offense within 7 years, for 1 year.

3 (7) For a violation of section 624a or 624b, ~~of this act or~~
4 ~~section 703(1) of the Michigan liquor control code of 1998, 1998 PA~~
5 ~~58, MCL 436.1703,~~ the secretary of state shall suspend the ~~person's~~
6 **individual's** license as follows:

7 (a) ~~Subject to subsection (24), if~~ **If** the ~~person~~**individual**
8 has 1 prior conviction for an offense described in section 624a or
9 624b, ~~of this act or section 33b(1) of former 1933 (Ex Sess) PA 8,~~
10 for 90 days. The secretary of state may issue the ~~person~~**individual**
11 a restricted license after the first 30 days of suspension.

12 (b) ~~Subject to subsection (24), if~~ **If** the ~~person~~**individual**
13 has 2 or more prior convictions for an offense described in ~~this~~
14 ~~subsection or section 33b(1) of former 1933 (Ex Sess) PA 8,~~ **section**
15 **624a or 624b,** for 1 year. The secretary of state may issue the
16 ~~person~~**individual** a restricted license after the first 60 days of
17 suspension.

18 (8) The secretary of state shall suspend the ~~person's~~
19 **individual's** license for a violation of section 625 or 625m as
20 follows:

21 (a) For 180 days for a violation of section 625(1) or (8)
22 before October 31, 2010 or, beginning October 31, 2010, section
23 625(1)(a) or (b) or (8) if the ~~person~~**individual** has no prior
24 convictions within 7 years. The secretary of state may issue the
25 ~~person~~**individual** a restricted license during a specified portion
26 of the suspension, except that the secretary of state shall not
27 issue a restricted license during the first 30 days of suspension.

28 (b) For 90 days for a violation of section 625(3) if the
29 ~~person~~**individual** has no prior convictions within 7 years. However,



1 if the ~~person~~**individual** is convicted of a violation of section
 2 625(3), for operating a vehicle when, due to the consumption of a
 3 controlled substance or a combination of alcoholic liquor and a
 4 controlled substance, the ~~person's~~**individual's** ability to operate
 5 the vehicle was visibly impaired, the secretary of state shall
 6 suspend the ~~person's~~**individual's** license under this subdivision
 7 for 180 days. The secretary of state may issue the ~~person~~
 8 **individual** a restricted license during all or a specified portion
 9 of the suspension.

10 (c) For 30 days for a violation of section 625(6) if the
 11 ~~person~~**individual** has no prior convictions within 7 years. The
 12 secretary of state may issue the ~~person~~**individual** a restricted
 13 license during all or a specified portion of the suspension.

14 (d) For 90 days for a violation of section 625(6) if the
 15 ~~person~~**individual** has 1 or more prior convictions for that offense
 16 within 7 years.

17 (e) For 180 days for a violation of section 625(7) if the
 18 ~~person~~**individual** has no prior convictions within 7 years. The
 19 secretary of state may issue the ~~person~~**individual** a restricted
 20 license after the first 90 days of suspension.

21 (f) For 90 days for a violation of section 625m if the ~~person~~
 22 **individual** has no prior convictions within 7 years. The secretary
 23 of state may issue the ~~person~~**individual** a restricted license
 24 during all or a specified portion of the suspension.

25 (g) Beginning October 31, 2010, for 1 year for a violation of
 26 section 625(1)(c) if the ~~person~~**individual** has no prior convictions
 27 within 7 years or not more than 2 convictions within 10 years. The
 28 secretary of state may issue the ~~person~~**individual** a restricted
 29 license, except that the secretary of state shall not issue a



1 restricted license during the first 45 days of suspension.

2 (h) Beginning October 31, 2010, the department shall order a
3 ~~person~~**an individual** convicted of violating section 625(1)(c) not
4 to operate a motor vehicle under a restricted license issued under
5 subdivision (g) unless the vehicle is equipped with an ignition
6 interlock device approved, certified, and installed as required
7 under sections 625k and 625l. The ignition interlock device may be
8 removed after the interlock device provider provides the department
9 with verification that the ~~person~~**individual** has operated the
10 vehicle with no instances of reaching or exceeding a blood alcohol
11 level of 0.025 grams per 210 liters of breath. This subdivision
12 does not prohibit the removal of the ignition interlock device for
13 any of the following:

14 (i) A start-up test failure that occurs within the first 2
15 months after installation of the device. As used in this
16 subdivision, "start-up test failure" means that the ignition
17 interlock device has prevented the motor vehicle from being
18 started. Multiple unsuccessful attempts at 1 time to start the
19 vehicle are treated as 1 start-up test failure only under this
20 subparagraph.

21 (ii) A start-up test failure occurring more than 2 months after
22 installation of the device, if not more than 15 minutes after
23 detecting the start-up test failure the ~~person~~**individual** delivers
24 a breath sample that the ignition interlock device analyzes as
25 having an alcohol level of less than 0.025 grams per 210 liters of
26 breath.

27 (iii) A retest prompted by the device, if not more than 5
28 minutes after detecting the retest failure the ~~person~~**individual**
29 delivers a breath sample that the ignition interlock device



1 analyzes as having an alcohol level of less than 0.025 grams per
2 210 liters of breath.

3 (i) Beginning October 31, 2010, if an individual violates the
4 conditions of the restricted license issued under subdivision (g)
5 or operates or attempts to operate a motor vehicle with a blood
6 alcohol level of 0.025 grams per 210 liters of breath, the
7 secretary of state shall impose an additional like period of
8 suspension and restriction as prescribed under subdivision (g).
9 This subdivision does not require an additional like period of
10 suspension and restriction for any of the following:

11 (i) A start-up test failure within the first 2 months after
12 installation of the ignition interlock device. As used in this
13 subdivision, "start-up test failure" means that the ignition
14 interlock device has prevented the motor vehicle from being
15 started. Multiple unsuccessful attempts at 1 time to start the
16 vehicle are treated as 1 start-up test failure only under this
17 subparagraph.

18 (ii) A start-up test failure occurring more than 2 months after
19 installation of the device, if not more than 15 minutes after
20 detecting the start-up test failure the ~~person~~**individual** delivers
21 a breath sample that the ignition interlock device analyzes as
22 having an alcohol level of less than 0.025 grams per 210 liters of
23 breath.

24 (iii) Any retest prompted by the device, if not more than 5
25 minutes after detecting the retest failure the ~~person~~**individual**
26 delivers a breath sample that the ignition interlock device
27 analyzes as having an alcohol level of less than 0.025 grams per
28 210 liters of breath.

29 (9) For a violation of section 367c of the Michigan penal



1 code, 1931 PA 328, MCL 750.367c, the secretary of state shall
 2 suspend the ~~person's~~**individual's** license as follows:

3 (a) If the ~~person~~**individual** has no prior conviction for an
 4 offense described in this subsection within 7 years, for 6 months.

5 (b) If the ~~person~~**individual** has 1 or more convictions for an
 6 offense described in this subsection within 7 years, for 1 year.

7 (10) For a violation of section 315(4), the secretary of state
 8 may suspend the ~~person's~~**individual's** license for 6 months.

9 ~~(11) For a violation or attempted violation of section 411a(2)~~
 10 ~~of the Michigan penal code, 1931 PA 328, MCL 750.411a, involving a~~
 11 ~~school, the secretary of state shall suspend the license of a~~
 12 ~~person 14 years of age or over but less than 21 years of age until~~
 13 ~~3 years after the date of the conviction or juvenile disposition~~
 14 ~~for the violation. The secretary of state may issue the person a~~
 15 ~~restricted license after the first 365 days of suspension.~~

16 ~~(12) For a second or subsequent violation of section 701(1) of~~
 17 ~~the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701,~~
 18 ~~by an individual who is not a retail licensee or a retail~~
 19 ~~licensee's clerk, agent, or employee, the secretary of state shall~~
 20 ~~suspend the person's license for 180 days. The secretary of state~~
 21 ~~may issue a person a restricted license during all or a specified~~
 22 ~~portion of the suspension.~~

23 ~~(11) (13)~~ Except as provided in subsection ~~(15)~~, ~~(13)~~, a
 24 suspension under this section ~~shall~~**must** be imposed notwithstanding
 25 a court order unless the court order complies with section 323.

26 ~~(12) (14)~~ If the secretary of state receives records of more
 27 than 1 conviction of ~~a person resulting~~**an individual that results**
 28 from the same incident, a suspension ~~shall~~**must** be imposed only for
 29 the violation to which the longest period of suspension applies



1 under this section.

2 (13) ~~(15)~~—The secretary of state may waive a restriction,
3 suspension, or revocation of ~~a person's~~**an individual's** license
4 imposed under this act if the ~~person~~**individual** submits proof that
5 a court in another state revoked, suspended, or restricted his or
6 her license for a period equal to or greater than the period of a
7 restriction, suspension, or revocation prescribed under this act
8 for the violation and that the revocation, suspension, or
9 restriction was served for the violation, or may grant a restricted
10 license.

11 (14) ~~(16)~~—The secretary of state shall not issue a restricted
12 license to ~~a person~~**an individual** whose license is suspended under
13 this section unless a restricted license is authorized under this
14 section and the ~~person~~**individual** is otherwise eligible for a
15 license.

16 (15) ~~(17)~~—The secretary of state shall not issue a restricted
17 license to ~~a person~~**an individual** under subsection (8) that would
18 permit the ~~person~~**individual** to operate a commercial motor vehicle.

19 (16) ~~(18)~~—Except as provided in subsection ~~(17)~~, ~~(15)~~, a
20 restricted license issued under this section ~~shall~~**must** permit the
21 ~~person~~**individual** to whom it is issued to take any driving skills
22 test required by the secretary of state and to operate a vehicle
23 under 1 or more of the following circumstances:

24 (a) In the course of the ~~person's~~**individual's** employment or
25 occupation.

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

27 (i) The ~~person's~~**individual's** residence.

28 (ii) The ~~person's~~**individual's** work location.

29 (iii) An alcohol or drug education or treatment program as



1 ordered by the court.

2 (iv) The court probation department.

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

4 (vi) An educational institution at which the ~~person~~**individual**
5 is enrolled as a student.

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

9 (viii) An ignition interlock service provider as required.

10 (17) ~~(19)~~ While driving with a restricted license, the ~~person~~
11 **individual** shall carry proof of his or her destination and the
12 hours of any employment, class, or other reason for traveling and
13 shall display that proof ~~upon~~**on** a peace officer's request.

14 (18) ~~(20)~~ Subject to subsection ~~(22)~~, **(20)**, as used in
15 subsection (8), "prior conviction" means a conviction for any of
16 the following, whether under a law of this state, a local ordinance
17 **that** substantially ~~corresponding~~**corresponds** to a law of this
18 state, or a law of another state **that** substantially ~~corresponding~~
19 **corresponds** to a law of this state:

20 (a) Except as provided in subsection ~~(21)~~, **(19)**, a violation
21 or attempted violation of any of the following:

22 (i) Section 625, except a violation of section 625(2), or a
23 violation of any prior enactment of section 625 in which the
24 defendant operated a vehicle while under the influence of
25 intoxicating or alcoholic liquor or a controlled substance, or a
26 combination of intoxicating or alcoholic liquor and a controlled
27 substance, or while visibly impaired, or with an unlawful bodily
28 alcohol content.

29 (ii) Section 625m.



1 (iii) Former section 625b.

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

5 (c) Beginning October 31, 2010, a violation of section 601d or
 6 section 626(3) or (4).

7 **(19)** ~~(21)~~ Except for purposes of the suspensions described in
 8 subsection (8) (c) and (d), only 1 violation or attempted violation
 9 of section 625(6), a local ordinance **that** substantially
 10 ~~corresponding~~ **corresponds** to section 625(6), or a law of another
 11 state **that** substantially ~~corresponding~~ **corresponds** to section
 12 625(6) may be used as a prior conviction.

13 **(20)** ~~(22)~~ If 2 or more convictions described in subsection
 14 ~~(20)~~ **(18)** are convictions for violations arising out of the same
 15 transaction, only 1 conviction ~~shall~~ **must** be used to determine
 16 whether the ~~person~~ **individual** has a prior conviction.

17 **(21)** ~~(23)~~ Any period of suspension or restriction required
 18 under this section is not subject to appeal to the secretary of
 19 state.

20 ~~(24) For purposes of subsection (7), "prior conviction" means~~
 21 ~~either a misdemeanor conviction or a civil infraction determination~~
 22 ~~for a violation of section 703(1) of the liquor control code of~~
 23 ~~1998, 1998 PA 58, MCL 436.1703.~~

24 Sec. 320e. (1) Except as otherwise provided in subsection (2)
 25 ~~, or (3), or (4), a person~~ **an individual** whose operator's or
 26 chauffeur's license is suspended, revoked, or restricted ~~pursuant~~
 27 ~~to~~ **under** section 303, 319, 320, 324, 625, 625b, 625f, 732a, or 904
 28 shall pay a license reinstatement fee of \$125.00 to the secretary
 29 of state before a license is issued or returned to the ~~person~~.



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

14 (2) ~~A person~~**An individual** whose operator's or chauffeur's
 15 license is suspended, revoked, or restricted ~~pursuant to~~**under**
 16 section 319(7) shall pay a license reinstatement fee of \$125.00 to
 17 the secretary of state before a license is issued or returned to
 18 the ~~person.~~**individual**. The fee ~~shall~~**must** be waived if the license
 19 was suspended or restricted because of the ~~person's~~**individual's**
 20 mental or physical infirmity or disability.

21 ~~(3) A person whose operator's or chauffeur's license is~~
 22 ~~suspended, revoked, or restricted pursuant to section 319e shall~~
 23 ~~pay a license reinstatement fee of \$125.00 to the secretary of~~
 24 ~~state before a license is issued or returned to the person. Of the~~
 25 ~~\$125.00 fee, \$95.00 shall be allocated to the department of state~~
 26 ~~and \$30.00 shall be deposited by the department of treasury in the~~
 27 ~~drug case information management fund created under section 323d.~~

28 (3) ~~(4) A person~~**Except as provided in subsection (4), an**
 29 **individual** whose operator's or chauffeur's license is suspended as



1 provided in section 321c shall pay a license reinstatement fee of
2 \$85.00 to the secretary of state before a license is issued or
3 returned to the person. The fee shall be deposited in the state
4 general fund and shall be used to defray the expenses of the
5 secretary of state in processing the suspension and reinstatement
6 of driver licenses under this section.

7 **(4) Beginning on the effective date of the 2020 amendatory act**
8 **that added this subsection, the secretary of state shall waive the**
9 **reinstatement fee for an individual whose operator's or chauffeur's**
10 **license was suspended, revoked, or restricted for reasons that are**
11 **no longer eligible for the suspension, revocation, or restriction**
12 **of an operator's or chauffeur's license under this act. The**
13 **secretary of state shall immediately reinstate an operator's or**
14 **chauffeur's license that was suspended, revoked, or restricted for**
15 **reasons that are no longer eligible under this act.**

16 (5) The secretary of state shall assess points and take
17 licensing action, including suspending, revoking, or denying a
18 license under this act, according to the law in effect at the time
19 of the conspiracy to commit the offense or at the time the offense
20 was committed or attempted or the civil infraction occurred. If 1
21 or more of the convictions involved in a licensing sanction is a
22 violation or attempted violation of this act committed or attempted
23 after January 1, 1992, the secretary of state shall apply the law
24 in effect after January 1, 1992.

25 (6) Judicial review of an administrative licensing sanction
26 under section 303 ~~shall~~**must** be governed by the law in effect at
27 the time the offense was committed or attempted. If 1 or more of
28 the convictions involved in an administrative licensing sanction is
29 a violation or attempted violation of this act committed or



1 attempted after January 1, 1992, judicial review of that sanction
2 shall ~~must~~ be governed by the law in effect after January 1, 1992.

3 Sec. 321a. ~~(1) A person who fails to answer a citation, or a~~
4 ~~notice to appear in court for a violation reportable to the~~
5 ~~secretary of state under section 732 or a local ordinance~~
6 ~~substantially corresponding to a violation of a law of this state~~
7 ~~reportable to the secretary of state under section 732, or for any~~
8 ~~matter pending, or who fails to comply with an order or judgment of~~
9 ~~the court, including, but not limited to, paying all fines, costs,~~
10 ~~fees, and assessments, is guilty of a misdemeanor punishable by~~
11 ~~imprisonment for not more than 93 days or a fine of not more than~~
12 ~~\$100.00, or both. A violation of this subsection or failure to~~
13 ~~answer a citation or notice to appear for a violation of section~~
14 ~~33b(1) of former 1933 (Ex Sess) PA 8, section 703(1) of the~~
15 ~~Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or~~
16 ~~a local ordinance substantially corresponding to either of those~~
17 ~~sections must not be considered a violation for any purpose under~~
18 ~~section 320a.~~

19 (1) ~~(2)~~ Except as provided in subsection ~~(3)~~, **(2)**, 28 days or
20 more after a ~~person~~ **an individual** fails to answer a citation, or a
21 notice to appear in court for a violation ~~reportable to the~~
22 ~~secretary of state under section 732~~ **for which license suspension**
23 **is allowed under this act** or a local ordinance **that** substantially
24 ~~corresponding~~ **corresponds** to a violation of a law of this state
25 ~~reportable to the secretary of state under section 732, including~~
26 ~~for a violation of section 703(1) (a) of the Michigan liquor control~~
27 ~~code of 1998, 1998 PA 58, MCL 436.1703, or for any matter pending,~~
28 **for which license suspension is allowed under this act**, or fails to
29 comply with an order or judgment of the court ~~,~~ **for a violation for**



1 **which license suspension is allowed under this act**, including, but
 2 not limited to, paying all fines, costs, fees, and assessments, the
 3 court shall give notice by mail at the last known address of the
 4 ~~person~~**individual** that if the ~~person~~**individual** fails to appear or
 5 fails to comply with the order or judgment within 14 days after the
 6 notice is issued, the secretary of state shall suspend the ~~person's~~
 7 **individual's** operator's or chauffeur's license. If the ~~person~~
 8 **individual** fails to appear or fails to comply with the order or
 9 judgment within the 14-day period, the court shall, within 14 days,
 10 inform the secretary of state, who shall immediately suspend the
 11 license of the ~~person~~**individual**. The secretary of state shall
 12 immediately notify the ~~person~~**individual** of the suspension by
 13 regular mail at the ~~person's~~**individual's** last known address.

14 (2) ~~(3)~~ If ~~the person~~**an individual** is charged with, or
 15 convicted of, a violation of section 625, **section 626, any driving**
 16 **violation under this act that causes injury, death, or serious**
 17 **impairment of a body function of another individual, a serious**
 18 **offense involving a motor vehicle**, or a local ordinance **that**
 19 substantially ~~corresponding~~**corresponds** to section 625(1), (2),
 20 (3), (6), or (8) **or 626**, and the ~~person~~**individual** fails to answer
 21 a citation or a notice to appear in court, or **a notice to appear**
 22 for any matter pending, or fails to comply with an order or
 23 judgment of the court, including, but not limited to, paying all
 24 fines, costs, and crime victim rights assessments, the court shall
 25 immediately give notice by first-class mail sent to the ~~person's~~
 26 **individual's** last known address that if the ~~person~~**individual** fails
 27 to appear within 7 days after the notice is issued, or fails to
 28 comply with the order or judgment of the court, including, but not
 29 limited to, paying all fines, costs, and crime victim rights



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

12 ~~(4) If the person is charged with, or convicted of, a~~
 13 ~~violation of section 33b(1) of former 1933 (Ex Sess) PA 8, section~~
 14 ~~703(1) (b) or (c) of the Michigan liquor control code of 1998, 1998~~
 15 ~~PA 58, MCL 436.1703, section 624a, section 624b, or a local~~
 16 ~~ordinance substantially corresponding to those sections and the~~
 17 ~~person fails to answer a citation or a notice to appear in court~~
 18 ~~issued under section 33b of former 1933 (Ex Sess) PA 8, section 703~~
 19 ~~of the Michigan liquor control code of 1998, 1998 PA 58, MCL~~
 20 ~~436.1703, section 624a, section 624b, or a local ordinance~~
 21 ~~substantially corresponding to those sections or fails to comply~~
 22 ~~with an order or judgment of the court issued under section 33b of~~
 23 ~~former 1933 (Ex Sess) PA 8, section 703 of the Michigan liquor~~
 24 ~~control code of 1998, 1998 PA 58, MCL 436.1703, section 624a,~~
 25 ~~section 624b, or a local ordinance substantially corresponding to~~
 26 ~~those sections including, but not limited to, paying all fines and~~
 27 ~~costs, the court shall immediately give notice by first-class mail~~
 28 ~~sent to the person's last known address that if the person fails to~~
 29 ~~appear within 7 days after the notice is issued, or fails to comply~~



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

12 ~~(3) (5)~~A suspension imposed under subsection ~~(2) or (3)~~ **(1)**
 13 **or (2)** remains in effect until both of the following occur:

14 (a) The secretary of state is notified by each court in which
 15 the ~~person~~**individual** failed to answer a citation or notice to
 16 appear or failed to pay a fine or cost that the ~~person~~**individual**
 17 has answered that citation or notice to appear or paid that fine or
 18 cost.

19 (b) The ~~person~~**individual** has paid to the court a \$45.00
 20 driver license clearance fee for each failure to answer a citation
 21 or failure to pay a fine or cost.

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

27 ~~(a) The parking or standing of a vehicle.~~

28 ~~(b) A pedestrian, passenger, or bicycle violation, other than~~
 29 ~~a violation of section 33b(1) or (2) of former 1933 (Ex Sess) PA 8,~~



~~1 section 703(1) or (2) of the Michigan liquor control code of 1998,
2 1998 PA 58, MCL 436.1703, section 624a or 624b, or a local
3 ordinance substantially corresponding to section 33b(1) or (2) of
4 former 1933 (Ex Sess) PA 8, section 703(1) or (2) of the Michigan
5 liquor control code of 1998, 1998 PA 58, MCL 436.1703, or section
6 624a or 624b.~~

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

~~11 (a) Failed to answer 2 or more parking violation notices or
12 citations for violating a provision of this act or an ordinance
13 substantially corresponding to a provision of this act pertaining
14 to parking for persons with disabilities.~~

~~15 (b) Failed to answer 3 or more parking violation notices or
16 citations regarding illegal parking.~~

~~17 (8) The secretary of state, upon being informed of the failure
18 of a person to appear or comply as provided in subsection (7),
19 shall not issue a license to the person or renew a license for the
20 person until both of the following occur:~~

~~21 (a) The court informs the secretary of state that the person
22 has resolved all outstanding matters regarding the notices or
23 citations.~~

~~24 (b) The person has paid to the court a \$45.00 driver license
25 clearance fee. If the court determines that the person is
26 responsible for only 1 parking violation under subsection (7) (a) or
27 fewer than 3 parking violations under subsection (7) (b), for which
28 the person's license was not issued or renewed under this
29 subsection, the court may waive payment of the fee.~~



1 ~~(9) Not less than 28 days after a person fails to appear in~~
 2 ~~response to a citation issued for, or fails to comply with an order~~
 3 ~~or judgment involving, a state civil infraction described in~~
 4 ~~chapter 88 of the revised judicature act of 1961, 1961 PA 236, MCL~~
 5 ~~600.8801 to 600.8835, the court shall give notice by ordinary mail,~~
 6 ~~addressed to the person's last known address, that if the person~~
 7 ~~fails to appear or fails to comply with the order or judgment~~
 8 ~~described in this subsection within 14 days after the notice is~~
 9 ~~issued, the court will give to the secretary of state notice of~~
 10 ~~that failure. Upon receiving notice of that failure, the secretary~~
 11 ~~of state shall not issue or renew an operator's or chauffeur's~~
 12 ~~license for the person until both of the following occur:~~

13 ~~(a) The court informs the secretary of state that the person~~
 14 ~~has resolved all outstanding matters regarding each notice or~~
 15 ~~citation.~~

16 ~~(b) The person has paid to the court a \$45.00 driver license~~
 17 ~~clearance fee. If the court determines that the person is not~~
 18 ~~responsible for any violation for which the person's license was~~
 19 ~~not issued or renewed under this subsection, the court shall waive~~
 20 ~~the fee.~~

21 **(4)** ~~(10)~~ For the purposes of subsections ~~(5) (a), (8) (a), and~~
 22 ~~(9) (a),~~ **subsection (3) (a)**, the court shall give to the person
 23 **individual** a copy of the information being transmitted to the
 24 secretary of state. Upon showing that copy, the ~~person~~ **individual**
 25 must not be arrested or issued a citation for driving on a
 26 suspended license, on an expired license, or without a license on
 27 the basis of any matter resolved under subsection ~~(5) (a), (8) (a),~~
 28 ~~or (9) (a),~~ **(3) (a)**, even if the information being sent to the
 29 secretary of state has not yet been received or recorded by the



1 department.

2 (5) ~~(11)~~ For each fee received under subsection ~~(5) (b),~~
 3 ~~(8) (b), or (9) (b),~~ (3) (b) , the court shall transmit the following
 4 amounts on a monthly basis:

5 (a) Fifteen dollars to the secretary of state. The ~~funds~~ **money**
 6 received by the secretary of state under this subdivision must be
 7 deposited in the state general fund and ~~shall~~ **must** be used to
 8 defray the expenses of the secretary of state in processing the
 9 suspension and reinstatement of driver licenses under this section.

10 (b) Fifteen dollars to 1 of the following, as applicable:

11 (i) If the matter is before the circuit court, to the treasurer
 12 of the county for deposit in the general fund.

13 (ii) If the matter is before the district court, to the
 14 treasurer of the district funding unit for that court, for deposit
 15 in the general fund. As used in this section, "district funding
 16 unit" means that term as defined in section 8104 of the revised
 17 judicature act of 1961, 1961 PA 236, MCL 600.8104.

18 (iii) If the matter is before a municipal court, to the
 19 treasurer of the city in which the municipal court is located, for
 20 deposit in the general fund.

21 (c) Fifteen dollars to the juror compensation reimbursement
 22 fund created in section 151d of the revised judicature act of 1961,
 23 1961 PA 236, MCL 600.151d.

24 ~~(12) Section 819 does not apply to a reinstatement fee~~
 25 ~~collected for an operator's or chauffeur's license that is not~~
 26 ~~issued or renewed under section 8827 of the revised judicature act~~
 27 ~~of 1961, 1961 PA 236, MCL 600.8827.~~

28 (6) ~~(13)~~ The secretary of state shall immediately suspend the
 29 operator's and chauffeur's license of ~~a person~~ **an individual**



1 licensed to operate a commercial motor vehicle, or ~~a person~~ **an**
 2 **individual** who operates a commercial motor vehicle without a
 3 license to operate that vehicle, if the ~~person~~ **individual** fails to
 4 answer an out-state citation, or a notice to appear in a court or
 5 an authorized administrative tribunal for a violation reportable to
 6 the secretary of state under section 732, or fails to comply with
 7 an order or judgment of an out-state court or an authorized
 8 administrative tribunal reportable to the secretary of state under
 9 section 732, or fails to appear or fails to comply with the out-
 10 state court or an authorized administrative tribunal order or
 11 judgment reportable to the secretary of state under section 732,
 12 including, but not limited to, paying all fines, costs, fees, and
 13 assessments. For a suspension imposed under this subsection, the
 14 secretary of state shall immediately notify the ~~person~~ **individual**
 15 of the suspension by regular mail at the ~~person's~~ **individual's** last
 16 known address.

17 (7) ~~(14)~~ A suspension imposed under subsection ~~(13)~~ **(6)**
 18 remains in effect until the secretary of state is notified by the
 19 court or authorized administrative tribunal of the other state in
 20 which the ~~person~~ **individual** failed to answer a citation, or notice
 21 to appear, or failed to pay a fine or cost, that the ~~person~~
 22 **individual** has answered that citation or notice to appear or has
 23 paid the fine or cost.

24 (8) ~~(15)~~ The secretary of state shall not suspend the ~~person's~~
 25 **individual's** license under subsection ~~(13)~~ **(6)** if the ~~person~~
 26 **individual** fails to appear in response to a citation issued for, or
 27 fails to comply with an order or judgment involving, the parking or
 28 standing of a vehicle.

29 (9) ~~(16)~~ The secretary of state, ~~upon~~ **on** being informed of the



1 failure of a ~~person~~**an individual** to appear or comply as provided
 2 in subsection ~~(13)~~, **(6)**, shall not issue a license to the ~~person~~
 3 **individual** or renew a license for the ~~person~~**individual** until the
 4 court or authorized administrative tribunal of the other state
 5 informs the secretary of state that the ~~person~~**individual** has
 6 resolved all outstanding matters regarding the notices, orders, or
 7 citations.

8 **(10) As used in this section, "a serious offense involving a**
 9 **motor vehicle" means a felony or misdemeanor punishable by at least**
 10 **93 days in jail, during the commission of which the individual**
 11 **operated a motor vehicle in a manner that presented real or**
 12 **potential harm to a person or property and 1 or more of the**
 13 **following circumstances apply to the offense:**

14 **(a) The motor vehicle was used as an instrument of the**
 15 **offense.**

16 **(b) The motor vehicle was used to transport a victim of the**
 17 **offense.**

18 **(c) The motor vehicle was used to flee the scene of the**
 19 **offense.**

20 **(d) The motor vehicle was necessary for the commission of the**
 21 **offense.**

22 Sec. 328. (1) The owner of a motor vehicle who operates or
 23 permits the operation of the motor vehicle ~~upon~~**on** the highways of
 24 this state or the operator of the motor vehicle shall produce,
 25 under subsection (2), ~~upon~~**on** the request of a police officer,
 26 evidence that the motor vehicle is insured under chapter 31 of the
 27 insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179.
 28 Subject to section ~~907(15)~~, **907(14)**, an owner or operator of a
 29 motor vehicle who fails to produce evidence of insurance ~~upon~~**on**



1 request under this subsection or who fails to have motor vehicle
2 insurance for the vehicle as required under chapter 31 of the
3 insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179, is
4 responsible for a civil infraction. If ~~a person~~**an individual**
5 displays an electronic copy of his or her certificate of insurance
6 using an electronic device, the police officer shall only view the
7 electronic copy of the certificate of insurance and shall not
8 manipulate the electronic device to view any other information on
9 the electronic device. ~~A person~~**An individual** who displays an
10 electronic copy of his or her certificate of insurance using an
11 electronic device as provided in this subsection ~~shall is~~ not be
12 presumed to have consented to a search of the electronic device. A
13 police officer may require the ~~person~~**individual** to electronically
14 forward the electronic copy of the certificate of insurance to a
15 specified location provided by the police officer. The police
16 officer may then view the electronic copy of the certificate of
17 insurance in a setting in which it is safe for the officer to
18 verify that the information contained in the electronic copy of the
19 certificate of insurance is valid and accurate. This state, a law
20 enforcement agency, or an employee of this state or a law
21 enforcement agency is not liable for damage to or loss of an
22 electronic device that occurs as a result of a police officer's
23 viewing an electronic copy of a certificate of insurance in the
24 manner provided in this section, regardless of whether the police
25 officer or the owner or operator of the vehicle was in possession
26 of the electronic device at the time the damage or loss occurred.

27 (2) A certificate of insurance, in paper or electronic form
28 and issued by an insurance company, that certifies that the
29 security that meets the requirements of sections 3101 and 3102 of



1 the insurance code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102,
 2 is in force is prima facie evidence that insurance is in force for
 3 the motor vehicle described in the certificate of insurance until
 4 the expiration date shown on the certificate. The certificate, in
 5 addition to describing the motor vehicles for which insurance is in
 6 effect, must, if applicable, state the name of each ~~person~~
 7 **individual** named on the policy, policy declaration, or a
 8 declaration certificate whose operation of the vehicle would cause
 9 the liability coverage of that insurance to become void.

10 (3) If, before the appearance date on a citation issued under
 11 subsection (1), the defendant submits proof to the court that the
 12 motor vehicle had insurance meeting the requirements of sections
 13 3101 and 3102 of the insurance code of 1956, 1956 PA 218, MCL
 14 500.3101 and 500.3102, at the time the violation of subsection (1)
 15 occurred, all of the following apply:

16 (a) The court shall not assess a fine or costs.

17 (b) The court shall not forward an abstract of the court
 18 record to the secretary of state.

19 (c) The court may assess a fee of not more than \$25.00 ~~, which~~
 20 **that** shall be paid to the court funding unit.

21 (4) If an owner or operator of a motor vehicle is determined
 22 to be responsible for a violation of subsection (1), the court in
 23 which the civil infraction determination is entered may require the
 24 ~~person~~**individual** to surrender his or her operator's or chauffeur's
 25 license unless proof that the vehicle has insurance ~~meeting that~~
 26 **meets** the requirements of sections 3101 and 3102 of the insurance
 27 code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102, is submitted
 28 to the court. If the court requires the license to be surrendered,
 29 the court shall order the secretary of state to suspend the



1 ~~person's~~**individual's** license. The court shall immediately destroy
 2 the license and shall forward an abstract of the court record to
 3 the secretary of state as required by section 732. ~~Upon~~**On** receipt
 4 of the abstract, the secretary of state shall suspend the ~~person's~~
 5 **individual's** license beginning with the date on which the ~~person~~
 6 **individual** is determined to be responsible for the civil infraction
 7 for a period of 30 days or until proof of insurance ~~meeting that~~
 8 **meets** the requirements of sections 3101 and 3102 of the insurance
 9 code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102, is submitted
 10 to the secretary of state, whichever occurs later. ~~A person~~**An**
 11 **individual** who submits proof of insurance to the secretary of state
 12 under this subsection shall pay a service fee of \$25.00 to the
 13 secretary of state. The ~~person~~**individual** shall not be required to
 14 be examined under section 320c and shall not be required to pay a
 15 replacement license fee.

16 (5) If an owner or operator of a motor vehicle is determined
 17 to be responsible for a violation of subsection (1), the court in
 18 which the civil infraction determination is entered shall notify
 19 the secretary of state of the vehicle registration number and the
 20 year and make of the motor vehicle being operated at the time of
 21 the violation. A notification under this subsection ~~shall~~**must** be
 22 made on the abstract or on a form approved by the supreme court
 23 administrator. ~~Upon~~**On** receipt, the secretary of state shall
 24 immediately enter this information in the records of the
 25 department. The secretary of state shall not renew, transfer, or
 26 replace the registration plate of the vehicle involved in the
 27 violation or allow the purchase of a new registration plate for the
 28 vehicle involved in the violation until the owner meets the
 29 requirements of section 227a or unless the vehicle involved in the



1 violation is transferred or sold to a person other than the owner's
2 spouse, mother, father, sister, brother, or child.

3 (6) An owner or operator of a motor vehicle who knowingly
4 produces false evidence under this section is guilty of a
5 misdemeanor ~~—~~punishable by imprisonment for not more than 1 year ~~—~~
6 or a fine of not more than \$1,000.00, or both.

7 (7) Points ~~shall—must~~ not be entered on a driver's record
8 under section 320a for a violation of this section.

9 (8) This section does not apply to the owner or operator of a
10 motor vehicle that is registered in a state other than this state
11 or a foreign country or province.

12 Sec. 907. (1) A violation of this act, or a local ordinance
13 **that** substantially ~~corresponding—~~**corresponds** to a provision of this
14 act, that is designated a civil infraction ~~shall—must~~ not be
15 considered a lesser included offense of a criminal offense.

16 (2) If a person is determined under sections 741 to 750 to be
17 responsible or responsible "with explanation" for a civil
18 infraction under this act or a local ordinance **that** substantially
19 ~~corresponding—~~**corresponds** to a provision of this act, the judge or
20 district court magistrate may order the person to pay a civil fine
21 of not more than \$100.00 and costs as provided in subsection (4).
22 However, if the civil infraction was a moving violation that
23 resulted in an at-fault collision with another vehicle, ~~a person,~~
24 **an individual**, or any other object, the civil fine ordered under
25 this section ~~shall—must~~ be increased by \$25.00 but the total civil
26 fine ~~shall—must~~ not exceed \$100.00. However, for a violation of
27 section 602b, the person ~~shall—must~~ be ordered to pay costs as
28 provided in subsection (4) and a civil fine of \$100.00 for a first
29 offense and \$200.00 for a second or subsequent offense. For a



1 violation of section 674(1)(s) or a local ordinance **that**
 2 substantially ~~corresponding~~ **corresponds** to section 674(1)(s), the
 3 person ~~shall~~ **must** be ordered to pay costs as provided in subsection
 4 (4) and a civil fine of not less than \$100.00 or more than \$250.00.
 5 For a violation of section 676c, the person ~~shall~~ **must** be ordered
 6 to pay costs as provided in subsection (4) and a civil fine of
 7 \$1,000.00. For a violation of section 328, the civil fine ordered
 8 under this subsection ~~shall be~~ **must not be** more than \$50.00. For a
 9 violation of section 710d, the civil fine ordered under this
 10 subsection ~~shall~~ **must** not exceed \$10.00, subject to subsection
 11 ~~(12)~~ **(11)**. For a violation of section 710e, the civil fine and
 12 court costs ordered under this subsection ~~shall~~ **must** be \$25.00. For
 13 a violation of section 682 or a local ordinance **that** substantially
 14 ~~corresponding~~ **corresponds** to section 682, the person ~~shall~~ **must** be
 15 ordered to pay costs as provided in subsection (4) and a civil fine
 16 of not less than \$100.00 or more than \$500.00. For a violation of
 17 section 240, the civil fine ordered under this subsection ~~shall~~
 18 **must** be \$15.00. For a violation of section 252a(1), the civil fine
 19 ordered under this subsection ~~shall~~ **must** be \$50.00. For a violation
 20 of section 676a(3), the civil fine ordered under this section ~~shall~~
 21 ~~be~~ **must not be** more than \$10.00. For a first violation of section
 22 319f(1), the civil fine ordered under this section ~~shall be~~ **must**
 23 **not be** less than \$2,500.00 or more than \$2,750.00; for a second or
 24 subsequent violation, the civil fine ~~shall be~~ **must not be** less than
 25 \$5,000.00 or more than \$5,500.00. For a violation of section
 26 319g(1)(a), the civil fine ordered under this section ~~shall be~~ **must**
 27 **not be** more than \$10,000.00. For a violation of section 319g(1)(g),
 28 the civil fine ordered under this section ~~shall be~~ **must not be** less
 29 than \$2,750.00 or more than \$25,000.00. Permission may be granted



1 for payment of a civil fine and costs to be made within a specified
 2 period of time or in specified installments, but unless permission
 3 is included in the order or judgment, the civil fine and costs
 4 shall ~~must~~ be payable immediately.

5 (3) Except as provided in this subsection, if a ~~person~~ ~~an~~
 6 **individual** is determined to be responsible or responsible "with
 7 explanation" for a civil infraction under this act or a local
 8 ordinance **that** substantially ~~corresponding~~ **corresponds** to a
 9 provision of this act while driving a commercial motor vehicle, he
 10 or she shall ~~must~~ be ordered to pay costs as provided in subsection
 11 (4) and a civil fine of not more than \$250.00.

12 (4) If a civil fine is ordered under subsection (2) or (3),
 13 the judge or district court magistrate shall summarily tax and
 14 determine the costs of the action, ~~which~~ **that** are not limited to
 15 the costs taxable in ordinary civil actions, and may include all
 16 expenses, direct and indirect, to which the plaintiff has been put
 17 in connection with the civil infraction, up to the entry of
 18 judgment. Costs shall ~~must~~ not be ordered in excess of \$100.00. A
 19 civil fine ordered under subsection (2) or (3) shall ~~must~~ not be
 20 waived unless costs ordered under this subsection are waived.
 21 Except as otherwise provided by law, costs are payable to the
 22 general fund of the plaintiff.

23 (5) In addition to a civil fine and costs ordered under
 24 subsection (2) or (3) and subsection (4) and the justice system
 25 assessment ordered under subsection ~~(13)~~, **(12)**, the judge or
 26 district court magistrate may order the ~~person~~ **individual** to attend
 27 and complete a program of treatment, education, or rehabilitation.

28 (6) A district court magistrate shall impose the sanctions
 29 permitted under subsections (2), (3), and (5) only to the extent



1 expressly authorized by the chief judge or only judge of the
2 district court district.

3 (7) Each district of the district court and each municipal
4 court may establish a schedule of civil fines, costs, and
5 assessments to be imposed for civil infractions that occur within
6 the respective district or city. If a schedule is established, it
7 ~~shall~~**must** be prominently posted and readily available for public
8 inspection. A schedule need not include all violations that are
9 designated by law or ordinance as civil infractions. A schedule may
10 exclude cases on the basis of a defendant's prior record of civil
11 infractions or traffic offenses, or a combination of civil
12 infractions and traffic offenses.

13 (8) The state court administrator shall annually publish and
14 distribute to each district and court a recommended range of civil
15 fines and costs for first-time civil infractions. This
16 recommendation is not binding ~~upon~~**on** the courts having
17 jurisdiction over civil infractions but is intended to act as a
18 normative guide for judges and district court magistrates and a
19 basis for public evaluation of disparities in the imposition of
20 civil fines and costs throughout ~~the~~**this** state.

21 (9) If a person has received a civil infraction citation for
22 defective safety equipment on a vehicle under section 683, the
23 court shall waive a civil fine, costs, and assessments ~~upon~~**on**
24 receipt of certification by a law enforcement agency that repair of
25 the defective equipment was made before the appearance date on the
26 citation.

27 (10) A default in the payment of a civil fine or costs ordered
28 under subsection (2), (3), or (4) or a justice system assessment
29 ordered under subsection ~~(13),~~**(12)**, or an installment of the fine,



1 costs, or assessment, may be collected by a means authorized for
 2 the enforcement of a judgment under chapter 40 of the revised
 3 judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or
 4 under chapter 60 of the revised judicature act of 1961, 1961 PA
 5 236, MCL 600.6001 to 600.6098.

6 ~~(11) If a person fails to comply with an order or judgment~~
 7 ~~issued under this section within the time prescribed by the court,~~
 8 ~~the driver's license of that person shall be suspended under~~
 9 ~~section 321a until full compliance with that order or judgment~~
 10 ~~occurs. In addition to this suspension, the court may also proceed~~
 11 ~~under section 908.~~

12 **(11)** ~~(12)~~—The court may waive any civil fine, cost, or
 13 assessment against a person who received a civil infraction
 14 citation for a violation of section 710d if the person, before the
 15 appearance date on the citation, supplies the court with evidence
 16 of acquisition, purchase, or rental of a child seating system
 17 meeting the requirements of section 710d.

18 **(12)** ~~(13)~~—In addition to any civil fines or costs ordered to
 19 be paid under this section, the judge or district court magistrate
 20 shall order the defendant to pay a justice system assessment of
 21 \$40.00 for each civil infraction determination, except for a
 22 parking violation or a violation for which the total fine and costs
 23 imposed are \$10.00 or less. ~~Upon~~ **On** payment of the assessment, the
 24 clerk of the court shall transmit the assessment collected to the
 25 state treasury to be deposited into the justice system fund created
 26 in section 181 of the revised judicature act of 1961, 1961 PA 236,
 27 MCL 600.181. An assessment levied under this subsection is not a
 28 civil fine for purposes of section 909.

29 **(13)** ~~(14)~~—If a person has received a citation for a violation



1 of section 223, the court shall waive any civil fine, costs, and
 2 assessment, ~~upon-on~~ receipt of certification by a law enforcement
 3 agency that the person, before the appearance date on the citation,
 4 produced a valid registration certificate that was valid on the
 5 date the violation of section 223 occurred.

6 (14) ~~(15)~~—If a person has received a citation for a violation
 7 of section 328(1) for failing to produce a certificate of insurance
 8 under section 328(2), the court may waive the fee described in
 9 section 328(3) (c) and shall waive any fine, costs, and any other
 10 fee or assessment otherwise authorized under this act ~~upon-on~~
 11 receipt of verification by the court that the person, before the
 12 appearance date on the citation, produced valid proof of insurance
 13 that was in effect at the time the violation of section 328(1)
 14 occurred. Insurance obtained subsequent to the time of the
 15 violation does not make the person eligible for a waiver under this
 16 subsection.

17 (15) ~~(16)~~—If a person is determined to be responsible or
 18 responsible "with explanation" for a civil infraction under this
 19 act or a local ordinance **that** substantially ~~corresponding~~
 20 **corresponds** to a provision of this act and the civil infraction
 21 arises out of the ownership or operation of a commercial
 22 quadricycle, he or she ~~shall-must~~ be ordered to pay costs as
 23 provided in subsection (4) and a civil fine of not more than
 24 \$500.00.

25 (16) ~~(17)~~—As used in this section, "moving violation" means an
 26 act or omission prohibited under this act or a local ordinance **that**
 27 substantially ~~corresponding~~ **corresponds** to this act that involves
 28 the operation of a motor vehicle and for which a fine may be
 29 assessed.



1 Enacting section 1. Section 319e of the Michigan vehicle code,
2 1949 PA 300, MCL 257.319e, is repealed.

