

# HOUSE BILL No. 4590

April 10, 1989, Introduced by Reps. Terrell, Clack, DeMars, Hunter, Stallworth, Honigman, Harrison, Leland, Joe Young, Sr., Kilpatrick, Power, Sikkema, Martin and Bandstra and referred to the Committee on Judiciary.

A bill to amend sections 303, 304, 310d, 316, 319, 320a, 320b, 727, 728, 732, and 904 of Act No. 300 of the Public Acts of 1949, entitled as amended

"Michigan vehicle code,"

sections 303, 728, 732, and 904 as amended by Act No. 346 of the Public Acts of 1988, section 310d as amended by Act No. 310 of the Public Acts of 1982, section 319 as amended by Act No. 406 of the Public Acts of 1988, section 320a as amended by Act No. 154 of the Public Acts of 1987, and section 727 as amended by Act No. 63 of the Public Acts of 1983; being sections 257.303, 257.304, 257.310d, 257.316, 257.319, 257.320a, 257.320b, 257.727, 257.728, 257.732, and 257.904 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 303, 304, 310d, 316, 319, 320a, 320b,  
2 727, 728, 732, and 904 of Act No. 300 of the Public Acts of 1949,

1 sections 303, 728, 732, and 904 as amended by Act No. 346 of the  
2 Public Acts of 1988, section 310d as amended by Act No. 310 of  
3 the Public Acts of 1982, section 319 as amended by Act No. 406 of  
4 the Public Acts of 1988, section 320a as amended by Act No. 154  
5 of the Public Acts of 1987, and section 727 as amended by Act  
6 No. 63 of the Public Acts of 1983, being sections 257.303,  
7 257.304, 257.310d, 257.316, 257.319, 257.320a, 257.320b, 257.727,  
8 257.728, 257.732, and 257.904 of the Michigan Compiled Laws, are  
9 amended to read as follows:

10       Sec. 303. (1) The secretary of state shall not issue a  
11 license under this act:

12       (a) To a person, as an operator, who is 17 years of age or  
13 less, except that the secretary of state may issue a license to a  
14 person who is not less than 16 years of age and who has satisfac-  
15 torily passed a driver education course and examination given by  
16 a public school or nonpublic school of this or another state  
17 offering a course approved by the department of education, or an  
18 equivalent examination as prescribed in section 811. The secre-  
19 tary of state may issue to a person not less than 14 years of age  
20 a restricted license as provided in this act. This subdivision  
21 shall not apply to a person who has been the holder of a valid  
22 driver's license issued by another state, territory, or posses-  
23 sion of the United States or another sovereignty for at least 1  
24 year immediately before application for a driver's license under  
25 this act.

26       (b) To a person, as a chauffeur, who is 17 years of age or  
27 less, except that the secretary of state may issue a license to a

1 person who is not less than 16 years of age and who has  
2 satisfactorily passed a driver education course and examination  
3 given by a public school or nonpublic school of this or another  
4 state offering a course approved by the department of education,  
5 or an equivalent examination as prescribed in section 811.

6 (c) To a person whose license has been suspended during the  
7 period for which the license was suspended.

8 (d) To a person whose license has been revoked under this  
9 act until the later of the following:

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

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

15 (e) To a person who is an habitual violator of the criminal  
16 laws relating to operating a vehicle while impaired by or under  
17 the influence of intoxicating liquor or a controlled substance or  
18 a combination of intoxicating liquor and a controlled substance,  
19 or with a blood alcohol content of 0.10% or more by weight of  
20 alcohol. Convictions of any of the following, whether under a  
21 law of this state, a local ordinance substantially corresponding  
22 to a law of this state, or a law of another state substantially  
23 corresponding to a law of this state, shall be prima facie evi-  
24 dence that the person is an habitual violator as described in  
25 this subdivision:

1       (i) Two convictions under section 625(1) or (2), or 1  
2 conviction under section 625(1) and 1 conviction under section  
3 625(2) within 7 years.

4       (ii) Three convictions under section 625b within 10 years.

5       (f) To a person who in the opinion of the secretary of state  
6 is afflicted with or suffering from a physical or mental disabil-  
7 ity or disease which prevents that person from exercising reason-  
8 able and ordinary control over a motor vehicle while operating  
9 the motor vehicle upon the highways.

10       (g) To a person who is unable to understand highway warning  
11 or direction signs in the English language.

12       (h) To a person who is an habitually reckless driver. Four  
13 convictions of reckless driving under this act or any other law  
14 of this state relating to reckless driving or under a local ordi-  
15 nance of this state or a law of another state which defines the  
16 term "reckless driving" substantially similar to the law of this  
17 state shall be prima facie evidence that the person is an habitu-  
18 ally reckless driver.

19       (i) To a person who is an habitual criminal. Two convic-  
20 tions of a felony involving the use of a motor vehicle in this or  
21 another state shall be prima facie evidence that the person is an  
22 habitual criminal.

23       (j) To a person who is unable to pass a knowledge, skill, or  
24 ability test administered by the secretary of state in connection  
25 with the issuance of an original operator's or chauffeur's  
26 license, original motorcycle indorsement, or an original or  
27 renewal of a vehicle group designation or vehicle indorsement.

1 (k) To a person who has been convicted, received a ~~probate~~  
2 DOMESTIC RELATIONS court finding, or been determined responsible  
3 for 2 or more moving violations under a law of this state, a  
4 local ordinance substantially corresponding to a law of this  
5 state, or a law of another state substantially corresponding to a  
6 law of this state, within the preceding 3 years, if the viola-  
7 tions occurred prior to the issuance of an original license to  
8 the person in this or another state.

9 (l) To a nonresident.

10 (2) Upon receipt of the appropriate records of conviction,  
11 the secretary of state shall revoke the operator's or chauffeur's  
12 license of a person having any of the following convictions,  
13 whether under a law of this state, a local ordinance substan-  
14 tially corresponding to a law of this state, or a law of another  
15 state substantially corresponding to a law of this state:

16 (a) Four convictions of reckless driving within 7 years.

17 (b) Two convictions of a felony involving the use of a motor  
18 vehicle within 7 years.

19 (c) Two convictions under section 625(1) or (2), or 1 con-  
20 viction under section 625(1) and 1 conviction under section  
21 625(2) within 7 years.

22 (d) Three convictions under section 625b within 10 years.

23 (3) The secretary of state shall revoke a license under sub-  
24 section (2) notwithstanding a court order issued under section  
25 625 or 625b, or a local ordinance substantially corresponding to  
26 section 625(1) or (2) or 625b.

1       Sec. 304. ~~It shall be the duty of the several probate~~  
2 ~~courts of this state to~~ THE DOMESTIC RELATIONS COURT SHALL  
3 report to the secretary of state ~~all~~ THE changes of name autho-  
4 rized by ~~such probate courts~~ THE DOMESTIC RELATIONS COURT, and  
5 the name, address, age, description, and operator's or  
6 chauffeur's license number ~~when~~ IF available, of ~~every~~ EACH  
7 person adjudged to be feeble-minded, epileptic, or as a liquor or  
8 drug addict. The secretary of state shall prescribe and furnish  
9 the forms for making ~~such~~ THE report.

10       Sec. 310d. (1) After October 1, 1979, a license issued  
11 under this act, to a person not previously licensed in this or in  
12 another state shall be designated as probationary for 3 years  
13 after the date of issuance. During the first 12 months of proba-  
14 tion, the license may be suspended or probationary terms and con-  
15 ditions may be imposed upon failure of the licensee to appear  
16 before a magistrate, as provided in this chapter, or upon convic-  
17 tion of the licensee or determination of the licensee's responsi-  
18 bility for a moving violation in this state. The period of sus-  
19 pension or the probationary terms and conditions shall not be for  
20 more than 12 months and shall be determined by the secretary of  
21 state at an examination of the driver by the secretary of state.

22       (2) If a license is suspended or probationary terms and con-  
23 ditions are imposed by a ~~probate~~ DOMESTIC RELATIONS judge, the  
24 period during which the suspension or probationary terms and con-  
25 ditions are in effect shall be deducted from the period of sus-  
26 pension or probationary terms and conditions imposed at an  
27 examination of the driver by the secretary of state pursuant to

1 subsection (1). If a license is suspended or probationary terms  
2 and conditions are imposed by the ~~probate~~ DOMESTIC RELATIONS  
3 judge, the ~~probate~~ DOMESTIC RELATIONS court shall include the  
4 suspension, probationary terms, and conditions, and the period  
5 during which the suspension, probationary terms, and conditions  
6 apply, on the abstract which the court forwards to the secretary  
7 of state.

8 (3) Upon completion of the first 12 months of probation, the  
9 secretary of state may require a licensee to be reexamined by the  
10 secretary of state if the licensee's driving record contains any  
11 of the following:

12 (a) A conviction, civil infraction determination, or  
13 ~~probate~~ DOMESTIC RELATIONS court finding of a moving violation  
14 which was assessed 4 or more points as provided in section 320a.

15 (b) Three convictions, 3 civil infraction determinations, 3  
16 ~~probate~~ DOMESTIC RELATIONS court findings, or a combination of  
17 convictions, civil infraction determinations, and ~~probate~~  
18 DOMESTIC RELATIONS court findings which equals 3, for moving  
19 violations.

20 (c) A total of 6 or more points as provided in section  
21 320a.

22 (d) A conviction, civil infraction determination, or  
23 ~~probate~~ DOMESTIC RELATIONS court finding of a moving violation  
24 and an accident for which the official police report indicates  
25 the licensee had been drinking intoxicating liquor.

26 (e) A conviction, civil infraction determination, or  
27 ~~probate~~ DOMESTIC RELATIONS court finding of a moving violation

1 and an accident for which the official police report indicates a  
2 moving violation on the part of the licensee.

3 (f) Three accidents for which the official police report  
4 indicates a moving violation on the part of the licensee.

5 (g) A suspension pursuant to section 625f.

6 (4) The probationary period shall be extended beyond 3 years  
7 and the secretary of state may reexamine a licensee as provided  
8 in subsection (3), if any of the following occur and are recorded  
9 on the licensee's driving record during the last 10 months of the  
10 probationary period:

11 (a) A moving violation resulting in a conviction or civil  
12 infraction determination.

13 (b) An accident for which the official police report indi-  
14 cates a moving violation on the part of the licensee.

15 (c) An accident for which the official police report indi-  
16 cates the licensee had been drinking intoxicating liquor.

17 (d) A license suspension for a reason other than a mental or  
18 physical disability.

19 (5) The probationary period shall be extended pursuant to  
20 subsection (4) until the licensee completes 10 consecutive months  
21 without a moving violation, accident, or suspension enumerated in  
22 subsection (4).

23 (6) The secretary of state, upon completion of a reexamina-  
24 tion, may suspend or impose probationary terms and conditions on  
25 the license of a probationary licensee, except that a reexamina-  
26 tion for subsection (3)(d), (e), and (f) may not result in a



1 license suspension or the imposition of probationary terms or  
2 conditions.

3 (7) For 24 months immediately after a licensee's probation-  
4 ary period, the secretary of state may require the licensee to be  
5 reexamined by the secretary of state if the licensee's driver  
6 record has a total of 9 or more points, as provided in section  
7 320a, imposed in a period of 2 years and if the licensee's record  
8 contains 1 or more of the following:

9 (a) A conviction or ~~probate~~ DOMESTIC RELATIONS court find-  
10 ing for a violation of section 625(1) or (2), a local ordinance  
11 substantially corresponding to section 625(1) or (2), or a law of  
12 another state substantially corresponding to section 625(1) or  
13 (2).

14 (b) A conviction or ~~probate~~ DOMESTIC RELATIONS court find-  
15 ing for driving while visibly impaired due to consumption of  
16 intoxicating liquor, a controlled substance, or a combination of  
17 intoxicating liquor and a controlled substance.

18 (c) A suspension of the licensee's license pursuant to sec-  
19 tion 625f.

20 (d) An accident for which the official police report indi-  
21 cates a moving violation on the part of the licensee.

22 (e) An accident for which the official police report indi-  
23 cates the licensee had been drinking intoxicating liquor.

24 (8) The secretary of state, upon completion of a reexamina-  
25 tion pursuant to subsection (7), may suspend the license of the  
26 licensee, except that a reexamination for subsection (7)(d) and  
27 (e) may not result in a license suspension or restriction.

1 (9) If a licensee fails to appear for a reexamination  
2 scheduled by the secretary of state pursuant to this section, the  
3 licensee's license may be suspended immediately and remain sus-  
4 pended until the licensee appears for a reexamination by the sec-  
5 retary of state.

6 (10) Notice of a reexamination required under this section  
7 shall be given by first class mail to the last known address of  
8 the licensee.

9 (11) For purposes of this section:

10 (a) Upon conviction for a moving violation, the date of the  
11 arrest for the violation shall be used in determining whether the  
12 conviction occurred within the probationary period.

13 (b) Upon entry of a civil infraction determination for a  
14 moving violation, the date of issuance of a citation for a civil  
15 infraction shall be used in determining whether the civil infrac-  
16 tion determination occurred within the probationary period.

17 (c) Information of a reexamination shall not be placed on a  
18 driver's record unless the secretary of state suspends a license  
19 or imposes probationary terms and conditions.

20 (d) A suspension shall be considered part of a driving  
21 record from the date the suspension is imposed until the suspen-  
22 sion is terminated.

23 (e) The date of the official police report shall be used in  
24 determining whether a licensee was driving a motor vehicle  
25 involved in an accident for which the official police report  
26 indicates a moving violation on the part of the licensee or  
27 indicates the licensee had been drinking intoxicating liquor.

1       Sec. 316. The secretary of state shall file each  
2 application for an operator's or chauffeur's license and index  
3 the application by name and number. The secretary of state shall  
4 maintain suitable records of licenses issued, applications for  
5 licenses denied, and a record of licenses which have been revoked  
6 or suspended. The secretary of state shall note upon those  
7 records each conviction, civil infraction determination, and  
8 ~~probate~~ DOMESTIC RELATIONS court finding of the person to whom  
9 the license is granted, as provided in this act, and shall pre-  
10 serve those records for not less than 6 years after the date of  
11 application.

12       Sec. 319. (1) The secretary of state shall immediately sus-  
13 pend for a period of not less than 90 days, nor more than 2  
14 years, the license of a person upon receiving a record of the  
15 conviction of the person or the entry of a ~~probate~~ DOMESTIC  
16 RELATIONS court order of disposition for a child found to be  
17 within the provisions of ~~chapter XIIA of Act No. 288 of the~~  
18 ~~Public Acts of 1939, being sections 712A.1 to 712A.28~~ CHAPTER 96  
19 OF THE REVISED JUDICATURE ACT OF 1961, ACT NO. 236 OF THE PUBLIC  
20 ACTS OF 1961, BEING SECTIONS 600.9601 TO 600.9647 of the Michigan  
21 Compiled Laws, for any of the following crimes or attempts to  
22 commit any of the following crimes, whether the conviction or  
23 ~~probate~~ DOMESTIC RELATIONS court disposition is under a law of  
24 this state, a local ordinance substantially corresponding to a  
25 law of this state, or a law of another state substantially corre-  
26 sponding to a law of this state:

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

3 (b) Perjury or the making of a false certification to the  
4 secretary of state under any law requiring the registration of a  
5 motor vehicle or regulating the operation of a motor vehicle on a  
6 highway.

7 (c) A violation of section 324, 413, or 414 of the Michigan  
8 penal code, Act No. 328 of the Public Acts of 1931, being sec-  
9 tions 750.324, 750.413, and 750.414 of the Michigan Compiled  
10 Laws; or a violation of section 1 of Act No. 214 of the Public  
11 Acts of 1931, being section 752.191 of the Michigan Compiled  
12 Laws.

13 (d) Conviction upon 3 charges of reckless driving within the  
14 preceding 12 months.

15 (e) Failing to stop and disclose identity at the scene of an  
16 accident resulting in death or injury to another person, in vio-  
17 lation of section 617.

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

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

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

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

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

4 (2) The secretary of state shall suspend, for the period  
5 described in subsection (1), the license of a person upon receiv-  
6 ing the record of conviction of the person for a violation of a  
7 law of another state substantially corresponding to section  
8 625(1) or (2).

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

16 (4) The secretary of state shall immediately suspend the  
17 license of a person for the period specified in the certificate  
18 of conviction upon receipt of the person's license and certifi-  
19 cate of conviction forwarded to the secretary of state pursuant  
20 to section 367c of the Michigan penal code, Act No. 328 of the  
21 Public Acts of 1931, being section 750.367c of the Michigan  
22 Compiled Laws.

23 (5) The secretary of state shall suspend, for a period of  
24 not less than 6 months nor more than 18 months, the license of a  
25 person having the following convictions within a 7-year period,  
26 whether under the law of this state, a local ordinance  
27 substantially corresponding to a law of this state, or a law of

1 another state substantially corresponding to a law of this  
2 state:

3 (a) Two convictions under section 625b.

4 (b) One conviction under section 625(1) or (2) followed by 1  
5 conviction under section 625b.

6 (6) Upon receipt of a certificate of conviction pursuant to  
7 section 33b(3) of the Michigan liquor control act, Act No. 8 of  
8 the Public Acts of the Extra Session of 1933, being section  
9 436.33b of the Michigan Compiled Laws, or a local ordinance or  
10 law of another state substantially corresponding to section  
11 33b(3) of Act No. 8 of the Public Acts of the Extra Session of  
12 1933, the secretary of state shall suspend the person's  
13 operator's or chauffeur's license for a period of 90 days. A  
14 suspension under this subsection shall be in addition to any  
15 other suspension of the person's license.

16 (7) Upon receipt of the record of the conviction of a  
17 person, or the entry of a probate court order of disposition for  
18 a child found to be within the provisions of chapter ~~XIIA of Act~~  
19 ~~No. 288 of the Public Acts of 1939~~ 96 OF THE REVISED JUDICATURE  
20 ACT OF 1961, ACT NO. 236 OF THE PUBLIC ACTS OF 1961, BEING SEC-  
21 TIONS 600.9601 TO 600.9647 OF THE MICHIGAN COMPILED LAWS, for a  
22 violation of section 602a of this act or section 479a(1), (4), or  
23 (5) of Act No. 328 of the Public Acts of 1931, being section  
24 750.479a of the Michigan Compiled Laws, the secretary of state  
25 immediately shall suspend the license of the person for the  
26 period ordered by the court as part of the sentence or  
27 disposition.

1 (8) For purposes of this section, the secretary of state  
 2 shall treat a conviction or probate court disposition for a child  
 3 found to be within the provisions of chapter ~~XIIA of Act No. 288~~  
 4 ~~of the Public Acts of 1939~~ 96 OF ACT NO. 236 OF THE PUBLIC ACTS  
 5 OF 1961 for an attempted offense as if the offense had been  
 6 completed.

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

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

15 (b) Operating a motor vehicle while under the  
 16 influence of intoxicating liquor or a controlled sub-  
 17 stance, or a combination of an intoxicating liquor and  
 18 a controlled substance, or while having a blood alcohol  
 19 content of 0.10% or more by weight of alcohol..... 6 points

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

22 (d) Operating a motor vehicle in a reckless manner 6 points

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

26 (f) Violation of section 625b or a law or  
 27 ordinance substantially corresponding to section 625b.. 4 points

- 1 (g) Fleeing or eluding an officer..... 6 points
- 2 (h) Violation of section 626a or a law or ordi-
- 3 nance substantially corresponding to section 626a..... 4 points
- 4 (i) Violation of any law or ordinance pertaining
- 5 to speed by exceeding the lawful maximum by more than
- 6 10 but not more than 15 miles per hour or careless
- 7 driving in violation of section 626b or a law or ordi-
- 8 nance substantially corresponding to section 626b..... 3 points
- 9 (j) Violation of any law or ordinance pertaining
- 10 to speed by exceeding the lawful maximum by 10 miles
- 11 per hour or less..... 2 points
- 12 (k) Disobeying a traffic signal or stop sign, or
- 13 improper passing..... 3 points
- 14 (l) All other moving violations pertaining to the
- 15 operation of motor vehicles reported under this section 2 points
- 16 (2) Points shall not be entered for a violation of section
- 17 311, 658, 717, 719, 719a, or 723.
- 18 (3) Points shall not be entered for bond forfeitures.
- 19 (4) Points shall not be entered for overweight loads or for
- 20 defective equipment.
- 21 (5) If more than 1 conviction, civil infraction determina-
- 22 tion, or ~~probate~~ DOMESTIC RELATIONS court finding results from
- 23 the same incident, points shall be entered only for the violation
- 24 which receives the highest number of points under this section.
- 25 (6) If a person has accumulated 9 points as provided in this
- 26 section, the secretary of state may call the person in for an
- 27 interview as to the person's driving ability and record after due



1 notice as to time and place of the interview. If the person  
 2 fails to appear as provided in this subsection, the secretary of  
 3 state shall add 3 points to the person's record.

4 (7) If a person is determined to be responsible for a civil  
 5 infraction for a violation of a law or ordinance pertaining to  
 6 speed by exceeding the lawful maximum on a street or highway  
 7 which maximum was reduced by Act No. 28 of the Public Acts of  
 8 1974, then points shall be entered only pursuant to the  
 9 following:

10 (a) Sixty miles per hour to the lawful maximum in  
 11 effect before being reduced by Act No. 28 of the Public  
 12 Acts of 1974..... 1 point

13 (b) Exceeding the lawful maximum in effect before  
 14 being reduced by Act No. 28 of the Public Acts of 1974,  
 15 by 10 miles per hour or less..... 2 points

16 (c) Exceeding the lawful maximum in effect before  
 17 being reduced by Act No. 28 of the Public Acts of 1974,  
 18 by more than 10 but not more than 15 miles per hour.... 3 points

19 (d) Exceeding the lawful maximum in effect before  
 20 being reduced by Act No. 28 of the Public Acts of 1974,  
 21 by more than 15 miles per hour..... 4 points

22 (8) Notwithstanding subsection (7), if a person violates a  
 23 speed restriction established by an executive order issued during  
 24 a state of energy emergency as provided by Act No. 191 of the

1 Public Acts of 1982, being sections 10.81 to 10.89 of the  
2 Michigan Compiled Laws, the secretary of state shall enter points  
3 for the violation pursuant to subsection (1).

4 (9) The secretary of state shall enter 6 points upon the  
5 record of a person whose license is suspended or denied pursuant  
6 to section 625f for refusal to submit to a chemical test  
7 described in section 625a. However, if a conviction, civil  
8 infraction determination, or ~~probate~~ DOMESTIC RELATIONS court  
9 finding results from the same incident, additional points for  
10 that offense shall not be entered.

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

18 Sec. 320b. (1) A driver safety school may be established  
19 in a county by an advisory board consisting of the superintendent  
20 of schools of the largest school district in the county who shall  
21 act as chairperson and fiscal agent, the county superintendent of  
22 schools, the ~~chief~~ PRESIDING or only judge of ~~probate~~  
23 DOMESTIC RELATIONS, the prosecuting attorney, the sheriff, the  
24 chief of police of the largest city in the county; and a judge of  
25 a court having jurisdiction over traffic offenses or civil  
26 infractions, and 2 citizens at large, who shall be appointed by  
27 the county board of commissioners. A school so established shall

1 be conducted under the supervision of the superintendent of  
2 public instruction and pursuant to the rules prescribed by the  
3 superintendent.

4 (2) Courses, as prescribed by the superintendent of public  
5 instruction, shall be offered for the purpose of developing good  
6 driving habits and promoting highway traffic safety. The courses  
7 shall be open to the following persons:

8 (a) A person who is referred to a school by a court having  
9 jurisdiction over traffic violations after 2 or more convictions  
10 or civil infraction determinations of a moving traffic violation  
11 within a 12-month period and who, in the determination of the  
12 court, is in need of the remedial education.

13 (b) A person who, after a hearing as provided in section  
14 320, is referred to a school by the secretary of state.

15 (c) A person who voluntarily chooses to attend.

16 (3) For the purpose of referral as provided in this section,  
17 the court, after entry of judgment of conviction for a misdemean-  
18 or, may stay the imposition of sentence until the violator has  
19 attended the school. A person referred to a school by a court or  
20 by the secretary of state may attend any school in the state  
21 which has been established in conformity with this section.

22 (4) A fee not to exceed \$10.00 may be charged for attendance  
23 at the school. The fees shall be established by the advisory  
24 board and shall be used to defray the cost of instruction, mate-  
25 rials, and clinical services.

1 (5) A person shall not be referred to a school which has not  
2 been approved by the advisory board and the superintendent of  
3 public instruction.

4 Sec. 727. When a person is arrested without a warrant in  
5 any of the following cases, the arrested person shall, without  
6 unreasonable delay, be taken before a magistrate who is nearest  
7 or most accessible within the judicial district as provided in  
8 section 13 of chapter IV of the code of criminal procedure, Act  
9 No. 175 of the Public Acts of 1927, being section 764.13 of the  
10 Michigan Compiled Laws, or, if a minor, taken before the  
11 ~~probate~~ DOMESTIC RELATIONS court within the county in which the  
12 offense charged is alleged to have been committed:

13 (1) When the person is arrested upon a charge of negligent  
14 homicide.

15 (2) When the person is arrested under section 625 or an  
16 ordinance substantially corresponding to that section.

17 (3) When a person is arrested under section 626 or an ordi-  
18 nance substantially corresponding to that section. If under the  
19 existing circumstances it does not appear that releasing the  
20 person pending the issuance of a warrant will constitute a public  
21 menace, the arresting officer may proceed in such cases as pro-  
22 vided by section 728.

23 (4) When a person arrested does not have in his or her imme-  
24 diate possession a valid operator's or chauffeur's license or the  
25 receipt described in section 311a. If the arresting officer oth-  
26 erwise satisfactorily determines the identity of the person and  
27 the practicability of subsequent apprehension in the event of the

1 person's failure to voluntarily appear before a designated  
2 magistrate or ~~probate~~ DOMESTIC RELATIONS court as directed, the  
3 officer may release the person from custody with instructions to  
4 appear in court, given in the form of a citation as prescribed by  
5 section 728.

6       Sec. 728. (1) When a person is arrested without a warrant  
7 for a violation of this act punishable as a misdemeanor, or an  
8 ordinance substantially corresponding to a provision of this act  
9 and punishable as a misdemeanor, under conditions not referred to  
10 in sections 617, 619, and 727(1), (2), and (3), the arresting  
11 officer shall prepare, as soon as possible and as completely as  
12 possible, an original and 3 copies of a written citation to  
13 appear in court containing the name and address of the person,  
14 the violation charged, and the time and place when and where the  
15 person shall appear in court. The officer shall inform the  
16 offender of the violation and shall give the second copy of the  
17 citation to the alleged offender. If the arrested person  
18 demands, he or she shall be taken before a magistrate or  
19 ~~probate~~ DOMESTIC RELATIONS court as provided in section 727 in  
20 lieu of being given the citation.

21       (2) The time specified in the citation to appear shall be  
22 within a reasonable time after the arrest.

23       (3) The place specified in the citation to appear shall be  
24 before a magistrate or ~~probate~~ DOMESTIC RELATIONS court within  
25 the county in which the violation charged is alleged to have been  
26 committed and who has jurisdiction of the violation.

1       (4) Appearance may be made in person, by representation, or  
2 by mail. When appearance is made by representation or mail, the  
3 magistrate may accept the plea of guilty or not guilty for pur-  
4 poses of arraignment, with the same effect as though the person  
5 personally appeared before him or her. The magistrate, by giving  
6 5 days' notice of the date of appearance, may require appearance  
7 in person at the time and place designated in the citation.

8       (5) When a person who is not a resident of this state is  
9 arrested without warrant for a violation of this act which is  
10 punishable as a misdemeanor, or an ordinance substantially corre-  
11 sponding to a provision of this act and punishable as a misde-  
12 meanor, under conditions not referred to in section 727, the  
13 arresting officer, upon demand of the arrested person, immedi-  
14 ately shall take the person before a magistrate of the vicinity  
15 to answer to the complaint made against the person. If a magis-  
16 trate is not available or an immediate trial cannot be had, the  
17 person arrested may recognize to the officer for his or her  
18 appearance by leaving with the officer a guaranteed appearance  
19 certificate or a sum of money not to exceed \$100.00, in which  
20 case the following provisions shall apply:

21       (a) The officer making the arrest shall give a receipt to  
22 the person arrested for the guaranteed appearance certificate or  
23 the money deposited together with a written citation as provided  
24 in subsection (1).

25       (b) If the alleged offender fails to appear as required in  
26 the citation, the guaranteed appearance certificate or deposit

1 shall be forfeited as in other cases of default in bail in  
2 addition to any other penalty provided in this chapter.

3 (c) At or before the completion of his or her tour of duty a  
4 police officer taking a certificate or deposit of money shall  
5 deliver the certificate or deposit of money either to the magis-  
6 trate named in the citation together with a report of the facts  
7 relating to the arrest, or to the police chief or person autho-  
8 rized by the police chief to receive certificates and deposits.  
9 The police chief or person authorized by the police chief shall  
10 deposit with the court the certificate or the money deposited and  
11 the citation in the same manner as prescribed for citations in  
12 section 728a. Failure to make a report and deliver the money  
13 deposited shall be embezzlement of public money.

14 (d) "Guaranteed appearance certificate" means a card or cer-  
15 tificate containing a printed statement that a surety company  
16 authorized to do business in this state guarantees the appearance  
17 of the person whose signature appears on the card or certificate,  
18 and that the company, if the person fails to appear in court at  
19 the time of trial or sentencing or to pay any fines or costs  
20 imposed pursuant to this act, will pay any fine, costs, or bond  
21 forfeiture imposed on the person in a total amount not to exceed  
22 \$200.00.

23 (6) An officer making an arrest under this chapter for a  
24 misdemeanor without a warrant, except under section 727(1), (2),  
25 and (3), shall not be entitled to any fees for making the arrest  
26 or the issuance of a citation under this section.

1       (7) An officer or magistrate violating this section is  
2 guilty of misconduct in office and subject to removal from  
3 office.

4       (8) A police officer may issue a citation to a person who is  
5 a driver of a motor vehicle involved in an accident when, based  
6 upon personal investigation, the officer has reasonable cause to  
7 believe that the person has committed a misdemeanor under the act  
8 in connection with the accident. The officer shall prepare an  
9 original and 3 copies of the citation, setting forth the name and  
10 address of the person, the violation that may be charged against  
11 the person, and the time and place of the appearance of the  
12 person in court. The citation shall inform the person of the  
13 office, bureau, or department to which requests for a change or  
14 adjournment of the court date may be made.

15       (9) If the citation is issued to a person who is operating a  
16 commercial motor vehicle, the citation shall contain the vehicle  
17 group designation and indorsement description of the vehicle  
18 operated by the person at the time of the alleged violation.

19       Sec. 732. (1) Each municipal judge and each clerk of a  
20 court of record shall keep a full record of every case in which a  
21 person is charged with or cited for a violation of this act or of  
22 a law corresponding to this act regulating the operation of vehi-  
23 cles on highways.

24       (2) Within 14 days after the conviction or forfeiture of  
25 bail of a person, or entry of a civil infraction determination,  
26 default judgment, or probate court order of disposition for a  
27 child found to be within the provisions of chapter ~~XIIA of Act~~



1 ~~No. 288 of the Public Acts of 1939, being sections 712A.1 to~~  
2 ~~712A.28~~ 96 OF THE REVISED JUDICATURE ACT OF 1961, ACT NO. 236 OF  
3 THE PUBLIC ACTS OF 1961, BEING SECTIONS 600.9601 TO 600.9647 of  
4 the Michigan Compiled Laws, upon a charge of, or citation for,  
5 violating this act or a local ordinance corresponding to this act  
6 regulating the operation of vehicles on highways, except as pro-  
7 vided in subsection ~~(+2)~~ (15), the municipal judge or clerk of  
8 the court of record shall prepare and immediately forward to the  
9 secretary of state an abstract of the record of the court for the  
10 case. The abstract shall be certified by signature, stamp, or  
11 facsimile signature by the person required to prepare the  
12 abstract to be true and correct. If a city or village depart-  
13 ment, bureau, or person is authorized to accept a payment of  
14 money as a settlement for a violation of a local ordinance corre-  
15 sponding to this act, the city or village department, bureau, or  
16 person shall send a full report of each case in which a person  
17 pays any amount of money to the city or village department,  
18 bureau, or person to the secretary of state upon a form pre-  
19 scribed by the secretary of state.

20 (3) The abstract or report required under this section shall  
21 be made upon a form furnished by the secretary of state and shall  
22 include the name, address, and date of birth of the person  
23 charged or cited; the number of the person's operator's or  
24 chauffeur's license, if any; the date and nature of the viola-  
25 tion; the type of vehicle driven at the time of the violation and  
26 if the vehicle is a commercial motor vehicle, that vehicle's  
27 group designation and indorsement classification; the date of the

1 conviction, finding, forfeiture, judgment, or determination;  
 2 whether bail was forfeited; any license revocation, restriction,  
 3 suspension, or denial ordered by the court pursuant to this act;  
 4 and other information considered necessary to the secretary of  
 5 state.

6 (4) The clerk of the court also shall forward an abstract of  
 7 the record of the court to the secretary of state upon the con-  
 8 viction of a person or entry of a ~~probate~~ DOMESTIC RELATIONS  
 9 court order of disposition for a child found to be within the  
 10 provisions of chapter ~~XIIA of Act No. 288 of the Public Acts of~~  
 11 ~~1939, being sections 712A.1 to 712A.28~~ 96 OF THE REVISED JUDICA-  
 12 TURE ACT OF 1961, ACT NO. 236 OF THE PUBLIC ACTS OF 1961, BEING  
 13 SECTIONS 600.9601 TO 600.9647 of the Michigan Compiled Laws,  
 14 involving a violation of section 324, 413, 414, or 479a of the  
 15 Michigan penal code, Act No. 328 of the Public Acts of 1931,  
 16 being sections 750.324, 750.413, 750.414, and 750.479a of the  
 17 Michigan Compiled Laws; a violation of section 1 of Act No. 214  
 18 of the Public Acts of 1931, being section 752.191 of the Michigan  
 19 Compiled Laws; or an attempt to commit any of these offenses.

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

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

26 (b) The vehicle was used to transport a victim of the  
 27 felony.

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

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

4 (6) If a person is charged with a felony in which a motor  
5 vehicle was used, other than a felony specified in subsection  
6 (4), or section 319(1)(a) to ~~(f)~~ (E) the prosecuting attorney  
7 shall include the following statement on the complaint and infor-  
8 mation filed in district or circuit court:

9 "You are charged with the commission of a felony in which a  
10 motor vehicle was used. ~~If you are convicted and the judge finds~~  
11 that the conviction is for a felony in which a motor vehicle was  
12 used, as defined in section 319 of the Michigan vehicle code, Act  
13 No. 300 of the Public Acts of 1949, being section 257.319 of the  
14 Michigan Compiled Laws, your driver's license shall be suspended  
15 by the secretary of state."

16 (7) If a child is accused of an act the nature of which con-  
17 stitutes a felony in which a motor vehicle was used, other than a  
18 felony specified in subsection (4) or section 319(1)(a) to ~~(f)~~  
19 (E), the prosecuting attorney or juvenile court shall include on  
20 the petition filed in the ~~probate~~ DOMESTIC RELATIONS court:

21 "You are accused of an act the nature of which constitutes a  
22 felony in which a motor vehicle was used. If the accusation is  
23 found to be true and the judge or referee finds that the nature  
24 of the act constitutes a felony in which a motor vehicle was  
25 used, as defined in section 319 of the Michigan vehicle code, Act  
26 No. 300 of the Public Acts of 1949, being section 257.319 of the

1 Michigan Compiled Laws, your driver's license shall be suspended  
2 by the secretary of state."

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

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

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

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

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

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

21 (10) If a person is charged with a felony in which a commer-  
22 cial motor vehicle was used and for which a vehicle group desig-  
23 nation on a license is subject to suspension under section  
24 319b(1)(c)(iii), (d), or (e)(iii) or (v), the prosecuting attor-  
25 ney shall include the following statement on the complaint and  
26 information filed in district or circuit court:

1 "You are charged with the commission of a felony in which a  
2 commercial motor vehicle was used. If you are convicted and the  
3 judge finds that the conviction is for a felony in which a com-  
4 mercial motor vehicle was used, as defined in section 319b of the  
5 Michigan vehicle code, Act No. 300 of the Public Acts of 1949,  
6 being section 257.319b of the Michigan Compiled Laws, all vehicle  
7 group designations on your driver's license shall be suspended by  
8 the secretary of state."

9 (11) If the judge determines as part of the sentence that  
10 the felony for which the defendant was convicted and with respect  
11 to which notice was given pursuant to subsection (10) is a felony  
12 in which a commercial motor vehicle was used, the clerk of the  
13 court shall forward an abstract of the court record of that con-  
14 viction to the secretary of state.

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

24 (a) The name and title of the person required to forward  
25 abstracts.

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

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

2 (d) The following statement:

3 "I certify that all abstracts required by section 732 of the  
4 Michigan vehicle code, MCL 257.732; MSA 9.2432, for the period  
5 \_\_\_\_\_ through \_\_\_\_\_ have been forwarded to the secre-  
6 tary of state."

7 (e) Other information the secretary of state considers  
8 necessary.

9 (f) The signature of the person required to forward  
10 abstracts.

11 (13) The failure, refusal, or neglect of a person to comply  
12 with this section shall constitute misconduct in office and shall  
13 be grounds for removal from office.

14 (14) Except as provided in subsection ~~-(12)-~~ (15), the sec-  
15 retary of state shall keep all abstracts received under this sec-  
16 tion at the secretary of state's main office and the abstracts  
17 shall be open for public inspection during the office's usual  
18 business hours. Each abstract shall be entered upon the master  
19 driving record of the person to whom it pertains.

20 (15) The court shall not submit, and the secretary of state  
21 shall discard and not enter on the master driving record, an  
22 abstract for a conviction, civil infraction determination, or  
23 ~~probate~~ DOMESTIC RELATIONS court order of disposition for any  
24 of the following offenses:

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

1 (b) A nonmoving violation which is not the basis for the  
2 secretary of state's suspension, revocation, or denial of an  
3 operator's or chauffeur's license.

4 (c) A violation of chapter II which is not the basis for the  
5 secretary of state's suspension, revocation, or denial of an  
6 operator's or chauffeur's license.

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

8 (e) A violation of section 710e.

9 (16) The secretary of state shall discard and not enter on  
10 the master driving record an abstract for a bond forfeiture which  
11 occurred outside this state. However, the secretary of state  
12 shall retain and enter on the master driving record an abstract  
13 of an out-of-state bond forfeiture for an offense which occurred  
14 after October 1, 1989 in connection with the operation of a com-  
15 mercial motor vehicle.

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

21 (18) If a conviction, civil infraction determination, or  
22 ~~probate~~ DOMESTIC RELATIONS court order of disposition is  
23 reversed upon appeal, the person whose conviction, determination,  
24 or order of disposition has been reversed may serve on the secre-  
25 tary of state a certified copy of the order of reversal, and the  
26 secretary of state shall enter the order in the proper book or  
27 index in connection with the record of the conviction, civil

1 infraction determination, or ~~probate~~ DOMESTIC RELATIONS court  
2 order of disposition.

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

16       Sec. 904. (1) A person whose operator's or chauffeur's  
17 license or registration certificate has been suspended or revoked  
18 and who has been notified as provided in section 212 of that sus-  
19 pension or revocation, or whose application for license has been  
20 denied, as provided in this act, or who has never applied for a  
21 license, and who operates a motor vehicle upon the highways of  
22 this state or who knowingly permits a motor vehicle owned by the  
23 person to be operated by another upon a highway, except as per-  
24 mitted under this act, while the license or registration certifi-  
25 cate is suspended or revoked, or whose application for license  
26 has been denied, as provided in this act, is guilty of a  
27 misdemeanor, punishable, except as provided in subsections (2)



1 and (3), by imprisonment for not less than 3 days nor more than  
2 90 days, or a fine of not more than \$100.00, or both. Unless the  
3 vehicle was stolen or used with the permission of a person who  
4 did not knowingly permit an unlicensed driver to operate the  
5 vehicle, the registration plates of the vehicle shall be  
6 confiscated.

7 (2) A person whose operator's or chauffeur's license has  
8 been suspended under section 321a because that person has failed  
9 to answer a citation or has failed to comply with an order or  
10 judgment issued pursuant to section 907 and who operates a motor  
11 vehicle upon a highway, may be punished by imprisonment for not  
12 more than 90 days, or a fine of not more than \$100.00, or both.

13 (3) A person convicted of a second or subsequent violation  
14 of this section is guilty of a misdemeanor, punishable by impris-  
15 onment for not less than 5 days nor more than 1 year, or a fine  
16 of not more than \$500.00, or both. Unless the vehicle was  
17 stolen, the registration plates of the vehicle shall be  
18 confiscated.

19 (4) The secretary of state, upon receiving a record of the  
20 conviction or ~~probate~~ DOMESTIC RELATIONS court finding of a  
21 person upon a charge of unlawful operation of a motor vehicle  
22 while the license of the person is suspended, revoked, or denied,  
23 or of the conviction, civil infraction determination, or  
24 ~~probate~~ DOMESTIC RELATIONS court finding of a person for a vio-  
25 lation of the motor vehicle laws of this state while the license  
26 of the person is suspended, revoked, or denied, immediately shall  
27 extend the period of the first suspension or revocation for an

1 additional like period, or if a period has not been determined,  
2 then for not less than 30 days nor more than 1 year.

3       (5) The secretary of state, upon receiving a record of the  
4 conviction, bond forfeiture, or a civil infraction determination  
5 of a person upon a charge of unlawful operation of a motor vehi-  
6 cle requiring a class 1, class 2, or class 3 indorsement or vehi-  
7 cle group designation while the indorsement or designation is  
8 suspended pursuant to section 319a or 319b, immediately shall  
9 extend the period of suspension for an additional like period.  
10 This subsection shall apply to a person who operates a commercial  
11 vehicle while disqualified under title XII of Public Law 99-570,  
12 100 Stat. 3207.

13       (6) Before the plea of the person is accepted under this  
14 section, the arresting officer shall check with the secretary of  
15 state to determine the record and status of the person according  
16 to the records of the secretary of state and so inform the  
17 court.

18       (7) This section shall not apply to a person who operates a  
19 vehicle solely for the purpose of protecting human life or prop-  
20 erty, if the life or property is endangered and the summoning of  
21 prompt aid is essential.

22       Section 2. (1) This amendatory act shall take effect  
23 January 1, 1990.

24       (2) This amendatory act shall not take effect unless Senate  
25 Bill No. \_\_\_\_\_ or House Bill No. 4567 (request no. 01659'89) of  
26 the 85th Legislature is enacted into law.