

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 645

[A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303, 310e, 319, and 732 (MCL 257.303, 257.310e, 257.319, and 257.732), sections 303 and 319 as amended by 2001 PA 159, section 310e as amended by 2000 PA 456, and section 732 as amended by 2001 PA 134, and by adding section 303a.]

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 303. (1) The secretary of state shall not issue a
2 license under this act to any of the following:

3 (a) A person, as an operator, who is less than 18 years of
4 age, except as otherwise provided in this act.

5 (b) A person, as a chauffeur, who is less than 18 years of
6 age, except as otherwise provided in this act.

7 (c) A person whose license is suspended, revoked, denied, or
8 canceled in any state. If the suspension, revocation, denial, or

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1 cancellation is not from the jurisdiction that issued the last
2 license to the person, the secretary of state may issue a license
3 after the expiration of 5 years from the effective date of the
4 most recent suspension, revocation, denial, or cancellation.

5 (d) A person who in the opinion of the secretary of state is
6 afflicted with or suffering from a physical or mental disability
7 or disease preventing that person from exercising reasonable and
8 ordinary control over a motor vehicle while operating the motor
9 vehicle upon the highways.

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

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

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

25 (h) A nonresident including a foreign exchange student.

26 (i) A person who has failed to answer a citation or notice
27 to appear in court or for any matter pending or fails to comply

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

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

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

23 (l) A person not licensed under this act who is determined
24 to have violated section 33b(1) of former 1933 (Ex Sess) PA 8,
25 section 703(1) of the Michigan liquor control code of 1998, 1998
26 PA 58, MCL 436.1703, or section 624a or 624b of this act. The
27 person shall be denied a license under this subdivision for a

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

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21 (2) Upon receiving the appropriate records of conviction,
22 the secretary of state shall revoke the operator's or chauffeur's
23 license of a person and deny issuance of an operator's or
24 chauffeur's license to a person having any of the following,
25 whether under a law of this state, a local ordinance substan-
26 tially corresponding to a law of this state, or a law of another
27 state substantially corresponding to a law of this state:

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1 (a) Any combination of 2 convictions within 7 years for
2 reckless driving in violation of section 626.

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

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

6 (ii) A violation or attempted violation of section 601b(2)
7 or (3), section 601c(1) or (2), section 602a(4) or (5), section
8 617, section 653a(3) or (4), or section 904(4) or (5).

9 (iii) Negligent homicide, manslaughter, or murder resulting
10 from the operation of a vehicle or an attempt to commit any of
11 those crimes.

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

14 (c) Any combination of 2 convictions within 7 years for any
15 of the following or a combination of 1 conviction for a violation
16 or attempted violation of section 625(6) and 1 conviction for any
17 of the following within 7 years:

18 (i) A violation or attempted violation of section 625(1),
19 (3), (4), (5), or (7).

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

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

23 (d) One conviction for a violation or attempted violation of
24 section 315(5), section 601b(3), section 601c(2), section 602a(4)
25 or (5), section 617, section 625(4) or (5), section 653a(4), or
26 section 904(4) or (5).

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

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

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

12 (i) A violation or attempted violation of section 625(1),
13 (3), (4), (5), or (7).

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

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

17 (3) The secretary of state shall revoke a license under sub-
18 section (2) notwithstanding a court order unless the court order
19 complies with section 323.

20 (4) The secretary of state shall not issue a license under
21 this act to a person whose license has been revoked under this
22 act or revoked and denied under subsection (2) until all of the
23 following occur, as applicable:

24 (a) The later of the following:

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

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

4 (b) For a denial under subsection (2)(a), (b), (c), and (g),
5 the person rebuts by clear and convincing evidence the presump-
6 tion resulting from the prima facie evidence that he or she is a
7 habitual offender. The convictions that resulted in the revoca-
8 tion and denial constitute prima facie evidence that he or she is
9 a habitual offender.

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

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

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

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

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

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

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

[SEC. 303A. THE SECRETARY OF STATE MAY DENY ISSUANCE OF AN
OPERATOR'S LICENSE TO EITHER OF THE FOLLOWING:

(A) A PERSON LESS THAN 14 YEARS OF AGE WHO HAS BEEN CONVICTED OF
OR HAS RECEIVED A JUVENILE DISPOSITION FOR VIOLATING OR ATTEMPTING TO
VIOLATE SECTION 411A(2) OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
750.411A, INVOLVING A SCHOOL, UNTIL HE OR SHE ATTAINS 17 YEARS OF AGE.
A PERSON NOT ISSUED A LICENSE UNDER THIS SUBDIVISION IS NOT ELIGIBLE TO
BEGIN GRADUATED LICENSING TRAINING UNTIL HE OR SHE ATTAINS 16 YEARS OF
AGE.

(B) A PERSON 14 YEARS OF AGE OR OVER BUT LESS THAN 21 YEARS OF AGE
NOT LICENSED UNDER THIS ACT WHO HAS BEEN CONVICTED OF OR HAS RECEIVED A
JUVENILE DISPOSITION FOR VIOLATING OR ATTEMPTING TO VIOLATE SECTION
411A(2) OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.411A,
INVOLVING A SCHOOL, UNTIL 3 YEARS AFTER THE DATE OF THE CONVICTION OR
JUVENILE DISPOSITION. A PERSON NOT ISSUED A LICENSE UNDER THIS
SUBDIVISION IS NOT ELIGIBLE TO BEGIN GRADUATED LICENSING TRAINING OR
OTHERWISE OBTAIN AN ORIGINAL OPERATOR'S OR CHAUFFEUR'S LICENSE UNTIL 3
YEARS AFTER THE DATE OF THE CONVICTION OR JUVENILE DISPOSITION.]

26 Sec. 310e. (1) Except as otherwise provided in this act, an
27 operator's or chauffeur's license issued to a person who is 17

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1 years of age or less is valid only upon the issuance of a
2 graduated driver license.

3 (2) The secretary of state shall designate graduated licens-
4 ing provisions in a manner that clearly indicates that the person
5 is subject to the appropriate provisions described in this
6 section.

7 (3) ~~A~~ EXCEPT AS OTHERWISE PROVIDED IN SECTION 303, A
8 person who is not less than 14 years and 9 months of age may be
9 issued a level 1 graduated licensing status to operate a motor
10 vehicle if the person has satisfied all of the following
11 conditions:

12 (a) Passed a vision test and met health standards as pre-
13 scribed by the secretary of state.

14 (b) Successfully completed segment 1 of a driver education
15 course approved by the department of education including a mini-
16 mum of 6 hours of on-the-road driving time with the instructor.

17 (c) Received written approval of a parent or legal
18 guardian.

19 (4) A person issued a level 1 graduated licensing status may
20 operate a motor vehicle only when accompanied either by a
21 licensed parent or legal guardian or, with the permission of the
22 parent or legal guardian, a licensed driver 21 years of age or
23 older. Except as otherwise provided in this section, a person is
24 restricted to operating a motor vehicle with a level 1 graduated
25 licensing status for not less than 6 months.

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1 (5) A person may be issued a level 2 graduated licensing
2 status to operate a motor vehicle if the person has satisfied all
3 of the following conditions:

4 (a) Had a level 1 graduated licensing status for not less
5 than 6 months.

6 (b) Successfully completed segment 2 of a driver education
7 course approved by the department of education.

8 (c) Not incurred a moving violation resulting in a convic-
9 tion or civil infraction determination or been involved in an
10 accident for which the official police report indicates a moving
11 violation on the part of the person during the 90-day period
12 immediately preceding application.

13 (d) Presented a certification by the parent or guardian that
14 he or she, accompanied by his or her licensed parent or legal
15 guardian or, with the permission of the parent or legal guardian,
16 any licensed driver 21 years of age or older, has accumulated a
17 total of not less than 50 hours of behind-the-wheel experience
18 including not less than 10 nighttime hours.

19 (e) Successfully completed a secretary of state approved
20 performance road test. The secretary of state may enter into an
21 agreement with another public or private person or agency,
22 including a city, village, or township, to conduct this per-
23 formance road test. This subdivision applies to a person 16
24 years of age or over only if the person has satisfied subdivi-
25 sions (a), (b), (c), and (d).

26 (6) A person issued a level 2 graduated licensing status
27 under subsection (5) shall remain at level 2 for not less than 6

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1 months and shall not operate a motor vehicle within this state
2 from 12 midnight to 5 a.m. unless accompanied by a parent or
3 legal guardian or a licensed driver over the age of 21 designated
4 by the parent or legal guardian, or except when going to or from
5 employment.

6 (7) The provisions and provisional period described in
7 subsection (4) or (6) shall be expanded or extended, or both,
8 beyond the periods described in subsection (4) or (6) if any of
9 the following occur and are recorded on the licensee's driving
10 record during the provisional periods described in subsection (4)
11 or (6) or any additional periods imposed under this subsection:

12 (a) A moving violation resulting in a conviction, civil
13 infraction determination, or probate court disposition.

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

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

18 (d) A violation of subsection (4) or (6).

19 (8) The provisional period described in subsection (4) shall
20 be extended under subsection (7) until the licensee completes 90
21 consecutive days without a moving violation, an accident in which
22 a moving violation resulted, accident, suspension, or provisional
23 period violation listed in subsection (7) or until age 18, which-
24 ever occurs first. The provisional period described in
25 subsection (6) shall be extended under subsection (7) until the
26 licensee completes 12 consecutive months without a moving
27 violation, accident, suspension, or restricted period violation

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1 listed in subsection (7) or until age 18, whichever occurs
2 first.

3 (9) A person who is not less than 17 years of age may be
4 issued a level 3 graduated licensing status under this subsection
5 if the person has completed 12 consecutive months without a
6 moving violation, an accident in which a moving violation
7 resulted, accident, suspension, or restricted period violation
8 listed in subsection (7) while the person was issued a level 2
9 graduated licensing status under subsection (5).

10 (10) Notice shall be given by first-class mail to the last
11 known address of a licensee if the provisions are expanded or
12 extended as described in subsection (7).

13 (11) A person who violates subsection (4) or (6) is respon-
14 sible for a civil infraction.

15 (12) If a person is determined responsible for a violation
16 of subsection (4) or (6), the secretary of state shall send writ-
17 ten notification of any conviction or moving violation to a des-
18 igned parent or guardian of the person.

19 (13) For purposes of this section:

20 (a) Upon conviction for a moving violation, the date of the
21 arrest for the violation shall be used in determining whether the
22 conviction occurred within a provisional licensure period under
23 this section.

24 (b) Upon entry of a civil infraction determination for a
25 moving violation, the date of issuance of a citation for a civil
26 infraction shall be used in determining whether the civil

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1 infraction determination occurred within a provisional licensure
2 period under this section.

3 (c) The date of the official police report shall be used in
4 determining whether a licensee was driving a motor vehicle
5 involved in an accident for which the official police report
6 indicates a moving violation on the part of the licensee or indi-
7 cates the licensee had been drinking intoxicating liquor.

8 (14) A person shall have his or her graduated licensing
9 status in his or her immediate possession at all times when oper-
10 ating a motor vehicle, and shall display the card upon demand of
11 a police officer. A person who violates this subsection is
12 responsible for a civil infraction.

13 (15) This section does not apply to a person 15 years of age
14 or older who is currently enrolled but has not completed a driver
15 education course on April 1, 1997 or who has completed a driver
16 education course but has not acquired his or her driver license
17 on April 1, 1997.

18 Sec. 319. (1) The secretary of state shall immediately sus-
19 pend a person's license as provided in this section upon receiv-
20 ing a record of the person's conviction for a crime described in
21 this section, whether the conviction is under a law of this
22 state, a local ordinance substantially corresponding to a law of
23 this state, or a law of another state substantially corresponding
24 to a law of this state.

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

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

3 (b) A violation of section 413 of the Michigan penal code,
4 1931 PA 328, MCL 750.413.

5 (c) A violation of section 1 of former 1931 PA 214,
6 MCL 752.191, or section 626c.

7 (d) A felony in which a motor vehicle was used. As used in
8 this section, "felony in which a motor vehicle was used" means a
9 felony during the commission of which the person convicted oper-
10 ated a motor vehicle and while operating the vehicle presented
11 real or potential harm to persons or property and 1 or more of
12 the following circumstances existed:

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

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

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

17 (iv) The vehicle was necessary for the commission of the
18 felony.

19 (e) A violation of section 602a(2) or (3) of this act or
20 section 479a(2) or (3) of the Michigan penal code, 1931 PA 328,
21 MCL 750.479a.

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

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

26 (b) A violation of section 601b(2), section 601c(1), section
27 626, or section 653a(3).

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

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

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

10 (5) For perjury or making a false certification to the sec-
11 retary of state under any law requiring the registration of a
12 motor vehicle or regulating the operation of a vehicle on a high-
13 way, or for conduct prohibited under section 324(1) or a local
14 ordinance substantially corresponding to section 324(1), the sec-
15 retary shall suspend the person's license as follows:

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

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

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

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

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

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

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

10 (b) If the person has 2 or more prior convictions for an
11 offense described in this subsection or section 33b(1) of former
12 1933 (Ex Sess) PA 8, for 1 year. The secretary of state may
13 issue the person a restricted license after the first 60 days of
14 suspension.

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

17 (a) For 180 days for a violation of section 625(1) if the
18 person has no prior convictions within 7 years. The secretary of
19 state may issue the person a restricted license during all or a
20 specified portion of the suspension, except that the secretary of
21 state shall not issue a restricted license during the first 30
22 days of suspension.

23 (b) For 90 days for a violation of section 625(3) if the
24 person has no prior convictions within 7 years. However, if the
25 person is convicted of a violation of section 625(3), for operat-
26 ing a vehicle when, due to the consumption of a controlled
27 substance or a combination of intoxicating liquor and a

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1 controlled substance, the person's ability to operate the vehicle
2 was visibly impaired, the secretary of state shall suspend the
3 person's license under this subdivision for 180 days. The secre-
4 tary of state may issue the person a restricted license during
5 all or a specified portion of the suspension.

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

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

13 (e) For 180 days for a violation of section 625(7) if the
14 person has no prior convictions within 7 years. The secretary of
15 state may issue the person a restricted license after the first
16 90 days of suspension.

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

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

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

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

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1 (10) For a violation of section 315(4), the secretary of
2 state may suspend the person's license for 6 months.

3 (11) FOR A VIOLATION OR ATTEMPTED VIOLATION OF
4 SECTION 411A(2) OF THE MICHIGAN PENAL CODE, 1931 PA 328,
5 MCL 750.411A, INVOLVING A SCHOOL, THE SECRETARY OF STATE SHALL
6 SUSPEND THE LICENSE OF A PERSON 14 YEARS OF AGE OR OVER BUT LESS
7 THAN 21 YEARS OF AGE UNTIL 3 YEARS AFTER THE DATE OF THE CONVIC-
8 TION OR JUVENILE DISPOSITION FOR THE VIOLATION. THE SECRETARY OF
9 STATE MAY ISSUE THE PERSON A RESTRICTED LICENSE AFTER THE FIRST
10 365 DAYS OF SUSPENSION.

11 (12) ~~(11)~~ Except as provided in subsection ~~(13)~~ (14), a
12 suspension under this section shall be imposed notwithstanding a
13 court order unless the court order complies with section 323.

14 (13) ~~(12)~~ If the secretary of state receives records of
15 more than 1 conviction of a person resulting from the same inci-
16 dent, a suspension shall be imposed only for the violation to
17 which the longest period of suspension applies under this
18 section.

19 (14) ~~(13)~~ The secretary of state may waive a suspension of
20 a person's license imposed under this act if the person submits
21 proof that a court in another state revoked, suspended, or
22 restricted his or her license for a period equal to or greater
23 than the period of a suspension prescribed under this act for the
24 violation and that the revocation, suspension, or restriction was
25 served for the violation, or may grant a restricted license.

26 (15) ~~(14)~~ The secretary of state shall not issue a
27 restricted license to a person whose license is suspended under

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1 this section unless a restricted license is authorized under this
2 section and the person is otherwise eligible for a license.

3 (16) ~~(15)~~ The secretary of state shall not issue a
4 restricted license to a person under subsection (8) that would
5 permit the person to operate a commercial motor vehicle that
6 hauls hazardous material.

7 (17) ~~(16)~~ A restricted license issued under this section
8 shall permit the person to whom it is issued to drive under 1 or
9 more of the following circumstances:

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

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

12 (i) The person's residence.

13 (ii) The person's work location.

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

16 (iv) The court probation department.

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

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

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

23 (18) ~~(17)~~ While driving with a restricted license, the
24 person shall carry proof of his or her destination and the hours
25 of any employment, class, or other reason for traveling and shall
26 display that proof upon a peace officer's request.

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1 (19) ~~-(18)-~~ Subject to subsection ~~-(20)-~~ (21), as used in
2 subsection (8), "prior conviction" means a conviction for any of
3 the following, whether under a law of this state, a local ordi-
4 nance substantially corresponding to a law of this state, or a
5 law of another state substantially corresponding to a law of this
6 state:

7 (a) Except as provided in subsection ~~-(19)-~~ (20), a viola-
8 tion or attempted violation of section 625(1), (3), (4), (5),
9 (6), or (7), section 625m, former section 625(1) or (2), or
10 former section 625b.

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

14 (20) ~~-(19)-~~ Except for purposes of the suspensions described
15 in subsection (8)(c) and (d), only 1 violation or attempted vio-
16 lation of section 625(6), a local ordinance substantially corre-
17 sponding to section 625(6), or a law of another state substan-
18 tially corresponding to section 625(6) may be used as a prior
19 conviction.

20 (21) ~~-(20)-~~ If 2 or more convictions described in subsection
21 ~~-(18)-~~ (19) are convictions for violations arising out of the
22 same transaction, only 1 conviction shall be used to determine
23 whether the person has a prior conviction.

24 Sec. 732. (1) Each municipal judge and each clerk of a
25 court of record shall keep a full record of every case in which a
26 person is charged with or cited for a violation of this act or a
27 local ordinance substantially corresponding to this act

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1 regulating the operation of vehicles on highways and with those
2 offenses pertaining to the operation of ORVs or snowmobiles for
3 which points are assessed under section 320a(1)(c) or (h).

4 Except as provided in subsection (15), the municipal judge or
5 clerk of the court of record shall prepare and forward to the
6 secretary of state an abstract of the court record as follows:

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

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

17 (c) Immediately for each case charging a violation of sec-
18 tion 82127(1) or (3), 81134, or 81135 of the natural resources
19 and environmental protection act, 1994 PA 451, MCL 324.82127,
20 324.81134, and 324.81135, or a local ordinance substantially cor-
21 responding to those sections.

22 (2) If a city or village department, bureau, or person is
23 authorized to accept a payment of money as a settlement for a
24 violation of a local ordinance substantially corresponding to
25 this act, the city or village department, bureau, or person shall
26 send a full report of each case in which a person pays any amount
27 of money to the city or village department, bureau, or person to

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1 the secretary of state upon a form prescribed by the secretary of
2 state.

3 (3) The abstract or report required under this section shall
4 be made upon a form furnished by the secretary of state. An
5 abstract shall be certified by signature, stamp, or facsimile
6 signature of the person required to prepare the abstract as
7 correct. An abstract or report shall include all of the
8 following:

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

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

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

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

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

19 (f) Whether bail was forfeited.

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

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

25 (i) Other information considered necessary to the secretary
26 of state.

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1 (4) The clerk of the court also shall forward an abstract of
2 the court record to the secretary of state upon a person's
3 conviction involving any of the following:

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

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

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

9 (d) A violation of section 703 of the Michigan liquor con-
10 trol code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance
11 substantially corresponding to that section.

12 (E) A VIOLATION OF SECTION 411A(2) OF THE MICHIGAN PENAL
13 CODE, 1931 PA 328, MCL 750.411A.

14 (F) ~~(e)~~ An attempt to violate, a conspiracy to violate, or
15 a violation of part 74 ~~or section 17766a~~ of the public health
16 code, 1978 PA 368, MCL 333.7401 to 333.7461, ~~and 333.17766a,~~ or
17 a local ordinance that prohibits conduct prohibited under part 74
18 ~~or section 17766a~~ of the public health code, 1978 PA 368,
19 MCL 333.7401 to 333.7461, ~~and 333.17766a,~~ unless the convicted
20 person is sentenced to life imprisonment or a minimum term of
21 imprisonment that exceeds 1 year for the offense.

22 (G) ~~(f)~~ An attempt to commit an offense described in sub-
23 divisions (a) to ~~(d)~~ (E).

24 (H) A VIOLATION OF CHAPTER LXXXIII-A OF THE MICHIGAN PENAL
25 CODE, 1931 PA 328, MCL 750.543A TO 750.543Z.

26 (5) As used in subsections (6) to (8), "felony in which a
27 motor vehicle was used" means a felony during the commission of

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

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

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

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

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

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

15 "You are charged with the commission of a felony in which a
16 motor vehicle was used. If you are convicted and the judge finds
17 that the conviction is for a felony in which a motor vehicle was
18 used, as defined in section 319 of the Michigan vehicle code,
19 1949 PA 300, MCL 257.319, your driver's license shall be sus-
20 pended by the secretary of state."

21 (7) If a juvenile is accused of an act, the nature of which
22 constitutes a felony in which a motor vehicle was used, other
23 than a felony specified in subsection (4) or section 319, the
24 prosecuting attorney or family division of circuit court shall
25 include the following statement on the petition filed in the
26 court:

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1 "You are accused of an act the nature of which constitutes a
2 felony in which a motor vehicle was used. If the accusation is
3 found to be true and the judge or referee finds that the nature
4 of the act constitutes a felony in which a motor vehicle was
5 used, as defined in section 319 of the Michigan vehicle code,
6 1949 PA 300, MCL 257.319, your driver's license shall be sus-
7 pended by the secretary of state."

8 (8) If the court determines as part of the sentence or dis-
9 position that the felony for which the person was convicted or
10 adjudicated and with respect to which notice was given under sub-
11 section (6) or (7) is a felony in which a motor vehicle was used,
12 the clerk of the court shall forward an abstract of the court
13 record of that conviction to the secretary of state.

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

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

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

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

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

25 (10) If a person is charged with a felony in which a commer-
26 cial motor vehicle was used and for which a vehicle group
27 designation on a license is subject to suspension or revocation

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1 under section 319b(1)(c)(iii), 319b(1)(d), or 319b(1)(e)(iii), or
2 319b(1)(f)(i), the prosecuting attorney shall include the follow-
3 ing statement on the complaint and information filed in district
4 or circuit court:

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

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

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

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1 (a) The name and title of the person required to forward
2 abstracts.

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

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

5 (d) The following statement:

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

10 (e) Other information the secretary of state considers
11 necessary.

12 (f) The signature of the person required to forward
13 abstracts.

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

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

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

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

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

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

8 (d) A pedestrian, passenger, or bicycle violation, other
9 than a violation of section 703(1) or (2) of the Michigan liquor
10 control code of 1998, 1998 PA 58, MCL 436.1703, or a local ordi-
11 nance substantially corresponding to section 703(1) or (2) of the
12 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703,
13 or section 624a or 624b or a local ordinance substantially corre-
14 sponding to section 624a or 624b.

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

17 (16) The secretary of state shall discard and not enter on
18 the master driving record an abstract for a bond forfeiture that
19 occurred outside this state. However, the secretary of state
20 shall retain and enter on the master driving record an abstract
21 of an out-of-state bond forfeiture for an offense that occurred
22 after January 1, 1990 in connection with the operation of a com-
23 mercial motor vehicle.

24 (17) The secretary of state shall inform the courts of this
25 state of the nonmoving violations and violations of chapter II
26 that are used by the secretary of state as the basis for the

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1 suspension, restriction, revocation, or denial of an operator's
2 or chauffeur's license.

3 (18) If a conviction or civil infraction determination is
4 reversed upon appeal, the person whose conviction or determina-
5 tion has been reversed may serve on the secretary of state a cer-
6 tified copy of the order of reversal. The secretary of state
7 shall enter the order in the proper book or index in connection
8 with the record of the conviction or civil infraction
9 determination.

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

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

25 Enacting section 1. This amendatory act takes effect
26 October 1, 2002.