

REPRINT

HOUSE SUBSTITUTE FOR

SENATE BILL NO. 645

(As passed the House, May 2, 2002)  
(As amended by the Senate, May 8, 2002)

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.

**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 **PERSONS DESCRIBED IN**  
3 **SUBDIVISIONS (A) THROUGH (L):**  
4           (a) A person, as an operator, who is less than 18 years of  
5 age, except as otherwise provided in this act.  
6           (b) A person, as a chauffeur, who is less than 18 years of  
7 age, except as otherwise provided in this act.  
8           (c) A person whose license is suspended, revoked, denied, or  
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.

4 (M) THE SECRETARY OF STATE MAY DENY ISSUANCE OF AN OPERATOR'S  
5 LICENSE UNTIL THE AGE OF 17 TO A PERSON NOT LICENSED UNDER THIS ACT WHO  
6 WAS CONVICTED OF OR RECEIVED A JUVENILE DISPOSITION FOR VIOLATING OR  
7 ATTEMPTING TO VIOLATE SECTION 411A(2) OF THE MICHIGAN PENAL CODE, 1931 PA  
8 328, MCL 750.411A, INVOLVING A SCHOOL WHEN HE OR SHE WAS LESS THAN 14  
9 YEARS OF AGE. A PERSON NOT ISSUED A LICENSE UNDER THIS SUBDIVISION IS  
10 NOT ELIGIBLE TO BEGIN GRADUATED LICENSING TRAINING UNTIL HE OR SHE ATTAINS 16  
11 YEARS OF AGE.

12 (N) THE SECRETARY OF STATE MAY DENY ISSUANCE OF AN OPERATOR'S  
13 LICENSE TO A PERSON LESS THAN 21 YEARS OF AGE NOT LICENSED UNDER THIS ACT  
14 WHO WAS CONVICTED OF OR HAS RECEIVED A JUVENILE DISPOSITION FOR VIOLATING  
15 OR ATTEMPTING TO VIOLATE SECTION 411A(2) OF THE MICHIGAN PENAL CODE, 1931  
16 PA 328, MCL 750.411A, INVOLVING A SCHOOL WHEN HE OR SHE WAS 14 YEARS OF  
17 AGE OR OLDER, UNTIL 3 YEARS AFTER THE DATE OF THE CONVICTION OR JUVENILE  
18 DISPOSITION. A PERSON NOT ISSUED A LICENSE UNDER THIS SUBDIVISION IS NOT  
19 ELIGIBLE TO BEGIN GRADUATED LICENSING TRAINING OR OTHERWISE OBTAIN AN  
20 ORIGINAL OPERATOR'S OR CHAUFFEUR'S LICENSE UNTIL 3 YEARS AFTER THE DATE  
21 OF THE CONVICTION OR JUVENILE DISPOSITION.

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

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.