

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4308**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 307, 328, 732, 732a, 810b, and 907 (MCL
257.307, 257.328, 257.732, 257.732a, 257.810b, and 257.907),
section 307 as amended and section 810b as added by 2003 PA 152,
section 328 as amended by 1995 PA 287, section 732 as amended by
2002 PA 534, section 732a as added by 2003 PA 165, and section
907 as amended by 2003 PA 73.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 307. (1) An applicant for an operator's or chauffeur's
2 license shall supply a birth certificate attesting to his or her
3 age or other sufficient documents or identification as the
4 secretary of state may require. An application for an operator's
5 or chauffeur's license shall be made in a manner prescribed by
6 the secretary of state and shall contain all of the following:

1 (a) The applicant's full name, date of birth, residence
2 address, height, sex, eye color, signature, other information
3 required or permitted on the license under this chapter, and, to
4 the extent required to comply with federal law, the applicant's
5 social security number. The applicant may provide a mailing
6 address if the applicant receives mail at an address different
7 from his or her residence address.

8 (b) The following notice shall be included to inform the
9 applicant that under sections 509o and 509r of the Michigan
10 election law, 1954 PA 116, MCL 168.509o and 168.509r, the
11 secretary of state is required to use the residence address
12 provided on this application as the applicant's residence address
13 on the qualified voter file for voter registration and voting:

14 "NOTICE: Michigan law requires that the same address be used
15 for voter registration and driver license purposes. Therefore,
16 if the residence address you provide in this application
17 differs from your voter registration address as it appears on
18 the qualified voter file, the secretary of state will
19 automatically change your voter registration to match the
20 residence address on this application, after which your voter
21 registration at your former address will no longer be valid for
22 voting purposes. A new voter registration card, containing the
23 information of your polling place, will be provided to you by
24 the clerk of the jurisdiction where your residence address is
25 located.".

26 (c) For an operator's or chauffeur's license with a vehicle

1 group designation or indorsement, the following certifications by
2 the applicant:

3 (i) The applicant meets the applicable federal driver
4 qualification requirements under 49 ~~C.F.R.~~ **CFR** part 391 if the
5 applicant operates or intends to operate in interstate commerce
6 or meets the applicable qualifications under the rules
7 promulgated by the department of state police under the motor
8 carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.22, if
9 the applicant operates or intends to operate in intrastate
10 commerce.

11 (ii) The vehicle in which the applicant will take the driving
12 skills tests is representative of the type of vehicle the
13 applicant operates or intends to operate.

14 (iii) The applicant is not subject to disqualification,
15 suspension, revocation, or cancellation for conviction of an
16 offense described in section 312f or 319b.

17 (iv) The applicant does not have a driver's license from more
18 than 1 state.

19 (d) An applicant for an operator's or chauffeur's license
20 with a vehicle group designation and a hazardous material
21 indorsement (H vehicle indorsement) shall provide his or her
22 fingerprints ~~which shall have been~~ **that were** taken by a law
23 enforcement official or a designated representative for
24 investigation as required by the uniting and strengthening
25 America by providing appropriate tools required to intercept and
26 obstruct terrorism (USA PATRIOT ACT) Act of 2001, Public Law
27 107-56. ~~—, 115 Stat. 272.~~

1 (2) Except as provided in this subsection, an applicant for
2 an operator's or chauffeur's license may have his or her image
3 and signature captured or reproduced when the application for the
4 license is made. An applicant required under section 5a of the
5 sex offenders registration act, 1994 PA 295, MCL 28.725a, to
6 maintain a valid operator's or chauffeur's license or official
7 state personal identification card shall have his or her image
8 and signature captured or reproduced when the application for the
9 license is made. The secretary of state shall acquire by
10 purchase or lease the equipment for capturing the images and
11 signatures and may furnish the equipment to a local unit
12 authorized by the secretary of state to license drivers. The
13 secretary of state shall acquire equipment purchased or leased
14 pursuant to this section under standard purchasing procedures of
15 the department of management and budget based on standards and
16 specifications established by the secretary of state. The
17 secretary of state shall not purchase or lease equipment until an
18 appropriation for the equipment has been made by the
19 legislature. An image and signature captured pursuant to this
20 section shall appear on the applicant's operator's or chauffeur's
21 license. Except as provided in this subsection, the secretary of
22 state may retain and use a person's image **and signature** described
23 in this subsection only for programs administered by the
24 secretary of state. Except as provided in this subsection, the
25 secretary of state shall not use a person's image **or signature,**
26 **or both,** unless the person grants written permission for that
27 purpose to the secretary of state or specific enabling

1 legislation permitting the use is enacted into law. A law
2 enforcement agency of this state has access to information
3 retained by the secretary of state under this subsection. The
4 information may be utilized for any law enforcement purpose
5 unless otherwise prohibited by law. The department of state
6 police shall provide to the secretary of state updated lists of
7 persons required to be registered under the sex offenders
8 registration act, 1994 PA 295, MCL 28.721 to 28.732, and the
9 secretary of state shall make the images of those persons
10 available to the department of state police as provided in that
11 act.

12 (3) An application shall contain a signature **or verification**
13 and certification by the applicant, **as determined by the**
14 **secretary of state**, and shall be accompanied by the proper fee.
15 The ~~examiner~~ **secretary of state** shall collect the application
16 fee ~~and shall forward the fee to the secretary of state~~ with
17 the application. The secretary of state shall refund the
18 application fee to the applicant if the license applied for is
19 denied, but shall not refund the fee to an applicant who fails to
20 complete the examination requirements of the secretary of state
21 within 90 days after the date of application for a license.

22 (4) In conjunction with the issuance of an operator's or
23 chauffeur's license, the secretary of state shall do all of the
24 following:

25 (a) Provide the applicant with all of the following:

26 (i) Written information explaining the applicant's right to
27 make an anatomical gift in the event of death in accordance with

1 section 310.

2 (ii) Written information describing the organ donation
3 registry program maintained by Michigan's federally designated
4 organ procurement organization or its successor organization.
5 The written information required under this subparagraph shall
6 include, in a type size and format that is conspicuous in
7 relation to the surrounding material, the address and telephone
8 number of Michigan's federally designated organ procurement
9 organization or its successor organization, along with an
10 advisory to call Michigan's federally designated organ
11 procurement organization or its successor organization with
12 questions about the organ donor registry program.

13 (iii) Written information giving the applicant the
14 opportunity to be placed on the organ donation registry described
15 in subparagraph (ii).

16 (b) Provide the applicant with the opportunity to specify on
17 his or her operator's or chauffeur's license that he or she is
18 willing to make an anatomical gift in the event of death in
19 accordance with section 310.

20 (c) Inform the applicant in writing that, if he or she
21 indicates to the secretary of state under this section a
22 willingness to have his or her name placed on the organ donor
23 registry described in subdivision (a)(ii), the secretary of state
24 will forward the applicant's name and address to the organ
25 donation registry maintained by Michigan's federally designated
26 organ procurement organization or its successor organization, as
27 required by subsection (6).

1 (5) The secretary of state may fulfill the requirements of
2 subsection (4) by 1 or more of the following methods:

3 (a) Providing printed material enclosed with a mailed notice
4 for an operator's or chauffeur's license renewal or the issuance
5 of an operator's or chauffeur's license.

6 (b) Providing printed material to an applicant who personally
7 appears at a secretary of state branch office.

8 (c) Through electronic information transmittals for
9 operator's and chauffeur's licenses processed by electronic
10 means.

11 (6) If an applicant indicates a willingness under this
12 section to have his or her name placed on the organ donor
13 registry described in subsection (4) (a) (ii), the secretary of
14 state shall within 10 days forward the applicant's name and
15 address to the organ donor registry maintained by Michigan's
16 federally designated organ procurement organization or its
17 successor organization. The secretary of state may forward
18 information under this subsection by mail or by electronic
19 means. The secretary of state shall not maintain a record of the
20 name or address of an individual who indicates a willingness to
21 have his or her name placed on the organ donor registry after
22 forwarding that information to the organ donor registry under
23 this subsection. Information about an applicant's indication of
24 a willingness to have his or her name placed on the organ donor
25 registry that is obtained by the secretary of state under
26 subsection (4) and forwarded under this subsection is exempt from
27 disclosure under the freedom of information act, 1976 PA 442,

1 MCL 15.231 to 15.246, pursuant to section 13(1)(d) of the freedom
2 of information act, 1976 PA 442, MCL 15.243.

3 (7) If an application is received from a person previously
4 licensed in another jurisdiction, the secretary of state shall
5 request a copy of the applicant's driving record and other
6 available information from the national driver register. When
7 received, the driving record and other available information
8 become a part of the driver's record in this state. If the
9 application is for an original, renewal, or upgrade of a vehicle
10 group designation or indorsement, the secretary of state shall
11 check the applicant's driving record with the national driver
12 register and the federal commercial driver license information
13 system before issuing that group designation or indorsement.

14 (8) Except for a vehicle group designation or indorsement or
15 as provided in this subsection, the secretary of state may issue
16 a renewal operator's or chauffeur's license for 1 additional
17 4-year period by mail or by other methods prescribed by the
18 secretary of state. The secretary of state shall issue a renewal
19 license only in person if the person is a person required under
20 section 5a of the sex offenders registration act, 1994 PA 295,
21 MCL 28.725a, to maintain a valid operator's or chauffeur's
22 license or official state personal identification card. If a
23 license is renewed by mail or by other method, the secretary of
24 state shall issue evidence of renewal to indicate the date the
25 license expires in the future. The department of state police
26 shall provide to the secretary of state updated lists of persons
27 required under section 5a of the sex offenders registration act,

1 1994 PA 295, MCL 28.725a, to maintain a valid operator's or
2 chauffeur's license or official state personal identification
3 card.

4 (9) Upon request, the secretary of state shall provide an
5 information manual to an applicant explaining how to obtain a
6 vehicle group designation or indorsement. The manual shall
7 contain the information required under 49 ~~C.F.R.~~ **CFR** part 383.

8 (10) The secretary of state shall not disclose a social
9 security number obtained under subsection (1) to another person
10 except for use for 1 or more of the following purposes:

11 (a) Compliance with ~~chapter 313 of title 49 of the United~~
12 ~~States Code,~~ 49 ~~U.S.C.~~ **USC** 31301 to 31317 ~~,~~ and regulations
13 and state law and rules related to this chapter.

14 (b) Through the law enforcement information network, to carry
15 out the purposes of section 466(a) of ~~part D of title IV of the~~
16 social security act, 42 ~~U.S.C.~~ **USC** 666, in connection with
17 matters relating to paternity, child support, or overdue child
18 support.

19 (c) As otherwise required by law.

20 (11) The secretary of state shall not display a person's
21 social security number on the person's operator's or chauffeur's
22 license.

23 (12) A requirement under this section to include a social
24 security number on an application does not apply to an applicant
25 who demonstrates he or she is exempt under law from obtaining a
26 social security number or to an applicant who for religious
27 convictions is exempt under law from disclosure of his or her

1 social security number under these circumstances. The secretary
2 of state shall inform the applicant of this possible exemption.

3 Sec. 328. (1) The owner of a motor vehicle who operates or
4 permits the operation of the motor vehicle upon the highways of
5 this state or the operator of the motor vehicle shall produce,
6 pursuant to subsection (2), upon the request of a police officer,
7 evidence that the motor vehicle is insured under chapter 31 of
8 the insurance code of 1956, ~~Act No. 218 of the Public Acts of~~
9 ~~1956, being sections 500.3101 to 500.3179 of the Michigan~~
10 ~~Compiled Laws~~ **1956 PA 218, MCL 500.3101 to 500.3179.** ~~An~~
11 **Subject to section 907(16),** an owner or operator of a motor
12 vehicle who fails to produce evidence of insurance under this
13 subsection when requested to produce that evidence or who fails
14 to have motor vehicle insurance for the vehicle as required under
15 chapter 31 of ~~Act No. 218 of the Public Acts of 1956~~ **the**
16 **insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179,** is
17 responsible for a civil infraction.

18 (2) A certificate of insurance, ~~if~~ issued by an insurance
19 company, ~~which certificate states~~ **that certifies** that the
20 security ~~which~~ **that** meets the requirements of sections 3101 and
21 3102 of ~~Act No. 218 of the Public Acts of 1956, being sections~~
22 ~~500.3101 and 500.3102 of the Michigan Compiled Laws~~ **the**
23 **insurance code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102,**
24 is in force shall be accepted as prima facie evidence that
25 insurance is in force for the motor vehicle described in the
26 certificate of insurance until the expiration date shown on the
27 certificate. The certificate, in addition to describing the

1 motor vehicles for which insurance is in effect, shall state the
2 name of each person named on the policy, policy declaration, or a
3 declaration certificate whose operation of the vehicle would
4 cause the liability coverage of that insurance to become void.

5 (3) If, before the appearance date on the citation, the
6 person submits proof to the court that the motor vehicle had
7 insurance meeting the requirements of sections 3101 and 3102 of
8 the insurance code of 1956, 1956 PA 218, MCL 500.3101 and
9 500.3102, at the time the violation of subsection (1) occurred,
10 all of the following apply:

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

12 (b) The court shall not cause an abstract of the court record
13 to be forwarded to the secretary of state.

14 (c) The court may assess a fee of not more than \$25.00, which
15 shall be paid to the court funding unit.

16 (4) ~~-(3)-~~ If an owner or operator of a motor vehicle is
17 determined to be responsible for a violation of subsection (1),
18 the court in which the civil infraction determination is entered
19 may require the person to surrender his or her operator's or
20 chauffeur's license unless proof that the vehicle has insurance
21 meeting the requirements of sections 3101 and 3102 of ~~Act~~
22 ~~No. 218 of the Public Acts of 1956~~ the insurance code of 1956,
23 1956 PA 218, MCL 500.3101 and 500.3102, is submitted to the
24 court. ~~-If the person submits proof to the court that the~~
25 ~~vehicle has insurance meeting the requirements of sections 3101~~
26 ~~and 3102 of Act No. 218 of the Public Acts of 1956, in addition~~
27 ~~to the civil fine and costs provided by section 907, the court~~

1 ~~shall assess a fee of \$25.00.~~ If the court requires the license
2 to be surrendered, the court shall order the secretary of state
3 to suspend the person's license. The court shall immediately
4 destroy the license and shall forward to the secretary of state
5 an abstract of the court record as required by section 732. Upon
6 receipt of the abstract, the secretary of state shall suspend the
7 person's license beginning with the date on which a person is
8 determined to be responsible for the civil infraction for a
9 period of 30 days or until proof of insurance ~~which meets~~
10 **meeting** the requirements of sections 3101 and 3102 of ~~Act~~
11 ~~No. 218 of the Public Acts of 1956~~ **the insurance code of 1956,**
12 **1956 PA 218, MCL 500.3101 and 500.3102,** is submitted to the
13 secretary of state, whichever occurs later. A person who submits
14 proof of insurance to the secretary of state under this
15 subsection shall pay a service fee of \$25.00 to the secretary of
16 state. The person shall not be required to be examined as set
17 forth in section 320c and shall not be required to pay a
18 replacement license fee.

19 (5) ~~(4)~~ If an owner or operator of a motor vehicle is
20 determined to be responsible for a violation of subsection (1),
21 the court in which the civil infraction determination is entered
22 shall notify the secretary of state of the vehicle registration
23 number and the year and make of the motor vehicle being operated
24 at the time of the violation. This notification shall be made on
25 the abstract or on a form approved by the supreme court
26 administrator. Upon receipt, the secretary of state shall
27 immediately enter this information in the records of the

1 department. The secretary of state shall not renew, transfer, or
2 replace the registration plate of the vehicle involved in the
3 violation or allow the purchase of a new registration plate for
4 the vehicle involved in the violation until the owner meets the
5 requirements of section 227a or unless the vehicle involved in
6 the violation is transferred or sold to a person other than the
7 owner's spouse, mother, father, sister, brother, or child.

8 (6) ~~—(5)—~~ An owner or operator of a motor vehicle who
9 knowingly produces false evidence under this section is guilty of
10 a misdemeanor, punishable by imprisonment for not more than 1
11 year, or a fine of not more than \$1,000.00, or both.

12 (7) ~~—(6)—~~ Points shall not be entered on a driver's record
13 pursuant to section 320a for a violation of this section.

14 (8) ~~—(7)—~~ This section does not apply to the owner or
15 operator of a motor vehicle that is registered in a state other
16 than this state or a foreign country or province.

17 Sec. 732. (1) Each municipal judge and each clerk of a
18 court of record shall keep a full record of every case in which a
19 person is charged with or cited for a violation of this act or a
20 local ordinance substantially corresponding to this act
21 regulating the operation of vehicles on highways and with those
22 offenses pertaining to the operation of ORVs or snowmobiles for
23 which points are assessed under section 320a(1)(c) or (h).
24 Except as provided in subsection (15), the municipal judge or
25 clerk of the court of record shall prepare and forward to the
26 secretary of state an abstract of the court record as follows:

27 (a) Within 14 days after a conviction, forfeiture of bail, or

1 entry of a civil infraction determination or default judgment
2 upon a charge of or citation for violating or attempting to
3 violate this act or a local ordinance substantially corresponding
4 to this act regulating the operation of vehicles on highways.

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

10 (c) Immediately for each case charging a violation of section
11 82127(1) or (3), 81134, or 81135 of the natural resources and
12 environmental protection act, 1994 PA 451, MCL 324.82127,
13 324.81134, and 324.81135, or a local ordinance substantially
14 corresponding to those sections.

15 (2) If a city or village department, bureau, or person is
16 authorized to accept a payment of money as a settlement for a
17 violation of a local ordinance substantially corresponding to
18 this act, the city or village department, bureau, or person shall
19 send a full report of each case in which a person pays any amount
20 of money to the city or village department, bureau, or person to
21 the secretary of state upon a form prescribed by the secretary of
22 state.

23 (3) The abstract or report required under this section shall
24 be made upon a form furnished by the secretary of state. An
25 abstract shall be certified by signature, stamp, or facsimile
26 signature of the person required to prepare the abstract as
27 correct. An abstract or report shall include all of the

1 following:

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

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

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

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

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

12 (f) Whether bail was forfeited.

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

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

18 (i) Other information considered necessary to the secretary
19 of state.

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

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

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

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

1 (d) A violation of section 703 of the Michigan liquor control
2 code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance
3 substantially corresponding to that section.

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

6 (f) A violation of motor carrier safety regulations, 49
7 ~~C.F.R.~~ CFR 392.10 or 392.11, as adopted by section 1a of the
8 motor carrier safety act of 1963, 1963 PA 181, MCL 480.11a.

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

11 (h) A violation of motor carrier safety regulations, 49
12 ~~C.F.R.~~ CFR 392.10 or 392.11, as adopted by section 31 of the
13 motor bus transportation act, 1982 PA 432, MCL 474.131.

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

21 (j) An attempt to commit an offense described in subdivisions
22 (a) to (h).

23 (k) A violation of chapter LXXXIII-A of the Michigan penal
24 code, 1931 PA 328, MCL 750.543a to 750.543z.

25 **(l) A violation of section 3101, 3102(1), or 3103 of the**
26 **insurance code of 1956, 1956 PA 218, MCL 500.3101, 500.3102, and**
27 **500.3103.**

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

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

7 (b) The vehicle was used to transport a victim of the
8 felony.

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

10 (d) The vehicle was necessary for the commission of the
11 felony.

12 (6) If a person is charged with a felony in which a motor
13 vehicle was used, other than a felony specified in subsection (4)
14 or section 319, the prosecuting attorney shall include the
15 following statement on the complaint and information filed in
16 district or circuit court:

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

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

1 court:

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

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

15 (9) As used in subsections (10) and (11), "felony in which a
16 commercial motor vehicle was used" means a felony during the
17 commission of which the person operated a commercial motor
18 vehicle and while the person was operating the vehicle 1 or more
19 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 (10) If a person is charged with a felony in which a
27 commercial motor vehicle was used and for which a vehicle group

1 designation on a license is subject to suspension or revocation
2 under section 319b(1)(c)(iii), 319b(1)(d), 319b(1)(e)(iii), or
3 319b(1)(f)(i), the prosecuting attorney shall include the
4 following statement on the complaint and information filed in
5 district or circuit court:

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

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

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

1 following:

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

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

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

6 (d) The following statement:

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

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

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

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

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

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

1 for any of the following violations:

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

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

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

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

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

18 (f) A violation of section 328(1) if, before the appearance
19 date on the citation, the person submits proof to the court that
20 the motor vehicle had insurance meeting the requirements of
21 sections 3101 and 3102 of the insurance code of 1956, 1956 PA
22 218, MCL 500.3101 and 500.3102, at the time the citation was
23 issued. Insurance obtained subsequent to the time of the
24 violation does not make the violation an exception under this
25 subsection.

26 (16) The secretary of state shall discard and not enter on
27 the master driving record an abstract for a bond forfeiture that

1 occurred outside this state. However, the secretary of state
2 shall retain and enter on the master driving record an abstract
3 of an out-of-state bond forfeiture for an offense that occurred
4 in connection with the operation of a commercial motor vehicle.

5 (17) The secretary of state shall inform the courts of this
6 state of the nonmoving violations and violations of chapter II
7 that are used by the secretary of state as the basis for the
8 suspension, restriction, revocation, or denial of an operator's
9 or chauffeur's license.

10 (18) If a conviction or civil infraction determination is
11 reversed upon appeal, the person whose conviction or
12 determination has been reversed may serve on the secretary of
13 state a certified copy of the order of reversal. The secretary
14 of state shall enter the order in the proper book or index in
15 connection with the record of the conviction or civil infraction
16 determination.

17 (19) The secretary of state may permit a city or village
18 department, bureau, person, or court to modify the requirement as
19 to the time and manner of reporting a conviction, civil
20 infraction determination, or settlement to the secretary of state
21 if the modification will increase the economy and efficiency of
22 collecting and utilizing the records. If the permitted abstract
23 of court record reporting a conviction, civil infraction
24 determination, or settlement originates as a part of the written
25 notice to appear, authorized in section 728(1) or 742(1), the
26 form of the written notice and report shall be as prescribed by
27 the secretary of state.

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

5 Sec. 732a. (1) An individual, whether licensed or not, who
 6 accumulates 7 or more points on his or her driving record
 7 pursuant to ~~section~~ **sections** 320a and 629c within a 2-year
 8 period for any violation not listed under subsection (2) shall be
 9 assessed a \$100.00 driver responsibility fee. For each
 10 additional point accumulated above 7 points not listed under
 11 subsection (2), an additional fee of \$50.00 shall be assessed.
 12 The secretary of state shall collect the fees described in this
 13 subsection once each year that the point total on an individual
 14 driving record is 7 points or more.

15 (2) An individual, whether licensed or not, who violates any
 16 of the following sections or another law or local ordinance that
 17 substantially corresponds to those sections shall be assessed a
 18 driver responsibility fee as follows:

19 (a) Upon posting of an abstract that an individual has been
 20 found guilty for a violation **of law** listed **or described** in this
 21 subdivision, the secretary of state shall assess a \$1,000.00
 22 driver responsibility fee each year for 2 consecutive years: ~~for~~
 23 ~~any of the following offenses:~~

24 (i) Manslaughter, negligent homicide, or a felony resulting
 25 from the operation of a motor vehicle, ORV, or snowmobile.

26 (ii) ~~A violation of section~~ **Section** 601b(2) or (3), 601c(1)
 27 or (2), or 653a(3) or (4).

1 (iii) ~~A violation of section~~ **Section** 625(1), (4), or (5),
 2 section 625m, or section 81134 of the natural resources and
 3 environmental protection act, 1994 PA 451, MCL 324.81134, or a
 4 law or ordinance substantially corresponding to section 625(1),
 5 (4), or (5), section 625m, or section 81134 of the natural
 6 resources and environmental protection act, 1994 PA 451,
 7 MCL 324.81134.

8 (iv) Failing to stop and disclose identity at the scene of an
 9 accident when required by law.

10 (v) Fleeing or eluding an officer.

11 (b) Upon posting of an abstract that an individual has been
 12 found guilty for a violation **of law** listed in this subdivision,
 13 the secretary of state shall assess a \$500.00 driver
 14 responsibility fee each year for 2 consecutive years: ~~for any of~~
 15 ~~the following offenses:~~

16 (i) Section 625(3), (6), (7), or (8).

17 (ii) Section 626.

18 (iii) Section 904.

19 (iv) Section 3101, **3102(1)**, or 3103 of the insurance code of
 20 1956, 1956 PA 218, MCL 500.3101, **500.3102**, and 500.3103.

21 (c) Upon posting of an abstract that an individual has been
 22 found guilty for a violation ~~listed in this subdivision of~~
 23 **section 301**, the secretary of state shall assess a \$150.00 driver
 24 responsibility fee each year for 2 consecutive years. ~~for any of~~
 25 ~~the following offenses:~~

26 ~~—— (i) Section 301.~~

27 ~~—— (ii) Section 328.~~

1 (d) Subject to subsection (8), upon posting of an abstract
2 that an individual has been found guilty or determined
3 responsible for a violation listed in section 328, the secretary
4 of state shall assess a \$200.00 driver responsibility fee each
5 year for 2 consecutive years.

6 (3) The secretary of state shall send a notice of the driver
7 responsibility assessment, as prescribed under subsection (1) or
8 (2), to the individual by regular mail to the address on the
9 records of the secretary of state. If payment is not received
10 within 30 days after the notice is mailed, the secretary of state
11 shall send a second notice that indicates that if payment is not
12 received within the next 30 days, the driver's driving privileges
13 will be suspended.

14 (4) The secretary of state may authorize payment by
15 installment for an amount of \$500.00 or more for a period not to
16 exceed 12 months.

17 (5) If payment is not received or an installment plan is not
18 established after the time limit required by the second notice
19 prescribed under subsection (3) expires, the secretary of state
20 shall suspend the driving privileges until the assessment and any
21 other fees prescribed under this act are paid.

22 (6) A fee shall not be assessed under this section for 7
23 points or more on a driving record on ~~the effective date of the~~
24 ~~amendatory act that added this section~~ **October 1, 2003**. Points
25 assigned after ~~that date~~ **October 1, 2003** shall be assessed as
26 prescribed under subsections (1) and (2).

27 (7) A driver responsibility fee shall be assessed under this

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1 section in the same manner for a conviction or determination of
2 responsibility for a violation or an attempted violation of a law
3 of this state, of a local ordinance substantially corresponding
4 to a law of this state, or of a law of another state
5 substantially corresponding to a law of this state.

6 (8) Not more than 60 days after the effective date of the
7 amendatory act that added this subsection, if an individual who
8 was issued a citation for a violation of section 328(1) for
9 failing to produce a certificate of insurance from October 1,
10 2003 until the date the amendatory act that added this subsection
11 takes effect presents a certificate of insurance that was in
12 effect at the time the individual was issued the citation to the
13 court that forwarded the abstract, the court <<shall>> rescind the
14 abstract. <<After>> the court rescinds the abstract as described in this
15 subsection, the court shall notify the secretary of state, which
16 shall refund, waive, or both refund and waive the driver
17 responsibility fee corresponding to the violation, as
18 appropriate.

19 (9) ~~—(7)—~~ The fire protection fund is created within the
20 state treasury. The state treasurer may receive money or other
21 assets from any source for deposit into the fund. The state
22 treasurer shall direct the investment of the fund. The state
23 treasurer shall credit to the fund interest and earnings from
24 fund investments. Money in the fund at the close of the fiscal
25 year shall remain in the fund and shall not lapse to the general
26 fund. The department of consumer and industry services shall
27 expend money from the fund, upon appropriation, only for fire

1 protection grants to cities, villages, and townships with state
2 owned facilities for fire services, as provided in 1977 PA 289,
3 MCL 141.951 to 141.956.

4 (10) ~~—(8)—~~ The secretary of state shall transmit the fees
5 collected under this section to the state treasurer. The state
6 treasurer shall credit fee money received under this section in
7 each fiscal year as follows:

8 (a) The first \$65,000,000.00 shall be credited to the general
9 fund.

10 (b) If more than \$65,000,000.00 is collected under this
11 section, the next amount collected in excess of \$65,000,000.00 up
12 to \$68,500,000.00 shall be credited to the fire protection fund
13 created in this section.

14 (c) If more than \$100,000,000.00 is collected under this
15 section, the next amount collected in excess of \$100,000,000.00
16 up to \$105,000,000.00 shall be credited to the fire protection
17 fund created in this section.

18 (d) Any amount collected after crediting the amounts under
19 subdivisions (a), (b), and (c) shall be credited to the general
20 fund.

21 (11) ~~—(9)—~~ For fiscal year 2003-2004, \$3,500,000.00 is
22 appropriated from the fire protection fund described in
23 subsection ~~—(7)—~~ (9) to the department of consumer and industry
24 services for the purposes described under subsection ~~—(7)—~~ (9).

25 Sec. 810b. (1) The transportation administration collection
26 fund is created within the state treasury.

27 (2) The state treasurer may receive money from the

1 collections authorized under this act for deposit into the fund.
2 The state treasurer shall direct the investment of the fund. The
3 state treasurer shall credit to the fund interest and earnings
4 from fund investments.

5 (3) Money in the fund at the close of the fiscal year shall
6 **not** lapse into the Michigan transportation fund.

7 (4) The department of state shall expend money from the fund,
8 upon appropriation, to pay the necessary expenses incurred by the
9 department of state in the administration and enforcement of
10 sections 801 to 810 of the Michigan vehicle code, 1949 PA 300,
11 MCL 257.801 to 257.810.

12 (5) The department of treasury shall expend money in the
13 fund, upon appropriation, to defray the costs of collecting motor
14 fuel taxes.

15 Sec. 907. (1) A violation of this act, or a local ordinance
16 substantially corresponding to a provision of this act, which is
17 designated a civil infraction shall not be considered a lesser
18 included offense of a criminal offense.

19 (2) If a person is determined pursuant to sections 741 to 750
20 to be responsible or responsible "with explanation" for a civil
21 infraction under this act or a local ordinance substantially
22 corresponding to a provision of this act, the judge or district
23 court magistrate may order the person to pay a civil fine of not
24 more than \$100.00 and costs as provided in subsection (4).

25 However, for a violation of section 674(1)(s) or a local
26 ordinance substantially corresponding to section 674(1)(s), the
27 person shall be ordered to pay costs as provided in subsection

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1 (4) and a civil fine of not less than \$100.00 or more than
2 \$250.00. <<For a violation of section 328, the civil fine ordered under
3 this subsection shall be not more than \$50.00.>> For a violation of
4 section ~~328 or~~ 710d, the civil
5 fine ordered under this subsection shall not exceed \$10.00. For
6 a violation of section 710e, the civil fine and court costs
7 ordered under this subsection shall be \$25.00. For a violation
8 of section 682 or a local ordinance substantially corresponding
9 to section 682, the person shall be ordered to pay costs as
10 provided in subsection (4) and a civil fine of not less than
11 \$100.00 or more than \$500.00. Permission may be granted for
12 payment of a civil fine and costs to be made within a specified
13 period of time or in specified installments, but unless
14 permission is included in the order or judgment, the civil fine
15 and costs shall be payable immediately.

16 (3) Except as provided in this subsection, if a person is
17 determined to be responsible or responsible "with explanation"
18 for a civil infraction under this act or a local ordinance
19 substantially corresponding to a provision of this act while
20 driving a commercial motor vehicle, he or she shall be ordered to
21 pay costs as provided in subsection (4) and a civil fine of not
22 more than \$250.00. If a person is determined to be responsible
23 or responsible "with explanation" for a civil infraction under
24 section 319g or a local ordinance substantially corresponding to
25 section 319g, that person shall be ordered to pay costs as
26 provided in subsection (4) and a civil fine of not more than
27 \$10,000.00.

(4) If a civil fine is ordered under subsection (2) or (3),
the judge or district court magistrate shall summarily tax and

1 determine the costs of the action, which are not limited to the
2 costs taxable in ordinary civil actions, and may include all
3 expenses, direct and indirect, to which the plaintiff has been
4 put in connection with the civil infraction, up to the entry of
5 judgment. Costs shall not be ordered in excess of \$100.00. A
6 civil fine ordered under subsection (2) or (3) shall not be
7 waived unless costs ordered under this subsection are waived.
8 Except as otherwise provided by law, costs are payable to the
9 general fund of the plaintiff.

10 (5) In addition to a civil fine and costs ordered under
11 subsection (2) or (3) and subsection (4) and the justice system
12 assessment ordered under subsection (14), the judge or district
13 court magistrate may order the person to attend and complete a
14 program of treatment, education, or rehabilitation.

15 (6) A district court magistrate shall impose the sanctions
16 permitted under subsections (2), (3), and (5) only to the extent
17 expressly authorized by the chief judge or only judge of the
18 district court district.

19 (7) Each district of the district court and each municipal
20 court may establish a schedule of civil fines, costs, and
21 assessments to be imposed for civil infractions which occur
22 within the respective district or city. If a schedule is
23 established, it shall be prominently posted and readily available
24 for public inspection. A schedule need not include all
25 violations which are designated by law or ordinance as civil
26 infractions. A schedule may exclude cases on the basis of a
27 defendant's prior record of civil infractions or traffic

1 offenses, or a combination of civil infractions and traffic
2 offenses.

3 (8) The state court administrator shall annually publish and
4 distribute to each district and court a recommended range of
5 civil fines and costs for first-time civil infractions. This
6 recommendation is not binding upon the courts having jurisdiction
7 over civil infractions but is intended to act as a normative
8 guide for judges and district court magistrates and a basis for
9 public evaluation of disparities in the imposition of civil fines
10 and costs throughout the state.

11 (9) If a person has received a civil infraction citation for
12 defective safety equipment on a vehicle under section 683, the
13 court shall waive a civil fine, costs, and assessments upon
14 receipt of certification by a law enforcement agency that repair
15 of the defective equipment was made before the appearance date on
16 the citation.

17 (10) A default in the payment of a civil fine or costs
18 ordered under subsection (2), (3), or (4) or a justice system
19 assessment ordered under subsection (14), or an installment of
20 the fine, costs, or assessment, may be collected by a means
21 authorized for the enforcement of a judgment under chapter 40 of
22 the revised judicature act of 1961, 1961 PA 236, MCL 600.4001 to
23 600.4065, or under chapter 60 of the revised judicature act of
24 1961, 1961 PA 236, MCL 600.6001 to 600.6098.

25 (11) If a person fails to comply with an order or judgment
26 issued pursuant to this section, within the time prescribed by
27 the court, the driver's license of that person shall be suspended

1 pursuant to section 321a until full compliance with that order or
2 judgment occurs. In addition to this suspension, the court may
3 also proceed under section 908.

4 (12) The court shall waive any civil fine, cost, or
5 assessment against a person who received a civil infraction
6 citation for a violation of section 710d if the person, before
7 the appearance date on the citation, supplies the court with
8 evidence of acquisition, purchase, or rental of a child seating
9 system meeting the requirements of section 710d.

10 (13) Until October 1, 2003, in addition to any civil fines
11 and costs ordered to be paid under this section, the judge or
12 district court magistrate shall levy an assessment of \$5.00 for
13 each civil infraction determination, except for a parking
14 violation or a violation for which the total fine and costs
15 imposed are \$10.00 or less. An assessment paid before October 1,
16 2003 shall be transmitted by the clerk of the court to the state
17 treasurer to be deposited into the Michigan justice training
18 fund. An assessment ordered before October 1, 2003 but collected
19 on or after October 1, 2003 shall be transmitted by the clerk of
20 the court to the state treasurer for deposit in the justice
21 system fund created in section 181 of the revised judicature act
22 of 1961, 1961 PA 236, MCL 600.181. An assessment levied under
23 this subsection is not a civil fine for purposes of section 909.

24 (14) Effective October 1, 2003, in addition to any civil
25 fines and costs ordered to be paid under this section, the judge
26 or district court magistrate shall order the defendant to pay a
27 justice system assessment of \$40.00 for each civil infraction

1 determination, except for a parking violation or a violation for
2 which the total fine and costs imposed are \$10.00 or less. Upon
3 payment of the assessment, the clerk of the court shall transmit
4 the assessment collected to the state treasury to be deposited
5 into the justice system fund created in section 181 of the
6 revised judicature act of 1961, 1961 PA 236, MCL 600.181. An
7 assessment levied under this subsection is not a civil fine for
8 purposes of section 909.

9 (15) If a person has received a citation for a violation of
10 section 223, the court shall waive any civil fine, costs, and
11 assessment, upon receipt of certification by a law enforcement
12 agency that the person, before the appearance date on the
13 citation, produced a valid registration certificate that was
14 valid on the date the violation of section 223 occurred.

15 (16) If a person has received a citation for a violation of
16 section 328(1) for failing to produce a certificate of insurance
17 pursuant to section 328(2), the court may waive the fee described
18 in section 328(3)(c) and shall waive any fine, costs, and any
19 other fee or assessment otherwise authorized under this act upon
20 receipt of verification by the court that the person, before the
21 appearance date on the citation, produced valid proof of
22 insurance that was in effect at the time the violation of section
23 328(1) occurred. Insurance obtained subsequent to the time of
24 the violation does not make the person eligible for a waiver
25 under this subsection.

26 Enacting section 1. This amendatory act takes effect 30
27 days after it is enacted.