

# HOUSE BILL NO. 4852

September 09, 2025, Introduced by Reps. Slagh, Woolford, Kunse, Pavlov, Beson, Neyer, Fox, Bierlein and T. Carter and referred to Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending section 323 (MCL 257.323), as amended by 2018 PA 99.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 323. (1) ~~A person~~**An individual** aggrieved by a final  
2       determination of the secretary of state denying the ~~person~~  
3       **individual** an operator's or chauffeur's license, a vehicle group  
4       designation, or an ~~indorsement~~**endorsement** on a license or  
5       revoking, suspending, or restricting an operator's or chauffeur's

1 license, vehicle group designation, or an ~~indorsement~~**endorsement**  
2 may petition for a review of the determination in the circuit court  
3 in the county where the ~~person~~**individual** was arrested if the  
4 denial or suspension was imposed under section 625f or under the  
5 order of a trial court under section 328 or, in all other cases, in  
6 the circuit court in the ~~person's~~**individual's** county of residence.  
7 The ~~person~~**individual** shall file the petition ~~within~~**not more than**  
8 63 days after the determination is made except that for good cause  
9 shown the court may allow the ~~person~~**individual** to file ~~the~~  
10 petition ~~within~~**not more than** 182 days after the determination is  
11 made. As provided in section 625f, a peace officer aggrieved by a  
12 determination of a hearing officer in favor of ~~a person~~**an**  
13 **individual** who requested a hearing under section 625f may, with the  
14 prosecuting attorney's consent, petition for review of the  
15 determination in the circuit court in the county where the arrest  
16 was made. The peace officer shall file the petition ~~within~~**not more**  
17 **than** 63 days after the determination is made except that for good  
18 cause shown the court may allow the peace officer to file the  
19 petition ~~within~~**not more than** 182 days after the determination is  
20 made.

21 (2) Except as otherwise provided in this section, the circuit  
22 court shall enter an order setting the cause for hearing for a day  
23 certain not more than 63 days after the order's date. The order, a  
24 copy of the petition that includes the ~~person's~~**individual's** full  
25 name, current address, birth date, and ~~driver's~~**driver** license  
26 number, and all supporting affidavits must be served on the  
27 secretary of state's office in Lansing not less than 20 days before  
28 the date set for the hearing. If the ~~person~~**individual** is seeking a  
29 review of the record prepared under section 322 or section 625f,

1 the service ~~upon~~**on** the secretary of state must be made not less  
2 than 50 days before the date set for the hearing.

3 (3) The court may take testimony and examine all the facts and  
4 circumstances relating to the denial, **revocation**, suspension, or  
5 restriction of the ~~person's~~**individual's** license under sections  
6 303(1)(d), 320, or 904(10) or (11), a licensing action under  
7 section 310d, or a suspension for a first violation under section  
8 625f. The court may affirm, modify, or set aside the restriction,  
9 **revocation**, suspension, or denial, except the court shall not order  
10 the secretary of state to issue a restricted or unrestricted  
11 chauffeur's license that would permit the ~~person~~**individual** to  
12 drive a commercial motor vehicle that hauls a hazardous material.  
13 The court shall enter the order and the petitioner shall file a  
14 certified copy of the order with the secretary of state's office in  
15 Lansing ~~within~~**not more than** 7 days after entry of the order. **Not**  
16 **more than 7 days after the secretary of state receives a certified**  
17 **copy of the court order that modifies or sets aside the**  
18 **restriction, revocation, suspension, or denial, the secretary of**  
19 **state shall send written correspondence to the petitioner that**  
20 **includes all of the following:**

21 (a) Confirmation of receipt of the court order.

22 (b) Notification to the petitioner that the petitioner may be  
23 examined in a manner prescribed by the secretary of state and that  
24 the petitioner is required to meet all of the qualifications  
25 prescribed in section 309.

26 (c) Notification to the petitioner of the reinstatement fee  
27 under section 320e, if applicable.

28 (4) Except as otherwise provided in this section, in reviewing  
29 a determination resulting in a denial, suspension, restriction, or

1 revocation under this act, the court shall confine its  
2 consideration to a review of the record prepared under section 322  
3 or 625f or the driving record created under section 204a for a  
4 statutory legal issue, and may determine that the petitioner is  
5 eligible for full driving privileges or, if the petitioner is  
6 subject to a revocation under section 303, may determine that the  
7 petitioner is eligible for restricted driving privileges. The court  
8 shall set aside the secretary of state's determination only if 1 or  
9 more of the following apply:

10 (a) In determining whether a petitioner is eligible for full  
11 driving privileges, the petitioner's substantial rights have been  
12 prejudiced because the determination is any of the following:

13 (i) In violation of the Constitution of the United States, the  
14 state constitution of 1963, or a statute.

15 (ii) In excess of the secretary of state's statutory authority  
16 or jurisdiction.

17 (iii) Made ~~upon~~**on** unlawful procedure resulting in material  
18 prejudice to the petitioner.

19 (iv) Not supported by competent, material, and substantial  
20 evidence on the whole record.

21 (v) Arbitrary, capricious, or clearly an abuse or unwarranted  
22 exercise of discretion.

23 (vi) Affected by other substantial and material error of law.

24 (b) In determining whether a petitioner is eligible for review  
25 of a revocation or denial under section 303, or whether a  
26 petitioner is eligible for restricted driving privileges, all of  
27 the following apply:

28 (i) The petitioner's substantial rights have been prejudiced as  
29 described in subdivision (a).

1           (ii) All of the following are satisfied:

2           (A) The revocation or denial occurred at least 1 year after  
3 the petitioner's license was revoked or denied, or, if the  
4 petitioner's license was previously revoked or denied within the 7  
5 years preceding the most recent revocation or denial, at least 5  
6 years after the most recent revocation or denial, whichever is  
7 later.

8           (B) The court finds that the petitioner meets the department's  
9 requirements under the rules promulgated by the department under  
10 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201  
11 to ~~24.238.~~ **24.328**. For purposes of this sub-subparagraph only, the  
12 court may take additional testimony to supplement the record  
13 prepared under section 322 or 625f or the driving record created  
14 under section 204a, but shall not expand the record.

15           (C) If the revocation or denial was under section 303(2)(a),  
16 (b), (c), or (g), the petitioner rebuts by clear and convincing  
17 evidence the presumption that ~~he or she~~ **the petitioner** is a  
18 habitual offender, and establishes to the court's satisfaction that  
19 ~~he or she~~ **the petitioner** is likely to adhere to any requirements  
20 imposed by the court. For purposes of this sub-subparagraph, the  
21 conviction that resulted in the revocation and any record of denial  
22 of reinstatement by the department are prima facie evidence that  
23 the petitioner is a habitual offender. For purposes of this sub-  
24 subparagraph only, the court may take additional testimony to  
25 supplement the record prepared under section 322 or 625f or the  
26 driving record created under section 204a, but shall not expand the  
27 record.

28           (5) If the court determines that a petitioner is eligible for  
29 restricted driving privileges under subsection (4)(b), the court

1 shall issue an order that includes, but is not limited to, all of  
2 the following:

3 (a) The court's findings under section 303 and R 257.1 to R  
4 257.1727 of the Michigan Administrative Code.

5 (b) A requirement that each motor vehicle operated by the  
6 petitioner be equipped with a properly installed and functioning  
7 ignition interlock device for a period of not less than 1 year  
8 before the petitioner will be eligible to return to the secretary  
9 of state for a hearing. The petitioner shall bear the cost of an  
10 ignition interlock device required under this subdivision. A  
11 restricted license must not be issued to the petitioner until the  
12 secretary of state has verified that 1 or more ignition interlock  
13 devices, if applicable, have been installed as required by this  
14 subdivision.

15 (c) A method by which the court will verify that the  
16 petitioner maintains no-fault insurance for each vehicle described  
17 in subdivision (b) as required by chapter 31 of the insurance code  
18 of 1956, 1956 PA 218, MCL 500.3101 to 500.3179.

19 (d) A requirement that a restricted license issued to the  
20 petitioner must not permit the petitioner to operate a commercial  
21 motor vehicle that hauls hazardous materials.

22 (e) A provision that the secretary of state shall revoke the  
23 petitioner's restricted license if any of the following occur:

24 (i) The petitioner violates the restrictions on ~~his or her~~ **the**  
25 **petitioner's** license.

26 (ii) The petitioner violates subdivision (b).

27 (iii) The petitioner removes, or causes to be removed, an  
28 ignition interlock device required under subdivision (b), unless  
29 the secretary of state has authorized the removal under section

1 322a.

2 (iv) The petitioner commits an act that would be a major  
3 violation if the petitioner's license had been issued under section  
4 322(6) or consumes alcohol or a controlled substance without a  
5 prescription. As used in this subparagraph, "major violation" means  
6 that term as defined in R 257.301a of the Michigan Administrative  
7 Code.

8 (v) The petitioner is arrested for a violation of section 625  
9 or a local ordinance, law of this state or another state, or law of  
10 the United States that substantially corresponds to section 625.

11 (6) If the court determines that a petitioner is eligible for  
12 restricted driving privileges under this section and the petitioner  
13 intends to operate a vehicle owned by ~~his or her~~ **the petitioner's**  
14 employer, the court shall notify the employer of the petitioner's  
15 obligation under subsection (5)(b). This subsection does not  
16 require an employer who receives a notice under this subsection to  
17 install an ignition interlock device on a vehicle. This subsection  
18 does not apply to a vehicle that is operated by a self-employed  
19 individual who uses the vehicle for both business and personal use.

20 (7) If a court determines that a petitioner is eligible for  
21 restricted driving privileges, the secretary of state shall not  
22 issue a restricted license to the petitioner until ~~he or she~~ **the**  
23 **petitioner** has satisfied any other applicable requirements of state  
24 or federal law, and shall not issue a restricted license to the  
25 petitioner if the order granting eligibility for restricted driving  
26 privileges does not comply with subsection (5).

27 (8) If a court determines that a petitioner is eligible for  
28 restricted driving privileges, the court shall notify the  
29 department of its determination through the issuance of an order

1 under subsection (5) and shall not retain jurisdiction over a  
2 license issued under this section.