

**SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 5846**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 204a, 208, 303, 304, 306a, 307, 317, 319, 320e, 321a, and 328 (MCL 257.204a, 257.208, 257.303, 257.304, 257.306a, 257.307, 257.317, 257.319, 257.320e, 257.321a, and 257.328), section 204a as amended by 2016 PA 332, section 208 as amended by 2006 PA 565, section 303 as amended by 2012 PA 498, section 304 as amended by 2018 PA 48, section 306a as amended by 2020 PA 127, section 307 as amended by 2018 PA 604, section 317 as amended by 2018 PA 566, section 319 as amended by 2016 PA 358, section 320e as amended by 2003 PA 152, section 321a as amended by 2017 PA 236, and section 328 as amended by 2015 PA 135; and to repeal acts and parts of acts.



**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 204a. (1) The secretary of state shall create and  
2 maintain a computerized central file that provides an individual  
3 historical driving record for a natural person with respect to all  
4 of the following:

5           (a) A license issued to the ~~person~~**individual** under chapter  
6 III.

7           (b) A conviction, civil infraction determination, or other  
8 licensing action that is entered against the ~~person~~**individual** for  
9 a violation of this act or a local ordinance **that** substantially  
10 ~~corresponding~~**corresponds** to a provision of this act, or that is  
11 reported to the secretary of state by another jurisdiction.

12           (c) A failure of the ~~person~~**individual**, including a  
13 nonresident, to comply with a suspension issued ~~pursuant to~~**under**  
14 section 321a.

15           (d) A cancellation, denial, revocation, suspension, or  
16 restriction of the ~~person's~~**individual's** operating privilege, a  
17 failure to pay a department of state driver responsibility fee, or  
18 other licensing action regarding that ~~person~~**individual**, under  
19 this act or that is reported to the secretary of state by another  
20 jurisdiction. This subdivision also applies to nonresidents.

21           (e) An accident in which the ~~person~~**individual** is involved.

22           (f) A conviction of the person for an offense described in  
23 **former** section 319e.

24           (g) Any driving record requested and received by the secretary  
25 of state under section 307.

26           (h) Any notice given by the secretary of state and the  
27 information provided in that notice under section ~~317(3)~~**or**  
28 ~~(4)~~**317(2) or (3)**.



1 (i) Any other information received by the secretary of state  
2 regarding the ~~person~~**individual** that is required to be maintained  
3 as part of the ~~person's~~**individual's** driving record as provided by  
4 law.

5 (2) A secretary of state certified computer-generated or paper  
6 copy of an order, record, or paper maintained in the computerized  
7 central file of the secretary of state is admissible in evidence in  
8 the same manner as the original and is prima facie proof of the  
9 contents of and the facts stated in the original.

10 (3) An order, record, or paper generated by the computerized  
11 central file of the secretary of state may be certified  
12 electronically by the generating computer. The certification ~~shall~~  
13 **must** be a certification of the order, record, or paper as it  
14 appeared on a specific date.

15 (4) A court or the office of the clerk of a court of this  
16 state ~~which~~**that** is electronically connected by a terminal device  
17 to the computerized central file of the secretary of state may  
18 receive into and use as evidence in any case the computer-generated  
19 certified information obtained by the terminal device from the  
20 file. A duly authorized employee of a court of record of this state  
21 may order a record for an individual from a secretary of state  
22 computer terminal device located in, and under the control of, the  
23 court, and certify in writing that the document was produced from  
24 the terminal and that the document was not altered in any way.

25 (5) After receiving a request for information contained in  
26 records maintained under this section, the secretary of state shall  
27 provide the information, in a form prescribed by the secretary of  
28 state, to any of the following:

29 (a) Another state.



1 (b) The United States ~~secretary of transportation.~~**Secretary of**  
2 **Transportation.**

3 (c) The ~~person~~**individual** who is the subject of the record.

4 (d) A motor carrier employer or prospective motor carrier  
5 employer, but only if the ~~person~~**individual** who is the subject of  
6 the record is first notified of the request as prescribed by the  
7 secretary of state.

8 (e) An authorized agent of a ~~person~~**an individual** or entity  
9 listed in subdivisions (a) to (d).

10 Sec. 208. (1) Except as otherwise specified in this section,  
11 the secretary of state may destroy any department records  
12 maintained on file for 7 years, including the information contained  
13 in the central file maintained under section 204a.

14 (2) Except as otherwise provided in this section, records of  
15 convictions of any offense for which points are provided under  
16 section 320a(1)(a), (b), (c), or (g) or section 320a(8) may be  
17 destroyed after being maintained on file for 10 years. However, if  
18 a ~~person~~**an individual** is convicted of violating section 625, the  
19 record of that conviction ~~shall~~**must** be maintained for the life of  
20 the ~~person~~**individual**.

21 (3) If a ~~person~~**an individual** who is a commercial license  
22 holder or a noncommercial license holder who operates a commercial  
23 motor vehicle is convicted under a law of this state, a local  
24 ordinance **that** substantially ~~corresponding~~**corresponds** to a law of  
25 this state, or a law of another state **that** substantially  
26 ~~corresponding~~**corresponds** to a law of this state of any of the  
27 following violations, the record of that conviction ~~shall~~**must** be  
28 maintained for the life of the ~~person~~**individual** or until the  
29 ~~person~~**individual** moves to another jurisdiction:



- 1 (a) Operating a vehicle in violation of section 625.
- 2 (b) Operating a commercial motor vehicle in violation of  
3 section 625m.
- 4 (c) Leaving the scene of an accident.
- 5 (d) Using a vehicle to commit a felony.
- 6 (e) Refusing to take an alcohol or controlled substance test  
7 required under this act.
- 8 (f) Operating a commercial motor vehicle when the ~~person's~~  
9 **individual's** operator's or chauffeur's license or vehicle group  
10 designation is suspended, revoked, or canceled as a result of prior  
11 violations committed while operating a commercial motor vehicle.
- 12 (g) Operating a commercial motor vehicle when the ~~person~~  
13 **individual** is disqualified from operating a commercial motor  
14 vehicle.
- 15 (h) Causing any fatality through the negligent operation of a  
16 commercial motor vehicle.
- 17 (4) Records of stolen vehicles reported in section 253 may be  
18 destroyed after being maintained on file for the year of entry plus  
19 4 years.
- 20 (5) Except as otherwise specified in this act, records the  
21 secretary of state considers obsolete and of no further service in  
22 carrying out the department's powers and duties may be destroyed  
23 ~~upon~~**on** that determination.
- 24 (6) If a record of suspension under section 321a does not  
25 contain a conviction for a violation of section 904 or a local  
26 ordinance **that** substantially ~~corresponding~~**corresponds** to section  
27 904 during the period of suspension, the secretary of state may  
28 destroy the record 180 days after the suspension terminates or as  
29 provided in subsections (1) to (5).



1       ~~(7) The secretary of state may destroy a record of receipt of~~  
 2 ~~the notice provided for in section 321a(7) after the court involved~~  
 3 ~~informs the secretary of state that all outstanding matters~~  
 4 ~~regarding section 321a(7) have been resolved.~~

5       (7) ~~(8)~~The secretary of state may destroy a record maintained  
 6 ~~pursuant to~~ **under** section 204a 180 days after the nonresident  
 7 driver against whom a civil infraction determination is entered  
 8 complies with an order or judgment issued ~~pursuant to~~ **under** section  
 9 907.

10       Sec. 303. (1) The secretary of state shall not issue a license  
 11 under this act to any of the following ~~persons:~~ **individuals:**

12       (a) ~~A person,~~ **An individual**, as an operator, who is less than  
 13 18 years of age, except as otherwise provided in this act.

14       (b) ~~A person,~~ **An individual**, as a chauffeur, who is less than  
 15 18 years of age, except as otherwise provided in this act.

16       (c) ~~A person~~ **An individual** whose license is suspended,  
 17 revoked, denied, or canceled in any state. If the suspension,  
 18 revocation, denial, or cancellation is not from the jurisdiction  
 19 that issued the last license to the ~~person,~~ **individual**, the  
 20 secretary of state may issue a license after the expiration of 5  
 21 years from the effective date of the most recent suspension,  
 22 revocation, denial, or cancellation.

23       (d) ~~A person~~ **An individual** who in the opinion of the secretary  
 24 of state is afflicted with or suffering from a physical or mental  
 25 disability or disease ~~preventing that person~~ **prevents the**  
 26 **individual** from exercising reasonable and ordinary control over a  
 27 motor vehicle while operating the motor vehicle ~~upon~~ **on** the  
 28 highways.

29       (e) ~~A person~~ **An individual** who is unable to understand highway



1 warning or direction signs in the English language.

2 (f) ~~A person~~ **An individual** who is unable to pass a knowledge,  
3 skill, or ability test administered by the secretary of state in  
4 connection with ~~the issuance of~~ **issuing** an original operator's or  
5 chauffeur's license, original motorcycle indorsement, or an  
6 original or renewal of a vehicle group designation or vehicle  
7 indorsement.

8 (g) ~~A person~~ **An individual** who has been convicted of, has  
9 received a juvenile disposition for, or has been determined  
10 responsible for 2 or more moving violations under a law of this  
11 state, a local ordinance substantially corresponding to a law of  
12 this state, or a law of another state substantially corresponding  
13 to a law of this state within the preceding 3 years, if the  
14 violations occurred before issuance of an original license to the  
15 person in this state, another state, or another country.

16 (h) A nonresident, including, but not limited to, a foreign  
17 exchange student.

18 (i) ~~A person~~ **An individual** who has failed to answer a citation  
19 or notice to appear in court or for any matter pending or fails to  
20 comply with an order or judgment of the court, including, but not  
21 limited to, paying all fines, costs, fees, and assessments, in  
22 violation of section 321a, until that ~~person~~ **individual** answers the  
23 citation or notice to appear in court or for any matter pending or  
24 complies with an order or judgment of the court, including, but not  
25 limited to, paying all fines, costs, fees, and assessments, as  
26 provided under section 321a.

27 (j) ~~A person~~ **An individual** not licensed under this act who has  
28 been convicted of, has received a juvenile disposition for, or has  
29 been determined responsible for a crime or civil infraction



1 described in section 319, 324, or 904. ~~A person~~ **An individual** shall  
 2 be denied a license under this subdivision for the length of time  
 3 corresponding to the period of the licensing sanction that would  
 4 have been imposed under section 319, 324, or 904 if the ~~person~~  
 5 **individual** had been licensed at the time of the violation.

6 ~~(k) A person not licensed under this act who has been~~  
 7 ~~convicted of or received a juvenile disposition for committing a~~  
 8 ~~crime described in section 319e. A person shall be denied a license~~  
 9 ~~under this subdivision for the length of time that corresponds to~~  
 10 ~~the period of the licensing sanction that would have been imposed~~  
 11 ~~under section 319e if the person had been licensed at the time of~~  
 12 ~~the violation.~~

13 **(k)** ~~(l) A person~~ **An individual** not licensed under this act who  
 14 is determined to have violated ~~section 33b(1) of former 1933 (Ex~~  
 15 ~~Sess) PA 8, section 703(1) of the Michigan liquor control code of~~  
 16 ~~1998, 1998 PA 58, MCL 436.1703, or section 624a or 624b. The person~~  
 17 **individual** shall be denied a license under this subdivision for a  
 18 period of time that corresponds to the period of the licensing  
 19 sanction that would have been imposed under those sections had the  
 20 ~~person~~ **individual** been licensed at the time of the violation.

21 **(l)** ~~(m) A person~~ **An individual** whose commercial driver license  
 22 application is canceled under section 324(2).

23 **(m)** ~~(n)~~ Unless otherwise eligible under section 307(1), a  
 24 ~~person~~ **an individual** who is not a citizen of the United States.

25 (2) ~~Upon~~ **On** receiving the appropriate records of conviction,  
 26 the secretary of state shall revoke the operator's or chauffeur's  
 27 license of a ~~person~~ **an individual** and deny issuance of an  
 28 operator's or chauffeur's license to a ~~person having~~ **an individual**  
 29 **who has** any of the following, whether under a law of this state, a



1 local ordinance **that** substantially ~~corresponding~~**corresponds** to a  
 2 law of this state, a law of another state **that** substantially  
 3 ~~corresponding~~**corresponds** to a law of this state, or, beginning  
 4 October 31, 2010, a law of the United States **that** substantially  
 5 ~~corresponding~~**corresponds** to a law of this state:

6 (a) Any combination of 2 convictions within 7 years for  
 7 reckless driving in violation of section 626 before October 31,  
 8 2010 or, beginning October 31, 2010, 626(2).

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

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

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

15 (iii) Negligent homicide, manslaughter, or murder ~~resulting that~~  
 16 **results** from the operation of a vehicle or an attempt to commit any  
 17 of those crimes.

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

20 (c) Any combination of 2 convictions within 7 years for any of  
 21 the following or a combination of 1 conviction for a violation or  
 22 attempted violation of section 625(6) and 1 conviction for any of  
 23 the following within 7 years:

24 (i) A violation or attempted violation of section 625, except a  
 25 violation of section 625(2), or a violation of any prior enactment  
 26 of section 625 in which the defendant operated a vehicle while  
 27 under the influence of intoxicating or alcoholic liquor or a  
 28 controlled substance, or a combination of intoxicating or alcoholic  
 29 liquor and a controlled substance, or while visibly impaired, or



1 with an unlawful bodily alcohol content.

2 (ii) A violation or attempted violation of section 625m.

3 (iii) A violation or attempted violation of former section 625b.

4 (d) One conviction for a violation or attempted violation of  
5 section 315(5), section 601b(3), section 601c(2), section 602a(4)  
6 or (5), section 617, section 625(4) or (5), section 653a(4),  
7 section 904(4) or (5), or, beginning October 31, 2010, section  
8 626(3) or (4).

9 (e) One conviction of negligent homicide, manslaughter, or  
10 murder ~~resulting~~ **that results** from the operation of a vehicle or an  
11 attempt to commit any of those crimes.

12 (f) One conviction for a violation or attempted violation of  
13 section 479a(4) or (5) of the Michigan penal code, 1931 PA 328, MCL  
14 750.479a.

15 (g) Any combination of 3 convictions within 10 years for any  
16 of the following or 1 conviction for a violation or attempted  
17 violation of section 625(6) and any combination of 2 convictions  
18 for any of the following within 10 years, if any of the convictions  
19 resulted from an arrest on or after January 1, 1992:

20 (i) A violation or attempted violation of section 625, except a  
21 violation of section 625(2), or a violation of any prior enactment  
22 of section 625 in which the defendant operated a vehicle while  
23 under the influence of intoxicating or alcoholic liquor or a  
24 controlled substance, or a combination of intoxicating or alcoholic  
25 liquor and a controlled substance, or while visibly impaired, or  
26 with an unlawful bodily alcohol content.

27 (ii) A violation or attempted violation of section 625m.

28 (iii) A violation or attempted violation of former section 625b.

29 (3) The secretary of state shall revoke a license under



1 subsection (2) notwithstanding a court order unless the court order  
2 complies with section 323.

3 (4) Except as otherwise provided under section 304, the  
4 secretary of state shall not issue a license under this act to a  
5 ~~person~~**an individual** whose license has been revoked under this act  
6 or revoked and denied under subsection (2) until all of the  
7 following occur, as applicable:

8 (a) The later of the following:

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

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

14 (b) For a denial under subsection (2)(a), (b), (c), and (g),  
15 the ~~person~~**individual** rebuts by clear and convincing evidence the  
16 presumption ~~resulting that results~~ from the prima facie evidence  
17 that he or she is a habitual offender. The convictions that  
18 resulted in the revocation and denial constitute prima facie  
19 evidence that he or she is a habitual offender.

20 (c) The ~~person~~**individual** meets the requirements of the  
21 department.

22 ~~(5) The secretary of state may deny issuance of an operator's~~  
23 ~~license as follows:~~

24 ~~(a) Until the age of 17, to a person not licensed under this~~  
25 ~~act who was convicted of or received a juvenile disposition for~~  
26 ~~violating or attempting to violate section 411a(2) of the Michigan~~  
27 ~~penal code, 1931 PA 328, MCL 750.411a, involving a school when he~~  
28 ~~or she was less than 14 years of age. A person not issued a license~~  
29 ~~under this subdivision is not eligible to begin graduated licensing~~



1 ~~training until he or she attains 16 years of age.~~

2 ~~(b) To a person less than 21 years of age not licensed under~~  
 3 ~~this act who was convicted of or received a juvenile disposition~~  
 4 ~~for violating or attempting to violate section 411a(2) of the~~  
 5 ~~Michigan penal code, 1931 PA 328, MCL 750.411a, involving a school~~  
 6 ~~when he or she was 14 years of age or older, until 3 years after~~  
 7 ~~the date of the conviction or juvenile disposition. A person not~~  
 8 ~~issued a license under this subdivision is not eligible to begin~~  
 9 ~~graduated licensing training or otherwise obtain an original~~  
 10 ~~operator's or chauffeur's license until 3 years after the date of~~  
 11 ~~the conviction or juvenile disposition.~~

12 (5) ~~(6)~~The secretary of state shall deny ~~issuance of~~**issuing**  
 13 a vehicle group designation to ~~a person~~**an individual** under either  
 14 of the following circumstances:

15 (a) The ~~person~~**individual** has been disqualified by the United  
 16 States ~~secretary of transportation~~**Secretary of Transportation** from  
 17 operating a commercial motor vehicle.

18 (b) Beginning on and after January 30, 2012, the ~~person~~  
 19 **individual** does not meet the requirements of the federal  
 20 regulations under **49 CFR** parts 383 and 391 by refusing to certify  
 21 the type of commercial motor vehicle operation the ~~person~~  
 22 **individual** intends to perform and, if required, fails to present to  
 23 the secretary of state a valid medical certification.

24 (6) ~~(7)~~Multiple convictions or civil infraction  
 25 determinations ~~resulting~~**that result** from the same incident ~~shall~~  
 26 **must** be treated as a single violation for purposes of denial or  
 27 revocation of a license under this section.

28 (7) ~~(8)~~As used in this section, "felony in which a motor  
 29 vehicle was used" means a felony during the commission of which the



1 ~~person~~**individual** operated a motor vehicle and while operating the  
2 vehicle presented real or potential harm to ~~persons~~**individuals** or  
3 property 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 felony.
- 6 (c) The vehicle was used to flee the scene of the felony.
- 7 (d) The vehicle was necessary for the commission of the  
8 felony.

9 Sec. 304. (1) Except as provided in subsection (3), the  
10 secretary of state shall issue a restricted license to ~~a person~~**an**  
11 **individual** whose license was suspended or restricted under section  
12 319 or revoked or denied under section 303 based on either of the  
13 following:

14 (a) Two or more convictions for violating section 625(1) or  
15 (3) or a local ordinance of this state **that** substantially  
16 ~~corresponding~~**corresponds** to section 625(1) or (3).

17 (b) One conviction for violating section 625(1) or (3) or a  
18 local ordinance of this state **that** substantially ~~corresponding~~  
19 **corresponds** to section 625(1) or (3), preceded by 1 or more  
20 convictions for violating a local ordinance or law of another state  
21 **that** substantially ~~corresponding~~**corresponds** to section 625(1),  
22 (3), or (6), or a law of the United States **that** substantially  
23 ~~corresponding~~**corresponds** to section 625(1), (3), or (6).

24 (2) A restricted license issued under subsection (1) must not  
25 be issued until after the ~~person's~~**individual's** operator's or  
26 chauffeur's license has been suspended or revoked for 45 days and  
27 the judge assigned to a DWI/sobriety court certifies to the  
28 secretary of state that both of the following conditions have been  
29 met:



1 (a) The ~~person~~**individual** has been admitted into a  
2 DWI/sobriety court program.

3 (b) An ignition interlock device approved, certified, and  
4 installed as required under sections 625k and 625l has been  
5 installed on each motor vehicle owned or operated, or both, by the  
6 individual.

7 (3) A restricted license must not be issued under subsection  
8 (1) if the ~~person~~**individual** is otherwise ineligible for an  
9 operator's or chauffeur's license under this act, unless the  
10 ~~person's~~**individual's** ineligibility is based on 1 or more of the  
11 following:

12 (a) Section 303(1)(i) or ~~(l)~~**(k)**.

13 (b) Section 303(2)(c) *(i)* or *(iii)*.

14 (c) Section 303(2)(g) *(i)* or *(iii)*.

15 (d) Section 319(4), (5), (6), (7), (8)(a) to (e), or (9).

16 ~~(e) Section 319e(2)(a) or (b).~~

17 ~~(e) (f)~~Section 320(1)(d).

18 ~~(f) (g)~~Section 321a(1), (2), or (3).**321a(1) or (2)**.

19 ~~(g) (h)~~Section 323c.

20 ~~(h) (i)~~Section 625f.

21 ~~(i) (j)~~Section 732a(5).

22 ~~(j) (k)~~Section 904(10).

23 ~~(k) (l)~~Section 82105a(2) of the natural resources and  
24 environmental protection act, 1994 PA 451, MCL 324.82105a.

25 ~~(l) (m)~~Section 3177 of the insurance code of 1956, 1956 PA  
26 218, MCL 500.3177.

27 ~~(m) (n)~~Section 10 of the motor vehicle **accident** claims act,  
28 1965 PA 198, MCL 257.1110.

29 (4) A restricted license issued under subsection (1) permits



1 the ~~person~~-**individual** to whom it is issued to operate only the  
 2 vehicle equipped with an ignition interlock device described in  
 3 subsection (2) (b), to take any driving skills test required by the  
 4 secretary of state, and to drive to and from any combination of the  
 5 following locations or events:

6 (a) In the course of the ~~person's~~-**individual's** employment or  
 7 occupation if the employment or occupation does not require a  
 8 commercial driver license.

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

10 (i) The ~~person's~~-**individual's** residence.

11 (ii) The ~~person's~~-**individual's** work location.

12 (iii) An alcohol, drug, or mental health education and treatment  
 13 as ordered by the court.

14 (iv) Alcoholics Anonymous, Narcotics Anonymous, or other court-  
 15 ordered self-help programs.

16 (v) Court hearings and probation appointments.

17 (vi) Court-ordered community service.

18 (vii) An educational institution at which the ~~person~~-**individual**  
 19 is enrolled as a student.

20 (viii) A place of regularly occurring medical treatment for a  
 21 serious condition or medical emergency for the ~~person~~-**individual** or  
 22 a member of the ~~person's~~-**individual's** household or immediate  
 23 family.

24 (ix) Alcohol or drug testing as ordered by the court.

25 (x) An ignition interlock service provider as required.

26 (xi) At the discretion of the judge, the custodian of a minor  
 27 child may drive to and from the facilities of a provider of day  
 28 care services at which the custodian's minor child is enrolled, or



1 an educational institution at which the custodian's minor child is  
 2 enrolled as a student for the purposes of classes, academic  
 3 meetings or conferences, and athletic or other extracurricular  
 4 activities sanctioned by the educational institution in which the  
 5 minor child is a participant. As used in this subparagraph, "minor  
 6 child" means an individual who is less than 18 years of age.

7 (5) While driving with a restricted license, the ~~person~~  
 8 **individual** shall carry proof of his or her destination and the  
 9 hours of any employment, class, or other reason for traveling and  
 10 shall display that proof ~~upon~~**on** a peace officer's request.

11 (6) Except as otherwise provided in this section, a restricted  
 12 license issued under subsection (1) is effective until a hearing  
 13 officer orders an unrestricted license under section 322. Subject  
 14 to subsection (7), the hearing officer shall not order an  
 15 unrestricted license until the later of the following events  
 16 occurs:

17 (a) The court notifies the secretary of state that the ~~person~~  
 18 **individual** has successfully completed the DWI/sobriety court  
 19 program.

20 (b) The minimum period of license sanction that would have  
 21 been imposed under section 303 or 319 but for this section has been  
 22 completed.

23 (c) The ~~person~~**individual** demonstrates that he or she has  
 24 operated with an ignition interlock device for not less than 1  
 25 year.

26 (d) The ~~person~~**individual** satisfies the requirements of  
 27 section 303 and R 257.313 of the Michigan Administrative Code.

28 (7) A hearing officer shall not issue an unrestricted license  
 29 for at least 1 year if either of the following applies:



1 (a) The hearing officer determines that the ~~person~~**individual**  
2 consumed any alcohol during the period that his or her license was  
3 restricted under this section, as determined by breath, blood,  
4 urine, or transdermal testing unless a second test, administered  
5 within 5 minutes after administering the first test, showed an  
6 absence of alcohol.

7 (b) The hearing officer determines that the ~~person~~**individual**  
8 consumed or otherwise used any controlled substance during the  
9 period that his or her license was restricted under this section,  
10 except as lawfully prescribed.

11 (8) In determining whether to order an unrestricted license  
12 under subsection (6), the successful completion of the DWI/sobriety  
13 court program and a certificate from the DWI/sobriety court judge  
14 must be considered positive evidence of the petitioner's abstinence  
15 while the petitioner participated in the DWI/sobriety court  
16 program. This subsection does not apply to a determination made  
17 under subsection (7). As used in this subsection, "certificate"  
18 includes, but is not limited to, a statement that the participant  
19 has maintained a period of abstinence from alcohol for not less  
20 than 6 months at the time the participant completed the  
21 DWI/sobriety court program.

22 (9) If the secretary of state receives a notification from the  
23 DWI/sobriety court under section 1084(7) of the revised judicature  
24 act of 1961, 1961 PA 236, MCL 600.1084, the secretary of state  
25 shall summarily impose 1 of the following license sanctions, as  
26 applicable:

27 (a) Suspension for the full length of time provided under  
28 section 319(8). However, a restricted license must not be issued as  
29 provided under section 319(8). This subdivision applies if the



1 underlying conviction or convictions would have subjected the  
2 ~~person~~**individual** to a license sanction under section 319(8) if  
3 this section did not apply.

4 (b) A license revocation and denial for the full length of  
5 time provided under section 303. The minimum period of license  
6 revocation and denial imposed must be the same as if this section  
7 did not apply. This subdivision applies if the underlying  
8 conviction or convictions would have caused a license revocation  
9 and denial under section 303 if this section did not apply.

10 (10) After the ~~person~~**individual** completes the DWI/sobriety  
11 court program, the following apply:

12 (a) The secretary of state shall postpone considering the  
13 issuance of an unrestricted license under section 322 for a period  
14 of 3 months for each act that would be a minor violation if the  
15 ~~person's~~**individual's** license had been issued under section 322(6).  
16 As used in this subdivision, "minor violation" means that term as  
17 defined in R 257.301a of the Michigan Administrative Code.

18 (b) The restricted license issued under this section must be  
19 suspended or revoked or denied as provided in subsection (9),  
20 unless set aside under section 322(5), if any of the following  
21 events occur:

22 (i) The ~~person~~**individual** operates a motor vehicle without an  
23 ignition interlock device that meets the criteria under subsection  
24 (2) (b).

25 (ii) The ~~person~~**individual** removes, or causes to be removed, an  
26 ignition interlock device from a vehicle he or she owns or operates  
27 unless the secretary of state has authorized its removal under  
28 section 322a.

29 (iii) The ~~person~~**individual** commits any other act that would be



1 a major violation if the ~~person's~~**individual's** license had been  
 2 issued under section 322(6). As used in this subparagraph, "major  
 3 violation" means that term as defined in R 257.301a of the Michigan  
 4 Administrative Code.

5 (iv) The ~~person~~**individual** is arrested for a violation of any  
 6 of the following:

7 (A) Section 625.

8 (B) A local ordinance of this state or another state **that**  
 9 substantially ~~corresponding~~**corresponds** to section 625.

10 (C) A law of the United States **that** substantially  
 11 ~~corresponding~~**corresponds** to section 625.

12 (c) If the ~~person~~**individual** is convicted of or found  
 13 responsible for any offense that requires the suspension,  
 14 revocation, denial, or cancellation of the ~~person's~~**individual's**  
 15 operator's or chauffeur's license, the restricted license issued  
 16 under this section must be suspended until the requisite period of  
 17 license suspension, revocation, denial, or cancellation, as  
 18 appropriate, has elapsed.

19 (d) If the ~~person~~**individual** has failed to pay any court-  
 20 ordered fines or costs that resulted from the operation of a  
 21 vehicle, the restricted license issued under this section must be  
 22 suspended pending payment of those fines and costs.

23 (11) All driver responsibility fees required to be assessed by  
 24 the secretary of state under section 732a for the conviction or  
 25 convictions that led to the restricted license under this section  
 26 must be held in abeyance as follows:

27 (a) The fees must be held in abeyance during the time the  
 28 ~~person~~**individual** has a restricted license under this section and  
 29 is participating in the DWI/sobriety court program.



1 (b) Except as otherwise provided in this subdivision, at the  
 2 end of the ~~person's~~**individual's** participation in the DWI/sobriety  
 3 court program, the driver responsibility fees must be assessed and  
 4 paid under the payment schedule described in section 732a. If the  
 5 ~~person's~~**individual's** participation in the DWI/sobriety court  
 6 program is completed on or after October 1, 2018, the driver  
 7 responsibility fees are waived and ~~shall~~**must** not be collected.

8 (12) The vehicle of an individual admitted to the DWI/sobriety  
 9 court program whose vehicle would otherwise be subject to  
 10 immobilization or forfeiture under this act is exempt from both  
 11 immobilization and forfeiture under sections 625n and 904d if both  
 12 of the following apply:

13 (a) The ~~person~~**individual** is a DWI/sobriety court program  
 14 participant in good standing or the ~~person~~**individual** successfully  
 15 satisfactorily completes the DWI/sobriety court program.

16 (b) The ~~person~~**individual** does not subsequently violate a law  
 17 of this state for which vehicle immobilization or forfeiture is a  
 18 sanction.

19 (13) This section only applies to individuals arrested for a  
 20 violation of section 625 on or after January 1, 2011.

21 (14) As used in this section:

22 (a) "DWI/sobriety court" means that term as defined in section  
 23 1084 of the revised judicature act of 1961, 1961 PA 236, MCL  
 24 600.1084. Beginning January 1, 2018, DWI/sobriety court includes  
 25 only a DWI/sobriety court that is certified by the state court  
 26 administrative office as provided in section 1084(3) of the revised  
 27 judicature act of 1961, 1961 PA 236, MCL 600.1084.

28 (b) "DWI/sobriety court program" means "program" as that term  
 29 is defined in section 1084 of the revised judicature act of 1961,



1 1961 PA 236, MCL 600.1084.

2 Sec. 306a. (1) The secretary of state may issue a commercial  
3 learner's permit entitling a person to drive a vehicle requiring a  
4 vehicle group designation or indorsement under section 312e if all  
5 of the following apply:

6 (a) The person submits a proper application and meets the  
7 requirements of 49 CFR part 383.

8 (b) The person is 18 years of age or older.

9 (c) The person holds a valid operator's or chauffeur's license  
10 that is not a restricted license.

11 (d) The person passes the knowledge tests for an original  
12 vehicle group designation or indorsement, as required by 49 CFR  
13 part 383.

14 (e) If the person is applying for a hazardous materials  
15 indorsement, he or she has been approved for the hazardous  
16 materials indorsement by the federal ~~transportation security~~  
17 ~~administration.~~ **Transportation Security Administration.**

18 (2) A person issued a commercial learner's permit under  
19 subsection (1), or an equivalent commercial learner's permit issued  
20 by another jurisdiction, may operate a vehicle requiring a vehicle  
21 group designation or indorsement under section 312e, if all of the  
22 following apply:

23 (a) The person has the permit and a valid operator's or  
24 chauffeur's license in his or her possession while operating the  
25 vehicle.

26 (b) The person is accompanied by an instructor certified under  
27 the driver education provider and instructor act, 2006 PA 384, MCL  
28 256.621 to 256.705, or an adult with a valid operator's or  
29 chauffeur's license, and all of the following apply:



1 (i) The instructor or licensed adult has in his or her  
 2 possession a valid license with a vehicle group designation and any  
 3 indorsement necessary to operate the vehicle as provided in section  
 4 312e.

5 (ii) The instructor or licensed adult is at all times  
 6 physically present in the front seat of the vehicle next to the  
 7 operator or, in the case of a passenger vehicle, directly behind  
 8 the operator or in the first row behind the operator.

9 (iii) The instructor or licensed adult has the operator under  
 10 observation and direct supervision.

11 (c) The person shall not operate a vehicle transporting  
 12 hazardous materials as defined in 49 CFR part 383.

13 (d) If the person has a permit to operate a tank vehicle, the  
 14 person may only operate an empty tank vehicle and shall not operate  
 15 any tank vehicle that previously contained hazardous materials  
 16 unless the tank has been purged of all hazardous material residue.

17 (e) If the person has a permit to operate a vehicle designed  
 18 to carry 16 or more passengers or a school bus, the person shall  
 19 not operate a vehicle designed to carry 16 or more passengers or a  
 20 school bus with any passengers other than the following  
 21 individuals:

22 (i) The instructor or licensed adult described in this section.

23 (ii) Federal or state auditors or inspectors.

24 (iii) Test examiners.

25 (iv) Other trainees.

26 (3) A commercial learner's permit issued under this section is  
 27 valid for ~~180 days~~ **1 year** from the date of issuance. ~~A person may~~  
 28 ~~apply 1 time to renew the permit for an additional 180 days without~~  
 29 ~~taking the knowledge tests described in subsection (1) if the~~



1 ~~person applies for the renewal before the expiration of the~~  
 2 ~~original permit.~~

3 (4) Notwithstanding subsection (3), a commercial learner's  
 4 permit issued under this section that expires on or after March 1,  
 5 2020 is valid until September 30, 2020.

6 Sec. 307. (1) If an applicant for an operator's license or  
 7 chauffeur's license to operate a noncommercial motor vehicle is a  
 8 citizen of the United States, the applicant shall supply a  
 9 photographic identity document, a birth certificate, or other  
 10 sufficient documents as the secretary of state may require, to  
 11 verify the identity and citizenship of the applicant. If an  
 12 applicant for an operator's or chauffeur's license is not a citizen  
 13 of the United States, the applicant shall supply a photographic  
 14 identity document and other sufficient documents to verify the  
 15 identity of the applicant and the applicant's legal presence in the  
 16 United States under subdivision (b). The documents required under  
 17 this subsection must include the applicant's full legal name, date  
 18 of birth, and address and residency and demonstrate that the  
 19 applicant is a citizen of the United States or is legally present  
 20 in the United States. If the applicant's full legal name differs  
 21 from the name of the applicant that appears on a document presented  
 22 under this subsection, the applicant shall present documents to  
 23 verify his or her current full legal name. The secretary of state  
 24 shall accept as 1 of the required identification documents an  
 25 identification card issued by the department of corrections to  
 26 prisoners who are placed on parole or released from a correctional  
 27 facility, containing the prisoner's legal name, photograph, and  
 28 other information identifying the prisoner as provided in section  
 29 37(4) of the corrections code of 1953, 1953 PA 232, MCL 791.237. An



1 application for an operator's or chauffeur's license must be made  
 2 in a manner prescribed by the secretary of state and must contain  
 3 all of the following:

4 (a) The applicant's full legal name, date of birth, residence  
 5 address, height, sex, eye color, signature, intent to make an  
 6 anatomical gift, other information required or permitted on the  
 7 license under this chapter, and, only to the extent required to  
 8 comply with federal law, the applicant's Social Security number.  
 9 The applicant may provide a mailing address if the applicant  
 10 receives mail at an address different from his or her residence  
 11 address.

12 (b) If the applicant is not a citizen of the United States,  
 13 the applicant shall provide, and the department shall verify,  
 14 documents demonstrating his or her legal presence in the United  
 15 States. Nothing in this act shall obligate or be construed to  
 16 obligate this state to comply with title II of the real ID act of  
 17 2005, Public Law 109-13. The secretary of state may adopt rules  
 18 under the administrative procedures act of 1969, 1969 PA 306, MCL  
 19 24.201 to 24.328, as are necessary for the administration of this  
 20 subdivision. A determination by the secretary of state that an  
 21 applicant is not legally present in the United States may be  
 22 appealed under section 631 of the revised judicature act of 1961,  
 23 1961 PA 236, MCL 600.631. The secretary of state shall not issue an  
 24 operator's license or a chauffeur's license to an applicant  
 25 described in this subdivision for a term that exceeds the duration  
 26 of the applicant's legal presence in the United States.

27 (c) The following notice must be included to inform the  
 28 applicant that under sections 509o and 509r of the Michigan  
 29 election law, 1954 PA 116, MCL 168.509o and 168.509r, the secretary



1 of state is required to use the residence address provided on this  
2 application as the applicant's residence address on the qualified  
3 voter file for voter registration and voting:

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

18 (d) For an original or renewal operator's or chauffeur's  
19 license with a vehicle group designation or indorsement, the names  
20 of all states where the applicant has been licensed to drive any  
21 type of motor vehicle during the previous 10 years.

22 (e) For an operator's or chauffeur's license with a vehicle  
23 group designation or indorsement, the following certifications by  
24 the applicant:

25 (i) The applicant meets the applicable federal driver  
26 qualification requirements under 49 CFR parts 383 and 391 or meets  
27 the applicable qualifications of the department of state police  
28 under the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11  
29 to 480.25.



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

4           (iii) The applicant is not subject to disqualification by the  
5 United States Secretary of Transportation, or a suspension,  
6 revocation, or cancellation under any state law for conviction of  
7 an offense described in section 312f or 319b.

8           (iv) The applicant does not have a driver's license from more  
9 than 1 state or jurisdiction.

10          (f) An applicant for an operator's or chauffeur's license with  
11 a vehicle group designation and a hazardous material indorsement  
12 shall provide his or her fingerprints as prescribed by state and  
13 federal law.

14          (g) For automatic voter registration purposes under section  
15 493a of the Michigan election law, 1954 PA 116, MCL 168.493a, a  
16 space for the applicant to indicate on the application or change of  
17 address application whether he or she is a citizen of the United  
18 States.

19          (h) A space to allow the applicant to indicate that the  
20 applicant declines to use the application as a voter registration  
21 application.

22          (2) An applicant for an operator's or chauffeur's license may  
23 have his or her image and signature captured or reproduced when the  
24 application for the license is made. The secretary of state shall  
25 acquire equipment purchased or leased under this section under  
26 standard purchasing procedures of the department of technology,  
27 management, and budget based on standards and specifications  
28 established by the secretary of state. The secretary of state shall  
29 not purchase or lease equipment until an appropriation for the



1 equipment has been made by the legislature. A digital photographic  
 2 image and signature captured under this section must appear on the  
 3 applicant's operator's license or chauffeur's license. A person's  
 4 digital photographic image and signature shall be used as follows:

5 (a) By a federal, state, or local governmental agency for a  
 6 law enforcement purpose authorized by law.

7 (b) By the secretary of state for a use specifically  
 8 authorized by law.

9 (c) By the secretary of state for forwarding to the department  
 10 of state police the images of persons required to be registered  
 11 under the sex offenders registration act, 1994 PA 295, MCL 28.721  
 12 to 28.736, upon the department of state police providing the  
 13 secretary of state an updated list of the names of those persons.

14 (d) By the secretary of state for forwarding to the department  
 15 of state police as provided in section 5c of 1927 PA 372, MCL  
 16 28.425c.

17 (e) By the secretary of state for forwarding to the department  
 18 of licensing and regulatory affairs the images of applicants for an  
 19 official state registry identification card issued under section 6  
 20 of the Michigan ~~medical-marihuana act,~~ **Medical Marihuana Act**, 2008  
 21 IL 1, MCL 333.26426, if the department of licensing and regulatory  
 22 affairs promulgates rules requiring a photograph as a design  
 23 element for an official state registry identification card.

24 (f) As necessary to comply with a law of this state or of the  
 25 United States.

26 (3) An application must contain a signature or verification  
 27 and certification by the applicant, as determined by the secretary  
 28 of state, and must be accompanied by the proper fee. The secretary  
 29 of state shall collect the application fee with the application.



1 The secretary of state shall refund the application fee to the  
2 applicant if the license applied for is denied, but shall not  
3 refund the fee to an applicant who fails to complete the  
4 examination requirements of the secretary of state within 90 days  
5 after the date of application for a license.

6 (4) In conjunction with the application for an original or  
7 renewal operator's license or chauffeur's license, the secretary of  
8 state shall do all of the following:

9 (a) If the applicant is not a participant in the anatomical  
10 gift donor registry program, specifically inquire, either orally or  
11 in writing, whether the applicant wishes to participate in the  
12 anatomical gift donor registry program under part 101 of the public  
13 health code, 1978 PA 368, MCL 333.10101 to 333.10123. If the  
14 secretary of state or an employee of the secretary of state fails  
15 to inquire whether an applicant wishes to participate in the  
16 anatomical gift donor registry program as required by this  
17 subdivision, neither the secretary of state nor the employee is  
18 civilly or criminally liable for the failure to make the inquiry.

19 (b) Provide the applicant with all of the following:

20 (i) Information explaining the applicant's right to make an  
21 anatomical gift in the event of death in accordance with section  
22 310.

23 (ii) Information describing the anatomical gift donor registry  
24 program under part 101 of the public health code, 1978 PA 368, MCL  
25 333.10101 to 333.10123. The information required under this  
26 subparagraph includes the address and telephone number of  
27 Michigan's federally designated organ procurement organization as  
28 that term is defined in section 10102 of the public health code,  
29 1978 PA 368, MCL 333.10102, or its successor organization.



1           (iii) Information giving the applicant the opportunity to be  
2 placed on the donor registry described in subparagraph (ii).

3           (c) Provide the applicant with the opportunity to specify on  
4 his or her operator's or chauffeur's license that he or she is  
5 willing to make an anatomical gift in the event of death in  
6 accordance with section 310.

7           (d) Inform the applicant that, if he or she indicates to the  
8 secretary of state under this section a willingness to have his or  
9 her name placed on the donor registry described in subdivision  
10 (b) (ii), the secretary of state will mark the applicant's record for  
11 the donor registry.

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

14           (a) Providing printed material enclosed with a mailed notice  
15 for an operator's or chauffeur's license renewal or the issuance of  
16 an operator's or chauffeur's license.

17           (b) Providing printed material to an applicant who personally  
18 appears at a secretary of state branch office, or inquiring orally.

19           (c) Through electronic information transmittals for operator's  
20 and chauffeur's licenses processed by electronic means.

21           (6) The secretary of state shall maintain a record of an  
22 individual who indicates a willingness to have his or her name  
23 placed on the donor registry described in subsection (4) (b) (ii).  
24 Information about an applicant's indication of a willingness to  
25 have his or her name placed on the donor registry that is obtained  
26 by the secretary of state under subsection (4) and forwarded under  
27 subsection (14) is exempt from disclosure under section 13(1) (d) of  
28 the freedom of information act, 1976 PA 442, MCL 15.243. The  
29 secretary of state is not required to maintain a record of an



1 individual who does not indicate a willingness to have his or her  
2 name placed on the donor registry described in subsection (4) (b) (ii)  
3 or an individual who does not respond to an inquiry under  
4 subsection (4) (a).

5 (7) If an application is received from a person previously  
6 licensed in another jurisdiction, the secretary of state shall  
7 request a copy of the applicant's driving record and other  
8 available information from the National Driver Register. When  
9 received, the driving record and other available information become  
10 a part of the driver's record in this state.

11 (8) If a person applies for a commercial learner's permit for  
12 an original vehicle group designation or indorsement to operate a  
13 commercial motor vehicle, the secretary of state may verify the  
14 person's identity, may require proof of Michigan domicile under 49  
15 CFR 383.5, and may verify the person's proof of United States  
16 citizenship or proof of lawful permanent residency as required  
17 under 49 CFR 383.71 and 383.73, if that information is not on the  
18 person's Michigan driving record. If a person applies for a renewal  
19 of an operator's or chauffeur's license to operate a commercial  
20 motor vehicle, the secretary of state may verify the person's  
21 identity, may require proof of Michigan domicile under 49 CFR  
22 383.5, and may verify the person's proof of citizenship or lawful  
23 permanent residency under 49 CFR 383.71 and 383.73, if that  
24 information is not on the person's Michigan driving record. If a  
25 person applies for an upgrade of a vehicle group designation or  
26 indorsement, the secretary of state may verify the person's  
27 identity, may require proof of Michigan domicile under 49 CFR  
28 383.5, and may verify the person's proof of citizenship or lawful  
29 permanent residency under 49 CFR 383.71 and 383.73, if that



1 information is not on the person's Michigan driving record. The  
2 secretary of state shall request the person's complete driving  
3 record from all states where the applicant was previously licensed  
4 to drive any type of motor vehicle over the last 10 years before  
5 issuing a vehicle group designation or indorsement to the  
6 applicant. If the applicant does not hold a valid commercial motor  
7 vehicle driver license from a state where he or she was licensed in  
8 the last 10 years, this complete driving record request must be  
9 made not earlier than 24 hours before the secretary of state issues  
10 the applicant a vehicle group designation or indorsement. For all  
11 other drivers, this request must be made not earlier than 10 days  
12 before the secretary of state issues the applicant a vehicle group  
13 designation or indorsement. If the application is for the renewal  
14 of a vehicle group designation or indorsement, and if the secretary  
15 of state enters on the person's driving record maintained under  
16 section 204a a notation that the request was made and the date of  
17 the request, the secretary of state is required to request the  
18 applicant's complete driving record from other states only once  
19 under this section. The secretary of state shall also check the  
20 applicant's driving record with the National Driver Register and  
21 the federal Commercial Driver's License Information System before  
22 issuing that group designation or indorsement.

23 (9) ~~Except for a vehicle group designation or indorsement or~~  
24 ~~as provided in this subsection or section 314(5), the~~ **The** secretary  
25 of state may issue a renewal operator's or chauffeur's license for  
26 1 additional 4-year period or until the person is no longer  
27 determined to be legally present under this section by mail or by  
28 other methods prescribed by the secretary of state. The secretary  
29 of state may check the applicant's driving record through the



1 National Driver Register and the Commercial Driver's License  
2 Information System before issuing a license under this section. The  
3 secretary of state shall issue a renewal license only in person if  
4 the person is a person required under section 5a of the sex  
5 offenders registration act, 1994 PA 295, MCL 28.725a, to maintain a  
6 valid operator's or chauffeur's license or official state personal  
7 identification card. If a license is renewed by mail or by other  
8 method, the secretary of state shall issue evidence of renewal to  
9 indicate the date the license expires in the future. The department  
10 of state police shall provide to the secretary of state updated  
11 lists of persons required under section 5a of the sex offenders  
12 registration act, 1994 PA 295, MCL 28.725a, to maintain a valid  
13 operator's or chauffeur's license or official state personal  
14 identification card.

15 (10) Upon request, the secretary of state shall provide an  
16 information manual to an applicant explaining how to obtain a  
17 vehicle group designation or indorsement. The manual must contain  
18 the information required under 49 CFR part 383.

19 (11) The secretary of state shall not disclose a Social  
20 Security number obtained under subsection (1) to another person  
21 except for use for 1 or more of the following purposes:

22 (a) Compliance with 49 USC 31301 to 31317 and regulations and  
23 state law and rules related to this chapter.

24 (b) To carry out the purposes of section 466(a) of the social  
25 security act, 42 USC 666, in connection with matters relating to  
26 paternity, child support, or overdue child support.

27 (c) To check an applicant's driving record through the  
28 National Driver Register and the Commercial Driver's License  
29 Information System when issuing a license under this act.



1 (d) With the department of health and human services, for  
2 comparison with vital records maintained by the department of  
3 health and human services under part 28 of the public health code,  
4 1978 PA 368, MCL 333.2801 to 333.2899.

5 (e) As otherwise required by law.

6 (12) The secretary of state shall not display a person's  
7 Social Security number on the person's operator's or chauffeur's  
8 license.

9 (13) A requirement under this section to include a Social  
10 Security number on an application does not apply to an applicant  
11 who demonstrates that he or she is exempt under law from obtaining  
12 a Social Security number.

13 (14) As required in section 10120 of the public health code,  
14 1978 PA 368, MCL 333.10120, the secretary of state shall maintain  
15 the donor registry in a manner that provides electronic access,  
16 including, but not limited to, the transfer of data to this state's  
17 federally designated organ procurement organization or its  
18 successor organization, tissue banks, and eye banks, in a manner  
19 that complies with that section.

20 (15) The secretary of state, with the approval of the state  
21 administrative board created under 1921 PA 2, MCL 17.1 to 17.3, may  
22 enter into agreements with the United States government to verify  
23 whether an applicant for an operator's license or a chauffeur's  
24 license under this section who is not a citizen of the United  
25 States is authorized under federal law to be present in the United  
26 States.

27 (16) The secretary of state shall not issue an operator's  
28 license or a chauffeur's license to a person holding an operator's  
29 license or chauffeur's license issued by another state without



1 confirmation that the person is terminating or has terminated the  
2 operator's license or chauffeur's license issued by the other  
3 state.

4 (17) The secretary of state shall do all of the following:

5 (a) Ensure the physical security of locations where operator's  
6 licenses and chauffeur's licenses are produced and the security of  
7 document materials and papers from which operator's licenses and  
8 chauffeur's licenses are produced.

9 (b) Subject all persons authorized to manufacture or produce  
10 operator's licenses or chauffeur's licenses and all persons who  
11 have the ability to affect the identity information that appears on  
12 operator's licenses or chauffeur's licenses to appropriate security  
13 clearance requirements. The security requirements of this  
14 subdivision and subdivision (a) may require that licenses be  
15 manufactured or produced in this state.

16 (c) Provide fraudulent document recognition programs to  
17 department of state employees engaged in the issuance of operator's  
18 licenses and chauffeur's licenses.

19 (18) The secretary of state shall have electronic access to  
20 prisoner information maintained by the department of corrections  
21 for the purpose of verifying the identity of a prisoner who applies  
22 for an operator's or chauffeur's license under subsection (1).

23 Sec. 317. (1) The secretary of state may suspend, deny, or  
24 revoke the right of a nonresident to operate a motor vehicle in  
25 this state for a cause for which the license of a resident driver  
26 may be suspended, denied, or revoked. A nonresident who drives a  
27 motor vehicle ~~upon~~**on** a highway when the privilege to drive has  
28 been suspended, revoked, or denied by the secretary of state is  
29 guilty of a misdemeanor punishable as provided in section 904.



1       ~~(2) The secretary of state, upon receiving a record of a~~  
 2 ~~violation of section 321a(1) by a nonresident in this state, shall~~  
 3 ~~notify the motor vehicle administration or other appropriate~~  
 4 ~~officer of the state where the nonresident is licensed of that~~  
 5 ~~violation. The notification required under this subsection shall be~~  
 6 ~~given no later than 6 months after the date the citation was issued~~  
 7 ~~to the nonresident. This subsection does not apply unless the~~  
 8 ~~governor of this state has entered into an interstate compact~~  
 9 ~~requiring the notification described in this subsection. The~~  
 10 ~~secretary of state may only share the information described in this~~  
 11 ~~subsection to verify driving privileges or licensure status, to~~  
 12 ~~report a conviction or withdrawal, or to ensure compliance with 49~~  
 13 ~~CFR 384.209.~~

14       (2) ~~(3)~~The secretary of state, ~~upon~~**on** receiving a record of  
 15 the conviction, civil infraction determination, suspension,  
 16 revocation, or forfeiture of bail in this state of a nonresident of  
 17 a violation the record of which is required to be maintained under  
 18 section 204a, shall forward a certified copy of the record to the  
 19 motor vehicle administrator or other appropriate officer in the  
 20 state in which the ~~person~~**individual** is a resident.

21       (3) ~~(4)~~Within 10 days after an appeal is completed or the  
 22 appeal period has expired if an appeal is not made in a conviction,  
 23 civil infraction determination, or bond forfeiture entered against  
 24 a nonresident in this state for a violation committed while  
 25 operating a commercial motor vehicle or any violation for a  
 26 commercial driver license holder regardless of vehicle type, except  
 27 a parking violation, the secretary of state shall notify the motor  
 28 vehicle administration or other appropriate officer of the state  
 29 where the nonresident is licensed of that conviction,



1 determination, or forfeiture.

2 (4) ~~(5)~~—If the secretary of state suspends, revokes, cancels,  
3 or denies the driving privileges of a nonresident for 60 days or  
4 more and that nonresident is licensed by another state to operate a  
5 commercial motor vehicle, the secretary of state shall, within 10  
6 days after the effective date of the suspension, revocation,  
7 cancellation, or denial, forward a notification about that  
8 suspension, revocation, cancellation, or denial to the motor  
9 vehicle administrator or other appropriate officer of the state  
10 where the nonresident is licensed to operate a motor vehicle. A  
11 notice given under this subsection must include both the denial, if  
12 any, and the violation that caused the suspension, revocation,  
13 cancellation, or denial of the nonresident's driving privileges.

14 Sec. 319. (1) The secretary of state shall immediately suspend  
15 ~~a person's~~ **an individual's** license as provided in this section on  
16 receiving a record of the ~~person's~~ **individual's** conviction for a  
17 crime described in this section, whether the conviction is under a  
18 law of this state, a local ordinance **that** substantially  
19 ~~corresponding~~ **corresponds** to a law of this state, a law of another  
20 state **that** substantially ~~corresponding~~ **corresponds** to a law of this  
21 state, or, beginning October 31, 2010, a law of the United States  
22 **that** substantially ~~corresponding~~ **corresponds** to a law of this  
23 state.

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

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

28 (b) A violation of section 413 of the Michigan penal code,  
29 1931 PA 328, MCL 750.413.



1 ~~(c) A violation of section 1 of former 1931 PA 214, MCL~~  
 2 ~~752.191, or former section 626c.~~

3 **(c)** ~~(d)~~ A felony in which a motor vehicle was used. As used in  
 4 this section, "felony in which a motor vehicle was used" means a  
 5 felony during the commission of which the ~~person~~**individual**  
 6 convicted operated a motor vehicle and while operating the vehicle  
 7 presented real or potential harm to ~~persons~~**individuals** or property  
 8 and 1 or more of the following circumstances existed:

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

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

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

12 (iv) The vehicle was necessary for the commission of the  
 13 felony.

14 **(d)** ~~(e)~~ A violation of section 602a(2) or (3) ~~of this act or~~  
 15 section 479a(2) or (3) of the Michigan penal code, 1931 PA 328, MCL  
 16 750.479a.

17 **(e)** ~~(f)~~ Beginning October 31, 2010, a violation of section  
 18 601d.

19 (3) The secretary of state shall suspend the ~~person's~~  
 20 **individual's** license for 90 days for any of the following crimes:

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

23 (b) A violation of section 601b(2), section 601c(1), section  
 24 653a(3), section 626 before October 31, 2010, or, beginning October  
 25 31, 2010, section 626(2).

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

29 ~~(d) A violation of section 703(2) of the Michigan liquor~~



1 ~~control code of 1998, 1998 PA 58, MCL 436.1703.~~

2 (4) The secretary of state shall suspend the ~~person's~~  
3 **individual's** license for 30 days for malicious destruction  
4 resulting from the operation of a vehicle under section 382(1)(a)  
5 of the Michigan penal code, 1931 PA 328, MCL 750.382.

6 (5) For perjury or making a false certification to the  
7 secretary of state under any law requiring the registration of a  
8 motor vehicle or regulating the operation of a vehicle on a  
9 highway, or for conduct prohibited under section 324(1) or a local  
10 ordinance **that** substantially ~~corresponding~~ **corresponds** to section  
11 324(1), the secretary of state shall suspend the ~~person's~~  
12 **individual's** license as follows:

13 (a) If the ~~person~~ **individual** has no prior conviction for an  
14 offense described in this subsection within 7 years, for 90 days.

15 (b) If the ~~person~~ **individual** has 1 or more prior convictions  
16 for an offense described in this subsection within 7 years, for 1  
17 year.

18 (6) For a violation of section 414 of the Michigan penal code,  
19 1931 PA 328, MCL 750.414, the secretary of state shall suspend the  
20 ~~person's~~ **individual's** license as follows:

21 (a) If the ~~person~~ **individual** has no prior conviction for that  
22 offense within 7 years, for 90 days.

23 (b) If the ~~person~~ **individual** has 1 or more prior convictions  
24 for that offense within 7 years, for 1 year.

25 (7) For a violation of section 624a or 624b, ~~of this act or~~  
26 ~~section 703(1) of the Michigan liquor control code of 1998, 1998 PA~~  
27 ~~58, MCL 436.1703,~~ the secretary of state shall suspend the ~~person's~~  
28 **individual's** license as follows:

29 (a) ~~Subject to subsection (24), if~~ **If** the ~~person~~ **individual**



1 has 1 prior conviction for an offense described in section 624a or  
 2 624b, ~~of this act or section 33b(1) of former 1933 (Ex Sess) PA 8,~~  
 3 for 90 days. The secretary of state may issue the ~~person~~**individual**  
 4 a restricted license after the first 30 days of suspension.

5 (b) ~~Subject to subsection (24), if~~**If** the ~~person~~**individual**  
 6 has 2 or more prior convictions for an offense described in ~~this~~  
 7 ~~subsection or section 33b(1) of former 1933 (Ex Sess) PA 8,~~ **section**  
 8 **624a or 624b**, for 1 year. The secretary of state may issue the  
 9 ~~person~~**individual** a restricted license after the first 60 days of  
 10 suspension.

11 (8) The secretary of state shall suspend the ~~person's~~  
 12 **individual's** license for a violation of section 625 or 625m as  
 13 follows:

14 (a) For 180 days for a violation of section 625(1) or (8)  
 15 before October 31, 2010 or, beginning October 31, 2010, section  
 16 625(1) (a) or (b) or (8) if the ~~person~~**individual** has no prior  
 17 convictions within 7 years. The secretary of state may issue the  
 18 ~~person~~**individual** a restricted license during a specified portion  
 19 of the suspension, except that the secretary of state shall not  
 20 issue a restricted license during the first 30 days of suspension.

21 (b) For 90 days for a violation of section 625(3) if the  
 22 ~~person~~**individual** has no prior convictions within 7 years. However,  
 23 if the ~~person~~**individual** is convicted of a violation of section  
 24 625(3), for operating a vehicle when, due to the consumption of a  
 25 controlled substance or a combination of alcoholic liquor and a  
 26 controlled substance, the ~~person's~~**individual's** ability to operate  
 27 the vehicle was visibly impaired, the secretary of state shall  
 28 suspend the ~~person's~~**individual's** license under this subdivision  
 29 for 180 days. The secretary of state may issue the ~~person~~



1 **individual** a restricted license during all or a specified portion  
2 of the suspension.

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

7 (d) For 90 days for a violation of section 625(6) if the  
8 ~~person~~**individual** has 1 or more prior convictions for that offense  
9 within 7 years.

10 (e) For 180 days for a violation of section 625(7) if the  
11 ~~person~~**individual** has no prior convictions within 7 years. The  
12 secretary of state may issue the ~~person~~**individual** a restricted  
13 license after the first 90 days of suspension.

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

18 (g) Beginning October 31, 2010, for 1 year for a violation of  
19 section 625(1)(c) if the ~~person~~**individual** has no prior convictions  
20 within 7 years or not more than 2 convictions within 10 years. The  
21 secretary of state may issue the ~~person~~**individual** a restricted  
22 license, except that the secretary of state shall not issue a  
23 restricted license during the first 45 days of suspension.

24 (h) Beginning October 31, 2010, the department shall order a  
25 ~~person~~**an individual** convicted of violating section 625(1)(c) not  
26 to operate a motor vehicle under a restricted license issued under  
27 subdivision (g) unless the vehicle is equipped with an ignition  
28 interlock device approved, certified, and installed as required  
29 under sections 625k and 625l. The ignition interlock device may be



1 removed after the interlock device provider provides the department  
2 with verification that the ~~person~~**individual** has operated the  
3 vehicle with no instances of reaching or exceeding a blood alcohol  
4 level of 0.025 grams per 210 liters of breath. This subdivision  
5 does not prohibit the removal of the ignition interlock device for  
6 any of the following:

7 (i) A start-up test failure that occurs within the first 2  
8 months after installation of the device. As used in this  
9 subdivision, "start-up test failure" means that the ignition  
10 interlock device has prevented the motor vehicle from being  
11 started. Multiple unsuccessful attempts at 1 time to start the  
12 vehicle are treated as 1 start-up test failure only under this  
13 subparagraph.

14 (ii) A start-up test failure occurring more than 2 months after  
15 installation of the device, if not more than 15 minutes after  
16 detecting the start-up test failure the ~~person~~**individual** delivers  
17 a breath sample that the ignition interlock device analyzes as  
18 having an alcohol level of less than 0.025 grams per 210 liters of  
19 breath.

20 (iii) A retest prompted by the device, if not more than 5  
21 minutes after detecting the retest failure the ~~person~~**individual**  
22 delivers a breath sample that the ignition interlock device  
23 analyzes as having an alcohol level of less than 0.025 grams per  
24 210 liters of breath.

25 (i) Beginning October 31, 2010, if an individual violates the  
26 conditions of the restricted license issued under subdivision (g)  
27 or operates or attempts to operate a motor vehicle with a blood  
28 alcohol level of 0.025 grams per 210 liters of breath, the  
29 secretary of state shall impose an additional like period of



1 suspension and restriction as prescribed under subdivision (g).  
 2 This subdivision does not require an additional like period of  
 3 suspension and restriction for any of the following:

4 (i) A start-up test failure within the first 2 months after  
 5 installation of the ignition interlock device. As used in this  
 6 subdivision, "start-up test failure" means that the ignition  
 7 interlock device has prevented the motor vehicle from being  
 8 started. Multiple unsuccessful attempts at 1 time to start the  
 9 vehicle are treated as 1 start-up test failure only under this  
 10 subparagraph.

11 (ii) A start-up test failure occurring more than 2 months after  
 12 installation of the device, if not more than 15 minutes after  
 13 detecting the start-up test failure the ~~person~~**individual** delivers  
 14 a breath sample that the ignition interlock device analyzes as  
 15 having an alcohol level of less than 0.025 grams per 210 liters of  
 16 breath.

17 (iii) Any retest prompted by the device, if not more than 5  
 18 minutes after detecting the retest failure the ~~person~~**individual**  
 19 delivers a breath sample that the ignition interlock device  
 20 analyzes as having an alcohol level of less than 0.025 grams per  
 21 210 liters of breath.

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

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

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

29 (10) For a violation of section 315(4), the secretary of state



1 may suspend the ~~person's~~**individual's** license for 6 months.

2 ~~(11) For a violation or attempted violation of section 411a(2)~~  
 3 ~~of the Michigan penal code, 1931 PA 328, MCL 750.411a, involving a~~  
 4 ~~school, the secretary of state shall suspend the license of a~~  
 5 ~~person 14 years of age or over but less than 21 years of age until~~  
 6 ~~3 years after the date of the conviction or juvenile disposition~~  
 7 ~~for the violation. The secretary of state may issue the person a~~  
 8 ~~restricted license after the first 365 days of suspension.~~

9 ~~(12) For a second or subsequent violation of section 701(1) of~~  
 10 ~~the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701,~~  
 11 ~~by an individual who is not a retail licensee or a retail~~  
 12 ~~licensee's clerk, agent, or employee, the secretary of state shall~~  
 13 ~~suspend the person's license for 180 days. The secretary of state~~  
 14 ~~may issue a person a restricted license during all or a specified~~  
 15 ~~portion of the suspension.~~

16 ~~(11) (13)~~ Except as provided in subsection ~~(15)~~, ~~(13)~~, a  
 17 suspension under this section shall ~~shall~~**must** be imposed notwithstanding  
 18 a court order unless the court order complies with section 323.

19 ~~(12) (14)~~ If the secretary of state receives records of more  
 20 than 1 conviction of ~~a person resulting~~**an individual that results**  
 21 from the same incident, a suspension shall ~~shall~~**must** be imposed only for  
 22 the violation to which the longest period of suspension applies  
 23 under this section.

24 ~~(13) (15)~~ The secretary of state may waive a restriction,  
 25 suspension, or revocation of ~~a person's~~**an individual's** license  
 26 imposed under this act if the ~~person~~**individual** submits proof that  
 27 a court in another state revoked, suspended, or restricted his or  
 28 her license for a period equal to or greater than the period of a  
 29 restriction, suspension, or revocation prescribed under this act



1 for the violation and that the revocation, suspension, or  
 2 restriction was served for the violation, or may grant a restricted  
 3 license.

4 (14) ~~(16)~~—The secretary of state shall not issue a restricted  
 5 license to ~~a person~~**an individual** whose license is suspended under  
 6 this section unless a restricted license is authorized under this  
 7 section and the ~~person~~**individual** is otherwise eligible for a  
 8 license.

9 (15) ~~(17)~~—The secretary of state shall not issue a restricted  
 10 license to ~~a person~~**an individual** under subsection (8) that would  
 11 permit the ~~person~~**individual** to operate a commercial motor vehicle.

12 (16) ~~(18)~~—Except as provided in subsection ~~(17)~~,**(15)**, a  
 13 restricted license issued under this section ~~shall~~**must** permit the  
 14 ~~person~~**individual** to whom it is issued to take any driving skills  
 15 test required by the secretary of state and to operate a vehicle  
 16 under 1 or more of the following circumstances:

17 (a) In the course of the ~~person's~~**individual's** employment or  
 18 occupation.

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

20 (i) The ~~person's~~**individual's** residence.

21 (ii) The ~~person's~~**individual's** work location.

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

24 (iv) The court probation department.

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

26 (vi) An educational institution at which the ~~person~~**individual**  
 27 is enrolled as a student.

28 (vii) A place of regularly occurring medical treatment for a  
 29 serious condition for the ~~person~~**individual** or a member of the



1 ~~person's~~ **individual's** household or immediate family.

2 (viii) An ignition interlock service provider as required.

3 **(17)** ~~(19)~~ While driving with a restricted license, the ~~person~~  
4 **individual** shall carry proof of his or her destination and the  
5 hours of any employment, class, or other reason for traveling and  
6 shall display that proof ~~upon~~ **on** a peace officer's request.

7 **(18)** ~~(20)~~ Subject to subsection ~~(22)~~, **(20)**, as used in  
8 subsection (8), "prior conviction" means a conviction for any of  
9 the following, whether under a law of this state, a local ordinance  
10 **that** substantially ~~corresponding~~ **corresponds** to a law of this  
11 state, or a law of another state **that** substantially ~~corresponding~~  
12 **corresponds** to a law of this state:

13 (a) Except as provided in subsection ~~(21)~~, **(19)**, a violation  
14 or attempted violation of any of the following:

15 (i) Section 625, except a violation of section 625(2), or a  
16 violation of any prior enactment of section 625 in which the  
17 defendant operated a vehicle while under the influence of  
18 intoxicating or alcoholic liquor or a controlled substance, or a  
19 combination of intoxicating or alcoholic liquor and a controlled  
20 substance, or while visibly impaired, or with an unlawful bodily  
21 alcohol content.

22 (ii) Section 625m.

23 (iii) Former section 625b.

24 (b) Negligent homicide, manslaughter, or murder ~~resulting~~ **that**  
25 **results** from the operation of a vehicle or an attempt to commit any  
26 of those crimes.

27 (c) Beginning October 31, 2010, a violation of section 601d or  
28 section 626(3) or (4).

29 **(19)** ~~(21)~~ Except for purposes of the suspensions described in



1 subsection (8) (c) and (d), only 1 violation or attempted violation  
 2 of section 625(6), a local ordinance **that** substantially  
 3 ~~corresponding~~**corresponds** to section 625(6), or a law of another  
 4 state **that** substantially ~~corresponding~~**corresponds** to section  
 5 625(6) may be used as a prior conviction.

6 ~~(20)~~ ~~(22)~~—If 2 or more convictions described in subsection  
 7 ~~(20)~~**(18)** are convictions for violations arising out of the same  
 8 transaction, only 1 conviction ~~shall~~**must** be used to determine  
 9 whether the ~~person~~**individual** has a prior conviction.

10 ~~(21)~~ ~~(23)~~—Any period of suspension or restriction required  
 11 under this section is not subject to appeal to the secretary of  
 12 state.

13 ~~(24)~~ ~~For purposes of subsection (7), "prior conviction" means~~  
 14 ~~either a misdemeanor conviction or a civil infraction determination~~  
 15 ~~for a violation of section 703(1) of the liquor control code of~~  
 16 ~~1998, 1998 PA 58, MCL 436.1703.~~

17 Sec. 320e. (1) Except as otherwise provided in subsection (2)  
 18 ~~, or (3), or (4), a person~~**an individual** whose operator's or  
 19 chauffeur's license is suspended, revoked, or restricted ~~pursuant~~  
 20 ~~to~~**under** section 303, 319, 320, 324, 625, 625b, 625f, 732a, or 904  
 21 shall pay a license reinstatement fee of \$125.00 to the secretary  
 22 of state before a license is issued or returned to the ~~person.~~  
 23 **individual**. The increase in the reinstatement fee from \$60.00 to  
 24 \$125.00 ~~shall~~**must** be imposed for a license that is issued or  
 25 returned on or after October 1, 1991 regardless of when the license  
 26 was suspended, revoked, or restricted. Of the increase in the  
 27 reinstatement fee from \$60.00 to \$125.00, \$25.00 ~~shall~~**must** be  
 28 allocated to the department of state, \$10.00 ~~shall~~**must** be  
 29 deposited by the department of treasury in the drunk driving



1 prevention equipment and training fund created under section  
 2 625h(1), and \$30.00 ~~shall~~**must** be deposited by the department of  
 3 treasury in the drunk driving caseflow assistance fund created  
 4 under section 625h(5). The fee ~~shall~~**must** be waived if the license  
 5 was suspended or restricted because of the ~~person's~~**individual's**  
 6 mental or physical infirmity or disability.

7 (2) ~~A person~~**An individual** whose operator's or chauffeur's  
 8 license is suspended, revoked, or restricted ~~pursuant to~~**under**  
 9 section 319(7) shall pay a license reinstatement fee of \$125.00 to  
 10 the secretary of state before a license is issued or returned to  
 11 the ~~person.~~**individual**. The fee ~~shall~~**must** be waived if the license  
 12 was suspended or restricted because of the ~~person's~~**individual's**  
 13 mental or physical infirmity or disability.

14 ~~(3) A person whose operator's or chauffeur's license is~~  
 15 ~~suspended, revoked, or restricted pursuant to section 319e shall~~  
 16 ~~pay a license reinstatement fee of \$125.00 to the secretary of~~  
 17 ~~state before a license is issued or returned to the person. Of the~~  
 18 ~~\$125.00 fee, \$95.00 shall be allocated to the department of state~~  
 19 ~~and \$30.00 shall be deposited by the department of treasury in the~~  
 20 ~~drug case information management fund created under section 323d.~~

21 (3) ~~(4) A person~~**Except as provided in subsection (4), an**  
 22 **individual** whose operator's or chauffeur's license is suspended as  
 23 provided in section 321c shall pay a license reinstatement fee of  
 24 \$85.00 to the secretary of state before a license is issued or  
 25 returned to the person. The fee shall be deposited in the state  
 26 general fund and shall be used to defray the expenses of the  
 27 secretary of state in processing the suspension and reinstatement  
 28 of driver licenses under this section.

29 (4) **Beginning on the effective date of the 2020 amendatory act**



1 that added this subsection, the secretary of state shall waive the  
2 reinstatement fee for an individual whose operator's or chauffeur's  
3 license was suspended, revoked, or restricted for reasons that are  
4 no longer eligible for the suspension, revocation, or restriction  
5 of an operator's or chauffeur's license under this act. The  
6 secretary of state shall immediately reinstate an operator's or  
7 chauffeur's license that was suspended, revoked, or restricted for  
8 reasons that are no longer eligible under this act.

9 (5) The secretary of state shall assess points and take  
10 licensing action, including suspending, revoking, or denying a  
11 license under this act, according to the law in effect at the time  
12 of the conspiracy to commit the offense or at the time the offense  
13 was committed or attempted or the civil infraction occurred. If 1  
14 or more of the convictions involved in a licensing sanction is a  
15 violation or attempted violation of this act committed or attempted  
16 after January 1, 1992, the secretary of state shall apply the law  
17 in effect after January 1, 1992.

18 (6) Judicial review of an administrative licensing sanction  
19 under section 303 ~~shall~~**must** be governed by the law in effect at  
20 the time the offense was committed or attempted. If 1 or more of  
21 the convictions involved in an administrative licensing sanction is  
22 a violation or attempted violation of this act committed or  
23 attempted after January 1, 1992, judicial review of that sanction  
24 ~~shall~~**must** be governed by the law in effect after January 1, 1992.

25 ~~Sec. 321a. (1) A person who fails to answer a citation, or a~~  
26 ~~notice to appear in court for a violation reportable to the~~  
27 ~~secretary of state under section 732 or a local ordinance~~  
28 ~~substantially corresponding to a violation of a law of this state~~  
29 ~~reportable to the secretary of state under section 732, or for any~~



1 ~~matter pending, or who fails to comply with an order or judgment of~~  
 2 ~~the court, including, but not limited to, paying all fines, costs,~~  
 3 ~~fees, and assessments, is guilty of a misdemeanor punishable by~~  
 4 ~~imprisonment for not more than 93 days or a fine of not more than~~  
 5 ~~\$100.00, or both. A violation of this subsection or failure to~~  
 6 ~~answer a citation or notice to appear for a violation of section~~  
 7 ~~33b(1) of former 1933 (Ex Sess) PA 8, section 703(1) of the~~  
 8 ~~Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or~~  
 9 ~~a local ordinance substantially corresponding to either of these~~  
 10 ~~sections must not be considered a violation for any purpose under~~  
 11 ~~section 320a.~~

12 (1) ~~(2)~~ Except as provided in subsection ~~(3)~~, **(2)**, 28 days or  
 13 more after ~~a person~~ **an individual** fails to answer a citation, or a  
 14 notice to appear in court for a violation ~~reportable to the~~  
 15 ~~secretary of state under section 732~~ **for which license suspension**  
 16 **is allowed under this act** or a local ordinance **that** substantially  
 17 ~~corresponding~~ **corresponds** to a violation ~~of a law of this state~~  
 18 ~~reportable to the secretary of state under section 732, including~~  
 19 ~~for a violation of section 703(1) (a) of the Michigan liquor control~~  
 20 ~~code of 1998, 1998 PA 58, MCL 436.1703, or for any matter pending,~~  
 21 **for which license suspension is allowed under this act**, or fails to  
 22 comply with an order or judgment of the court ~~,~~ **for a violation for**  
 23 **which license suspension is allowed under this act**, including, but  
 24 not limited to, paying all fines, costs, fees, and assessments, the  
 25 court shall give notice by mail at the last known address of the  
 26 ~~person~~ **individual** that if the ~~person~~ **individual** fails to appear or  
 27 fails to comply with the order or judgment within 14 days after the  
 28 notice is issued, the secretary of state shall suspend the ~~person's~~  
 29 **individual's** operator's or chauffeur's license. If the ~~person~~



1 **individual** fails to appear or fails to comply with the order or  
 2 judgment within the 14-day period, the court shall, within 14 days,  
 3 inform the secretary of state, who shall immediately suspend the  
 4 license of the ~~person~~-**individual**. The secretary of state shall  
 5 immediately notify the ~~person~~-**individual** of the suspension by  
 6 regular mail at the ~~person's~~-**individual's** last known address.

7 (2) ~~(3)~~ If ~~the person~~-**an individual** is charged with, or  
 8 convicted of, a violation of section 625, **section 626, any driving**  
 9 **violation under this act that causes injury, death, or serious**  
 10 **impairment of a body function of another individual, a serious**  
 11 **offense involving a motor vehicle**, or a local ordinance that  
 12 substantially ~~corresponding~~-**corresponds** to section 625(1), (2),  
 13 (3), (6), or (8) **or 626**, and the ~~person~~-**individual** fails to answer  
 14 a citation or a notice to appear in court, or **a notice to appear**  
 15 for any matter pending, or fails to comply with an order or  
 16 judgment of the court, including, but not limited to, paying all  
 17 fines, costs, and crime victim rights assessments, the court shall  
 18 immediately give notice by first-class mail sent to the ~~person's~~  
 19 **individual's** last known address that if the ~~person~~-**individual** fails  
 20 to appear within 7 days after the notice is issued, or fails to  
 21 comply with the order or judgment of the court, including, but not  
 22 limited to, paying all fines, costs, and crime victim rights  
 23 assessments, within 14 days after the notice is issued, the  
 24 secretary of state shall suspend the ~~person's~~-**individual's**  
 25 operator's or chauffeur's license. If the ~~person~~-**individual** fails  
 26 to appear within the 7-day period, or fails to comply with the  
 27 order or judgment of the court, including, but not limited to,  
 28 paying all fines, costs, and crime victim rights assessments,  
 29 within the 14-day period, the court shall immediately inform the



1 secretary of state who shall immediately suspend the ~~person's~~  
 2 **individual's** operator's or chauffeur's license and notify the  
 3 ~~person-individual~~ of the suspension by first-class mail sent to the  
 4 ~~person's-individual's~~ last known address.

5 ~~(4) If the person is charged with, or convicted of, a~~  
 6 ~~violation of section 33b(1) of former 1933 (Ex Sess) PA 8, section~~  
 7 ~~703(1) (b) or (c) of the Michigan liquor control code of 1998, 1998~~  
 8 ~~PA 58, MCL 436.1703, section 624a, section 624b, or a local~~  
 9 ~~ordinance substantially corresponding to those sections and the~~  
 10 ~~person fails to answer a citation or a notice to appear in court~~  
 11 ~~issued under section 33b of former 1933 (Ex Sess) PA 8, section 703~~  
 12 ~~of the Michigan liquor control code of 1998, 1998 PA 58, MCL~~  
 13 ~~436.1703, section 624a, section 624b, or a local ordinance~~  
 14 ~~substantially corresponding to those sections or fails to comply~~  
 15 ~~with an order or judgment of the court issued under section 33b of~~  
 16 ~~former 1933 (Ex Sess) PA 8, section 703 of the Michigan liquor~~  
 17 ~~control code of 1998, 1998 PA 58, MCL 436.1703, section 624a,~~  
 18 ~~section 624b, or a local ordinance substantially corresponding to~~  
 19 ~~those sections including, but not limited to, paying all fines and~~  
 20 ~~costs, the court shall immediately give notice by first-class mail~~  
 21 ~~sent to the person's last known address that if the person fails to~~  
 22 ~~appear within 7 days after the notice is issued, or fails to comply~~  
 23 ~~with the order or judgment of the court, including, but not limited~~  
 24 ~~to, paying all fines and costs, within 14 days after the notice is~~  
 25 ~~issued, the secretary of state shall suspend the person's~~  
 26 ~~operator's or chauffeur's license. If the person fails to appear~~  
 27 ~~within the 7-day period, or fails to comply with the order or~~  
 28 ~~judgment of the court, including, but not limited to, paying all~~  
 29 ~~fines and costs, within the 14 day period, the court shall~~



1 ~~immediately inform the secretary of state who shall immediately~~  
 2 ~~suspend the person's operator's or chauffeur's license and notify~~  
 3 ~~the person of the suspension by first-class mail sent to the~~  
 4 ~~person's last known address.~~

5 ~~(3)~~ ~~(5)~~ A suspension imposed under subsection ~~(2)~~ ~~or~~ ~~(3)~~ ~~(1)~~  
 6 ~~or~~ ~~(2)~~ remains in effect until both of the following occur:

7 (a) The secretary of state is notified by each court in which  
 8 the ~~person~~ **individual** failed to answer a citation or notice to  
 9 appear or failed to pay a fine or cost that the ~~person~~ **individual**  
 10 has answered that citation or notice to appear or paid that fine or  
 11 cost.

12 (b) The ~~person~~ **individual** has paid to the court a \$45.00  
 13 driver license clearance fee for each failure to answer a citation  
 14 or failure to pay a fine or cost.

15 ~~(6) The court shall not notify the secretary of state, and the~~  
 16 ~~secretary of state shall not suspend the person's license, if the~~  
 17 ~~person fails to appear in response to a citation issued for, or~~  
 18 ~~fails to comply with an order or judgment involving 1 or more of~~  
 19 ~~the following infractions:~~

20 ~~(a) The parking or standing of a vehicle.~~

21 ~~(b) A pedestrian, passenger, or bicycle violation, other than~~  
 22 ~~a violation of section 33b(1) or (2) of former 1933 (Ex Sess) PA 8,~~  
 23 ~~section 703(1) or (2) of the Michigan liquor control code of 1998,~~  
 24 ~~1998 PA 58, MCL 436.1703, section 624a or 624b, or a local~~  
 25 ~~ordinance substantially corresponding to section 33b(1) or (2) of~~  
 26 ~~former 1933 (Ex Sess) PA 8, section 703(1) or (2) of the Michigan~~  
 27 ~~liquor control code of 1998, 1998 PA 58, MCL 436.1703, or section~~  
 28 ~~624a or 624b.~~

29 ~~(7) The court may notify a person who has done either of the~~



1 following, that if the person does not appear within 10 days after  
 2 the notice is issued, the court will inform the secretary of state  
 3 of the person's failure to appear:

4 (a) Failed to answer 2 or more parking violation notices or  
 5 citations for violating a provision of this act or an ordinance  
 6 substantially corresponding to a provision of this act pertaining  
 7 to parking for persons with disabilities.

8 (b) Failed to answer 3 or more parking violation notices or  
 9 citations regarding illegal parking.

10 (8) The secretary of state, upon being informed of the failure  
 11 of a person to appear or comply as provided in subsection (7),  
 12 shall not issue a license to the person or renew a license for the  
 13 person until both of the following occur:

14 (a) The court informs the secretary of state that the person  
 15 has resolved all outstanding matters regarding the notices or  
 16 citations.

17 (b) The person has paid to the court a \$45.00 driver license  
 18 clearance fee. If the court determines that the person is  
 19 responsible for only 1 parking violation under subsection (7) (a) or  
 20 fewer than 3 parking violations under subsection (7) (b), for which  
 21 the person's license was not issued or renewed under this  
 22 subsection, the court may waive payment of the fee.

23 (9) Not less than 28 days after a person fails to appear in  
 24 response to a citation issued for, or fails to comply with an order  
 25 or judgment involving, a state civil infraction described in  
 26 chapter 88 of the revised judicature act of 1961, 1961 PA 236, MCL  
 27 600.8801 to 600.8835, the court shall give notice by ordinary mail,  
 28 addressed to the person's last known address, that if the person  
 29 fails to appear or fails to comply with the order or judgment



1 ~~described in this subsection within 14 days after the notice is~~  
 2 ~~issued, the court will give to the secretary of state notice of~~  
 3 ~~that failure. Upon receiving notice of that failure, the secretary~~  
 4 ~~of state shall not issue or renew an operator's or chauffeur's~~  
 5 ~~license for the person until both of the following occur:~~

6 ~~(a) The court informs the secretary of state that the person~~  
 7 ~~has resolved all outstanding matters regarding each notice or~~  
 8 ~~citation.~~

9 ~~(b) The person has paid to the court a \$45.00 driver license~~  
 10 ~~clearance fee. If the court determines that the person is not~~  
 11 ~~responsible for any violation for which the person's license was~~  
 12 ~~not issued or renewed under this subsection, the court shall waive~~  
 13 ~~the fee.~~

14 ~~(4) (10) For the purposes of subsections (5) (a), (8) (a), and~~  
 15 ~~(9) (a), **subsection (3) (a)**, the court shall give to the person~~  
 16 **individual** a copy of the information being transmitted to the  
 17 secretary of state. Upon showing that copy, the ~~person~~**individual**  
 18 must not be arrested or issued a citation for driving on a  
 19 suspended license, on an expired license, or without a license on  
 20 the basis of any matter resolved under subsection ~~(5) (a), (8) (a),~~  
 21 ~~or (9) (a), **(3) (a)**, even if the information being sent to the~~  
 22 secretary of state has not yet been received or recorded by the  
 23 department.

24 ~~(5) (11) For each fee received under subsection (5) (b),~~  
 25 ~~(8) (b), or (9) (b), **(3) (b)**, the court shall transmit the following~~  
 26 amounts on a monthly basis:

27 (a) Fifteen dollars to the secretary of state. The ~~funds~~**money**  
 28 received by the secretary of state under this subdivision must be  
 29 deposited in the state general fund and ~~shall~~**must** be used to



1 defray the expenses of the secretary of state in processing the  
2 suspension and reinstatement of driver licenses under this section.

3 (b) Fifteen dollars to 1 of the following, as applicable:

4 (i) If the matter is before the circuit court, to the treasurer  
5 of the county for deposit in the general fund.

6 (ii) If the matter is before the district court, to the  
7 treasurer of the district funding unit for that court, for deposit  
8 in the general fund. As used in this section, "district funding  
9 unit" means that term as defined in section 8104 of the revised  
10 judicature act of 1961, 1961 PA 236, MCL 600.8104.

11 (iii) If the matter is before a municipal court, to the  
12 treasurer of the city in which the municipal court is located, for  
13 deposit in the general fund.

14 (c) Fifteen dollars to the juror compensation reimbursement  
15 fund created in section 151d of the revised judicature act of 1961,  
16 1961 PA 236, MCL 600.151d.

17 ~~(12) Section 819 does not apply to a reinstatement fee~~  
18 ~~collected for an operator's or chauffeur's license that is not~~  
19 ~~issued or renewed under section 8827 of the revised judicature act~~  
20 ~~of 1961, 1961 PA 236, MCL 600.8827.~~

21 (6) ~~(13)~~The secretary of state shall immediately suspend the  
22 operator's and chauffeur's license of ~~a person~~**an individual**  
23 licensed to operate a commercial motor vehicle, or ~~a person~~**an**  
24 **individual** who operates a commercial motor vehicle without a  
25 license to operate that vehicle, if the ~~person~~**individual** fails to  
26 answer an out-state citation, or a notice to appear in a court or  
27 an authorized administrative tribunal for a violation reportable to  
28 the secretary of state under section 732, or fails to comply with  
29 an order or judgment of an out-state court or an authorized



1 administrative tribunal reportable to the secretary of state under  
 2 section 732, or fails to appear or fails to comply with the out-  
 3 state court or an authorized administrative tribunal order or  
 4 judgment reportable to the secretary of state under section 732,  
 5 including, but not limited to, paying all fines, costs, fees, and  
 6 assessments. For a suspension imposed under this subsection, the  
 7 secretary of state shall immediately notify the ~~person~~**individual**  
 8 of the suspension by regular mail at the ~~person's~~**individual's** last  
 9 known address.

10 (7) ~~(14)~~A suspension imposed under subsection ~~(13)~~**(6)**  
 11 remains in effect until the secretary of state is notified by the  
 12 court or authorized administrative tribunal of the other state in  
 13 which the ~~person~~**individual** failed to answer a citation, or notice  
 14 to appear, or failed to pay a fine or cost, that the ~~person~~  
 15 **individual** has answered that citation or notice to appear or has  
 16 paid the fine or cost.

17 (8) ~~(15)~~The secretary of state shall not suspend the ~~person's~~  
 18 **individual's** license under subsection ~~(13)~~**(6)** if the ~~person~~  
 19 **individual** fails to appear in response to a citation issued for, or  
 20 fails to comply with an order or judgment involving, the parking or  
 21 standing of a vehicle.

22 (9) ~~(16)~~The secretary of state, ~~upon~~**on** being informed of the  
 23 failure of a ~~person~~**an individual** to appear or comply as provided  
 24 in subsection ~~(13)~~**(6)**, shall not issue a license to the ~~person~~  
 25 **individual** or renew a license for the ~~person~~**individual** until the  
 26 court or authorized administrative tribunal of the other state  
 27 informs the secretary of state that the ~~person~~**individual** has  
 28 resolved all outstanding matters regarding the notices, orders, or  
 29 citations.



1           (10) As used in this section, "a serious offense involving a  
2 motor vehicle" means a felony or misdemeanor punishable by at least  
3 93 days in jail, during the commission of which the individual  
4 operated a motor vehicle in a manner that presented real or  
5 potential harm to a person or property and 1 or more of the  
6 following circumstances apply to the offense:

7           (a) The motor vehicle was used as an instrument of the  
8 offense.

9           (b) The motor vehicle was used to transport a victim of the  
10 offense.

11           (c) The motor vehicle was used to flee the scene of the  
12 offense.

13           (d) The motor vehicle was necessary for the commission of the  
14 offense.

15           Sec. 328. (1) The owner of a motor vehicle who operates or  
16 permits the operation of the motor vehicle ~~upon~~**on** the highways of  
17 this state or the operator of the motor vehicle shall produce,  
18 under subsection (2), ~~upon~~**on** the request of a police officer,  
19 evidence that the motor vehicle is insured under chapter 31 of the  
20 insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179.  
21 Subject to section ~~907(15)~~, **907(14)**, an owner or operator of a  
22 motor vehicle who fails to produce evidence of insurance ~~upon~~**on**  
23 request under this subsection or who fails to have motor vehicle  
24 insurance for the vehicle as required under chapter 31 of the  
25 insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179, is  
26 responsible for a civil infraction. If ~~a person~~**an individual**  
27 displays an electronic copy of his or her certificate of insurance  
28 using an electronic device, the police officer shall only view the  
29 electronic copy of the certificate of insurance and shall not



1 manipulate the electronic device to view any other information on  
 2 the electronic device. ~~A person~~ **An individual** who displays an  
 3 electronic copy of his or her certificate of insurance using an  
 4 electronic device as provided in this subsection ~~shall is~~ not be  
 5 presumed to have consented to a search of the electronic device. A  
 6 police officer may require the ~~person~~ **individual** to electronically  
 7 forward the electronic copy of the certificate of insurance to a  
 8 specified location provided by the police officer. The police  
 9 officer may then view the electronic copy of the certificate of  
 10 insurance in a setting in which it is safe for the officer to  
 11 verify that the information contained in the electronic copy of the  
 12 certificate of insurance is valid and accurate. This state, a law  
 13 enforcement agency, or an employee of this state or a law  
 14 enforcement agency is not liable for damage to or loss of an  
 15 electronic device that occurs as a result of a police officer's  
 16 viewing an electronic copy of a certificate of insurance in the  
 17 manner provided in this section, regardless of whether the police  
 18 officer or the owner or operator of the vehicle was in possession  
 19 of the electronic device at the time the damage or loss occurred.

20 (2) A certificate of insurance, in paper or electronic form  
 21 and issued by an insurance company, that certifies that the  
 22 security that meets the requirements of sections 3101 and 3102 of  
 23 the insurance code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102,  
 24 is in force is prima facie evidence that insurance is in force for  
 25 the motor vehicle described in the certificate of insurance until  
 26 the expiration date shown on the certificate. The certificate, in  
 27 addition to describing the motor vehicles for which insurance is in  
 28 effect, must, if applicable, state the name of each ~~person~~  
 29 **individual** named on the policy, policy declaration, or a



1 declaration certificate whose operation of the vehicle would cause  
2 the liability coverage of that insurance to become void.

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

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

10 (b) The court shall not forward an abstract of the court  
11 record to the secretary of state.

12 (c) The court may assess a fee of not more than \$25.00 ~~which~~  
13 **that** shall be paid to the court funding unit.

14 (4) If an owner or operator of a motor vehicle is determined  
15 to be responsible for a violation of subsection (1), the court in  
16 which the civil infraction determination is entered may require the  
17 ~~person~~**individual** to surrender his or her operator's or chauffeur's  
18 license unless proof that the vehicle has insurance ~~meeting that~~  
19 **meets** the requirements of sections 3101 and 3102 of the insurance  
20 code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102, is submitted  
21 to the court. If the court requires the license to be surrendered,  
22 the court shall order the secretary of state to suspend the  
23 ~~person's~~**individual's** license. The court shall immediately destroy  
24 the license and shall forward an abstract of the court record to  
25 the secretary of state as required by section 732. ~~Upon~~**On** receipt  
26 of the abstract, the secretary of state shall suspend the ~~person's~~  
27 **individual's** license beginning with the date on which the ~~person~~  
28 **individual** is determined to be responsible for the civil infraction  
29 for a period of 30 days or until proof of insurance ~~meeting that~~



1 **meets** the requirements of sections 3101 and 3102 of the insurance  
 2 code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102, is submitted  
 3 to the secretary of state, whichever occurs later. ~~A person~~ **An**  
 4 **individual** who submits proof of insurance to the secretary of state  
 5 under this subsection shall pay a service fee of \$25.00 to the  
 6 secretary of state. The ~~person~~ **individual** shall not be required to  
 7 be examined under section 320c and shall not be required to pay a  
 8 replacement license fee.

9 (5) If an owner or operator of a motor vehicle is determined  
 10 to be responsible for a violation of subsection (1), the court in  
 11 which the civil infraction determination is entered shall notify  
 12 the secretary of state of the vehicle registration number and the  
 13 year and make of the motor vehicle being operated at the time of  
 14 the violation. A notification under this subsection ~~shall~~ **must** be  
 15 made on the abstract or on a form approved by the supreme court  
 16 administrator. ~~Upon~~ **On** receipt, the secretary of state shall  
 17 immediately enter this information in the records of the  
 18 department. The secretary of state shall not renew, transfer, or  
 19 replace the registration plate of the vehicle involved in the  
 20 violation or allow the purchase of a new registration plate for the  
 21 vehicle involved in the violation until the owner meets the  
 22 requirements of section 227a or unless the vehicle involved in the  
 23 violation is transferred or sold to a person other than the owner's  
 24 spouse, mother, father, sister, brother, or child.

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

29 (7) Points ~~shall~~ **must** not be entered on a driver's record



1 under section 320a for a violation of this section.

2 (8) This section does not apply to the owner or operator of a  
3 motor vehicle that is registered in a state other than this state  
4 or a foreign country or province.

5 Enacting section 1. Section 319e of the Michigan vehicle code,  
6 1949 PA 300, MCL 257.319e, is repealed.

7 Enacting section 2. This amendatory act takes effect October  
8 1, 2021.

9 Enacting section 3. This amendatory act does not take effect  
10 unless House Bill No. 5853 of the 100th Legislature is enacted into  
11 law.

