

SENATE BILL No. 42

(as amended March 18, 2015)

January 27, 2015, Introduced by Senator CASPERSON and referred to the Committee on Transportation.

[A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 7a, 18b, 25, 43a, 67a, 212, 259, 306, 307, 309,
310d, 310e, 312e, 312f, 319, 319b, 324, 625a, 732, 803b, and 904 (MCL
257.7a, 257.18b, 257.25, 257.43a, 257.67a, 257.212, 257.259, 257.306,
257.307, 257.309, 257.310d, 257.310e, 257.312e, 257.312f,
257.319, 257.319b, 257.324, 257.625a, 257.732, 257.803b, and 257.904),
sections 7a and 212 as amended by 2002 PA 534, section 18b as
added and section 67a as amended by 1988 PA 346, section 43a as added and
section 625a as amended by 2014 PA 315, section 306 as
amended by 2014 PA 120, section 307 as amended by 2012 PA 55,
section 309 as amended by 2012 PA 355, section 310d as amended by
2004 PA 62, section 310e as amended by 2011 PA 124, sections 312e
and 803b as amended by 2011 PA 159, section 312f as amended by
2012 PA 473, section 319 as amended by 2012 PA 306, section 319b
as amended by 2012 PA 498, section 324 as amended by 2006 PA 298,

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section 732 as amended by 2012 PA 592, and section 904 as amended by 2008 PA 461, and by adding section 306a].

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7a. (1) "Commercial motor vehicle" means a motor
2 vehicle **OR COMBINATION OF MOTOR VEHICLES USED IN COMMERCE TO**
3 **TRANSPORT PASSENGERS OR PROPERTY IF 1 OR MORE OF THE FOLLOWING**
4 **APPLY:**

5 (A) **IT IS** designed to transport 16 or more passengers,
6 including the driver. ~~7 a motor vehicle, having~~

7 (B) **IT HAS** a gross vehicle weight rating **OR GROSS VEHICLE**
8 **WEIGHT, WHICHEVER IS GREATER,** of 26,001 ~~or more pounds 7 a motor~~
9 ~~vehicle with~~ **OR MORE.**

10 (C) **IT HAS** a gross combination weight rating **OR GROSS**
11 **COMBINATION WEIGHT, WHICHEVER IS GREATER,** of 26,001 pounds or
12 more, ~~including a towed unit~~ **INCLUSIVE OF TOWED UNITS** with a
13 gross vehicle weight rating **OR GROSS VEHICLE WEIGHT, WHICHEVER IS**
14 **GREATER,** of more than 10,000 pounds. ~~7 or a~~

15 (D) **A** motor vehicle carrying hazardous material and on which
16 is required to be posted a placard as defined and required under
17 ~~49 C.F.R.—CFR~~ parts 100 to 199.

18 (2) A commercial motor vehicle does not include a vehicle
19 used exclusively to transport personal possessions or family
20 members for nonbusiness purposes.

21 Sec. 18b. (1) "Gross combination weight rating" or "GCWR"
22 means ~~the A~~ value specified by the manufacturer ~~as the loaded~~
23 ~~weight of a combination vehicle. In the absence of a value~~
24 ~~specified by the manufacturer, GCWR will be determined by adding~~

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~~the GVWR of the power unit and the total weight of the towed unit and any load on that unit.~~ **OF THE POWER UNIT IF THAT VALUE IS DISPLAYED ON THE FEDERAL MOTOR VEHICLE SAFETY STANDARD (FMVSS) CERTIFICATION LABEL REQUIRED BY THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION.**

(2) "Gross vehicle weight rating" or "GVWR" means the ~~value specified by the manufacturer as the loaded weight of a single vehicle.~~ **SUM OF THE GROSS VEHICLE WEIGHT RATINGS, OR THE SUM OF THE GROSS VEHICLE WEIGHTS OF THE POWER UNIT AND THE TOWED UNIT OR UNITS, OR ANY COMBINATION OF THE GROSS VEHICLE WEIGHT RATINGS AND THE GROSS VEHICLE WEIGHTS OF POWER UNIT AND TOWED UNIT OR UNITS THAT PRODUCES THE HIGHEST VALUE. THE GROSS COMBINATION WEIGHT RATING OF THE POWER UNIT SHALL NOT BE USED IN DETERMINING WHETHER THE VEHICLE IS A COMMERCIAL MOTOR VEHICLE WHEN THAT POWER UNIT IS NOT TOWING ANOTHER UNIT.**

Sec. 25. "License" means any driving privileges, license, temporary instruction permit, **COMMERCIAL LEARNER'S PERMIT**, or temporary license issued under the laws of this state pertaining to the licensing of persons to operate motor vehicles.

[Sec. 43a. "Preliminary ~~roadside~~ **CHEMICAL BREATH** analysis" means the on-site taking of a preliminary breath test from the breath of a person ~~or the performance and observation of a field sobriety test for~~ the purpose of detecting the presence of any of the following within the person's body:

- (a) Alcoholic liquor.
- (b) A controlled substance, as that term is defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104.
- (c) Any other intoxicating substance, as that term is defined in section 625.
- (d) Any combination of the substances listed in subdivisions (a) to (c).]

Sec. 67a. (1) "Tandem axle assembly" means 2 axles spaced more than 3 feet 6 inches and less than 9 feet apart, 1 axle in front of the other and so attached to the vehicle wherein an attempt is made by connecting mechanism to distribute the weight equally between the 2 axles.

(2) "Tank vehicle" means any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank ~~that is either permanently or temporarily attached to the~~

~~vehicle. Tank vehicle does not include a vehicle attached to a portable tank having a rated capacity less than 1,000 gallons.~~OR
TANKS HAVING AN INDIVIDUAL RATED CAPACITY OF MORE THAN 119 GALLONS AND AN AGGREGATE RATED CAPACITY OF 1,000 GALLONS OR MORE THAT ARE EITHER PERMANENTLY OR TEMPORARILY ATTACHED TO THE VEHICLE OR THE CHASSIS. IF A COMMERCIAL MOTOR VEHICLE TRANSPORTS 1 OR MORE TANKS MANIFESTED EITHER AS BEING EMPTY OR CONTAINING ONLY RESIDUE, THOSE TANKS SHALL NOT BE CONSIDERED IN DETERMINING WHETHER THE VEHICLE IS A TANK VEHICLE.

Sec. 212. If the secretary of state is authorized or required to give notice under this act or other law regulating the operation of a vehicle, unless a different method of giving notice is otherwise expressly prescribed, notice shall be given either by personal delivery to the person to be notified or by first-class United States mail addressed to the person at the address shown by the record of the secretary of state. The giving of notice by mail is complete upon the expiration of 5 days after mailing the notice. ~~Proof of the giving of notice in either manner may be made by the certificate of a person 18 years of age or older, naming the person to whom notice was given and specifying the time, place, and manner of the giving of notice.~~

Sec. 259. (1) ~~(a)~~ All ~~license~~ REGISTRATION plates, certificates of title, registration certificates or the license of any dealer or wrecker, ~~shall be deemed to be~~ ARE the property of ~~the~~ THIS state, ~~of Michigan and whenever~~ SHALL CONTAIN INFORMATION REQUIRED BY THIS ACT, AND SHALL BE MADE IN A MANNER AND BEAR INFORMATION AND BE IN A CONFIGURATION AS PRESCRIBED BY

1 **THE DEPARTMENT. WHEN** the department ~~as authorized hereunder~~
2 cancels or suspends the registration of a vehicle or a
3 certificate of title ~~or~~ the license of any dealer or wrecker **AS**
4 **AUTHORIZED BY THIS ACT**, the owner or person in possession of the
5 same shall immediately return the evidence of **THE CANCELED OR**
6 **SUSPENDED** registration, title, or license ~~so cancelled or~~
7 ~~suspended~~ to the department.

8 (2) ~~(b)~~ It is unlawful for any person to fail or refuse to
9 surrender to the department upon demand any **REGISTRATION PLATE**,
10 registration, certificate of title, or license of any dealer as
11 required in this section.

12 Sec. 306. (1) The secretary of state, upon receiving an
13 application for a temporary instruction permit from a person who
14 is 18 years of age or older, may issue that permit entitling the
15 applicant, while carrying the permit, to drive a motor vehicle
16 other than a motor vehicle requiring an indorsement under section
17 312a or a vehicle group designation under section 312e upon the
18 highways for a period of 180 days when accompanied by a licensed
19 adult operator or chauffeur who is actually occupying a seat
20 beside the driver.

21 (2) The secretary of state may issue an original operator's
22 license and designate level 1, 2, or 3 graduated licensing
23 provisions to a person who is less than 18 years of age, has been
24 licensed in another state or country, and has satisfied the
25 applicable requirements of section 310e.

26 (3) A student enrolled in a driver education course as ~~that~~
27 ~~term is~~ defined in section 3 of the driver education provider and

1 instructor act, 2006 PA 384, MCL 256.623, or a motorcycle safety
2 course approved by the department of state may operate a motor
3 vehicle **THAT DOES NOT REQUIRE A GROUP DESIGNATION UNDER SECTION**
4 **312E** without holding an operator's license or permit while under
5 the direct supervision of the program instructor.

6 (4) A student enrolled in a driver education course as ~~that~~
7 ~~term is~~ defined in section 3 of the driver education provider and
8 instructor act, 2006 PA 384, MCL 256.623, and who has
9 successfully completed 10 hours of classroom instruction and the
10 equivalent of 2 hours of behind-the-wheel training may be issued
11 a temporary driver education certificate furnished by the
12 department of state that authorizes a student to drive a motor
13 vehicle, other than a motor vehicle requiring an indorsement
14 under section 312a or a vehicle group designation under section
15 312e, when accompanied by a licensed parent or guardian, or when
16 accompanied by a nonlicensed parent or guardian and a licensed
17 adult for the purpose of receiving additional instruction until
18 the end of the student's driver education course.

19 (5) Beginning January 1, 2015, the secretary of state, upon
20 receiving proper application from a person 16 or 17 years of age
21 who is enrolled in or has successfully completed an approved
22 motorcycle safety course under section 811a, or a person who is
23 18 years of age or older and who holds a valid operator's or
24 chauffeur's license, may issue a motorcycle temporary instruction
25 permit entitling the applicant, while carrying the permit, to
26 operate a motorcycle upon the public streets and highways for a
27 period of 180 days under the following conditions:

1 (a) The applicant shall operate the motorcycle under the
2 constant visual supervision of a licensed motorcycle operator who
3 is at least 18 years of age.

4 (b) The applicant shall not operate the motorcycle at night.

5 (c) The applicant shall not operate the motorcycle with a
6 passenger.

7 (d) The applicant shall not be eligible for more than 2
8 motorcycle temporary instruction permits in a 10-year period.

9 ~~—— (6) Except as prohibited under federal law, the secretary of~~
10 ~~state, upon receiving proper application from a person who is 18~~
11 ~~years of age or older, who holds a valid operator's or~~
12 ~~chauffeur's license other than a restricted license, and who has~~
13 ~~passed the knowledge test for an original vehicle group~~
14 ~~designation or indorsement, and, if the person is applying for a~~
15 ~~hazardous material indorsement, the person has been approved for~~
16 ~~the hazardous materials indorsement by the transportation~~
17 ~~security administration, may issue a temporary instruction permit~~
18 ~~entitling the person, while carrying the permit, to drive a~~
19 ~~vehicle requiring a vehicle group designation or vehicle group~~
20 ~~indorsement under section 312e upon the streets and highways for~~
21 ~~a period of 180 days, but only when accompanied by a licensed~~
22 ~~adult operator or chauffeur who is licensed with the appropriate~~
23 ~~vehicle group designation and indorsement for the vehicle group~~
24 ~~being driven and who is actually occupying a seat beside the~~
25 ~~driver, or behind the driver if the permittee is driving a bus or~~
26 ~~school bus. In addition, if a permittee is enrolled in a driver~~
27 ~~training program for drivers of motor vehicles requiring a~~

~~vehicle group designation or vehicle group indorsement under section 312e, which program is conducted by a college, a university, a school licensed by the department under the driver education provider and instructor act, 2006 PA 384, MCL 256.621 to 256.705, or a local or intermediate school district, the permittee may drive a vehicle requiring a vehicle group designation or vehicle group indorsement on the streets and highways of this state for a period of 180 days when accompanied by an instructor licensed with the appropriate vehicle group designation and indorsement for the vehicle being driven who is either occupying the seat beside the driver or in direct visual and audio communication with the permittee. A person issued a temporary instruction permit under this section shall not operate a vehicle designed to carry 16 or more passengers that is transporting passengers except with an instructor licensed with the appropriate vehicle group designation and indorsement for the vehicle being driven or a driver skills test examiner.~~

SEC. 306A. (1) THE SECRETARY OF STATE MAY ISSUE A COMMERCIAL LEARNER'S PERMIT ENTITLING A PERSON TO DRIVE A VEHICLE REQUIRING A VEHICLE GROUP DESIGNATION OR INDORSEMENT UNDER SECTION 312E IF ALL OF THE FOLLOWING APPLY:

(A) THE PERSON SUBMITS A PROPER APPLICATION AND MEETS THE REQUIREMENTS OF 49 CFR PART 383.

(B) THE PERSON IS 18 YEARS OF AGE OR OLDER.

(C) THE PERSON HOLDS A VALID OPERATOR'S OR CHAUFFEUR'S LICENSE THAT IS NOT A RESTRICTED LICENSE.

(D) THE PERSON PASSES THE KNOWLEDGE TESTS FOR AN ORIGINAL

1 VEHICLE GROUP DESIGNATION OR INDORSEMENT, AS REQUIRED BY 49 CFR
2 PART 383.

3 (E) IF THE PERSON IS APPLYING FOR A HAZARDOUS MATERIALS
4 INDORSEMENT, HE OR SHE HAS BEEN APPROVED FOR THE HAZARDOUS
5 MATERIALS INDORSEMENT BY THE FEDERAL TRANSPORTATION SECURITY
6 ADMINISTRATION.

7 (2) A PERSON ISSUED A COMMERCIAL LEARNER'S PERMIT UNDER
8 SUBSECTION (1), OR AN EQUIVALENT COMMERCIAL LEARNER'S PERMIT
9 ISSUED BY ANOTHER JURISDICTION, MAY OPERATE A VEHICLE REQUIRING A
10 VEHICLE GROUP DESIGNATION OR INDORSEMENT UNDER SECTION 312E, IF
11 ALL OF THE FOLLOWING APPLY:

12 (A) THE PERSON HAS THE PERMIT AND A VALID OPERATOR'S OR
13 CHAUFFEUR'S LICENSE IN HIS OR HER POSSESSION WHILE OPERATING THE
14 VEHICLE.

15 (B) THE PERSON IS ACCOMPANIED BY AN INSTRUCTOR CERTIFIED
16 UNDER THE DRIVER EDUCATION PROVIDER AND INSTRUCTOR ACT, 2006 PA
17 384, MCL 256.621 TO 256.705, OR AN ADULT WITH A VALID OPERATOR'S
18 OR CHAUFFEUR'S LICENSE, AND ALL OF THE FOLLOWING APPLY:

19 (i) THE INSTRUCTOR OR LICENSED ADULT HAS IN HIS OR HER
20 POSSESSION A VALID LICENSE WITH A VEHICLE GROUP DESIGNATION AND
21 ANY INDORSEMENT NECESSARY TO OPERATE THE VEHICLE AS PROVIDED IN
22 SECTION 312E.

23 (ii) THE INSTRUCTOR OR LICENSED ADULT IS AT ALL TIMES
24 PHYSICALLY PRESENT IN THE FRONT SEAT OF THE VEHICLE NEXT TO THE
25 OPERATOR OR, IN THE CASE OF A PASSENGER VEHICLE, DIRECTLY BEHIND
26 THE OPERATOR OR IN THE FIRST ROW BEHIND THE OPERATOR.

27 (iii) THE INSTRUCTOR OR LICENSED ADULT HAS THE OPERATOR UNDER

1 OBSERVATION AND DIRECT SUPERVISION.

2 (C) THE PERSON SHALL NOT OPERATE A VEHICLE TRANSPORTING
3 HAZARDOUS MATERIALS AS DEFINED IN 49 CFR PART 383.

4 (D) IF THE PERSON HAS A PERMIT TO OPERATE A TANK VEHICLE,
5 THE PERSON MAY ONLY OPERATE AN EMPTY TANK VEHICLE AND SHALL NOT
6 OPERATE ANY TANK VEHICLE THAT PREVIOUSLY CONTAINED HAZARDOUS
7 MATERIALS UNLESS THE TANK HAS BEEN PURGED OF ALL HAZARDOUS
8 MATERIAL RESIDUE.

9 (E) IF THE PERSON HAS A PERMIT TO OPERATE A VEHICLE DESIGNED
10 TO CARRY 16 OR MORE PASSENGERS OR A SCHOOL BUS, THE PERSON SHALL
11 NOT OPERATE A VEHICLE DESIGNED TO CARRY 16 OR MORE PASSENGERS OR
12 A SCHOOL BUS WITH ANY PASSENGERS OTHER THAN THE FOLLOWING
13 INDIVIDUALS:

14 (i) THE INSTRUCTOR OR LICENSED ADULT DESCRIBED IN THIS
15 SECTION.

16 (ii) FEDERAL OR STATE AUDITORS OR INSPECTORS.

17 (iii) TEST EXAMINERS.

18 (iv) OTHER TRAINEES.

19 (3) A COMMERCIAL LEARNER'S PERMIT ISSUED UNDER THIS SECTION
20 IS VALID FOR 180 DAYS FROM THE DATE OF ISSUANCE. A PERSON MAY
21 APPLY 1 TIME TO RENEW THE PERMIT FOR AN ADDITIONAL 180 DAYS
22 WITHOUT TAKING THE KNOWLEDGE TESTS DESCRIBED IN SUBSECTION (1) IF
23 THE PERSON APPLIES FOR THE RENEWAL BEFORE THE EXPIRATION OF THE
24 ORIGINAL PERMIT.

25 Sec. 307. (1) If an applicant for an operator's license or
26 chauffeur's license TO OPERATE A NONCOMMERCIAL MOTOR VEHICLE is a
27 citizen of the United States, the applicant shall supply a

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

26 (a) The applicant's full legal name, date of birth,
27 residence address, height, sex, eye color, signature, intent to

1 make an anatomical gift, other information required or permitted
2 on the license under this chapter, and, only to the extent
3 required to comply with federal law, the applicant's social
4 security number. The applicant may provide a mailing address if
5 the applicant receives mail at an address different from his or
6 her residence address.

7 (b) If the applicant is not a citizen of the United States,
8 the applicant shall provide, and the department shall verify,
9 documents demonstrating his or her legal presence in the United
10 States. Nothing in this act shall obligate or be construed to
11 obligate this state to comply with title II of the real ID act of
12 2005, Public Law 109-13. The secretary of state may adopt rules
13 under the administrative procedures act of 1969, 1969 PA 306, MCL
14 24.201 to 24.328, as are necessary for the administration of this
15 subdivision. A determination by the secretary of state that an
16 applicant is not legally present in the United States may be
17 appealed under section 631 of the revised judicature act of 1961,
18 1961 PA 236, MCL 600.631.

19 (c) The following notice shall be included to inform the
20 applicant that under sections 509o and 509r of the Michigan
21 election law, 1954 PA 116, MCL 168.509o and 168.509r, the
22 secretary of state is required to use the residence address
23 provided on this application as the applicant's residence address
24 on the qualified voter file for voter registration and voting:

25 "NOTICE: Michigan law requires that the same address
26 be used for voter registration and driver license

1 purposes. Therefore, if the residence address
2 you provide in this application differs from your
3 voter registration address as it appears on the
4 qualified voter file, the secretary of state
5 will automatically change your voter registration
6 to match the residence address on this application,
7 after which your voter registration at your former
8 address will no longer be valid for voting purposes.
9 A new voter registration card, containing the
10 information of your polling place, will be provided
11 to you by the clerk of the jurisdiction where your
12 residence address is located."

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

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

20 (i) The applicant meets the applicable federal driver
21 qualification requirements under 49 CFR parts 383 and 391 ~~if the~~
22 ~~applicant operates or intends to operate in interstate commerce~~
23 or meets the applicable qualifications of the department of state
24 police under the motor carrier safety act of 1963, 1963 PA 181,
25 MCL 480.11 to 480.25. ~~, if the applicant operates or intends to~~
26 ~~operate in intrastate commerce.~~

27 (ii) The vehicle in which the applicant will take the driving
28 skills tests is representative of the type of vehicle the

1 applicant operates or intends to operate.

2 (iii) The applicant is not subject to disqualification by the
3 United States ~~secretary of transportation~~, **SECRETARY OF**
4 **TRANSPORTATION**, or a suspension, revocation, or cancellation
5 under any state law for conviction of an offense described in
6 section 312f or 319b.

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

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

13 (2) An applicant for an operator's or chauffeur's license
14 may have his or her image and signature captured or reproduced
15 when the application for the license is made. The secretary of
16 state shall acquire equipment purchased or leased under this
17 section under standard purchasing procedures of the department of
18 technology, management, and budget based on standards and
19 specifications established by the secretary of state. The
20 secretary of state shall not purchase or lease equipment until an
21 appropriation for the equipment has been made by the legislature.
22 A digital photographic image and signature captured under this
23 section shall appear on the applicant's operator's license or
24 chauffeur's license. A person's digital photographic image and
25 signature shall be used as follows:

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

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

3 (c) By the secretary of state for forwarding to the
4 department of state police the images of persons required to be
5 registered under the sex offenders registration act, 1994 PA 295,
6 MCL 28.721 to 28.736, upon the department of state police
7 providing the secretary of state an updated list of the names of
8 those persons.

9 (d) As necessary to comply with a law of this state or of
10 the United States.

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

20 (4) In conjunction with the application for an operator's
21 license or chauffeur's license, the secretary of state shall do
22 all of the following:

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

24 (i) Information explaining the applicant's right to make an
25 anatomical gift in the event of death in accordance with section
26 310.

27 (ii) Information describing the anatomical gift donor

1 registry program under part 101 of the public health code, 1978
2 PA 368, MCL 333.10101 to 333.10123. The information required
3 under this subparagraph includes the address and telephone number
4 of Michigan's federally designated organ procurement organization
5 or its successor organization as defined in section 10102 of the
6 public health code, 1978 PA 368, MCL 333.10102.

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

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

13 (c) Inform the applicant that, if he or she indicates to the
14 secretary of state under this section a willingness to have his
15 or her name placed on the donor registry described in subdivision
16 (a)(ii), the secretary of state will mark the applicant's record
17 for the donor registry.

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

20 (a) Providing printed material enclosed with a mailed notice
21 for an operator's or chauffeur's license renewal or the issuance
22 of an operator's or chauffeur's license.

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

25 (c) Through electronic information transmittals for
26 operator's and chauffeur's licenses processed by electronic
27 means.

1 (6) The secretary of state shall maintain a record of an
2 individual who indicates a willingness to have his or her name
3 placed on the donor registry described in subsection (4)(a)(ii).
4 Information about an applicant's indication of a willingness to
5 have his or her name placed on the donor registry that is
6 obtained by the secretary of state under subsection (4) and
7 forwarded under subsection (14) is exempt from disclosure under
8 section 13(1)(d) of the freedom of information act, 1976 PA 442,
9 MCL 15.243.

10 (7) If an application is received from a person previously
11 licensed in another jurisdiction, the secretary of state shall
12 request a copy of the applicant's driving record and other
13 available information from the national driver register. When
14 received, the driving record and other available information
15 become a part of the driver's record in this state.

16 ~~(8) If an application is received for an original, renewal,~~
17 ~~or upgrade of a vehicle group designation or indorsement, the IF~~
18 **A PERSON APPLIES FOR A COMMERCIAL LEARNER'S PERMIT FOR AN**
19 **ORIGINAL VEHICLE GROUP DESIGNATION OR INDORSEMENT TO OPERATE A**
20 **COMMERCIAL MOTOR VEHICLE, THE SECRETARY OF STATE MAY VERIFY THE**
21 **PERSON'S IDENTITY, MAY REQUIRE PROOF OF MICHIGAN DOMICILE UNDER**
22 **49 CFR 383.5, AND MAY VERIFY THE PERSON'S PROOF OF UNITED STATES**
23 **CITIZENSHIP OR PROOF OF LAWFUL PERMANENT RESIDENCY AS REQUIRED**
24 **UNDER 49 CFR 383.71 AND 383.73, IF THAT INFORMATION IS NOT ON THE**
25 **PERSON'S MICHIGAN DRIVING RECORD. IF A PERSON APPLIES FOR A**
26 **RENEWAL OF AN OPERATOR'S OR CHAUFFEUR'S LICENSE TO OPERATE A**
27 **COMMERCIAL MOTOR VEHICLE, THE SECRETARY OF STATE MAY VERIFY THE**

1 PERSON'S IDENTITY, MAY REQUIRE PROOF OF MICHIGAN DOMICILE UNDER
2 49 CFR 383.5, AND MAY VERIFY THE PERSON'S PROOF OF CITIZENSHIP OR
3 LAWFUL PERMANENT RESIDENCY UNDER 49 CFR 383.71 AND 383.73, IF
4 THAT INFORMATION IS NOT ON THE PERSON'S MICHIGAN DRIVING RECORD.
5 IF A PERSON APPLIES FOR AN UPGRADE OF A VEHICLE GROUP DESIGNATION
6 OR INDORSEMENT, THE SECRETARY OF STATE MAY VERIFY THE PERSON'S
7 IDENTITY, MAY REQUIRE PROOF OF MICHIGAN DOMICILE UNDER 49 CFR
8 383.5, AND MAY VERIFY THE PERSON'S PROOF OF CITIZENSHIP OR LAWFUL
9 PERMANENT RESIDENCY UNDER 49 CFR 383.71 AND 383.73, IF THAT
10 INFORMATION IS NOT ON THE PERSON'S MICHIGAN DRIVING RECORD. THE
11 secretary of state shall request the person's complete driving
12 record from all states where the applicant was previously
13 licensed to drive any type of motor vehicle over the last 10
14 years before issuing a vehicle group designation or indorsement
15 to the applicant. If the applicant does not hold a valid
16 commercial motor vehicle driver license from a state where he or
17 she was licensed in the last 10 years, this complete driving
18 record request must be made not earlier than 24 hours before the
19 secretary of state issues the applicant a vehicle group
20 designation or indorsement. For all other drivers, this request
21 must be made not earlier than 10 days before the secretary of
22 state issues the applicant a vehicle group designation or
23 indorsement. IF THE APPLICATION IS FOR THE RENEWAL OF A VEHICLE
24 GROUP DESIGNATION OR INDORSEMENT, AND IF THE SECRETARY OF STATE
25 ENTERS ON THE PERSON'S DRIVING RECORD MAINTAINED UNDER SECTION
26 204A A NOTATION THAT THE REQUEST WAS MADE AND THE DATE OF THE
27 REQUEST, THE SECRETARY OF STATE IS REQUIRED TO REQUEST THE

1 APPLICANT'S COMPLETE DRIVING RECORD FROM OTHER STATES ONLY ONCE

2 UNDER THIS SECTION. The secretary of state shall also check the
3 applicant's driving record with the national driver register and
4 the federal commercial driver license information system before
5 issuing that group designation or indorsement. ~~If the application~~
6 ~~is for the renewal of a vehicle group designation or indorsement,~~
7 ~~and if the secretary of state enters on the person's historical~~
8 ~~driving record maintained under section 204a a notation that the~~
9 ~~request was made and the date of the request, the secretary of~~
10 ~~state is required to request the applicant's complete driving~~
11 ~~record from other states only once under this section.~~

12 (9) Except for a vehicle group designation or indorsement or
13 as provided in this subsection or section 314(5), the secretary
14 of state may issue a renewal operator's or chauffeur's license
15 for 1 additional 4-year period or until the person is no longer
16 determined to be legally present under this section by mail or by
17 other methods prescribed by the secretary of state. The secretary
18 of state may check the applicant's driving record through the
19 national driver register and the commercial driver license
20 information system before issuing a license under this section.
21 The secretary of state shall issue a renewal license only in
22 person if the person is a person required under section 5a of the
23 sex offenders registration act, 1994 PA 295, MCL 28.725a, to
24 maintain a valid operator's or chauffeur's license or official
25 state personal identification card. If a license is renewed by
26 mail or by other method, the secretary of state shall issue
27 evidence of renewal to indicate the date the license expires in

1 the future. The department of state police shall provide to the
2 secretary of state updated lists of persons required under
3 section 5a of the sex offenders registration act, 1994 PA 295,
4 MCL 28.725a, to maintain a valid operator's or chauffeur's
5 license or official state personal identification card.

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

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

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

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

18 (c) To check an applicant's driving record through the
19 national driver register and the commercial driver license
20 information system when issuing a license under this act.

21 (d) With the department of community health, for comparison
22 with vital records maintained by the department of community
23 health under part 28 of the public health code, 1978 PA 368, MCL
24 333.2801 to 333.2899.

25 (e) As otherwise required by law.

26 (12) The secretary of state shall not display a person's
27 social security number on the person's operator's or chauffeur's

1 license.

2 (13) A requirement under this section to include a social
3 security number on an application does not apply to an applicant
4 who demonstrates he or she is exempt under law from obtaining a
5 social security number.

6 (14) As required in section 10120 of the public health code,
7 1978 PA 368, MCL 333.10120, the secretary of state shall maintain
8 the donor registry in a manner that provides electronic access,
9 including, but not limited to, the transfer of data to this
10 state's federally designated organ procurement organization or
11 its successor organization, tissue banks, and eye banks, in a
12 manner that complies with that section.

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

20 (16) The secretary of state shall not issue an operator's
21 license or a chauffeur's license to a person holding an
22 operator's license or chauffeur's license issued by another state
23 without confirmation that the person is terminating or has
24 terminated the operator's license or chauffeur's license issued
25 by the other state.

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

27 (a) Ensure the physical security of locations where

1 operator's licenses and chauffeur's licenses are produced and the
2 security of document materials and papers from which operator's
3 licenses and chauffeur's licenses are produced.

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

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

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

19 Sec. 309. (1) Before issuing a license, the secretary of
20 state shall examine each applicant for an operator's or
21 chauffeur's license who at the time of the application is not the
22 holder of a valid, unrevoked operator's or chauffeur's license
23 under a law of this state providing for the licensing of drivers.

24 **BEFORE THE SECRETARY OF STATE AUTHORIZES A PERSON TO ADMINISTER**
25 **VEHICLE GROUP DESIGNATION OR ENDORSEMENT KNOWLEDGE TESTS, THAT**
26 **PERSON MUST SUCCESSFULLY COMPLETE BOTH A STATE AND FEDERAL BUREAU**
27 **OF INVESTIGATION FINGERPRINT-BASED CRIMINAL HISTORY CHECK OR THE**

1 **EQUIVALENT THROUGH THE DEPARTMENT OF STATE POLICE.** In all other
2 cases, the secretary of state may waive the examination, except
3 that an examination shall not be waived if it appears from the
4 application, from the apparent physical or mental condition of
5 the applicant, or from any other information that has come to the
6 secretary of state from another source, that the applicant does
7 not possess the physical, mental, or other qualifications
8 necessary to operate a motor vehicle in a manner as not to
9 jeopardize the safety of persons or property, or that the
10 applicant is not entitled to a license under section 303. A
11 licensee who applies for the renewal of his or her license by
12 mail ~~pursuant to~~ **UNDER** section 307 shall certify to his or her
13 physical capability to operate a motor vehicle. The secretary of
14 state may check the applicant's driving record through the
15 national driver register and the commercial driver license
16 information system before issuing a license under this section.

17 (2) The secretary of state may appoint sheriffs, their
18 deputies, the chiefs of police of cities and villages having
19 organized police departments within this state, their duly
20 authorized representatives, or employees of the secretary of
21 state as examining officers for the purpose of examining
22 applicants for operator's and chauffeur's licenses. An examining
23 officer shall conduct examinations of applicants for operator's
24 and chauffeur's licenses in accordance with this chapter and the
25 rules promulgated by the secretary of state under subsection (3).
26 After conducting an examination an examining officer shall make a
27 written report of his or her findings and recommendations to the

1 secretary of state.

2 (3) The secretary of state shall promulgate rules pursuant
3 ~~to~~ **UNDER** the administrative procedures act of 1969, 1969 PA 306,
4 MCL 24.201 to 24.328, for the examination of the applicant's
5 physical and mental qualifications to operate a motor vehicle in
6 a manner as not to jeopardize the safety of persons or property,
7 and shall ascertain whether facts exist that would bar the
8 issuance of a license under section 303. The secretary of state
9 may consider a written medical report and recommendation
10 submitted under section 5139 of the public health code, 1978 PA
11 368, MCL 333.5139, from the personal physician or optometrist of
12 an applicant, in making the examination regarding the applicant's
13 physical and mental qualifications to operate a motor vehicle
14 under this section and R 257.851 to R 257.855 of the Michigan
15 administrative code. A report received by the secretary of state
16 from a physician or an optometrist under this section is
17 confidential. The secretary of state shall also ascertain whether
18 the applicant has sufficient knowledge of the English language to
19 understand highway warnings or direction signs written in that
20 language. The examination shall not include investigation of
21 facts other than those facts directly pertaining to the ability
22 of the applicant to operate a motor vehicle with safety or facts
23 declared to be prerequisite to the issuance of a license under
24 this act.

25 (4) The secretary of state shall not issue an original
26 operator's or chauffeur's license without a vehicle group
27 designation or indorsement without an examination that includes a

1 driving skills test conducted by the secretary of state or by a
2 designated examining officer under subsection (2) or section
3 310e. The secretary of state may enter into an agreement with
4 another public or private corporation or agency to conduct a
5 driving skills test conducted under this section. Before the
6 secretary of state authorizes a person to administer a
7 corporation's or agency's driver skills testing operations or
8 authorizes an examiner to conduct a driving skills test, that
9 person or examiner must **SUCCESSFULLY** complete both a state and
10 ~~federal bureau of investigation~~ **FEDERAL BUREAU OF INVESTIGATION**
11 fingerprint based criminal history check through the department
12 of state police **AS REQUIRED BY LAW AND AS PROVIDED UNDER 49 CFR**
13 **384.228**. In an agreement with another public or private
14 corporation or agency to conduct a driving skills test, the
15 secretary of state shall prescribe the method and examination
16 criteria to be followed by the corporation, agency, or examiner
17 when conducting the driving skills test and the form of the
18 certification to be issued to a person who satisfactorily
19 completes a driving skills test. An original vehicle group
20 designation or indorsement shall not be issued by the secretary
21 of state without a knowledge test conducted by the secretary of
22 state. Except as provided in section 312f(1), an original vehicle
23 group designation or passenger or school bus indorsement shall
24 not be issued by the secretary of state without a driving skills
25 test conducted by an examiner appointed or authorized by the
26 secretary of state **OR AN EQUIVALENT DRIVING SKILLS TEST MEETING**
27 **THE REQUIREMENTS OF 49 CFR PART 383 CONDUCTED IN ANOTHER**

1 **JURISDICTION.**

2 (5) Except as otherwise provided in this act, the secretary
3 of state may waive the requirement of a driving skills test,
4 knowledge test, or road sign test of an applicant for an original
5 operator's or chauffeur's license without a vehicle group
6 designation or indorsement who at the time of the application is
7 the holder of a valid, unrevoked operator's or chauffeur's
8 license issued by another state or country.

9 (6) A driving skills test conducted under this section shall
10 include a behind-the-wheel road test. ~~A behind-the-wheel road~~
11 ~~test for an original vehicle group designation or passenger~~
12 ~~indorsement shall not be conducted unless the applicant has been~~
13 ~~issued a temporary instruction permit.~~ **BEFORE CONDUCTING A BEHIND-**
14 **THE-WHEEL ROAD TEST FOR AN APPLICANT SEEKING A VEHICLE GROUP**
15 **DESIGNATION, INCLUDING ANY UPGRADE TO A VEHICLE GROUP**
16 **DESIGNATION, OR FOR ANY INDORSEMENT REQUIRED TO OPERATE A**
17 **COMMERCIAL MOTOR VEHICLE, THE EXAMINER SHALL DETERMINE THAT THE**
18 **APPLICANT WAS ISSUED HIS OR HER COMMERCIAL LEARNER'S PERMIT NOT**
19 **LESS THAN 14 DAYS BEFORE THE DATE OF THAT TEST AND THAT HE OR SHE**
20 **HAS THAT PERMIT IN HIS OR HER POSSESSION.**

21 (7) A person who corrupts or attempts to corrupt a
22 designated examining officer appointed or designated by the
23 secretary of state under this section or section 310e by giving,
24 offering, or promising any gift or gratuity with the intent to
25 influence the opinion or decision of the examining officer
26 conducting the test is guilty of a felony.

27 (8) A designated examining officer appointed or designated

1 by the secretary of state who conducts a driving skills test
2 under an agreement entered into under this section or section
3 310e and who varies from, shortens, or in any other way changes
4 the method or examination criteria prescribed in that agreement
5 in conducting a driving skills test is guilty of a felony.

6 (9) A person who forges, counterfeits, or alters a
7 satisfactorily completed driving skills test certification issued
8 by a designated examining officer appointed or designated by the
9 secretary of state under this section or section 310e is guilty
10 of a felony.

11 Sec. 310d. (1) A license issued under this act to a person
12 not previously licensed in this or in another state shall be
13 designated as probationary for 3 years after the date of
14 issuance. During the first 12 months of probation, the license
15 may be suspended or probationary terms and conditions may be
16 imposed upon failure of the licensee to appear before a
17 magistrate, as provided in this chapter, or upon conviction of
18 the licensee or determination of the licensee's responsibility
19 for a moving violation in this state. The period of suspension or
20 the probationary terms and conditions shall not be for more than
21 12 months and shall be determined by the secretary of state. ~~at~~
22 ~~an examination of the driver by the secretary of state.~~

23 (2) Upon completion of the first 12 months of probation, the
24 secretary of state may require a licensee to be reexamined by the
25 secretary of state if the licensee's driving record contains any
26 of the following:

27 (a) A conviction or civil infraction determination for a

1 moving violation that was assessed 4 or more points as provided
2 in section 320a.

3 (b) Three convictions or 3 civil infraction determinations,
4 or a combination of convictions and civil infraction
5 determinations that equals 3, for moving violations.

6 (c) A total of 6 or more points as provided in section 320a.

7 (d) A conviction or civil infraction determination for a
8 moving violation and an accident for which the official police
9 report indicates the licensee had been drinking alcoholic liquor.

10 (e) A conviction or civil infraction determination for a
11 moving violation and an accident for which the official police
12 report indicates a moving violation on the part of the licensee.

13 (f) Three accidents for which the official police report
14 indicates a moving violation on the part of the licensee.

15 (g) A suspension ~~pursuant to~~ **UNDER** section 625f.

16 (3) The probationary period shall be extended beyond 3 years
17 and the secretary of state may reexamine a licensee as provided
18 in subsection (2) if any of the following occur and are recorded
19 on the licensee's driving record during the last 10 months of the
20 probationary period:

21 (a) A moving violation resulting in a conviction or civil
22 infraction determination.

23 (b) An accident for which the official police report
24 indicates a moving violation on the part of the licensee.

25 (c) An accident for which the official police report
26 indicates the licensee had been drinking alcoholic liquor.

27 (d) A license suspension for a reason other than a mental or

1 physical disability.

2 (4) The probationary period shall be extended ~~pursuant to~~
3 **UNDER** subsection (3) until the licensee completes 10 consecutive
4 months without a moving violation, accident, or suspension
5 enumerated in subsection (3).

6 (5) Upon completion of a reexamination, the secretary of
7 state may suspend or impose probationary terms and conditions on
8 the license of a probationary licensee, except that a
9 reexamination for subsection (2)(d), (e), or (f) shall not result
10 in a license suspension or the imposition of probationary terms
11 or conditions.

12 (6) For 24 months immediately after a licensee's
13 probationary period, the secretary of state may require the
14 licensee to be reexamined by the secretary of state if the
15 licensee's driver record has a total of 9 or more points, as
16 provided in section 320a, imposed in a period of 2 years and if
17 the licensee's record contains 1 or more of the following:

18 (a) A conviction for a violation or attempted violation of
19 any of the following:

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

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

1 (iii) Former section 625b.

2 (iv) A local ordinance substantially corresponding to a
3 conviction described in this subdivision.

4 (v) A law of another state substantially corresponding to a
5 conviction described in this subdivision.

6 (b) A suspension of the licensee's license ~~pursuant to~~ **UNDER**
7 section 625f.

8 (c) An accident for which the official police report
9 indicates a moving violation on the part of the licensee.

10 (d) An accident for which the official police report
11 indicates the licensee had been drinking alcoholic liquor.

12 (7) Upon completion of a reexamination under subsection (6),
13 the secretary of state may suspend the license of the licensee,
14 except that a reexamination for subsection (6)(c) or (d) shall
15 not result in a license suspension or restriction.

16 (8) If a licensee fails to appear for a reexamination
17 scheduled by the secretary of state ~~pursuant to~~ **UNDER** this
18 section, the licensee's license may be suspended immediately and
19 remain suspended until the licensee appears for a reexamination
20 by the secretary of state. **THE SECRETARY OF STATE MAY RESTRICT,**
21 **SUSPEND, OR REVOKE A LICENSEE'S LICENSE BASED SOLELY ON HIS OR**
22 **HER DRIVING RECORD.**

23 (9) Notice of **SUSPENSION, THE IMPOSITION OF PROBATIONARY**
24 **TERMS OR CONDITIONS, OR** a reexamination required under this
25 section shall be given by first-class mail to the last known
26 address of the licensee. **THE NOTICE SHALL PROVIDE THAT THE**
27 **SUSPENSION OR IMPOSITION OF PROBATIONARY TERMS OR CONDITIONS WILL**

1 BE EFFECTIVE 14 DAYS FROM THE DATE OF THE NOTICE, UNLESS THE
2 PROBATIONARY LICENSEE REQUESTS A REEXAMINATION.

3 (10) For purposes of this section:

4 (a) Upon conviction for a moving violation, the date of the
5 violation shall be used in determining whether the conviction
6 occurred within the probationary period.

7 (b) Upon entry of a civil infraction determination for a
8 moving violation, the date of the violation shall be used in
9 determining whether the civil infraction determination occurred
10 within the probationary period.

11 (c) Information of a reexamination shall not be placed on a
12 driver's record unless the secretary of state suspends a license
13 or imposes probationary terms and conditions.

14 (d) A suspension shall be considered part of a driving
15 record from the date the suspension is imposed until the
16 suspension is terminated.

17 (e) The date of the official police report shall be used in
18 determining whether a licensee was driving a motor vehicle
19 involved in an accident for which the official police report
20 indicates a moving violation on the part of the licensee or
21 indicates the licensee had been drinking alcoholic liquor.

22 Sec. 310e. (1) Except as otherwise provided in this act, an
23 operator's or chauffeur's license issued to a person who is 17
24 years of age or less shall be in a form as prescribed in section
25 310, and valid only upon the issuance of a graduated driver
26 license.

27 (2) The secretary of state shall designate graduated

1 licensing provisions in a manner that clearly indicates that the
2 person is subject to the appropriate provisions described in this
3 section.

4 (3) Except as otherwise provided in section 303, a person
5 who is not less than 14 years and 9 months of age may be issued a
6 level 1 graduated licensing status to operate a motor vehicle if
7 the person has satisfied all of the following conditions:

8 (a) Passed a vision test and met health standards as
9 prescribed by the secretary of state.

10 (b) Successfully completed segment 1 of a driver education
11 course as that term is defined in section 7 of the driver
12 education provider and instructor act, 2006 PA 384, MCL 256.627,
13 including a minimum of 6 hours of on-the-road driving time with
14 the instructor.

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

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

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

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

1 (b) Successfully completed segment 2 of a driver education
2 course as that term is defined in section 7 of the driver
3 education provider and instructor act, 2006 PA 384, MCL 256.627.

4 (c) Not incurred a moving violation resulting in a
5 conviction or civil infraction determination or been involved in
6 an accident for which the official police report indicates a
7 moving violation on the part of the person during the 90-day
8 period immediately preceding application.

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

15 (e) Successfully completed a secretary of state approved
16 driving skills test. The secretary of state may enter into an
17 agreement with another public or private corporation or agency to
18 conduct this driving skills test. Before the secretary of state
19 authorizes a person to administer a corporation's or agency's
20 driver skills testing operations or authorizes an examiner to
21 conduct a driving skills test, that person or examiner must
22 complete both a state and ~~federal bureau of investigation~~ **FEDERAL**
23 **BUREAU OF INVESTIGATION** fingerprint based criminal history check
24 through the department of state police. This subdivision applies
25 to a person 16 years of age or over only if the person has
26 satisfied subdivisions (a), (b), (c), and (d).

27 (6) A person issued a level 2 graduated licensing status

1 under subsection (5) shall remain at level 2 for not less than 6
2 months. A person issued a level 2 graduated licensing status
3 under subsection (5) shall not operate a vehicle under the
4 following circumstances:

5 (a) Between the hours of 10 p.m. and 5 a.m. This subdivision
6 does not apply if either of the following applies:

7 (i) The person is accompanied by a parent or legal guardian
8 or a licensed driver 21 years of age or older designated by the
9 parent or legal guardian.

10 (ii) The person is operating the vehicle in the course of his
11 or her employment or while going to or from employment or while
12 going to or from an authorized activity.

13 (b) With more than 1 passenger in the vehicle who is less
14 than 21 years of age. This subdivision does not apply if any of
15 the following apply:

16 (i) The person is accompanied by a parent or legal guardian
17 or a licensed driver 21 years of age or older designated by the
18 parent or legal guardian.

19 (ii) Any additional passengers who are less than 21 years of
20 age are members of his or her immediate family.

21 (iii) The person is operating the vehicle in the course of his
22 or her employment or while going to or from employment or while
23 going to or from an authorized activity.

24 (7) The provisions and provisional period described in
25 subsection (4) or (6) shall be expanded or extended, or both,
26 beyond the periods described in subsection (4) or (6) if any of
27 the following occur and are recorded on the licensee's driving

1 record during the provisional periods described in subsection (4)
2 or (6) or any additional periods imposed under this subsection:

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

5 (b) An accident for which the official police report
6 indicates a moving violation on the part of the licensee.

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

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

10 (8) The provisional period described in subsection (4) shall
11 be extended under subsection (7) until the licensee completes 90
12 consecutive days without a moving violation, an accident in which
13 a moving violation resulted, ~~accident~~, suspension, or provisional
14 period violation listed in subsection (7), or until age 18,
15 whichever occurs first. The provisional period described in
16 subsection (6) shall be extended under subsection (7) until the
17 licensee completes 12 consecutive months without a moving
18 violation, ~~accident~~, suspension, or restricted period violation
19 listed in subsection (7) or until age 18, whichever occurs first.

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

27 (10) Notice shall be given by first-class mail to the last

1 known address of a licensee if the provisions are expanded or
2 extended as described in subsection (7).

3 (11) A person who violates subsection (4) or (6) is
4 responsible for a civil infraction.

5 (12) If a person is determined responsible for a violation
6 of subsection (4) or (6), the secretary of state shall send
7 written notification of any conviction or moving violation to a
8 designated parent or guardian of the person.

9 (13) For purposes of this section:

10 (a) Upon conviction for a moving violation, the date of the
11 arrest for the violation shall be used in determining whether the
12 conviction occurred within a provisional licensure period under
13 this section.

14 (b) Upon entry of a civil infraction determination for a
15 moving violation, the date of issuance of a citation for a civil
16 infraction shall be used in determining whether the civil
17 infraction determination occurred within a provisional licensure
18 period under this section.

19 (c) The date of the official police report shall be used in
20 determining whether a licensee was driving a motor vehicle
21 involved in an accident for which the official police report
22 indicates a moving violation on the part of the licensee or
23 indicates the licensee had been drinking alcoholic liquor.

24 (14) A person shall have his or her graduated licensing
25 status in his or her immediate possession at all times when
26 operating a motor vehicle, and shall display the card upon demand
27 of a police officer. A person who violates this subsection is

1 responsible for a civil infraction.

2 (15) As used in this section, "authorized activity" means
3 any of the following:

4 (a) A school or a school-sanctioned event or activity. For
5 purposes of this subdivision, school means a public or private
6 school, including a home school.

7 (b) A sporting event or activity, or extracurricular event
8 or activity, that is not school-sanctioned but that is part of an
9 official sports league or association or an official
10 extracurricular club, or that is paid for as a service offered by
11 a business specializing in those events or activities or training
12 for those events or activities.

13 (c) A class or program of vocational instruction offered by
14 a college, community college, nonprofit association, or unit of
15 government or by a business specializing in vocational training.

16 (d) An event or activity sponsored by a religious
17 organization that is tax-exempt under federal law.

18 (e) Transporting an individual in need of immediate
19 emergency care or personal protection to a health care
20 professional, hospital, police station, domestic violence
21 shelter, or public safety location.

22 Sec. 312e. (1) Except as otherwise provided in this section,
23 a person, before operating a commercial motor vehicle, shall
24 obtain the required vehicle group designation as follows:

25 (a) A person, before operating a combination of **MOTOR**
26 vehicles with a gross combination weight rating **OR GROSS**
27 **COMBINATION WEIGHT** of 26,001 pounds or more, ~~including a towed~~

1 ~~vehicle~~ **WHICHEVER IS GREATER, INCLUSIVE OF TOWED UNITS** with a
2 gross vehicle weight rating **OR GROSS VEHICLE WEIGHT** of more than
3 10,000 pounds, shall procure a group A vehicle designation on his
4 or her operator's or chauffeur's license. Unless an indorsement
5 or the removal of restrictions is required, a person licensed to
6 operate a group A vehicle may operate a group B or C vehicle
7 without taking another test.

8 (b) A person, before operating a **SINGLE** vehicle having a
9 gross vehicle weight rating **OR GROSS VEHICLE WEIGHT** of 26,001
10 pounds or more, **WHICHEVER IS GREATER, INCLUDING WHILE TOWING A**
11 **VEHICLE HAVING A GROSS VEHICLE WEIGHT RATING OR GROSS VEHICLE**
12 **WEIGHT OF NOT MORE THAN 10,000 POUNDS**, shall procure a group B
13 vehicle designation on his or her operator's or chauffeur's
14 license. Unless an indorsement or the removal of restrictions is
15 required, a person licensed to operate a group B vehicle may
16 operate a group C vehicle without taking another test.

17 (c) A person, before operating a single vehicle or a
18 combination of vehicles that fits the definition of small vehicle
19 (group C) under 49 CFR 383.91(a)(3) shall procure a group C
20 vehicle designation and a hazardous material or passenger vehicle
21 indorsement on his or her operator's or chauffeur's license.

22 (2) An applicant for a vehicle group designation shall take
23 knowledge and driving skills tests that comply with minimum
24 federal standards prescribed in 49 CFR part 383 as required under
25 this act.

26 (3) The license shall be issued, suspended, revoked,
27 canceled, or renewed in accordance with this act.

1 (4) Except as provided in this subsection, all of the
2 following apply:

3 (a) If a person operates a group B passenger vehicle while
4 taking his or her driving skills test for a P indorsement, he or
5 she is restricted to operating only group B or C passenger
6 vehicles under that P indorsement. If a person operates a group B
7 school bus while taking his or her driving skills test for an S
8 indorsement, he or she is restricted to operating only group B or
9 C school buses under that S indorsement. **EXCEPT AS PROVIDED IN**

10 **THIS SECTION, BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY**
11 **ACT THAT ADDED THIS SENTENCE, THE SECRETARY OF STATE SHALL PLACE**
12 **ON THE COMMERCIAL LEARNER'S PERMIT OR COMMERCIAL DRIVER LICENSE**
13 **THE FOLLOWING RESTRICTION CODE AS PROVIDED UNDER 49 CFR 383.95**
14 **AND 383.153: NOT VALID TO OPERATE A GROUP A PASSENGER COMMERCIAL**
15 **MOTOR VEHICLE.**

16 (b) If a person operates a group C passenger vehicle while
17 taking his or her driving skills test for a P indorsement, he or
18 she is restricted to operating only group C passenger vehicles
19 under that P indorsement. If a person operates a group C school
20 bus while taking his or her driving skills test for an S
21 indorsement, he or she is restricted to operating only group C
22 school buses under that S indorsement. **EXCEPT AS PROVIDED IN THIS**
23 **SECTION, BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT**
24 **THAT ADDED THIS SENTENCE, THE SECRETARY OF STATE SHALL PLACE ON**
25 **THE COMMERCIAL LEARNER'S PERMIT OR COMMERCIAL DRIVER LICENSE THE**
26 **FOLLOWING RESTRICTION CODE AS PROVIDED UNDER 49 CFR 383.95 AND**
27 **383.153: NOT VALID TO OPERATE A GROUP A OR GROUP B PASSENGER**

1 **COMMERCIAL MOTOR VEHICLE.**

2 (c) A person who fails the air brake portion of the written
3 or driving skills test provided under section 312f or who takes
4 the driving skills test provided under that section in a
5 commercial motor vehicle that is not equipped with air brakes
6 shall not operate a commercial motor vehicle equipped with air
7 brakes. **EXCEPT AS PROVIDED IN THIS SECTION, BEGINNING ON THE**
8 **EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SENTENCE,**
9 **THE SECRETARY OF STATE SHALL PLACE ON THE COMMERCIAL LEARNER'S**
10 **PERMIT OR COMMERCIAL DRIVER LICENSE THE FOLLOWING RESTRICTION**
11 **CODE AS PROVIDED UNDER 49 CFR 383.95 AND 383.153: CDL NOT VALID**
12 **FOR VEHICLE WITH AIR BRAKES.**

13 (D) **EXCEPT AS PROVIDED IN THIS SECTION, BEGINNING ON THE**
14 **EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBDIVISION,**
15 **THE SECRETARY OF STATE SHALL PLACE ON A COMMERCIAL LEARNER'S**
16 **PERMIT OR COMMERCIAL DRIVER LICENSE THE FOLLOWING RESTRICTION**
17 **CODES AS PROVIDED UNDER 49 CFR 383.95 AND 383.153:**

18 (i) **FOR A COMMERCIAL LEARNER'S PERMIT:**

19 (A) **NO PASSENGERS IN A COMMERCIAL MOTOR VEHICLE BUS.**

20 (B) **NO CARGO IN A COMMERCIAL MOTOR VEHICLE TANK VEHICLE.**

21 (C) **COMMERCIAL MOTOR VEHICLE OPERATION WITH MEDICAL**
22 **VARIANCE.**

23 (D) **COMMERCIAL MOTOR VEHICLE OPERATION INTRASTATE ONLY.**

24 (ii) **FOR A COMMERCIAL DRIVER LICENSE:**

25 (A) **NOT VALID TO OPERATE COMMERCIAL MOTOR VEHICLE EQUIPPED**
26 **WITH FULL AIR BRAKES.**

27 (B) **NOT VALID TO OPERATE COMMERCIAL MOTOR VEHICLE EQUIPPED**

1 WITH MANUAL TRANSMISSION.

2 (C) NOT VALID TO OPERATE A GROUP A COMMERCIAL VEHICLE
3 TRACTOR-TRAILER COMBINATION CONNECTED BY FIFTH WHEEL.

4 (D) COMMERCIAL MOTOR VEHICLE OPERATION INTRASTATE ONLY.

5 (E) COMMERCIAL MOTOR VEHICLE OPERATION WITH MEDICAL
6 VARIANCE.

7 (5) A person, before operating a commercial motor vehicle,
8 shall obtain ~~required~~**THE FOLLOWING** vehicle indorsements as
9 ~~follows:~~**PROVIDED UNDER 49 CFR 383.93 AND 383.153:**

10 (a) A person, before operating a commercial motor vehicle
11 pulling double trailers, shall ~~procure~~**OBTAIN** the appropriate
12 vehicle group designation and a T vehicle indorsement under this
13 act.

14 (b) **A PERSON APPLYING FOR A COMMERCIAL LEARNER'S PERMIT TO**
15 **OPERATE AN EMPTY TANK MOTOR VEHICLE SHALL OBTAIN THE APPROPRIATE**
16 **VEHICLE GROUP DESIGNATION AND AN N INDORSEMENT.** A person, before
17 operating a ~~commercial-TANK~~ motor vehicle, ~~that is a tank~~
18 ~~vehicle,~~ shall ~~procure~~**HAVE ON A COMMERCIAL DRIVER LICENSE** the
19 appropriate vehicle group designation and an N vehicle
20 indorsement under this act.

21 (c) A person, before operating a commercial motor vehicle
22 carrying hazardous materials on which a placard is required under
23 49 CFR parts 100 to 199, shall procure the appropriate vehicle
24 group designation and an H vehicle indorsement under this act.

25 (d) A person, before operating a ~~commercial-TANK~~ motor
26 vehicle ~~that is a tank vehicle~~ carrying hazardous material,
27 **MATERIALS**, shall ~~procure~~**OBTAIN** the appropriate vehicle group

1 designation and both an N and H vehicle indorsement, which shall
2 be designated by the code letter X on the person's operator's or
3 chauffeur's license.

4 (e) A PERSON APPLYING FOR A COMMERCIAL LEARNER'S PERMIT TO
5 OPERATE A PASSENGER COMMERCIAL MOTOR VEHICLE THAT IS NOT A SCHOOL
6 BUS, AS SET FORTH IN SECTION 306A(2) (E), SHALL OBTAIN THE
7 APPROPRIATE COMMERCIAL VEHICLE GROUP DESIGNATION AND A P
8 INDORSEMENT. A person, before operating a vehicle that is
9 designed to transport 16 or more passengers including the driver
10 but ~~THAT~~ is not a school bus shall ~~procure~~**HAVE ON A COMMERCIAL**
11 **DRIVER LICENSE** the appropriate vehicle group designation and a P
12 vehicle indorsement under this act. An applicant for a P vehicle
13 indorsement shall take the driving skills test in a vehicle
14 designed to transport 16 or more passengers including the driver.

15 (f) A PERSON APPLYING FOR A COMMERCIAL LEARNER'S PERMIT TO
16 OPERATE A SCHOOL BUS DESIGNED TO TRANSPORT 16 OR MORE PASSENGERS,
17 INCLUDING THE DRIVER, AS SET FORTH IN SECTION 306A(2) (E), WHO
18 DOES NOT CURRENTLY POSSESS A P INDORSEMENT, SHALL OBTAIN THE
19 APPROPRIATE VEHICLE GROUP DESIGNATION AND PASS THE KNOWLEDGE
20 TESTS FOR BOTH THE P AND S INDORSEMENTS. A person, ~~who does not~~
21 ~~currently possess a P indorsement,~~ before operating a school bus,
22 ~~designed to transport 16 or more passengers, including the~~
23 ~~driver,~~ shall ~~procure~~**HAVE ON A COMMERCIAL DRIVER LICENSE** the
24 appropriate vehicle group designation, ~~pass the knowledge tests~~
25 ~~for the P and S indorsements, and procure~~**AND BOTH** the P and S
26 vehicle indorsements under this act. An applicant for an S
27 vehicle indorsement shall take a driving skills test in a school

1 bus designed to transport 16 or more passengers, including the
2 driver, that represents the same type of vehicle that the
3 applicant intends to operate as a school bus.

4 (g) **A PERSON WHO CURRENTLY POSSESSES A P INDORSEMENT AND IS**
5 **APPLYING FOR A COMMERCIAL LEARNER'S PERMIT TO OPERATE A SCHOOL**
6 **BUS DESIGNED TO TRANSPORT 16 OR MORE PASSENGERS, INCLUDING THE**
7 **DRIVER, AS SET FORTH IN SECTION 306(A)(2)(E), SHALL OBTAIN THE**
8 **APPROPRIATE VEHICLE GROUP DESIGNATION AND PASS THE KNOWLEDGE TEST**
9 **FOR THE S INDORSEMENT.** A person who currently possesses a P

10 indorsement, before operating a school bus designed to transport
11 16 or more passengers, including the driver, shall ~~procure~~**OBTAIN**
12 the appropriate vehicle group designation, pass the knowledge
13 test for an S indorsement, and ~~procure~~**OBTAIN** an S vehicle
14 indorsement **FOR HIS OR HER COMMERCIAL DRIVER LICENSE** under this
15 act. An applicant for an S vehicle indorsement shall take a
16 driving skills test in a school bus designed to transport 16 or
17 more passengers, including the driver, that represents the same
18 type of vehicle that the applicant intends to operate as a school
19 bus.

20 (6) An applicant for an indorsement shall take the knowledge
21 and driving skills tests described and required under 49 CFR part
22 383.

23 (7) The holder of an unexpired operator's or chauffeur's
24 license may be issued a vehicle group designation and indorsement
25 valid for the remainder of the license upon meeting the
26 qualifications of section 312f and payment of the original
27 vehicle group designation fee of \$25.00 and an indorsement fee of

1 \$5.00 per indorsement, and a corrected license fee of \$18.00. A
2 person required to procure an F vehicle indorsement under
3 subsection (9) shall pay an indorsement fee of \$5.00.

4 (8) Except as otherwise provided in subsections (9) and
5 (10), this section does not apply to a driver or operator of a
6 vehicle under all of the following conditions:

7 (a) The vehicle is controlled and operated by a farmer or an
8 employee or family member of the farmer.

9 (b) The vehicle is used to transport agricultural products,
10 farm machinery, farm supplies, or a combination of these items,
11 to or from a farm.

12 (c) The vehicle is not used in the operation of a common or
13 contract motor carrier.

14 (d) The vehicle is operated within 150 miles of the farm.

15 (9) A person, before driving or operating a combination of
16 vehicles having a gross vehicle weight rating of 26,001 pounds or
17 more on the power unit that is used as described in subsection
18 (8)(a) to (d), shall obtain an F vehicle indorsement. The F
19 vehicle indorsement shall be issued upon successful completion of
20 a knowledge test only.

21 (10) A person, before driving or operating a single vehicle
22 truck having a gross vehicle weight rating of 26,001 pounds or
23 more or a combination of vehicles having a gross vehicle weight
24 rating of 26,001 pounds or more on the power unit that is used as
25 described in subsection (8)(a) to (d) for carrying hazardous
26 materials on which a placard is required under 49 CFR parts 100
27 to 199, shall successfully complete both a knowledge test and a

1 driving skills test. Upon successful completion of the knowledge
2 test and driving skills test, the person shall be issued the
3 appropriate vehicle group designation and any vehicle indorsement
4 necessary under this act.

5 (11) This section does not apply to a police officer
6 operating an authorized emergency vehicle or to a firefighter
7 operating an authorized emergency vehicle who has met the driver
8 training standards published under the firefighters training
9 council act, ~~of 1966,~~ 1966 PA 291, MCL 29.361 to 29.377.

10 (12) This section does not apply to a person operating a
11 vehicle used exclusively to transport personal possessions or
12 family members for nonbusiness purposes.

13 (13) The money collected under subsection (7) for a vehicle
14 group designation or indorsement shall be deposited in the state
15 treasury to the credit of the general fund. The secretary of
16 state shall refund out of the fees collected to each county or
17 municipality acting as an examining officer or examining bureau
18 \$3.00 for each applicant examined for a first designation or
19 indorsement to an operator's or chauffeur's license and \$1.50 for
20 each renewal designation or indorsement to an operator's or
21 chauffeur's license, whose application is not denied, on the
22 condition that the money refunded shall be paid to the county or
23 local treasurer and is appropriated to the county, municipality,
24 or officer or bureau receiving that money for the purpose of
25 carrying out this act.

26 (14) Notwithstanding any other provision of this section, a
27 person operating a vehicle described in subsections (8) and (9)

1 is subject to the provisions of sections 303 and 319b.

2 (15) This state shall comply with the requirements of the
3 ~~American association of motor vehicle administrators' AAMVANet,~~
4 ~~incorporated's~~ **ASSOCIATION OF MOTOR VEHICLE ADMINISTRATORS'**
5 **AAMVANET, INCORPORATED'S** "Commercial Driver License Information
6 System (CDLIS) State Procedures Manual" that the secretary of
7 state determines are required for implementing and enforcing
8 federal law.

9 Sec. 312f. (1) Except as otherwise provided in this section,
10 a person shall be not less than 18 years of age before he or she
11 is issued a vehicle group designation or indorsement, other than
12 a motorcycle indorsement, or not less than 21 years of age and
13 has been approved by the transportation security administration
14 for a hazardous material endorsement before he or she is issued a
15 hazardous material indorsement on an operator's or chauffeur's
16 license and, as provided in this section, the person shall pass
17 knowledge and driving skills tests that comply with minimum
18 federal standards prescribed in 49 CFR part 383. **THE KNOWLEDGE**
19 **AND SKILLS TEST SCORES SHALL BE RETAINED BY THE SECRETARY OF**
20 **STATE AS PROVIDED UNDER 49 CFR 383.135.** A person who is 18 years
21 of age or older operating a vehicle to be used for farming
22 purposes only may obtain an A or B vehicle group designation or
23 an F vehicle indorsement. Each written examination given an
24 applicant for a vehicle group designation or indorsement shall
25 include subjects designed to cover the type or general class of
26 vehicle to be operated. Except as follows, a person shall pass an
27 examination that includes a driving skills test designed to test

1 competency of the applicant for an original vehicle group
2 designation and passenger indorsement on an operator's or
3 chauffeur's license to drive that type or general class of
4 vehicle upon the highways of this state with safety to persons
5 and property:

6 (a) The secretary of state shall waive the driving skills
7 test for a person operating a vehicle that is used under the
8 conditions described in section 312e(8)(a) to (d) unless the
9 vehicle has a gross vehicle weight rating of 26,001 pounds or
10 more on the power unit and is to be used to carry hazardous
11 materials on which a placard is required under 49 CFR parts 100
12 to 199.

13 (b) The driving skills test may be waived if the applicant
14 has a valid license with the appropriate vehicle group
15 designation, passenger vehicle indorsement, or school bus
16 indorsement in another state issued in compliance with 49 USC
17 31301 to 31317, **OR IF THE PERSON SUCCESSFULLY PASSES A DRIVING**
18 **SKILLS TEST ADMINISTERED IN ANOTHER STATE THAT MEETS THE**
19 **REQUIREMENTS OF FEDERAL LAW AND THE LAW OF THIS STATE.**

20 (c) The secretary of state may waive the driving skills test
21 required under this section for a person with military commercial
22 motor vehicle experience if the person, at the time of
23 application, certifies and provides evidence satisfactory to the
24 secretary of state that he or she continuously met all of the
25 requirements under 49 CFR 383 during the 2-year period
26 immediately preceding the date of application for the commercial
27 driver license.

1 (2) Except for a person who has held an operator's or
2 chauffeur's license for less than 1 year, the secretary of state
3 shall waive the knowledge test and the driving skills test and
4 issue a 1-year seasonal restricted vehicle group designation to
5 an otherwise qualified applicant to operate a group B or a group
6 C vehicle for a farm related service industry if all of the
7 following conditions are met:

8 (a) The applicant meets the requirements of 49 CFR 383.77.

9 (b) The seasons for which the seasonal restricted vehicle
10 group designation is issued are from April 2 to June 30 and from
11 September 2 to November 30 only of a 12-month period or, at the
12 option of the applicant, for not more than 180 days from the date
13 of issuance in a 12-month period.

14 (c) The commercial motor vehicle for which the seasonal
15 restricted vehicle group designation is issued shall be operated
16 only if all the following conditions are met:

17 (i) The commercial motor vehicle is operated only on routes
18 within 150 miles from the place of business to the farm or farms
19 being served.

20 (ii) The commercial motor vehicle does not transport a
21 quantity of hazardous materials on which a placard under 49 CFR
22 parts 100 to 199 is required except for the following:

23 (A) Diesel motor fuel in quantities of 1,000 gallons or
24 less.

25 (B) Liquid fertilizers in quantities of 3,000 gallons or
26 less.

27 (C) Solid fertilizers that are not transported with any

1 organic substance.

2 (iii) The commercial motor vehicle does not require the H, N,
3 P, S, T, or X vehicle indorsement.

4 (3) A seasonal restricted vehicle group designation under
5 this section shall be issued, suspended, revoked, canceled,
6 denied, or renewed in accordance with this act.

7 (4) The secretary of state may enter into an agreement with
8 another public or private corporation or agency to conduct a
9 driving skills test required under this section, section 312e, or
10 49 CFR part 383. Before the secretary of state authorizes a
11 person to administer a corporation's or agency's driver skills
12 testing operations or authorizes an examiner to conduct a driving
13 skills test, that person or examiner must complete both a state
14 and ~~federal bureau of investigation~~ **FEDERAL BUREAU OF**
15 **INVESTIGATION** fingerprint based criminal history check through
16 the department of state police.

17 (5) The secretary of state shall not issue a commercial
18 learner's permit, a vehicle group designation, or a vehicle
19 indorsement to an applicant for an original vehicle group
20 designation or vehicle indorsement under section 312e or may
21 cancel a commercial learner's permit or all vehicle group
22 designations or endorsements on a person's operator's or
23 chauffeur's license to whom 1 or more of the following apply:

24 (a) The applicant has had his or her license suspended or
25 revoked for a reason other than as provided in section 321a, 515,
26 732a, or 801c or section 30 of the support and parenting time
27 enforcement act, 1982 PA 295, MCL 552.630, in the 36 months

1 immediately preceding application. However, a vehicle group
2 designation may be issued if the suspension or revocation was due
3 to a temporary medical condition or failure to appear at a
4 reexamination as provided in section 320.

5 (b) The applicant was convicted of or incurred a bond
6 forfeiture in relation to a 6-point violation as provided in
7 section 320a in the 24 months immediately preceding application
8 if the violation occurred while the applicant was operating a
9 commercial motor vehicle, or a violation of section 625(3) or
10 former section 625b, or a local ordinance substantially
11 corresponding to section 625(3) or former section 625b in the 24
12 months immediately preceding application, if the applicant was
13 operating any type of motor vehicle.

14 (c) The applicant is listed on the national driver register,
15 the commercial driver license information system, or the driving
16 records of the state in which the applicant was previously
17 licensed as being disqualified from operating a commercial motor
18 vehicle or as having a license or driving privilege suspended,
19 revoked, canceled, or denied.

20 (d) The applicant is listed on the national driver register,
21 the commercial driver license information system, or the driving
22 records of the state in which the applicant was previously
23 licensed as having had a license suspended, revoked, or canceled
24 in the 36 months immediately preceding application if a
25 suspension or revocation would have been imposed under this act
26 had the applicant been licensed in this state in the original
27 instance. This subdivision does not apply to a suspension or

1 revocation that would have been imposed due to a temporary
2 medical condition or under section 321a, 515, 732a, or 801c or
3 section 30 of the support and parenting time enforcement act,
4 1982 PA 295, MCL 552.630.

5 (e) The applicant is subject to a suspension or revocation
6 under section 319b or would have been subject to a suspension or
7 revocation under section 319b if the applicant had been issued a
8 vehicle group designation or vehicle indorsement.

9 (f) The applicant has been disqualified from operating a
10 commercial motor vehicle under 49 USC 31301 to 31317 or the
11 applicant's license to operate a commercial motor vehicle has
12 been suspended, revoked, denied, or canceled within 36 months
13 immediately preceding the date of application.

14 (g) The United States ~~secretary of transportation~~ **SECRETARY**
15 **OF TRANSPORTATION** has disqualified the applicant from operating a
16 commercial motor vehicle.

17 (h) The applicant fails to satisfy the federal regulations
18 promulgated under 49 CFR parts 383 and 391 by refusing to certify
19 the type of commercial motor vehicle operation the applicant
20 intends to perform and fails to present valid medical
21 certification to the secretary of state if required to do so.

22 (i) The applicant has been disqualified from operating a
23 commercial motor vehicle due to improper or fraudulent testing.

24 (j) If the secretary of state determines through a
25 governmental investigation that there is reason to believe that a
26 commercial driver license or endorsement was issued as a result
27 of fraudulent or improper conduct in taking a knowledge test or

1 driving skills test required under 49 CFR 383, the secretary of
2 state shall require the applicant to retake and successfully pass
3 that test. The secretary of state shall cancel any commercial
4 driver license or endorsement issued as a result of the suspect
5 test unless the applicant retakes and passes that test.

6 (6) The secretary of state shall not renew or upgrade a
7 vehicle group designation if 1 or more of the following
8 conditions exist:

9 (a) The United States ~~secretary of transportation~~ **SECRETARY**
10 **OF TRANSPORTATION** has disqualified the applicant from operating a
11 commercial motor vehicle.

12 (b) The applicant is listed on the national driver register
13 or the commercial driver license information system as being
14 disqualified from operating a commercial motor vehicle or as
15 having a driver license or driving privilege suspended, revoked,
16 canceled, or denied.

17 (c) On or after January 30, 2012, the applicant fails to
18 meet the requirements of 49 CFR parts 383 and 391 by refusing to
19 certify the type of commercial motor vehicle operation the
20 applicant intends to perform and fails to present medical
21 certification to the secretary of state if required to do so.

22 (7) The secretary of state shall only consider bond
23 forfeitures under subsection (5)(b) for violations that occurred
24 on or after January 1, 1990 when determining the applicability of
25 subsection (5).

26 (8) If an applicant for an original vehicle group
27 designation was previously licensed in another jurisdiction, the

1 secretary of state shall request a copy of the applicant's
2 driving record from that jurisdiction. If 1 or more of the
3 conditions described in subsection (5) exist in that jurisdiction
4 when the secretary of state receives the copy, the secretary of
5 state shall cancel all vehicle group designations on the person's
6 operator's or chauffeur's license.

7 (9) The secretary of state shall cancel all vehicle group
8 designations on a person's operator's or chauffeur's license upon
9 receiving notice from the United States ~~secretary of~~
10 ~~transportation~~, **SECRETARY OF TRANSPORTATION**, the national driver
11 register, the commercial driver license system, or another state
12 or jurisdiction that 1 or more of the conditions described in
13 subsection (5) existed at the time of the person's application in
14 this state.

15 (10) The secretary of state shall cancel all vehicle group
16 designations on the person's operator's or chauffeur's license
17 upon receiving proper notice that the person no longer meets the
18 federal driver qualification requirements under 49 CFR parts 383
19 and 391 to operate a commercial motor vehicle in interstate or
20 intrastate commerce, or the person no longer meets the driver
21 qualification requirements to operate a commercial motor vehicle
22 in intrastate commerce under the motor carrier safety act of
23 1963, 1963 PA 181, MCL 480.11 to 480.25.

24 (11) Subsection (5)(a), (b), (d), and (f) ~~do~~ **DOES** not apply
25 to an applicant for an original vehicle group designation who at
26 the time of application has a valid license to operate a
27 commercial motor vehicle issued by any state in compliance with

1 49 USC 31301 to 31317.

2 (12) As used in this section, "farm related service
3 industry" means custom harvesters, farm retail outlets and
4 suppliers, agri-chemical business, or livestock feeders.

5 Sec. 319. (1) The secretary of state shall immediately
6 suspend a person's license as provided in this section upon
7 receiving a record of the person's conviction for a crime
8 described in this section, whether the conviction is under a law
9 of this state, a local ordinance substantially corresponding to a
10 law of this state, a law of another state substantially
11 corresponding to a law of this state, or, beginning October 31,
12 2010, a law of the United States substantially corresponding to a
13 law of this state.

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

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

18 (b) A violation of section 413 of the Michigan penal code,
19 1931 PA 328, MCL 750.413.

20 (c) A violation of section 1 of former 1931 PA 214, MCL
21 752.191, or **FORMER** section 626c.

22 (d) A felony in which a motor vehicle was used. As used in
23 this section, "felony in which a motor vehicle was used" means a
24 felony during the commission of which the person convicted
25 operated a motor vehicle and while operating the vehicle
26 presented real or potential harm to persons or property and 1 or
27 more of the following circumstances existed:

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

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

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

5 (iv) The vehicle was necessary for the commission of the
6 felony.

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

10 (f) Beginning October 31, 2010, a violation of section 601d.

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

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

15 (b) A violation of section 601b(2), section 601c(1), section
16 653a(3), section 626 before October 31, 2010, or, beginning
17 October 31, 2010, section 626(2).

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

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

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

27 (5) For perjury or making a false certification to the

1 secretary of state under any law requiring the registration of a
2 motor vehicle or regulating the operation of a vehicle on a
3 highway, or for conduct prohibited under section 324(1) or a
4 local ordinance substantially corresponding to section 324(1),
5 the secretary shall suspend the person's license as follows:

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

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

10 (6) For a violation of section 414 of the Michigan penal
11 code, 1931 PA 328, MCL 750.414, the secretary of state shall
12 suspend the person's license as follows:

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

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

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

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

26 (b) If the person has 2 or more prior convictions for an
27 offense described in this subsection or section 33b(1) of former

1 1933 (Ex Sess) PA 8, for 1 year. The secretary of state may issue
2 the person a restricted license after the first 60 days of
3 suspension.

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

6 (a) For 180 days for a violation of section 625(1) or (8)
7 before October 31, 2010 or, beginning October 31, 2010, section
8 625(1)(a) or (b) or (8) if the person has no prior convictions
9 within 7 years. The secretary of state may issue the person a
10 restricted license during a specified portion of the suspension,
11 except that the secretary of state shall not issue a restricted
12 license during the first 30 days of suspension.

13 (b) For 90 days for a violation of section 625(3) if the
14 person has no prior convictions within 7 years. However, if the
15 person is convicted of a violation of section 625(3), for
16 operating a vehicle when, due to the consumption of a controlled
17 substance or a combination of alcoholic liquor and a controlled
18 substance, the person's ability to operate the vehicle was
19 visibly impaired, the secretary of state shall suspend the
20 person's license under this subdivision for 180 days. The
21 secretary of state may issue the person a restricted license
22 during all or a specified portion of the suspension.

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

27 (d) For 90 days for a violation of section 625(6) if the

1 person has 1 or more prior convictions for that offense within 7
2 years.

3 (e) For 180 days for a violation of section 625(7) if the
4 person has no prior convictions within 7 years. The secretary of
5 state may issue the person a restricted license after the first
6 90 days of suspension.

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

11 (g) Beginning October 31, 2010, for 1 year for a violation
12 of section 625(1)(c) if the person has no prior convictions
13 within 7 years or not more than 2 convictions within 10 years.
14 The secretary of state may issue the person a restricted license,
15 except that the secretary of state shall not issue a restricted
16 license during the first 45 days of suspension.

17 (h) Beginning October 31, 2010, the department shall order a
18 person convicted of violating section 625(1)(c) not to operate a
19 motor vehicle under a restricted license issued under subdivision
20 (g) unless the vehicle is equipped with an ignition interlock
21 device approved, certified, and installed as required under
22 sections 625k and 625l. The ignition interlock device may be
23 removed after the interlock device provider provides the
24 department with verification that the person has operated the
25 vehicle with no instances of reaching or exceeding a blood
26 alcohol level of 0.025 grams per 210 liters of breath. This
27 subdivision does not prohibit the removal of the ignition

1 interlock device for any of the following:

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

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

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

20 (i) Beginning October 31, 2010, if an individual violates
21 the conditions of the restricted license issued under subdivision
22 (g) or operates or attempts to operate a motor vehicle with a
23 blood alcohol level of 0.025 grams per 210 liters of breath, the
24 secretary of state shall impose an additional like period of
25 suspension and restriction as prescribed under subdivision (g).
26 This subdivision does not require an additional like period of
27 suspension and restriction for any of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (i) The person's residence.

19 (ii) The person's work location.

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

22 (iv) The court probation department.

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

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

26 (vii) A place of regularly occurring medical treatment for a
27 serious condition for the person or a member of the person's

1 household or immediate family.

2 **(viii) AN IGNITION INTERLOCK SERVICE PROVIDER AS REQUIRED.**

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

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

12 (a) Except as provided in subsection (21), a violation or
13 attempted violation of any of the following:

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

21 (ii) Section 625m.

22 (iii) Former section 625b.

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

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

1 (21) Except for purposes of the suspensions described in
2 subsection (8)(c) and (d), only 1 violation or attempted
3 violation of section 625(6), a local ordinance substantially
4 corresponding to section 625(6), or a law of another state
5 substantially corresponding to section 625(6) may be used as a
6 prior conviction.

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

11 Sec. 319b. (1) The secretary of state shall immediately
12 suspend or revoke, as applicable, all commercial learners permits
13 or vehicle group designations on the operator's or chauffeur's
14 license of a person upon receiving notice of a conviction, bond
15 forfeiture, or civil infraction determination of the person, or
16 notice that a court or administrative tribunal has found the
17 person responsible, for a violation described in this subsection
18 of a law of this state, a local ordinance substantially
19 corresponding to a law of this state while the person was
20 operating a commercial motor vehicle, or a law of another state
21 substantially corresponding to a law of this state, or notice
22 that the person has refused to submit to a chemical test of his
23 or her blood, breath, or urine for the purpose of determining the
24 amount of alcohol or presence of a controlled substance or both
25 in the person's blood, breath, or urine while the person was
26 operating a commercial motor vehicle as required by a law or
27 local ordinance of this or another state. The period of

1 suspension or revocation is as follows:

2 (a) Suspension for 60 days, to run consecutively with any
3 commercial driver license action imposed under this section, if
4 the person is convicted of or found responsible for 1 of the
5 following while operating a commercial motor vehicle:

6 (i) Two serious traffic violations arising from separate
7 incidents within 36 months.

8 (ii) A violation of section 667, 668, 669, or 669a.

9 (iii) A violation of motor carrier safety regulations 49 CFR
10 392.10 or 392.11, as adopted by section 1a of the motor carrier
11 safety act of 1963, 1963 PA 181, MCL 480.11a.

12 (iv) A violation of section 57 of the pupil transportation
13 act, 1990 PA 187, MCL 257.1857.

14 (v) A violation of motor carrier safety regulations 49 CFR
15 392.10 or 392.11, as adopted by section 31 of the motor bus
16 transportation act, 1982 PA 432, MCL 474.131.

17 (vi) A violation of motor carrier safety regulations 49 CFR
18 392.10 or 392.11 while operating a commercial motor vehicle other
19 than a vehicle covered under subparagraph (iii), (iv), or (v).

20 (vii) A violation of commercial motor vehicle fraudulent
21 testing law.

22 (b) Suspension for 120 days, to be served consecutively with
23 a 60-day suspension imposed under subdivision (a)(i), if the
24 person is convicted of or found responsible for 1 of the
25 following arising from separate incidents within 36 months while
26 operating a commercial motor vehicle:

27 (i) Three serious traffic violations.

1 (ii) Any combination of 2 violations described in subdivision
2 (a) (ii) .

3 (c) Suspension for 1 year, to run consecutively with any
4 commercial driver license action imposed under this section, if
5 the person is convicted of or found responsible for 1 of the
6 following:

7 (i) A violation of section 625(1), (3), (4), (5), (6), (7),
8 or (8), section 625m, or former section 625(1) or (2), or former
9 section 625b, while operating a commercial or noncommercial motor
10 vehicle.

11 (ii) Leaving the scene of an accident involving a commercial
12 or noncommercial motor vehicle operated by the person.

13 (iii) Except for a felony described in 49 CFR 383.51(b)(9), a
14 felony in which a commercial or noncommercial motor vehicle was
15 used.

16 (iv) A refusal of a peace officer's request to submit to a
17 chemical test of his or her blood, breath, or urine to determine
18 the amount of alcohol or presence of a controlled substance or
19 both in his or her blood, breath, or urine while he or she was
20 operating a commercial or noncommercial motor vehicle as required
21 by a law or local ordinance of this state or another state.

22 (v) Operating a commercial motor vehicle in violation of a
23 suspension, revocation, denial, or cancellation that was imposed
24 for previous violations committed while operating a commercial
25 motor vehicle.

26 (vi) Causing a fatality through the negligent or criminal
27 operation of a commercial motor vehicle, including, but not

1 limited to, the crimes of motor vehicle manslaughter, motor
2 vehicle homicide, and negligent homicide.

3 (vii) A violation of commercial motor vehicle fraudulent
4 testing law.

5 (viii) Any combination of 3 violations described in
6 subdivision (a) (ii) arising from separate incidents within 36
7 months while operating a commercial motor vehicle.

8 (d) Suspension for 3 years, to run consecutively with any
9 commercial driver license action imposed under this section, if
10 the person is convicted of or found responsible for an offense
11 enumerated in subdivision (c) (i) to ~~(vii)~~ **(vi)** in which a commercial
12 motor vehicle was used if the vehicle was carrying hazardous
13 material required to have a placard under 49 CFR parts 100 to
14 199.

15 (e) Revocation for life, to run consecutively with any
16 commercial driver license action imposed under this section, but
17 with eligibility for reissue of a group vehicle designation after
18 not less than 10 years and after approval by the secretary of
19 state, if the person is convicted of or found responsible for 2
20 violations or a combination of any 2 violations arising from 2 or
21 more separate incidents involving any of the following:

22 (i) Section 625(1), (3), (4), (5), (6), (7), or (8), section
23 625m, or former section 625(1) or (2), or former section 625b,
24 while operating a commercial or noncommercial motor vehicle.

25 (ii) Leaving the scene of an accident involving a commercial
26 or noncommercial motor vehicle operated by the licensee.

27 (iii) Except for a felony described in 49 CFR 383.51(b) (9), a

1 felony in which a commercial or noncommercial motor vehicle was
2 used.

3 (iv) A refusal of a request of a police officer to submit to
4 a chemical test of his or her blood, breath, or urine for the
5 purpose of determining the amount of alcohol or presence of a
6 controlled substance or both in his or her blood while he or she
7 was operating a commercial or noncommercial motor vehicle in this
8 state or another state.

9 (v) Operating a commercial motor vehicle in violation of a
10 suspension, revocation, denial, or cancellation that was imposed
11 for previous violations committed while operating a commercial
12 motor vehicle.

13 (vi) Causing a fatality through the negligent or criminal
14 operation of a commercial motor vehicle, including, but not
15 limited to, the crimes of motor vehicle manslaughter, motor
16 vehicle homicide, and negligent homicide.

17 (f) Revocation for life if a person is convicted of or found
18 responsible for any of the following:

19 (i) One violation of a felony in which a commercial motor
20 vehicle was used and that involved the manufacture, distribution,
21 or dispensing of a controlled substance or possession with intent
22 to manufacture, distribute, or dispense a controlled substance.

23 (ii) A conviction of any offense described in subdivision (c)
24 or (d) after having been approved for the reissuance of a vehicle
25 group designation under subdivision (e).

26 (iii) A conviction of a violation of chapter LXXXIII-A of the
27 Michigan penal code, 1931 PA 328, MCL 750.543a to 750.543z.

1 (2) The secretary of state shall immediately deny, cancel,
2 or revoke a hazardous material indorsement on the operator's or
3 chauffeur's license of a person with a vehicle group designation
4 upon receiving notice from a federal government agency that the
5 person poses a security risk warranting denial, cancellation, or
6 revocation under the uniting and strengthening America by
7 providing appropriate tools required to intercept and obstruct
8 terrorism (USA PATRIOT ACT) act of 2001, Public Law 107-56. The
9 denial, cancellation, or revocation cannot be appealed under
10 section 322 or 323 and remains in effect until the secretary of
11 state receives a federal government notice that the person does
12 not pose a security risk in the transportation of hazardous
13 materials.

14 (3) The secretary of state shall immediately suspend or
15 revoke, as applicable, all commercial learners permits or vehicle
16 group designations on a person's operator's or chauffeur's
17 license upon receiving notice of a conviction, bond forfeiture,
18 or civil infraction determination of the person, or notice that a
19 court or administrative tribunal has found the person
20 responsible, for a violation of section 319d(4) or 319f, a local
21 ordinance substantially corresponding to section 319d(4) or 319f,
22 or a law or local ordinance of another state, the United States,
23 Canada, the United Mexican States, or a local jurisdiction of
24 either of these countries substantially corresponding to section
25 319d(4) or 319f, while operating a commercial motor vehicle. The
26 period of suspension or revocation, which shall run consecutively
27 with any commercial driver license action imposed under this

1 section, is as follows:

2 (a) Suspension for 180 days if the person is convicted of or
3 found responsible for a violation of section 319d(4) or 319f
4 while operating a commercial motor vehicle.

5 (b) Suspension for 180 days if the person is convicted of or
6 found responsible for a violation of section 319d(4) or 319f
7 while operating a commercial motor vehicle that is either
8 carrying hazardous material required to have a placard under 49
9 CFR parts 100 to 199 or designed to carry 16 or more passengers,
10 including the driver.

11 (c) Suspension for 2 years if the person is convicted of or
12 found responsible for 2 violations, in any combination, of
13 section 319d(4) or 319f while operating a commercial motor
14 vehicle arising from 2 or more separate incidents during a 10-
15 year period.

16 (d) Suspension for 3 years if the person is convicted of or
17 found responsible for 3 or more violations, in any combination,
18 of section 319d(4) or 319f while operating a commercial motor
19 vehicle arising from 3 or more separate incidents during a 10-
20 year period.

21 (e) Suspension for 3 years if the person is convicted of or
22 found responsible for 2 or more violations, in any combination,
23 of section 319d(4) or 319f while operating a commercial motor
24 vehicle carrying hazardous material required to have a placard
25 under 49 CFR parts 100 to 199, or designed to carry 16 or more
26 passengers, including the driver, arising from 2 or more separate
27 incidents during a 10-year period.

1 (4) The secretary of state shall suspend or revoke, as
2 applicable, any privilege to operate a commercial motor vehicle
3 as directed by the federal government or its designee.

4 (5) For the purpose of this section only, a bond forfeiture
5 or a determination by a court of original jurisdiction or an
6 authorized administrative tribunal that a person has violated the
7 law is considered a conviction.

8 (6) The secretary of state shall suspend or revoke a vehicle
9 group designation under subsection (1) or deny, cancel, or revoke
10 a hazardous material indorsement under subsection (2)
11 notwithstanding a suspension, restriction, revocation, or denial
12 of an operator's or chauffeur's license or vehicle group
13 designation under another section of this act or a court order
14 issued under another section of this act or a local ordinance
15 substantially corresponding to another section of this act.

16 (7) A conviction, bond forfeiture, or civil infraction
17 determination, or notice that a court or administrative tribunal
18 has found a person responsible for a violation described in this
19 subsection while the person was operating a noncommercial motor
20 vehicle counts against the person who holds a license to operate
21 a commercial motor vehicle the same as if the person had been
22 operating a commercial motor vehicle at the time of the
23 violation. For the purpose of this subsection, a noncommercial
24 motor vehicle does not include a recreational vehicle used off-
25 road. This subsection applies to the following state law
26 violations or a local ordinance substantially corresponding to
27 any of those violations or a law of another state or out-of-state

1 jurisdiction substantially corresponding to any of those
2 violations:

3 (a) Operating a vehicle in violation of section 625.

4 (b) Refusing to submit to a chemical test of his or her
5 blood, breath, or urine for the purpose of determining the amount
6 of alcohol or the presence of a controlled substance or both in
7 the person's blood, breath, or urine as required by a law or
8 local ordinance of this or another state.

9 (c) Leaving the scene of an accident.

10 (d) Using a vehicle to commit a felony.

11 (8) When determining the applicability of conditions listed
12 in this section, the secretary of state shall consider only
13 violations that occurred after January 1, 1990.

14 (9) When determining the applicability of conditions listed
15 in subsection (1)(a) or (b), the secretary of state shall count
16 only from incident date to incident date.

17 (10) As used in this section:

18 (a) "Felony in which a commercial motor vehicle was used"
19 means a felony during the commission of which the person
20 convicted operated a commercial motor vehicle and while the
21 person was operating the vehicle 1 or more of the following
22 circumstances existed:

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

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

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

27 (iv) The vehicle was necessary for the commission of the

- 1 felony.
- 2 (b) "Serious traffic violation" means any of the following:
- 3 (i) A traffic violation that occurs in connection with an
- 4 accident in which a person died.
- 5 (ii) Reckless driving.
- 6 (iii) Excessive speeding as defined in regulations promulgated
- 7 under 49 USC 31301 to 31317.
- 8 (iv) Improper lane use.
- 9 (v) Following too closely.
- 10 (vi) Operating a commercial motor vehicle without obtaining
- 11 any vehicle group designation on the person's license.
- 12 (vii) Operating a commercial motor vehicle without either
- 13 having an operator's or chauffeur's license in the person's
- 14 possession or providing proof to the court, not later than the
- 15 date by which the person must appear in court or pay a fine for
- 16 the violation, that the person held a valid vehicle group
- 17 designation and indorsement on the date that the citation was
- 18 issued.
- 19 (viii) Operating a commercial motor vehicle while in
- 20 possession of an operator's or chauffeur's license that has a
- 21 vehicle group designation but does not have the appropriate
- 22 vehicle group designation or indorsement required for the
- 23 specific vehicle group being operated or the passengers or type
- 24 of cargo being transported.
- 25 (ix) Beginning October 28, 2013, a violation of section
- 26 602b(2) or (3).
- 27 (x) Any other serious traffic violation as defined in 49 CFR

1 383.5 or as prescribed under this act.

2 Sec. 324. (1) A person shall not do any of the following:

3 (a) Display, or cause or permit to be displayed, or have in
4 possession an operator's or chauffeur's license knowing the
5 operator's or chauffeur's license to be fictitious or to have
6 been canceled, revoked, suspended, or altered.

7 (b) Lend to or knowingly permit use of, by one not entitled
8 to its use, the operator's or chauffeur's license issued to the
9 person lending or permitting the use of the operator's or
10 chauffeur's license.

11 (c) Display or to represent as one's own any operator's or
12 chauffeur's license not issued to the person displaying the
13 operator's or chauffeur's license.

14 (d) Fail or refuse to surrender to the department upon
15 demand, any operator's or chauffeur's license which has been
16 suspended, canceled, or revoked as provided by law.

17 (e) Use a false or fictitious name or give a false or
18 fictitious address in an application for an operator's or
19 chauffeur's license, or any renewal or duplicate of an operator's
20 or chauffeur's license, or knowingly make a false statement or
21 knowingly conceal a material fact or otherwise commit a fraud in
22 making an application.

23 (f) Alter or otherwise cause to be altered any operator's or
24 chauffeur's license so as to knowingly make a false statement or
25 knowingly conceal a material fact in order to misrepresent as
26 one's own the operator's or chauffeur's license.

27 (g) Use or have in possession in committing a crime an

1 operator's or chauffeur's license that has been altered or that
2 is used to knowingly make a false statement or to knowingly
3 conceal a material fact in order to misrepresent as one's own the
4 operator's or chauffeur's license.

5 (h) Furnish to a peace officer false, forged, fictitious, or
6 misleading verbal or written information identifying the person
7 as another person, if the person is detained for a violation of
8 this act or of a local ordinance substantially corresponding to a
9 provision of this act.

10 (I) COMMIT FRAUD RELATED TO THE TESTING FOR OR ISSUANCE OF A
11 COMMERCIAL DRIVER LICENSE OR PERMIT.

12 (J) FAIL TO SCHEDULE A RETEST APPOINTMENT WITHIN 30 DAYS
13 AFTER RECEIVING THE SECRETARY OF STATE'S RETEST NOTIFICATION.

14 ~~(2) A license for an operator or chauffeur~~ **AN OPERATOR'S OR**
15 **CHAUFFEUR'S LICENSE** issued **TO A PERSON** under this chapter upon an
16 application that is untrue, or that contains false statements as
17 to any material matters, **OR THAT WAS OBTAINED BY FRAUD IN THE**
18 **TESTING FOR OR ISSUANCE OF THE LICENSE**, is ~~absolutely~~ void from
19 the date of issuance. The operator or chauffeur who was issued
20 the license is considered unlicensed and the license issued shall
21 be returned upon request or order of the department. A person
22 whose commercial driver license application is voided or canceled
23 under this subsection, **INCLUDING AS REQUIRED UNDER 49 CFR PART**
24 **383**, shall not reapply for a commercial driver license ~~for at~~
25 ~~least~~ **EXCEPT AS FOLLOWS:**

26 (A) NOT SOONER THAN 60 days after an application is voided
27 or canceled.

1 (B) IF THE PERSON OBTAINED THE LICENSE BY FRAUD IN THE
 2 TESTING FOR OR ISSUANCE OF THE COMMERCIAL DRIVER LICENSE OR
 3 COMMERCIAL LEARNER'S PERMIT, NOT SOONER THAN 365 DAYS AFTER THE
 4 PERMIT OR LICENSE IS CANCELED.

5 (C) IF THE PERSON FAILED TO SCHEDULE A RETESTING FOR A NEW
 6 COMMERCIAL LEARNER'S PERMIT OR COMMERCIAL DRIVER LICENSE WITHIN
 7 30 DAYS AFTER RECEIVING THE NOTIFICATION BY THE SECRETARY OF
 8 STATE FOR RETESTING, UNTIL THE DRIVER MEETS THE DEPARTMENT'S
 9 REQUIREMENTS FOR APPLYING FOR A NEW COMMERCIAL LEARNER'S PERMIT
 10 OR COMMERCIAL DRIVER LICENSE.

[Sec. 625a. (1) A peace officer may arrest a person without a warrant under either of the following circumstances:

(a) The peace officer has reasonable cause to believe the person was, at the time of an accident in this state, the operator of a vehicle involved in the accident and was operating the vehicle in violation of section 625 or a local ordinance substantially corresponding to section 625.

(b) The person is found in the driver's seat of a vehicle parked or stopped on a highway or street within this state if any part of the vehicle intrudes into the roadway and the peace officer has reasonable cause to believe the person was operating the vehicle in violation of section 625 or a local ordinance substantially corresponding to section 625.

(2) A peace officer who has reasonable cause to believe that a person was operating a vehicle upon a public highway or other place open to the public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state and that the person by the consumption of alcoholic liquor, a controlled substance, or other intoxicating substance or a combination of them may have affected his or her ability to operate a vehicle, or reasonable cause to believe that a person was operating a commercial motor vehicle within the state while the person's blood, breath, or urine contained any measurable amount of alcohol, a controlled substance, or any other intoxicating substance or while the person had any detectable presence of alcoholic liquor, a controlled substance or any other intoxicating substance, or any combination of them, or reasonable cause to believe that a person who is less than 21 years of age was operating a vehicle upon a public highway or other place open to the public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state while the person had any bodily alcohol content as that term is defined in section 625(6), may require the person to submit to a preliminary ~~roadside~~ **CHEMICAL BREATH** analysis. The following provisions apply with respect to a preliminary ~~roadside~~ **CHEMICAL BREATH** analysis administered under this subsection:

(a) A peace officer may arrest a person based in whole or in part upon the results of a preliminary ~~roadside~~ **CHEMICAL BREATH** analysis.

(b) The results of a preliminary ~~roadside~~ **CHEMICAL BREATH** analysis are admissible in a criminal prosecution for a crime enumerated in section 625c(1) or in an administrative hearing for 1 or more of the following purposes:

(i) To assist the court or hearing officer in determining a challenge to the validity of an arrest. This subparagraph does not limit the introduction of other competent evidence offered to establish the validity of an arrest.

(ii) As evidence of the defendant's breath alcohol content, if offered by the defendant to rebut testimony elicited on cross-examination of a defense witness that the defendant's breath alcohol content was

higher at the time of the charged offense than when a chemical test was administered under subsection (6).

(iii) As evidence of the defendant's breath alcohol content, if offered by the prosecution to rebut testimony elicited on cross-examination of a prosecution witness that the defendant's breath alcohol content was lower at the time of the charged offense than when a chemical test was administered under subsection (6).

(c) A person who submits to a preliminary ~~roadside~~ **CHEMICAL BREATH** analysis remains subject to the requirements of sections 625c, 625d, 625e, and 625f for purposes of chemical tests described in those sections.

(d) Except as provided in subsection (5), a person who refuses to submit to a preliminary ~~roadside~~ **CHEMICAL BREATH** analysis upon a lawful request by a peace officer is responsible for a civil infraction.

(3) A peace officer shall use the results of a preliminary ~~roadside~~ **CHEMICAL BREATH** analysis conducted under this section to determine whether to order a person out-of-service under section 319d. A peace officer shall order out-of-service as required under section 319d a person who was operating a commercial motor vehicle and who refuses to submit to a preliminary ~~roadside~~ **CHEMICAL BREATH** analysis as provided in this section. This section does not limit use of other competent evidence by the peace officer to determine whether to order a person out-of-service under section 319d.

(4) A person who was operating a commercial motor vehicle and who is requested to submit to a preliminary ~~roadside~~ **CHEMICAL BREATH** analysis under this section shall be advised that refusing a peace officer's request to take a test described in this section is a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both, and will result in the issuance of a 24-hour out-of-service order.

(5) A person who was operating a commercial motor vehicle and who refuses to submit to a preliminary ~~roadside~~ **CHEMICAL BREATH** analysis upon a peace officer's lawful request is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both.

(6) The following provisions apply with respect to chemical tests and analysis of a person's blood, urine, or breath, other than a preliminary ~~roadside~~ **CHEMICAL BREATH** analysis:

(a) The amount of alcohol or presence of a controlled substance or other intoxicating substance in a driver's blood or urine or the amount of alcohol in a person's breath at the time alleged as shown by chemical analysis of the person's blood, urine, or breath is admissible into evidence in any civil or criminal proceeding and is presumed to be the same as at the time the person operated the vehicle.

(b) A person arrested for a crime described in section 625c(1) shall be advised of all of the following:

(i) If he or she takes a chemical test of his or her blood, urine, or breath administered at the request of a peace officer, he or she has the right to demand that a person of his or her own choosing administer 1 of the chemical tests.

(ii) The results of the test are admissible in a judicial proceeding as provided under this act and will be considered with other admissible evidence in determining the defendant's innocence or guilt.

(iii) He or she is responsible for obtaining a chemical analysis of a test sample obtained at his or her own request.

(iv) If he or she refuses the request of a peace officer to take a test described in subparagraph (i), a test shall not be given without a court order, but the peace officer may seek to obtain a court order.

(v) Refusing a peace officer's request to take a test described in subparagraph (i) will result in the suspension of his or her operator's

or chauffeur's license and vehicle group designation or operating privilege and in the addition of 6 points to his or her driver record.

(c) A sample or specimen of urine or breath shall be taken and collected in a reasonable manner. Only a licensed physician, or an individual operating under the delegation of a licensed physician under section 16215 of the public health code, 1978 PA 368, MCL 333.16215, qualified to withdraw blood and acting in a medical environment, may withdraw blood at a peace officer's request to determine the amount of alcohol or presence of a controlled substance or other intoxicating substance in the person's blood, as provided in this subsection. Liability for a crime or civil damages predicated on the act of withdrawing or analyzing blood and related procedures does not attach to a licensed physician or individual operating under the delegation of a licensed physician who withdraws or analyzes blood or assists in the withdrawal or analysis in accordance with this act unless the withdrawal or analysis is performed in a negligent manner.

(d) A chemical test described in this subsection shall be administered at the request of a peace officer having reasonable grounds to believe the person has committed a crime described in section 625c(1). A person who takes a chemical test administered at a peace officer's request as provided in this section shall be given a reasonable opportunity to have a person of his or her own choosing administer 1 of the chemical tests described in this subsection within a reasonable time after his or her detention. The test results are admissible and shall be considered with other admissible evidence in determining the defendant's innocence or guilt. If the person charged is administered a chemical test by a person of his or her own choosing, the person charged is responsible for obtaining a chemical analysis of the test sample.

(e) If, after an accident, the driver of a vehicle involved in the accident is transported to a medical facility and a sample of the driver's blood is withdrawn at that time for medical treatment, the results of a chemical analysis of that sample are admissible in any civil or criminal proceeding to show the amount of alcohol or presence of a controlled substance or other intoxicating substance in the person's blood at the time alleged, regardless of whether the person had been offered or had refused a chemical test. The medical facility or person performing the chemical analysis shall disclose the results of the analysis to a prosecuting attorney who requests the results for use in a criminal prosecution as provided in this subdivision. A medical facility or person disclosing information in compliance with this subsection is not civilly or criminally liable for making the disclosure.

(f) If, after an accident, the driver of a vehicle involved in the accident is deceased, a sample of the decedent's blood shall be withdrawn in a manner directed by the medical examiner to determine the amount of alcohol or the presence of a controlled substance or other intoxicating substance, or any combination of them, in the decedent's blood. The medical examiner shall give the results of the chemical analysis of the sample to the law enforcement agency investigating the accident and that agency shall forward the results to the department of state police.

(g) The department of state police shall promulgate uniform rules in compliance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for the administration of chemical tests for the purposes of this section. An instrument used for a preliminary ~~roadside~~ **CHEMICAL BREATH** analysis may be used for a chemical test described in this subsection if approved under rules promulgated by the department of state police.

(7) The provisions of subsection (6) relating to chemical testing do not limit the introduction of any other admissible evidence bearing upon any of the following questions:

(a) Whether the person was impaired by, or under the influence of, alcoholic liquor, a controlled substance or other intoxicating substance, or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance.

(b) Whether the person had an alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning October 1, 2018, the person had an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(c) If the person is less than 21 years of age, whether the person had any bodily alcohol content within his or her body. As used in this subdivision, "any bodily alcohol content" means either of the following:

(i) An alcohol content of 0.02 grams or more but less than 0.08 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning October 1, 2018, the person had an alcohol content of 0.02 grams or more but less than 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(ii) Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than the consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

(8) If a chemical test described in subsection (6) is administered, the test results shall be made available to the person charged or the person's attorney upon written request to the prosecution, with a copy of the request filed with the court. The prosecution shall furnish the results at least 2 days before the day of the trial. The prosecution shall offer the test results as evidence in that trial. Failure to fully comply with the request bars the admission of the results into evidence by the prosecution.

(9) A person's refusal to submit to a chemical test as provided in subsection (6) is admissible in a criminal prosecution for a crime described in section 625c(1) only to show that a test was offered to the defendant, but not as evidence in determining the defendant's innocence or guilt. The jury shall be instructed accordingly.

(10) As used in this section:

(a) "Controlled substance" means that term as defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

(b) "Intoxicating substance" means that term as defined in section 625.]

11 Sec. 732. (1) Each municipal judge and each clerk of a court
12 of record shall keep a full record of every case in which a
13 person is charged with or cited for a violation of this act or a
14 local ordinance substantially corresponding to this act
15 regulating the operation of vehicles on highways and with those
16 offenses pertaining to the operation of ORVs or snowmobiles for
17 which points are assessed under section 320a(1)(c) or (i). Except
18 as provided in subsection (16), the municipal judge or clerk of
19 the court of record shall prepare and forward to the secretary of
20 state an abstract of the court record as follows:

21 (a) Not more than 5 days after a conviction, forfeiture of
22 bail, or entry of a civil infraction determination or default
23 judgment upon a charge of or citation for violating or attempting
24 to violate this act or a local ordinance substantially
25 corresponding to this act regulating the operation of vehicles on
26 highways.

27 (b) Immediately for each case charging a violation of

1 section 625(1), (3), (4), (5), (6), (7), or (8) or section 625m
2 or a local ordinance substantially corresponding to section
3 625(1), (3), (6), or (8) or section 625m in which the charge is
4 dismissed or the defendant is acquitted.

5 (c) Immediately for each case charging a violation of
6 section 82127(1) or (3), 81134, or 81135 of the natural resources
7 and environmental protection act, 1994 PA 451, MCL 324.82127,
8 324.81134, and 324.81135, or a local ordinance substantially
9 corresponding to those sections.

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

18 (3) The abstract or report required under this section shall
19 be made upon a form furnished by the secretary of state. An
20 abstract shall be certified by signature, stamp, or facsimile
21 signature of the person required to prepare the abstract as
22 correct. An abstract or report shall include all of the
23 following:

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

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

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

2 (d) The type of vehicle driven at the time of the violation
3 and, if the vehicle is a commercial motor vehicle, that vehicle's
4 group designation.

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

7 (f) Whether bail was forfeited.

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

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

12 (i) Other information considered necessary to the secretary
13 of state.

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

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

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

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

22 (d) A violation of sections 701(1) and 703 of the Michigan
23 liquor control code of 1998, 1998 PA 58, MCL 436.1701 and
24 436.1703, or a local ordinance substantially corresponding to
25 those sections.

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

1 (f) A violation of motor carrier safety regulations 49 CFR
2 392.10 or 392.11 as adopted by section 1a of the motor carrier
3 safety act of 1963, 1963 PA 181, MCL 480.11a.

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

6 (h) A violation of motor carrier safety regulations 49 CFR
7 392.10 or 392.11 as adopted by section 31 of the motor bus
8 transportation act, 1982 PA 432, MCL 474.131.

9 (i) An attempt to violate, a conspiracy to violate, or a
10 violation of part 74 of the public health code, 1978 PA 368, MCL
11 333.7401 to 333.7461, or a local ordinance that prohibits conduct
12 prohibited under part 74 of the public health code, 1978 PA 368,
13 MCL 333.7401 to 333.7461, unless the convicted person is
14 sentenced to life imprisonment or a minimum term of imprisonment
15 that exceeds 1 year for the offense.

16 (j) An attempt to commit an offense described in
17 subdivisions (a) to (h).

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

20 (l) A violation of section 3101, 3102(1), or 3103 of the
21 insurance code of 1956, 1956 PA 218, MCL 500.3101, 500.3102, and
22 500.3103.

23 (m) A violation listed as a disqualifying offense under 49
24 CFR 383.51.

25 (5) The clerk of the court shall also forward an abstract of
26 the court record to the secretary of state if a person has pled
27 guilty to, or offered a plea of admission in a juvenile

1 proceeding for, a violation of section 703 of the Michigan liquor
2 control code of 1998, 1998 PA 58, MCL 436.1703, or a local
3 ordinance substantially corresponding to that section, and has
4 had further proceedings deferred under that section. If the
5 person is sentenced to a term of probation and terms and
6 conditions of probation are fulfilled and the court discharges
7 the individual and dismisses the proceedings, the court shall
8 also report the dismissal to the secretary of state.

9 (6) As used in subsections (7) to (9), "felony in which a
10 motor vehicle was used" means a felony during the commission of
11 which the person operated a motor vehicle and while operating the
12 vehicle presented real or potential harm to persons or property
13 and 1 or more of the following circumstances existed:

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

15 (b) The vehicle was used to transport a victim of the
16 felony.

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

18 (d) The vehicle was necessary for the commission of the
19 felony.

20 (7) If a person is charged with a felony in which a motor
21 vehicle was used, other than a felony specified in subsection (4)
22 or section 319, the prosecuting attorney shall include the
23 following statement on the complaint and information filed in
24 district or circuit court:

25 "You are charged with the commission of a felony in which a
26 motor vehicle was used. If you are convicted and the judge finds
27 that the conviction is for a felony in which a motor vehicle was

1 used, as defined in section 319 of the Michigan vehicle code,
2 1949 PA 300, MCL 257.319, your driver's license shall be
3 suspended by the secretary of state.".

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

10 "You are accused of an act the nature of which constitutes a
11 felony in which a motor vehicle was used. If the accusation is
12 found to be true and the judge or referee finds that the nature
13 of the act constitutes a felony in which a motor vehicle was
14 used, as defined in section 319 of the Michigan vehicle code,
15 1949 PA 300, MCL 257.319, your driver's license shall be
16 suspended by the secretary of state.".

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

23 (10) As used in subsections (11) and (12), "felony in which
24 a commercial motor vehicle was used" means a felony during the
25 commission of which the person operated a commercial motor
26 vehicle and while the person was operating the vehicle 1 or more
27 of the following circumstances existed:

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

2 (b) The vehicle was used to transport a victim of the
3 felony.

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

5 (d) The vehicle was necessary for the commission of the
6 felony.

7 (11) If a person is charged with a felony in which a
8 commercial motor vehicle was used and for which a vehicle group
9 designation on a license is subject to suspension or revocation
10 under section 319b(1)(c)(iii), 319b(1)(d), 319b(1)(e)(iii), or
11 319b(1)(f)(i), the prosecuting attorney shall include the
12 following statement on the complaint and information filed in
13 district or circuit court:

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

21 (12) If the judge determines as part of the sentence that
22 the felony for which the defendant was convicted and with respect
23 to which notice was given under subsection (11) is a felony in
24 which a commercial motor vehicle was used, the clerk of the court
25 shall forward an abstract of the court record of that conviction
26 to the secretary of state.

27 (13) Every person required to forward abstracts to the

1 secretary of state under this section shall certify for the
2 period from January 1 through June 30 and for the period from
3 July 1 through December 31 that all abstracts required to be
4 forwarded during the period have been forwarded. The
5 certification shall be filed with the secretary of state not
6 later than 28 days after the end of the period covered by the
7 certification. The certification shall be made upon a form
8 furnished by the secretary of state and shall include all of the
9 following:

10 (a) The name and title of the person required to forward
11 abstracts.

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

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

14 (d) The following statement:

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

19 (e) Other information the secretary of state considers
20 necessary.

21 (f) The signature of the person required to forward
22 abstracts.

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

26 (15) Except as provided in subsection (16), the secretary of
27 state shall keep all abstracts received under this section at the

1 secretary of state's main office and the abstracts shall be open
2 for public inspection during the office's usual business hours.
3 Each abstract shall be entered upon the master driving record of
4 the person to whom it pertains.

5 (16) Except for controlled substance offenses described in
6 subsection (4), the court shall not submit, and the secretary of
7 state shall discard and not enter on the master driving record,
8 an abstract for a conviction or civil infraction determination
9 for any of the following violations:

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

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

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

17 (d) A pedestrian, passenger, or bicycle violation, other
18 than a violation of section 703(1) or (2) of the Michigan liquor
19 control code of 1998, 1998 PA 58, MCL 436.1703, or a local
20 ordinance substantially corresponding to section 703(1) or (2) of
21 the Michigan liquor control code of 1998, 1998 PA 58, MCL
22 436.1703, or section 624a or 624b or a local ordinance
23 substantially corresponding to section 624a or 624b.

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

26 (f) A violation of section 328(1) if, before the appearance
27 date on the citation, the person submits proof to the court that

1 the motor vehicle had insurance meeting the requirements of
2 sections 3101 and 3102 of the insurance code of 1956, 1956 PA
3 218, MCL 500.3101 and 500.3102, at the time the citation was
4 issued. Insurance obtained subsequent to the time of the
5 violation does not make the violation an exception under this
6 subsection.

7 (g) A violation described in section 319b(10) (b) (vii) if,
8 before the court appearance date or date fines are to be paid,
9 the person submits proof to the court that he or she held a valid
10 commercial driver license on the date the citation was issued.

11 (h) A violation of section 311 if the person was driving a
12 noncommercial vehicle and, before the court appearance date or
13 the date fines are to be paid, the person submits proof to the
14 court that he or she held a valid driver license on the date the
15 citation was issued.

16 (i) A violation of section 602b(1) or 602c.

17 (17) Except as otherwise provided in this subsection, the
18 secretary of state shall discard and not enter on the master
19 driving record an abstract for a bond forfeiture that occurred
20 outside this state. The secretary of state shall enter on the
21 master driving record an abstract for a conviction as defined in
22 section 8a(b) that occurred outside this state in connection with
23 the operation of a commercial motor vehicle or for a conviction
24 of a person licensed as a commercial motor vehicle driver.

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

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

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

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

21 (21) Notwithstanding any other law of this state, a court
22 shall not take under advisement an offense committed by a person
23 while operating a ~~commercial motor vehicle or by a person~~
24 ~~licensed to drive a commercial motor vehicle while operating a~~
25 ~~noncommercial motor vehicle at the time of the offense,~~ for which
26 this act requires a conviction or civil infraction determination
27 to be reported to the secretary of state. A conviction or civil

1 infraction determination that is the subject of this subsection
2 shall not be masked, delayed, diverted, suspended, or suppressed
3 by a court. Upon a conviction or civil infraction determination,
4 the conviction or civil infraction determination shall
5 immediately be reported to the secretary of state in accordance
6 with this section.

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

11 Sec. 803b. (1) The secretary of state may issue 1
12 personalized vehicle registration plate that shall be used on the
13 passenger motor vehicle, pick-up truck, motorcycle, van, motor
14 home, hearse, bus, trailer coach, or trailer for which the plate
15 is issued instead of a standard plate. Personalized plates shall
16 bear letters and numbers as the secretary of state prescribes.
17 ~~The secretary of state shall not issue a letter combination that~~
18 ~~might carry a connotation offensive to good taste and decency.~~
19 The personalized plates shall be made of the same material as
20 standard plates. ~~Personalized plates~~ **A PERSONALIZED PLATE** shall
21 not be a duplication of another registration plate.

22 (2) An application for a personalized registration plate
23 shall be submitted to the secretary of state under section 217.
24 Application for an original personalized registration plate shall
25 be accompanied with payment of a service fee of \$8.00 for the
26 first month and of \$2.00 per month for each additional month of
27 the registration period in addition to the regular vehicle

1 registration fee. A second duplicate registration plate may be
2 obtained by requesting that option on the application and paying
3 an additional service fee of \$5.00. The original and duplicate
4 service fees shall be deposited in the transportation
5 administration collection fund created in section 810b through
6 October 1, 2015. Application for the renewal of a personalized
7 registration plate shall be accompanied with payment of a service
8 fee of \$15.00 in addition to the regular vehicle registration
9 fee. The service fee shall be credited to the Michigan
10 transportation fund established under, and shall be allocated as
11 prescribed under, section 10 of 1951 PA 51, MCL 247.660. The
12 amount allocated to the state trunk line fund established under
13 section 11 of 1951 PA 51, MCL 247.661, shall be used by the state
14 transportation department for litter pickup and cleanup on state
15 roads and rights of way.

16 (3) The expiration date for a personalized registration
17 plate shall be as prescribed under section 226. Upon the issuance
18 or renewal of a personalized registration plate, the secretary of
19 state may issue a tab or tabs designating the month and year of
20 expiration. Upon the renewal of a personalized registration
21 plate, the secretary of state shall issue a new tab or tabs for
22 the rear plate designating the next expiration date of the plate.
23 Upon renewal, the secretary of state shall not issue the owner a
24 new exact duplicate of the expired plate unless the plate is
25 illegible and the owner pays the service fee and registration fee
26 for an original personalized registration plate.

27 (4) The sequence of letters or numbers or combination of

1 letters and numbers on a personalized plate shall not be given to
2 a different person in a subsequent year unless the person to whom
3 the plate was issued does not reapply before the expiration date
4 of the plate.

5 (5) An applicant who applies for a registration plate under
6 section 217d, 803e, 803f, 803j, 803k, 803l, 803n, or 803o is
7 eligible to request, and the secretary of state may issue, the
8 registration plate with a sequence of letters and numbers
9 otherwise authorized under this section.

10 (6) The secretary of state may issue a temporary permit to a
11 person who has submitted an application and the proper fees for a
12 personalized registration plate if the applicant's vehicle
13 registration may expire prior to receipt of his or her
14 personalized registration plate. The temporary registration shall
15 be valid for not more than 60 days after the date of issuance.
16 The temporary permit shall be issued without a fee.

17 Sec. 904. (1) A person whose operator's or chauffeur's
18 license or registration certificate has been suspended or
19 ~~revoked, and who has been notified as provided in section 212 of~~
20 ~~that suspension or revocation,~~ whose application for license has
21 been denied, or who has never applied for a license, shall not
22 operate a motor vehicle upon a highway or other place open to the
23 general public or generally accessible to motor vehicles,
24 including an area designated for the parking of motor vehicles,
25 within this state.

26 (2) A person shall not knowingly permit a motor vehicle
27 owned by the person to be operated upon a highway or other place

1 open to the general public or generally accessible to motor
2 vehicles, including an area designated for the parking of
3 vehicles, within this state by a person whose license or
4 registration certificate is suspended or revoked, whose
5 application for license has been denied, or who has never applied
6 for a license, except as permitted under this act.

7 (3) Except as otherwise provided in this section, a person
8 who violates subsection (1) or (2) is guilty of a misdemeanor
9 punishable as follows:

10 (a) For a first violation, by imprisonment for not more than
11 93 days or a fine of not more than \$500.00, or both. Unless the
12 vehicle was stolen or used with the permission of a person who
13 did not knowingly permit an unlicensed driver to operate the
14 vehicle, the registration plates of the vehicle shall be canceled
15 by the secretary of state upon notification by a peace officer.

16 (b) For a violation that occurs after a prior conviction, by
17 imprisonment for not more than 1 year or a fine of not more than
18 \$1,000.00, or both. Unless the vehicle was stolen, the
19 registration plates of the vehicle shall be canceled by the
20 secretary of state upon notification by a peace officer.

21 (4) A person who operates a motor vehicle in violation of
22 subsection (1) and who, by operation of that motor vehicle,
23 causes the death of another person is guilty of a felony
24 punishable by imprisonment for not more than 15 years or a fine
25 of not less than \$2,500.00 or more than \$10,000.00, or both. This
26 subsection does not apply to a person whose operator's or
27 chauffeur's license was suspended because that person failed to

1 answer a citation or comply with an order or judgment ~~pursuant to~~
2 **UNDER** section 321a.

3 (5) A person who operates a motor vehicle in violation of
4 subsection (1) and who, by operation of that motor vehicle,
5 causes the serious impairment of a body function of another
6 person is guilty of a felony punishable by imprisonment for not
7 more than 5 years or a fine of not less than \$1,000.00 or more
8 than \$5,000.00, or both. This subsection does not apply to a
9 person whose operator's or chauffeur's license was suspended
10 because that person failed to answer a citation or comply with an
11 order or judgment ~~pursuant to~~**UNDER** section 321a.

12 (6) In addition to being subject to any other penalty
13 provided for in this act, if a person is convicted under
14 subsection (4) or (5), the court may impose the sanction
15 permitted under section 625n. If the vehicle is not ordered
16 forfeited under section 625n, the court shall order vehicle
17 immobilization under section 904d in the judgment of sentence.

18 (7) A person shall not knowingly permit a motor vehicle
19 owned by the person to be operated upon a highway or other place
20 open to the general public or generally accessible to motor
21 vehicles, including an area designated for the parking of
22 vehicles, within this state, by a person whose license or
23 registration certificate is suspended or revoked, whose
24 application for license has been denied, or who has never been
25 licensed except as permitted by this act. If a person permitted
26 to operate a motor vehicle in violation of this subsection causes
27 the serious impairment of a body function of another person by

1 operation of that motor vehicle, the person knowingly permitting
2 the operation of that motor vehicle is guilty of a felony
3 punishable by imprisonment for not more than 2 years, or a fine
4 of not less than \$1,000.00 or more than \$5,000.00, or both. If a
5 person permitted to operate a motor vehicle in violation of this
6 subsection causes the death of another person by operation of
7 that motor vehicle, the person knowingly permitting the operation
8 of that motor vehicle is guilty of a felony punishable by
9 imprisonment for not more than 5 years, or a fine of not less
10 than \$1,000.00 or more than \$5,000.00, or both.

11 (8) If the prosecuting attorney intends to seek an enhanced
12 sentence under this section based upon the defendant having 1 or
13 more prior convictions, the prosecuting attorney shall include on
14 the complaint and information, or an amended complaint and
15 information, filed in district court, circuit court, municipal
16 court, or family division of circuit court, a statement listing
17 the defendant's prior convictions.

18 (9) A prior conviction under this section shall be
19 established at or before sentencing by 1 or more of the
20 following:

- 21 (a) A copy of a judgment of conviction.
- 22 (b) An abstract of conviction.
- 23 (c) A transcript of a prior trial, plea, or sentencing.
- 24 (d) A copy of a court register of action.
- 25 (e) A copy of the defendant's driving record.
- 26 (f) Information contained in a presentence report.
- 27 (g) An admission by the defendant.

1 (10) Upon receiving a record of a person's conviction or
2 civil infraction determination for the unlawful operation of a
3 motor vehicle or a moving violation reportable under section 732
4 while the person's operator's or chauffeur's license is suspended
5 or revoked, the secretary of state immediately shall impose an
6 additional like period of suspension or revocation. This
7 subsection applies only if the violation occurs during a
8 suspension of definite length or if the violation occurs before
9 the person is approved for a license following a revocation.

10 (11) Upon receiving a record of a person's conviction or
11 civil infraction determination for the unlawful operation of a
12 motor vehicle or a moving violation reportable under section 732
13 while the person's operator's or chauffeur's license is
14 indefinitely suspended or whose application for a license has
15 been denied, the secretary of state immediately shall impose a
16 30-day period of suspension or denial.

17 (12) Upon receiving a record of the conviction, bond
18 forfeiture, or a civil infraction determination of a person for
19 unlawful operation of a motor vehicle requiring a vehicle group
20 designation while the designation is suspended or revoked under
21 section 319b, or while the person is disqualified from operating
22 a commercial motor vehicle by the United States ~~secretary of~~
23 ~~transportation~~ **SECRETARY OF TRANSPORTATION** or under 49 USC 31301
24 to 31317, the secretary of state immediately shall impose an
25 additional like period of suspension or revocation. This
26 subsection applies only if the violation occurs during a
27 suspension of definite length or if the violation occurs before

1 the person is approved for a license following a revocation.

2 (13) If the secretary of state receives records of more than
3 1 conviction or civil infraction determination resulting from the
4 same incident, all of the convictions or civil infraction
5 determinations shall be treated as a single violation for
6 purposes of imposing an additional period of suspension or
7 revocation under subsection (10), (11), or (12).

8 (14) Before a person is arraigned before a district court
9 magistrate or judge on a charge of violating this section, the
10 arresting officer shall obtain the person's driving record from
11 the secretary of state and shall furnish the record to the court.
12 The driving record of the person may be obtained from the
13 secretary of state's computer information network.

14 (15) This section does not apply to a person who operates a
15 vehicle solely for the purpose of protecting human life or
16 property if the life or property is endangered and summoning
17 prompt aid is essential.

18 (16) A person whose vehicle group designation is suspended
19 or revoked and who has been notified as provided in section 212
20 of that suspension or revocation, or whose application for a
21 vehicle group designation has been denied as provided in this
22 act, or who has never applied for a vehicle group designation and
23 who operates a commercial motor vehicle within this state, except
24 as permitted under this act, while any of those conditions exist
25 is guilty of a misdemeanor punishable, except as otherwise
26 provided in this section, by imprisonment for not less than 3
27 days or more than 93 days or a fine of not more than \$100.00, or

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1 both.

2 (17) If a person has a second or subsequent suspension or
3 revocation under this section within 7 years as indicated on the
4 person's Michigan driving record, the court shall proceed as
5 provided in section 904d.

6 (18) Any period of suspension or revocation required under
7 subsection (10), (11), or (12) does not apply to a person who has
8 only 1 currently effective suspension or denial on his or her
9 Michigan driving record under section 321a and was convicted of
10 or received a civil infraction determination for a violation that
11 occurred during that suspension or denial. This subsection may
12 only be applied once during the person's lifetime.

13 (19) For purposes of this section, a person who never
14 applied for a license includes a person who applied for a
15 license, was denied, and never applied again.

16 [Enacting section 1. (1) Except as otherwise provided in
17 subsection (2), this amendatory act takes effect July 8, 2015.

(2) Sections 43a and 625a of the Michigan vehicle code, 1949 PA 300, MCL 257.43a and 257.625a, as amended by this amendatory act, take effect upon enactment of this amendatory act.]