

Act No. 376
Public Acts of 2020
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**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2020**

Introduced by Reps. Kahle, Yancey, Lasinski, Hope, Whitsett, Tyrone Carter, Hood, Sneller, Sabo, Warren, Sowerby, Cambensy, Clemente, Cherry, Manoogian, Kuppa, Hoadley, Gay-Dagnogo, Guerra, Brann, O'Malley, Wozniak, Brixie, Peterson, Bolden, Meerman, Hammoud, Wittenberg, Ellison, Kennedy and Cynthia Johnson

ENROLLED HOUSE BILL No. 5846

AN ACT to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of manufacturers, the manufacturers of certain devices, the manufacturers of automated technology, upfitters, owners, and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to regulate and certify the manufacturers of certain devices; to provide for approval and certification of installers and servicers of certain devices; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending sections 204a, 208, 303, 304, 306a, 307, 317, 319, 320e, 321a, and 328 (MCL 257.204a, 257.208, 257.303, 257.304, 257.306a, 257.307, 257.317, 257.319, 257.320e, 257.321a, and 257.328), section 204a as amended by 2016 PA 332, section 208 as amended by 2006 PA 565, section 303 as amended by 2012 PA 498, section 304 as amended by 2018 PA 48, section 306a as amended by 2020 PA 241, section 307 as amended by 2018 PA 604, section 317 as amended by 2018 PA 566, section 319 as amended by 2016 PA 358, section 320e as amended by 2003 PA 152, section 321a as amended by 2017 PA 236, and section 328 as amended by 2015 PA 135; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

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

- (a) A license issued to the individual under chapter III.
- (b) A conviction, civil infraction determination, or other licensing action that is entered against the individual for a violation of this act or a local ordinance that substantially corresponds to a provision of this act, or that is reported to the secretary of state by another jurisdiction.

- (c) A failure of the individual, including a nonresident, to comply with a suspension issued under section 321a.
 - (d) A cancellation, denial, revocation, suspension, or restriction of the individual's operating privilege, a failure to pay a department of state driver responsibility fee, or other licensing action regarding that individual, under this act or that is reported to the secretary of state by another jurisdiction. This subdivision also applies to nonresidents.
 - (e) An accident in which the individual is involved.
 - (f) A conviction of the person for an offense described in former section 319e.
 - (g) Any driving record requested and received by the secretary of state under section 307.
 - (h) Any notice given by the secretary of state and the information provided in that notice under section 317(2) or (3).
 - (i) Any other information received by the secretary of state regarding the individual that is required to be maintained as part of the individual's driving record as provided by law.
- (2) A secretary of state certified computer-generated or paper copy of an order, record, or paper maintained in the computerized central file of the secretary of state is admissible in evidence in the same manner as the original and is prima facie proof of the contents of and the facts stated in the original.
- (3) An order, record, or paper generated by the computerized central file of the secretary of state may be certified electronically by the generating computer. The certification must be a certification of the order, record, or paper as it appeared on a specific date.
- (4) A court or the office of the clerk of a court of this state that is electronically connected by a terminal device to the computerized central file of the secretary of state may receive into and use as evidence in any case the computer-generated certified information obtained by the terminal device from the file. A duly authorized employee of a court of record of this state may order a record for an individual from a secretary of state computer terminal device located in, and under the control of, the court, and certify in writing that the document was produced from the terminal and that the document was not altered in any way.
- (5) After receiving a request for information contained in records maintained under this section, the secretary of state shall provide the information, in a form prescribed by the secretary of state, to any of the following:
- (a) Another state.
 - (b) The United States Secretary of Transportation.
 - (c) The individual who is the subject of the record.
 - (d) A motor carrier employer or prospective motor carrier employer, but only if the individual who is the subject of the record is first notified of the request as prescribed by the secretary of state.
 - (e) An authorized agent of an individual or entity listed in subdivisions (a) to (d).

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

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

(3) If an individual who is a commercial license holder or a noncommercial license holder who operates a commercial motor vehicle is convicted under a law of this state, a local ordinance that substantially corresponds to a law of this state, or a law of another state that substantially corresponds to a law of this state of any of the following violations, the record of that conviction must be maintained for the life of the individual or until the individual moves to another jurisdiction:

- (a) Operating a vehicle in violation of section 625.
- (b) Operating a commercial motor vehicle in violation of section 625m.
- (c) Leaving the scene of an accident.
- (d) Using a vehicle to commit a felony.
- (e) Refusing to take an alcohol or controlled substance test required under this act.
- (f) Operating a commercial motor vehicle when the individual's operator's or chauffeur's license or vehicle group designation is suspended, revoked, or canceled as a result of prior violations committed while operating a commercial motor vehicle.
- (g) Operating a commercial motor vehicle when the individual is disqualified from operating a commercial motor vehicle.

(h) Causing any fatality through the negligent operation of a commercial motor vehicle.

(4) Records of stolen vehicles reported in section 253 may be destroyed after being maintained on file for the year of entry plus 4 years.

(5) Except as otherwise specified in this act, records the secretary of state considers obsolete and of no further service in carrying out the department's powers and duties may be destroyed on that determination.

(6) If a record of suspension under section 321a does not contain a conviction for a violation of section 904 or a local ordinance that substantially corresponds to section 904 during the period of suspension, the secretary of state may destroy the record 180 days after the suspension terminates or as provided in subsections (1) to (5).

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

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

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

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

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

(d) An individual who in the opinion of the secretary of state is afflicted with or suffering from a physical or mental disability or disease that prevents the individual from exercising reasonable and ordinary control over a motor vehicle while operating the motor vehicle on the highways.

(e) An individual who is unable to understand highway warning or direction signs in the English language.

(f) An individual who is unable to pass a knowledge, skill, or ability test administered by the secretary of state in connection with issuing an original operator's or chauffeur's license, original motorcycle indorsement, or an original or renewal of a vehicle group designation or vehicle indorsement.

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

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

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

(j) An individual not licensed under this act who has been convicted of, has received a juvenile disposition for, or has been determined responsible for a crime or civil infraction described in section 319, 324, or 904. An individual shall be denied a license under this subdivision for the length of time corresponding to the period of the licensing sanction that would have been imposed under section 319, 324, or 904 if the individual had been licensed at the time of the violation.

(k) An individual not licensed under this act who is determined to have violated section 624a or 624b. The individual shall be denied a license under this subdivision for a period of time that corresponds to the period of the licensing sanction that would have been imposed under those sections had the individual been licensed at the time of the violation.

(l) An individual whose commercial driver license application is canceled under section 324(2).

(m) Unless otherwise eligible under section 307(1), an individual who is not a citizen of the United States.

(2) On receiving the appropriate records of conviction, the secretary of state shall revoke the operator's or chauffeur's license of an individual and deny issuance of an operator's or chauffeur's license to an individual who has any of the following, whether under a law of this state, a local ordinance that substantially corresponds to a law of this state, a law of another state that substantially corresponds to a law of this state, or, beginning October 31, 2010, a law of the United States that substantially corresponds to a law of this state:

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

- (b) Any combination of 2 or more convictions within 7 years for any of the following:
- (i) A felony in which a motor vehicle was used.
 - (ii) A violation or attempted violation of section 601b(2) or (3), section 601c(1) or (2), section 602a(4) or (5), section 617, section 653a(3) or (4), or section 904(4) or (5).
 - (iii) Negligent homicide, manslaughter, or murder that results from the operation of a vehicle or an attempt to commit any of those crimes.
 - (iv) A violation or attempted violation of section 479a(4) or (5) of the Michigan penal code, 1931 PA 328, MCL 750.479a.
- (c) Any combination of 2 convictions within 7 years for any of the following or a combination of 1 conviction for a violation or attempted violation of section 625(6) and 1 conviction for any of the following within 7 years:
- (i) A violation or attempted violation of section 625, except a violation of section 625(2), or a violation of any prior enactment of section 625 in which the defendant operated a vehicle while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled substance, or while visibly impaired, or with an unlawful bodily alcohol content.
 - (ii) A violation or attempted violation of section 625m.
 - (iii) A violation or attempted violation of former section 625b.
- (d) One conviction for a violation or attempted violation of section 315(5), section 601b(3), section 601c(2), section 602a(4) or (5), section 617, section 625(4) or (5), section 653a(4), section 904(4) or (5), or, beginning October 31, 2010, section 626(3) or (4).
- (e) One conviction of negligent homicide, manslaughter, or murder that results from the operation of a vehicle or an attempt to commit any of those crimes.
- (f) One conviction for a violation or attempted violation of section 479a(4) or (5) of the Michigan penal code, 1931 PA 328, MCL 750.479a.
- (g) Any combination of 3 convictions within 10 years for any of the following or 1 conviction for a violation or attempted violation of section 625(6) and any combination of 2 convictions for any of the following within 10 years, if any of the convictions resulted from an arrest on or after January 1, 1992:
- (i) A violation or attempted violation of section 625, except a violation of section 625(2), or a violation of any prior enactment of section 625 in which the defendant operated a vehicle while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled substance, or while visibly impaired, or with an unlawful bodily alcohol content.
 - (ii) A violation or attempted violation of section 625m.
 - (iii) A violation or attempted violation of former section 625b.
- (3) The secretary of state shall revoke a license under subsection (2) notwithstanding a court order unless the court order complies with section 323.
- (4) Except as otherwise provided under section 304, the secretary of state shall not issue a license under this act to an individual whose license has been revoked under this act or revoked and denied under subsection (2) until all of the following occur, as applicable:
- (a) The later of the following:
 - (i) The expiration of not less than 1 year after the license was revoked or denied.
 - (ii) The expiration of not less than 5 years after the date of a subsequent revocation or denial occurring within 7 years after the date of any prior revocation or denial.
 - (b) For a denial under subsection (2)(a), (b), (c), and (g), the individual rebuts by clear and convincing evidence the presumption that results from the prima facie evidence that he or she is a habitual offender. The convictions that resulted in the revocation and denial constitute prima facie evidence that he or she is a habitual offender.
 - (c) The individual meets the requirements of the department.
 - (5) The secretary of state shall deny issuing a vehicle group designation to an individual under either of the following circumstances:
 - (a) The individual has been disqualified by the United States Secretary of Transportation from operating a commercial motor vehicle.
 - (b) Beginning on and after January 30, 2012, the individual does not meet the requirements of the federal regulations under 49 CFR parts 383 and 391 by refusing to certify the type of commercial motor vehicle operation the individual intends to perform and, if required, fails to present to the secretary of state a valid medical certification.
 - (6) Multiple convictions or civil infraction determinations that result from the same incident must be treated as a single violation for purposes of denial or revocation of a license under this section.

(7) As used in this section, “felony in which a motor vehicle was used” means a felony during the commission of which the individual operated a motor vehicle and while operating the vehicle presented real or potential harm to individuals or property and 1 or more of the following circumstances existed:

- (a) The vehicle was used as an instrument of the felony.
- (b) The vehicle was used to transport a victim of the felony.
- (c) The vehicle was used to flee the scene of the felony.
- (d) The vehicle was necessary for the commission of the felony.

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

(a) Two or more convictions for violating section 625(1) or (3) or a local ordinance of this state that substantially corresponds to section 625(1) or (3).

(b) One conviction for violating section 625(1) or (3) or a local ordinance of this state that substantially corresponds to section 625(1) or (3), preceded by 1 or more convictions for violating a local ordinance or law of another state that substantially corresponds to section 625(1), (3), or (6), or a law of the United States that substantially corresponds to section 625(1), (3), or (6).

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

(a) The individual has been admitted into a DWI/sobriety court program.

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

(3) A restricted license must not be issued under subsection (1) if the individual is otherwise ineligible for an operator’s or chauffeur’s license under this act, unless the individual’s ineligibility is based on 1 or more of the following:

(a) Section 303(1)(i) or (k).

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

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

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

(e) Section 320(1)(d).

(f) Section 321a(1) or (2).

(g) Section 323c.

(h) Section 625f.

(i) Section 732a(5).

(j) Section 904(10).

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

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

(m) Section 10 of the motor vehicle accident claims act, 1965 PA 198, MCL 257.1110.

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

(a) In the course of the individual’s employment or occupation if the employment or occupation does not require a commercial driver license.

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

(i) The individual’s residence.

(ii) The individual’s work location.

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

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

(v) Court hearings and probation appointments.

(vi) Court-ordered community service.

(vii) An educational institution at which the individual is enrolled as a student.

(viii) A place of regularly occurring medical treatment for a serious condition or medical emergency for the individual or a member of the individual's household or immediate family.

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

(x) An ignition interlock service provider as required.

(xi) At the discretion of the judge, the custodian of a minor child may drive to and from the facilities of a provider of day care services at which the custodian's minor child is enrolled, or an educational institution at which the custodian's minor child is enrolled as a student for the purposes of classes, academic meetings or conferences, and athletic or other extracurricular activities sanctioned by the educational institution in which the minor child is a participant. As used in this subparagraph, "minor child" means an individual who is less than 18 years of age.

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

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

(a) The court notifies the secretary of state that the individual has successfully completed the DWI/sobriety court program.

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

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

(d) The individual satisfies the requirements of section 303 and R 257.313 of the Michigan Administrative Code.

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

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

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

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

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

(a) Suspension for the full length of time provided under section 319(8). However, a restricted license must not be issued as provided under section 319(8). This subdivision applies if the underlying conviction or convictions would have subjected the individual to a license sanction under section 319(8) if this section did not apply.

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

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

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

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

(i) The individual operates a motor vehicle without an ignition interlock device that meets the criteria under subsection (2)(b).

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

(iii) The individual commits any other act that would be a major violation if the individual's license had been issued under section 322(6). As used in this subparagraph, "major violation" means that term as defined in R 257.301a of the Michigan Administrative Code.

(iv) The individual is arrested for a violation of any of the following:

(A) Section 625.

(B) A local ordinance of this state or another state that substantially corresponds to section 625.

(C) A law of the United States that substantially corresponds to section 625.

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

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

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

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

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

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

(a) The individual is a DWI/sobriety court program participant in good standing or the individual successfully satisfactorily completes the DWI/sobriety court program.

(b) The individual does not subsequently violate a law of this state for which vehicle immobilization or forfeiture is a sanction.

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

(14) As used in this section:

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

(b) "DWI/sobriety court program" means "program" as that term is defined in section 1084 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1084.

Sec. 306a. (1) The secretary of state may issue a commercial learner's permit that entitles an individual to drive a vehicle requiring a vehicle group designation or indorsement under section 312e if all of the following apply:

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

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

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

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

(e) If the individual is applying for a hazardous materials endorsement, he or she has been approved for the hazardous materials endorsement by the Federal Transportation Security Administration.

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

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

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

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

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

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

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

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

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

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

(ii) Federal or state auditors or inspectors.

(iii) Test examiners.

(iv) Other trainees.

(3) A commercial learner's permit issued under this section is valid for 1 year from the date of issuance.

(4) Notwithstanding subsection (3), a commercial learner's permit issued under this section that expires on or after March 1, 2020 is valid until March 31, 2021.

Sec. 307. (1) If an applicant for an operator's license or chauffeur's license to operate a noncommercial motor vehicle is a citizen of the United States, the applicant shall supply a photographic identity document, a birth certificate, or other sufficient documents as the secretary of state may require, to verify the identity and citizenship of the applicant. If an applicant for an operator's or chauffeur's license is not a citizen of the United States, the applicant shall supply a photographic identity document and other sufficient documents to verify the identity of the applicant and the applicant's legal presence in the United States under subdivision (b). The documents required under this subsection must include the applicant's full legal name, date of birth, and address and residency and demonstrate that the applicant is a citizen of the United States or is legally present in the United States. If the applicant's full legal name differs from the name of the applicant that appears on a document presented under this subsection, the applicant shall present documents to verify his or her current full legal name. The secretary of state shall accept as 1 of the required identification documents an identification card issued by the department of corrections to prisoners who are placed on parole or released from a correctional facility, containing the prisoner's legal name, photograph, and other information identifying the prisoner as provided in section 37(4) of the corrections code of 1953, 1953 PA 232, MCL 791.237. An application for an operator's or chauffeur's license must be made in a manner prescribed by the secretary of state and must contain all of the following:

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

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

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

“NOTICE: Michigan law requires that the same address
be used for voter registration and driver license
purposes. Therefore, if the residence address
you provide in this application differs from your
voter registration address as it appears on the

qualified voter file, the secretary of state will automatically change your voter registration to match the residence address on this application, after which your voter registration at your former address will no longer be valid for voting purposes. A new voter registration card, containing the information of your polling place, will be provided to you by the clerk of the jurisdiction where your residence address is located.”.

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

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

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

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

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

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

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

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

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

(i) Beginning 180 days after the effective date of the amendatory act that added this subdivision, an applicant for an operator’s or chauffeur’s license who is a program participant in the address confidentiality program under the address confidentiality program act shall present to the secretary of state his or her participation card issued under the address confidentiality program act.

(2) An applicant for an operator’s or chauffeur’s license may have his or her image and signature captured or reproduced when the application for the license is made. The secretary of state shall acquire equipment purchased or leased under this section under standard purchasing procedures of the department of technology, management, and budget based on standards and specifications established by the secretary of state. The secretary of state shall not purchase or lease equipment until an appropriation for the equipment has been made by the legislature. A digital photographic image and signature captured under this section must appear on the applicant’s operator’s license or chauffeur’s license. An individual’s digital photographic image and signature shall be used as follows:

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

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

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

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

(e) By the secretary of state for forwarding to the department of licensing and regulatory affairs the images of applicants for an official state registry identification card issued under section 6 of the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26426, if the department of licensing and regulatory affairs promulgates rules requiring a photograph as a design element for an official state registry identification card.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) If an individual applies for a commercial learner's permit for an original vehicle group designation or indorsement to operate a commercial motor vehicle, the secretary of state may verify the individual's identity, may require proof of Michigan domicile under 49 CFR 383.5, and may verify the individual's proof of United States citizenship or proof of lawful permanent residency as required under 49 CFR 383.71 and 383.73, if that information is not on the individual's Michigan driving record. If an individual applies for a renewal of an operator's or chauffeur's license to operate a commercial motor vehicle, the secretary of state may verify the individual's identity, may require proof of Michigan domicile under 49 CFR 383.5, and may verify the individual's proof of citizenship or lawful permanent residency under 49 CFR 383.71 and 383.73, if that information is not on the individual's Michigan driving record. If an individual applies for an upgrade of a vehicle group designation or indorsement, the secretary of state may verify the individual's identity, may require proof of Michigan domicile under 49 CFR 383.5, and may verify the individual's proof of citizenship or lawful permanent residency under 49 CFR 383.71 and 383.73, if that information is not on the individual's Michigan driving record. The secretary of state shall request the individual's complete driving record from all states where the applicant was previously licensed to drive any type of motor vehicle over the last 10 years before issuing a vehicle group designation or indorsement to the applicant. If the applicant does not hold a valid commercial motor vehicle driver license from

a state where he or she was licensed in the last 10 years, this complete driving record request must be made not earlier than 24 hours before the secretary of state issues the applicant a vehicle group designation or indorsement. For all other drivers, this request must be made not earlier than 10 days before the secretary of state issues the applicant a vehicle group designation or indorsement. If the application is for the renewal of a vehicle group designation or indorsement, and if the secretary of state enters on the individual's driving record maintained under section 204a a notation that the request was made and the date of the request, the secretary of state is required to request the applicant's complete driving record from other states only once under this section. The secretary of state shall also check the applicant's driving record with the National Driver Register and the federal Commercial Driver's License Information System before issuing that group designation or indorsement.

(9) The secretary of state may issue a renewal operator's or chauffeur's license for 1 additional 4-year period or beginning on July 1, 2021, for 2 additional 4-year periods, or until the individual is no longer determined to be legally present under this section by mail or by other methods prescribed by the secretary of state. The secretary of state may check the applicant's driving record through the National Driver Register and the Commercial Driver's License Information System before issuing a license under this section. The secretary of state shall issue a renewal license only in person if the individual is an individual required under section 5a of the sex offenders registration act, 1994 PA 295, MCL 28.725a, to maintain a valid operator's or chauffeur's license or official state personal identification card. If a license is renewed by mail or by other method, the secretary of state shall issue evidence of renewal to indicate the date the license expires in the future. The department of state police shall provide to the secretary of state updated lists of individuals required under section 5a of the sex offenders registration act, 1994 PA 295, MCL 28.725a, to maintain a valid operator's or chauffeur's license or official state personal identification card.

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

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

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

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

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

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

(e) As otherwise required by law.

(12) The secretary of state shall not display an individual's Social Security number on the individual's operator's or chauffeur's license.

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 319. (1) The secretary of state shall immediately suspend an individual's license as provided in this section on receiving a record of the individual's conviction for a crime described in this section, whether the conviction is under a law of this state, a local ordinance that substantially corresponds to a law of this state, a law of another state that substantially corresponds to a law of this state, or, beginning October 31, 2010, a law of the United States that substantially corresponds to a law of this state.

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

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

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

(c) A felony in which a motor vehicle was used. As used in this section, "felony in which a motor vehicle was used" means a felony during the commission of which the individual convicted operated a motor vehicle and while operating the vehicle presented real or potential harm to individuals or property and 1 or more of the following circumstances existed:

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

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

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

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

(d) A violation of section 602a(2) or (3) or section 479a(2) or (3) of the Michigan penal code, 1931 PA 328, MCL 750.479a.

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

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

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

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

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

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

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

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

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

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

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

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

(7) For a violation of section 624a or 624b, the secretary of state shall suspend the individual's license as follows:

(a) If the individual has 1 prior conviction for an offense described in section 624a or 624b, for 90 days. The secretary of state may issue the individual a restricted license after the first 30 days of suspension.

(b) If the individual has 2 or more prior convictions for an offense described in section 624a or 624b, for 1 year. The secretary of state may issue the individual a restricted license after the first 60 days of suspension.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(11) Except as provided in subsection (13), a suspension under this section must be imposed notwithstanding a court order unless the court order complies with section 323.

(12) If the secretary of state receives records of more than 1 conviction of an individual that results from the same incident, a suspension must be imposed only for the violation to which the longest period of suspension applies under this section.

(13) The secretary of state may waive a restriction, suspension, or revocation of an individual's license imposed under this act if the individual submits proof that a court in another state revoked, suspended, or restricted his or her license for a period equal to or greater than the period of a restriction, suspension, or revocation prescribed under this act for the violation and that the revocation, suspension, or restriction was served for the violation, or may grant a restricted license.

(14) The secretary of state shall not issue a restricted license to an individual whose license is suspended under this section unless a restricted license is authorized under this section and the individual is otherwise eligible for a license.

(15) The secretary of state shall not issue a restricted license to an individual under subsection (8) that would permit the individual to operate a commercial motor vehicle.

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

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

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

(i) The individual's residence.

(ii) The individual's work location.

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

(iv) The court probation department.

(v) A court-ordered community service program.

(vi) An educational institution at which the individual is enrolled as a student.

(vii) A place of regularly occurring medical treatment for a serious condition for the individual or a member of the individual's household or immediate family.

(viii) An ignition interlock service provider as required.

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

(18) Subject to subsection (20), as used in subsection (8), “prior conviction” means a conviction for any of the following, whether under a law of this state, a local ordinance that substantially corresponds to a law of this state, or a law of another state that substantially corresponds to a law of this state:

(a) Except as provided in subsection (19), a violation or attempted violation of any of the following:

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

(ii) Section 625m.

(iii) Former section 625b.

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

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

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

(20) If 2 or more convictions described in subsection (18) are convictions for violations arising out of the same transaction, only 1 conviction must be used to determine whether the individual has a prior conviction.

(21) Any period of suspension or restriction required under this section is not subject to appeal to the secretary of state.

Sec. 320e. (1) Except as otherwise provided in subsection (2) or (3), an individual whose operator’s or chauffeur’s license is suspended, revoked, or restricted under section 303, 319, 320, 324, 625, 625b, 625f, 732a, or 904 shall pay a license reinstatement fee of \$125.00 to the secretary of state before a license is issued or returned to the individual. The increase in the reinstatement fee from \$60.00 to \$125.00 must be imposed for a license that is issued or returned on or after October 1, 1991 regardless of when the license was suspended, revoked, or restricted. Of the increase in the reinstatement fee from \$60.00 to \$125.00, \$25.00 must be allocated to the department of state, \$10.00 must be deposited by the department of treasury in the drunk driving prevention equipment and training fund created under section 625h(1), and \$30.00 must be deposited by the department of treasury in the drunk driving caseflow assistance fund created under section 625h(5). The fee must be waived if the license was suspended or restricted because of the individual’s mental or physical infirmity or disability.

(2) An individual whose operator’s or chauffeur’s license is suspended, revoked, or restricted under section 319(7) shall pay a license reinstatement fee of \$125.00 to the secretary of state before a license is issued or returned to the individual. The fee must be waived if the license was suspended or restricted because of the individual’s mental or physical infirmity or disability.

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

(4) Beginning on the effective date of the 2020 amendatory act that added this subsection, the secretary of state shall waive the reinstatement fee for an individual whose operator’s or chauffeur’s license was suspended, revoked, or restricted for reasons that are no longer eligible for the suspension, revocation, or restriction of an operator’s or chauffeur’s license under this act. The secretary of state shall immediately reinstate an operator’s or chauffeur’s license that was suspended, revoked, or restricted for reasons that are no longer eligible under this act.

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

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

Sec. 321a. (1) Except as provided in subsection (2), 28 days or more after an individual fails to answer a citation, or a notice to appear in court for a violation for which license suspension is allowed under this act or a local ordinance that substantially corresponds to a violation for which license suspension is allowed under this act, or fails to comply with an order or judgment of the court for a violation for which license suspension is allowed under this act, including, but not limited to, paying all fines, costs, fees, and assessments, the court shall give notice by mail at the last known address of the individual that if the individual fails to appear or fails to comply with the order or judgment within 14 days after the notice is issued, the secretary of state shall suspend the individual's operator's or chauffeur's license. If the individual fails to appear or fails to comply with the order or judgment within the 14-day period, the court shall, within 14 days, inform the secretary of state, who shall immediately suspend the license of the individual. The secretary of state shall immediately notify the individual of the suspension by regular mail at the individual's last known address.

(2) If an individual is charged with, or convicted of, a violation of section 625, section 626, any driving violation under this act that causes injury, death, or serious impairment of a body function of another individual, a serious offense involving a motor vehicle, or a local ordinance that substantially corresponds to section 625(1), (2), (3), (6), or (8) or 626, and the individual fails to answer a citation or a notice to appear in court, or a notice to appear for any matter pending, or fails to comply with an order or judgment of the court, including, but not limited to, paying all fines, costs, and crime victim rights assessments, the court shall immediately give notice by first-class mail sent to the individual's last known address that if the individual fails to appear within 7 days after the notice is issued, or fails to comply with the order or judgment of the court, including, but not limited to, paying all fines, costs, and crime victim rights assessments, within 14 days after the notice is issued, the secretary of state shall suspend the individual's operator's or chauffeur's license. If the individual fails to appear within the 7-day period, or fails to comply with the order or judgment of the court, including, but not limited to, paying all fines, costs, and crime victim rights assessments, within the 14-day period, the court shall immediately inform the secretary of state who shall immediately suspend the individual's operator's or chauffeur's license and notify the individual of the suspension by first-class mail sent to the individual's last known address.

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

(a) The secretary of state is notified by each court in which the individual failed to answer a citation or notice to appear or failed to pay a fine or cost that the individual has answered that citation or notice to appear or paid that fine or cost.

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

(4) For the purposes of subsection (3)(a), the court shall give to the individual a copy of the information being transmitted to the secretary of state. Upon showing that copy, the individual must not be arrested or issued a citation for driving on a suspended license, on an expired license, or without a license on the basis of any matter resolved under subsection (3)(a), even if the information being sent to the secretary of state has not yet been received or recorded by the department.

(5) For each fee received under subsection (3)(b), the court shall transmit the following amounts on a monthly basis:

(a) Fifteen dollars to the secretary of state. The money received by the secretary of state under this subdivision must be deposited in the state general fund and must be used to defray the expenses of the secretary of state in processing the suspension and reinstatement of driver licenses under this section.

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

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

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

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

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

(6) The secretary of state shall immediately suspend the operator's and chauffeur's license of an individual licensed to operate a commercial motor vehicle, or an individual who operates a commercial motor vehicle without a license to operate that vehicle, if the individual fails to answer an out-state citation, or a notice to appear in a court or an authorized administrative tribunal for a violation reportable to the secretary of state under section 732, or fails to comply with an order or judgment of an out-state court or an authorized administrative tribunal reportable to the secretary of state under section 732, or fails to appear or fails to comply with the out-state court or an authorized administrative tribunal order or judgment reportable to the secretary of state under section 732, including, but not limited to, paying all fines, costs, fees, and assessments. For a suspension imposed under this subsection, the secretary of state shall immediately notify the individual of the suspension by regular mail at the individual's last known address.

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

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

(9) The secretary of state, on being informed of the failure of an individual to appear or comply as provided in subsection (6), shall not issue a license to the individual or renew a license for the individual until the court or authorized administrative tribunal of the other state informs the secretary of state that the individual has resolved all outstanding matters regarding the notices, orders, or citations.

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

- (a) The motor vehicle was used as an instrument of the offense.
- (b) The motor vehicle was used to transport a victim of the offense.
- (c) The motor vehicle was used to flee the scene of the offense.
- (d) The motor vehicle was necessary for the commission of the offense.

Sec. 328. (1) The owner of a motor vehicle who operates or permits the operation of the motor vehicle on the highways of this state or the operator of the motor vehicle shall produce, under subsection (2), on the request of a police officer, evidence that the motor vehicle is insured under chapter 31 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179. Subject to section 907(14), an owner or operator of a motor vehicle who fails to produce evidence of insurance on request under this subsection or who fails to have motor vehicle insurance for the vehicle as required under chapter 31 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179, is responsible for a civil infraction. If an individual displays an electronic copy of his or her certificate of insurance using an electronic device, the police officer shall only view the electronic copy of the certificate of insurance and shall not manipulate the electronic device to view any other information on the electronic device. An individual who displays an electronic copy of his or her certificate of insurance using an electronic device as provided in this subsection is not presumed to have consented to a search of the electronic device. A police officer may require the individual to electronically forward the electronic copy of the certificate of insurance to a specified location provided by the police officer. The police officer may then view the electronic copy of the certificate of insurance in a setting in which it is safe for the officer to verify that the information contained in the electronic copy of the certificate of insurance is valid and accurate. This state, a law enforcement agency, or an employee of this state or a law enforcement agency is not liable for damage to or loss of an electronic device that occurs as a result of a police officer's viewing an electronic copy of a certificate of insurance in the manner provided in this section, regardless of whether the police officer or the owner or operator of the vehicle was in possession of the electronic device at the time the damage or loss occurred.

(2) A certificate of insurance, in paper or electronic form and issued by an insurance company, that certifies that the security that meets the requirements of sections 3101 and 3102 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102, is in force is prima facie evidence that insurance is in force for the motor vehicle described in the certificate of insurance until the expiration date shown on the certificate. The certificate, in addition to describing the motor vehicles for which insurance is in effect, must, if applicable, state the name of each individual named on the policy, policy declaration, or a declaration certificate whose operation of the vehicle would cause the liability coverage of that insurance to become void.

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

- (a) The court shall not assess a fine or costs.
- (b) The court shall not forward an abstract of the court record to the secretary of state.
- (c) The court may assess a fee of not more than \$25.00 that shall be paid to the court funding unit.

(4) If an owner or operator of a motor vehicle is determined to be responsible for a violation of subsection (1), the court in which the civil infraction determination is entered may require the individual to surrender his or her operator's or chauffeur's license unless proof that the vehicle has insurance that meets the requirements of sections 3101 and 3102 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102, is submitted to

the court. If the court requires the license to be surrendered, the court shall order the secretary of state to suspend the individual's license. The court shall immediately destroy the license and shall forward an abstract of the court record to the secretary of state as required by section 732. On receipt of the abstract, the secretary of state shall suspend the individual's license beginning with the date on which the individual is determined to be responsible for the civil infraction for a period of 30 days or until proof of insurance that meets the requirements of sections 3101 and 3102 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102, is submitted to the secretary of state, whichever occurs later. An individual who submits proof of insurance to the secretary of state under this subsection shall pay a service fee of \$25.00 to the secretary of state. The individual shall not be required to be examined under section 320c and shall not be required to pay a replacement license fee.

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

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

(7) Points must not be entered on a driver's record under section 320a for a violation of this section.

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

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

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

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



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor

Compiler's note: House Bill No. 5853, referred to in enacting section 3, was filed with the Secretary of State January 4, 2021, and became 2020 PA 382, Eff. Oct. 1, 2021.