

SENATE BILL NO. 288

April 30, 2019, Introduced by Senators JOHNSON, LASATA, RUNESTAD, MACDONALD, LUCIDO, BAYER, SANTANA, WOJNO and BULLOCK and referred to the Committee on Judiciary and Public Safety.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 320a, 602b, 602c, and 732 (MCL 257.320a, 257.602b, 257.602c, and 257.732), section 320a as amended by 2018 PA 349, section 602b as amended by 2016 PA 332, section 602c as added by 2012 PA 592, and section 732 as amended by 2017 PA 160.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 320a. (1) Within 5 days after receipt of a properly
- 2 prepared abstract from a court of this state or another state, the

secretary of state shall record the date of conviction, civil infraction determination, or probate court disposition, and the number of points for each, based on the following formula, except as otherwise provided in this section and section 629c:

(a) Manslaughter, negligent homicide, or a felony resulting from the operation of a motor vehicle, ORV, or snowmobile..... 6 points

(b) A violation of section 601b(2) or (3), 601c(1) or (2), or 653a(3) or (4) or, beginning October 31, 2010, a violation of section 601d..... 6 points

(c) A violation of section 625(1), (4), (5), (7), or (8), section 81134 or 82127(1) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134 and 324.82127, or a law or ordinance substantially corresponding to section 625(1), (4), (5), (7), or (8), or section 81134 or 82127(1) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134 and 324.82127..... 6 points

(d) Failing to stop and disclose identity at the scene of an accident when required by law..... 6 points

(e) Operating a motor vehicle in violation of section 626..... 6 points

(f) Fleeing or eluding an officer..... 6 points

(g) A violation of section 627(6) pertaining to speed in a work zone described in that section by exceeding the lawful maximum by more than 15 miles per hour..... 5 points

- 1 (h) A violation of any law or ordinance
 2 pertaining to speed by exceeding the lawful maximum
 3 by more than 15 miles per hour..... 4 points
- 4 (i) A violation of section 625(3) or (6), **or**
 5 section ~~81135~~ ~~or~~ 82127(3) of the natural resources
 6 and environmental protection act, 1994 PA 451, MCL
 7 ~~324.81135~~ ~~and~~ 324.82127, or a law or ordinance
 8 substantially corresponding to section 625(3) or (6)
 9 or section ~~81135~~ ~~or~~ 82127(3) of the natural
 10 resources and environmental protection act, 1994 PA
 11 451, MCL ~~324.81135~~ ~~and~~ 324.82127..... 4 points
- 12 (j) A violation of section 626a or a law or
 13 ordinance substantially corresponding to section
 14 626a..... 4 points
- 15 (k) A violation of section 627(6) pertaining
 16 to speed in a work zone described in that section by
 17 exceeding the lawful maximum by more than 10 but not
 18 more than 15 miles per hour..... 4 points
- 19 (l) Beginning October 31, 2010, a moving
 20 violation resulting in an at-fault collision with
 21 another vehicle, a person, or any other object..... 4 points
- 22 (m) Careless driving in violation of section
 23 626b or a law or ordinance substantially
 24 corresponding to section 626b..... 3 points
- 25 (n) A violation of any law or ordinance
 26 pertaining to speed by exceeding the lawful maximum
 27 by more than 10 miles per hour but not more than 15
 28 miles per hour..... 3 points
- 29 (o) A violation of section 653a(2)..... 2 points

- 1 (p) A violation of any law or ordinance
 2 pertaining to speed by exceeding the lawful maximum
 3 by more than 5 miles per hour but not more than 10
 4 miles per hour..... 2 points
- 5 (q) A violation of any law or ordinance
 6 pertaining to speed by exceeding the lawful maximum
 7 by more than 1 mile per hour but not more than 5
 8 miles per hour..... 1 point
- 9 (r) Disobeying a traffic signal or stop sign,
 10 or improper passing..... 3 points
- 11 (s) A violation of section 624a, 624b, or a
 12 law or ordinance substantially corresponding to
 13 section 624a or 624b..... 2 points
- 14 (t) A violation of section 310e(4) or (6) or a
 15 law or ordinance substantially corresponding to
 16 section 310e(4) or (6)..... 2 points
- 17 (u) All other moving violations pertaining to
 18 the operation of motor vehicles reported under this
 19 section..... 2 points
- 20 (v) A refusal by a person less than 21 years
 21 of age to submit to a preliminary breath test
 22 required by a peace officer under section 625a..... 2 points
- 23 (w) A violation of section 627(6) pertaining
 24 to speed in a work zone described in that section by
 25 exceeding the lawful maximum by 10 miles per hour or
 26 less..... 3 points
- 27 **(x) A third or subsequent violation of section**
 28 **602b(1)..... 2 points**
- 29 **(y) A second violation of section 602b(1)..... 1 point**

1 (2) Points shall not be entered for a violation of section
2 310e(14), 311, ~~602b(1)~~, 602c, 625m, 658, 710d, 717, 719, 719a, or
3 723.

4 (3) Points shall not be entered for bond forfeitures.

5 (4) Points shall not be entered for overweight loads or for
6 defective equipment.

7 (5) If more than 1 conviction, civil infraction determination,
8 or probate court disposition results from the same incident, points
9 shall be entered only for the violation that receives the highest
10 number of points under this section.

11 (6) If a person has accumulated 9 points as provided in this
12 section, the secretary of state may call the person in for an
13 interview as to the person's driving ability and record after due
14 notice as to time and place of the interview. If the person fails
15 to appear as provided in this subsection, the secretary of state
16 shall add 3 points to the person's record.

17 (7) If a person violates a speed restriction established by an
18 executive order issued during a state of energy emergency as
19 provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of state
20 shall enter points for the violation under subsection (1).

21 (8) The secretary of state shall enter 6 points upon the
22 record of a person whose license is suspended or denied under
23 section 625f. However, if a conviction, civil infraction
24 determination, or probate court disposition results from the same
25 incident, additional points for that offense shall not be entered.

26 (9) If a Michigan driver commits a violation in another state
27 that would be a civil infraction if committed in Michigan, and a
28 conviction results solely because of the failure of the Michigan
29 driver to appear in that state to contest the violation, upon

1 receipt of the abstract of conviction by the secretary of state,
2 the violation shall be noted on the driver's record, but no points
3 shall be assessed against his or her ~~driver's~~ **driver** license.

4 Sec. 602b. (1) Except as otherwise provided in this section, a
5 person shall not ~~read, manually type, or send a text message on a~~
6 ~~wireless 2-way communication~~ **hold or use a portable electronic**
7 ~~device that is located in the person's hand or in the person's lap,~~
8 ~~including a wireless telephone used in cellular telephone service~~
9 ~~or personal communication service,~~ while operating a motor vehicle
10 ~~that is moving on a highway or street in this state, . As used in~~
11 ~~this subsection, a wireless 2-way communication device does not~~
12 ~~include a global positioning or navigation system that is affixed~~
13 ~~to the motor vehicle. This subsection does not apply to a person~~
14 ~~operating a commercial vehicle.~~ **including operation while**
15 **temporarily stationary because of traffic, a traffic light or stop**
16 **sign, or otherwise, but not including operation when the vehicle**
17 **has been pulled over to the side of or off of the roadway and is**
18 **stopped in a location where it can safely remain stationary. A**
19 **person may activate or deactivate a portable electronic device**
20 **while he or she is operating a motor vehicle if the portable**
21 **electronic device is mounted on the windshield, dashboard, or**
22 **center console in a manner that does not hinder the person's view**
23 **of the road and if the person's hand is used to activate or**
24 **deactivate a feature or function of the portable electronic device**
25 **with a single swipe or tap of the person's finger. This subsection**
26 **does not apply to a person who uses a portable electronic device**
27 **while operating a motor vehicle if the portable electronic device**
28 **is specifically designed and configured to allow voice-operated and**
29 **hands-free operation and is being used in that manner by the person**

1 while operating the motor vehicle. This subsection does not apply
2 to a person who holds or uses a portable electronic device while
3 operating a motor vehicle if the vehicle is stopped at the side of
4 or off of a public highway in a location where the vehicle is not
5 otherwise prohibited from stopping by law, rule, regulation, or a
6 lawful order or direction of a police officer.

7 (2) Except as otherwise provided in this section, a person
8 shall not read, manually type, or send a text message on a wireless
9 2-way communication device that is located in the person's hand or
10 in the person's lap, including a wireless telephone used in
11 cellular telephone service or personal communication service, while
12 operating a commercial motor vehicle or a school bus on a highway
13 or street in this state. As used in this subsection, ~~a wireless~~
14 **"wireless 2-way communication device" means a mobile telephone as**
15 **that term is defined in 49 CFR 390.5. Wireless** 2-way communication
16 device does not include a global positioning or navigation system
17 that is affixed to the commercial motor vehicle or school bus.

18 (3) Except as otherwise provided in this section, a person
19 shall not use a hand-held mobile telephone to conduct a voice
20 communication while operating a commercial motor vehicle or a
21 school bus on a highway, including while temporarily stationary due
22 to traffic, a traffic control device, or other momentary delays.
23 This subsection does not apply if the operator of the commercial
24 vehicle or school bus has moved the vehicle to the side of, or off,
25 a highway and has stopped in a location where the vehicle can
26 safely remain stationary. As used in this subsection, "mobile
27 telephone" **means that term as defined in 49 CFR 390.5. Mobile**
28 **telephone** does not include a 2-way radio service or citizens band
29 radio service. As used in this subsection, "use a hand-held mobile

1 telephone" means 1 or more of the following:

2 (a) Using at least 1 hand to hold a mobile telephone to
3 conduct a voice communication.

4 (b) Dialing or answering a mobile telephone by pressing more
5 than a single button.

6 (c) Reaching for a mobile telephone in a manner that requires
7 a driver to maneuver so that he or she is no longer in a seated
8 driving position, restrained by a seat belt that is installed as
9 required by 49 CFR 393.93 and adjusted in accordance with the
10 vehicle manufacturer's instructions.

11 (4) Subsections (1), (2), and (3) do not apply to an
12 individual who is using a device described in subsection (1) or (3)
13 to do any of the following:

14 (a) Report a traffic accident, medical emergency, or serious
15 road hazard.

16 (b) Report a situation in which the person believes his or her
17 personal safety is in jeopardy.

18 (c) Report or avert the perpetration or potential perpetration
19 of a criminal act against the individual or another person.

20 (d) Carry out official duties as a police officer, law
21 enforcement official, member of a paid or volunteer fire
22 department, or operator of an emergency vehicle.

23 (e) Operate or program the operation of an automated motor
24 vehicle while testing or operating the automated motor vehicle
25 without a human operator **while the automated driving system is**
26 **engaged.**

27 (5) Subsection (1) does not apply to a person using an on-
28 demand automated motor vehicle network.

29 (6) An individual who violates this section is responsible for

1 a civil infraction and shall be ordered to pay a civil fine as
2 follows:

3 (a) For a first violation, ~~\$100.00.~~**\$125.00.**

4 (b) For a second or subsequent violation, ~~\$200.00.~~**\$250.00.**

5 (7) This section supersedes all local ordinances regulating
6 the use of a communications device while operating a motor vehicle
7 in motion on a highway or street, except that a unit of local
8 government may adopt an ordinance or enforce an existing ordinance
9 substantially corresponding to this section.

10 (8) **This section does not authorize the seizure or forfeiture**
11 **of a portable electronic device, unless seizure or forfeiture is**
12 **otherwise required by law.**

13 (9) **A violation of this section is eligible for primary**
14 **enforcement by law enforcement officers. This subsection does not**
15 **affect or alter the primary enforcement of a violation of any other**
16 **section of this act by law enforcement officers.**

17 (10) **As used in this section:**

18 (a) **"Portable electronic device" means any of the following:**

19 (i) **A wireless telephone.**

20 (ii) **An electronic wireless communication device. As used in**
21 **this subdivision, "electronic wireless communication device" does**
22 **not include a transceiver or a transmitter-receiver radio.**

23 (iii) **A personal digital assistant.**

24 (iv) **A device that has mobile data access.**

25 (v) **A laptop computer.**

26 (vi) **A pager.**

27 (vii) **A broadband personal communication device.**

28 (viii) **A 2-way messaging device.**

(ix) An electronic game.

(x) A portable computing device.

(xi) Except as provided in subdivision (b), a navigation device or a GPS device.

(xii) Any other electronic device that is used to conduct a search or to input, write, send, receive, or read text for present or future communication.

(b) Portable electronic device does not include amateur radio service equipment used by a licensee of the Federal Communications Commission.

(c) "Use" means to hold a portable electronic device while doing any of the following:

(i) Conducting a search.

(ii) Viewing, taking, or transmitting an image or video.

(iii) Playing games.

(iv) For the purpose of present or future communication, doing 1 or more of the following:

(A) Performing a command or request to access an internet page.

(B) Composing, sending, reading, viewing, accessing, browsing, transmitting, saving, or retrieving an email message, text message, instant message, or other electronic data.

Sec. 602c. (1) Except as provided in this section, **and in addition to the requirements of section 602b**, an individual issued a level 1 or level 2 graduated license under section 310e shall not use a cellular telephone while operating a motor vehicle upon a highway or street. For purposes of this subsection, "use" means to initiate a call; answer a call; or listen to or engage in verbal communication through the cellular telephone.

1 (2) Subsection (1) does not apply to an individual who is
2 using a cellular telephone to do any of the following:

3 (a) Report a traffic accident, medical emergency, or serious
4 road hazard.

5 (b) Report a situation in which the person believes his or her
6 personal safety is in jeopardy.

7 (c) Report or avert the perpetration or potential perpetration
8 of a criminal act against the individual or another person.

9 ~~(3) Subsection (1) does not apply to an individual using a~~
10 ~~voice-operated system that is integrated into the motor vehicle.~~

11 **(3)** ~~(4)~~ An individual who violates this section is responsible
12 for a civil infraction.

13 **(4)** ~~(5)~~ This section supersedes all local ordinances
14 regulating the use of a cellular telephone by an individual issued
15 a level 1 or level 2 graduated license while operating a motor
16 vehicle in motion on a highway or street, except that a unit of
17 local government may adopt an ordinance or enforce an existing
18 ordinance substantially corresponding to this section.

19 **(5)** ~~(6)~~ This section shall be known and may be cited as
20 "Kelsey's Law".

21 Sec. 732. (1) Each municipal judge and each clerk of a court
22 of record shall keep a full record of every case in which a person
23 is charged with or cited for a violation of this act or a local
24 ordinance substantially corresponding to this act regulating the
25 operation of vehicles on highways and with those offenses
26 pertaining to the operation of ORVs or snowmobiles for which points
27 are assessed under section 320a(1)(c) or (i). Except as provided in
28 subsection (16), the municipal judge or clerk of the court of
29 record shall prepare and forward to the secretary of state an

1 abstract of the court record as follows:

2 (a) Not more than 5 days after a conviction, forfeiture of
3 bail, or entry of a civil infraction determination or default
4 judgment upon a charge of or citation for violating or attempting
5 to violate this act or a local ordinance substantially
6 corresponding to this act regulating the operation of vehicles on
7 highways.

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

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

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

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

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

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

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

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

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

11 (f) Whether bail was forfeited.

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

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

16 (i) Other information considered necessary to the secretary of
17 state.

18 (4) The clerk of the court also shall forward an abstract of
19 the court record to the secretary of state upon a person's
20 conviction or, for the purposes of subdivision (d), a finding or
21 admission of responsibility, involving any of the following:

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

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

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

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

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

3 (f) A violation of motor carrier safety regulations 49 CFR
4 392.10 or 392.11 as adopted by section 1a of the motor carrier
5 safety act of 1963, 1963 PA 181, MCL 480.11a.

6 (g) A violation of section 57 of the pupil transportation act,
7 1990 PA 187, MCL 257.1857.

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

15 (i) An attempt to commit an offense described in subdivisions
16 (a) to (g).

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

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

22 (l) A violation listed as a disqualifying offense under 49 CFR
23 383.51.

24 (5) The clerk of the court shall also forward an abstract of
25 the court record to the secretary of state if a person has pled
26 guilty to, or offered a plea of admission in a juvenile proceeding
27 for, a violation of section 703 of the Michigan liquor control code
28 of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance
29 substantially corresponding to that section, and has had further

1 proceedings deferred under that section. If the person is sentenced
2 to a term of probation and terms and conditions of probation are
3 fulfilled and the court discharges the individual and dismisses the
4 proceedings, the court shall also report the dismissal to the
5 secretary of state.

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

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

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

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

14 (d) The vehicle was necessary for the commission of the
15 felony.

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

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

27 (8) If a juvenile is accused of an act, the nature of which
28 constitutes a felony in which a motor vehicle was used, other than
29 a felony specified in subsection (4) or section 319, the

1 prosecuting attorney or family division of circuit court shall
2 include the following statement on the petition filed in the court:

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

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

16 (10) As used in subsections (11) and (12), "felony in which a
17 commercial motor vehicle was used" means a felony during the
18 commission of which the person operated a commercial motor vehicle
19 and while the person was operating the vehicle 1 or more of the
20 following circumstances existed:

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

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

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

24 (d) The vehicle was necessary for the commission of the
25 felony.

26 (11) If a person is charged with a felony in which a
27 commercial motor vehicle was used and for which a vehicle group
28 designation on a license is subject to suspension or revocation
29 under section 319b(1) (c) (iii), 319b(1) (d), 319b(1) (e) (iii), or

1 319b(1)(f)(i), the prosecuting attorney shall include the following
2 statement on the complaint and information filed in district or
3 circuit court:

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

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

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

26 (a) The name and title of the person required to forward
27 abstracts.

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

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

1 (d) The following statement:

2 "I certify that all abstracts required by section 732 of the
3 Michigan vehicle code, MCL 257.732, ~~MSA 9.2432~~, for the period
4 _____ through _____ have been forwarded to the
5 secretary of state."

6 (e) Other information the secretary of state considers
7 necessary.

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

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

12 (15) Except as provided in subsection (16), the secretary of
13 state shall keep all abstracts received under this section at the
14 secretary of state's main office and the abstracts shall be open
15 for public inspection during the office's usual business hours.
16 Each abstract shall be entered upon the master driving record of
17 the person to whom it pertains.

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

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

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

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

1 (d) A pedestrian, passenger, or bicycle violation, other than
2 a violation of section 703(1) or (2) of the Michigan liquor control
3 code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance
4 substantially corresponding to section 703(1) or (2) of the
5 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or
6 section 624a or 624b or a local ordinance substantially
7 corresponding to section 624a or 624b.

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

10 (f) A violation of section 328(1) if, before the appearance
11 date on the citation, the person submits proof to the court that
12 the motor vehicle had insurance meeting the requirements of
13 sections 3101 and 3102 of the insurance code of 1956, 1956 PA 218,
14 MCL 500.3101 and 500.3102, at the time the citation was issued.
15 Insurance obtained subsequent to the time of the violation does not
16 make the violation an exception under this subsection.

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

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

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

27 (17) Except as otherwise provided in this subsection, the
28 secretary of state shall discard and not enter on the master
29 driving record an abstract for a bond forfeiture that occurred

1 outside this state. The secretary of state shall enter on the
2 master driving record an abstract for a conviction as defined in
3 section 8a(b) that occurred outside this state in connection with
4 the operation of a commercial motor vehicle or for a conviction of
5 a person licensed as a commercial motor vehicle driver.

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

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

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

27 (21) Notwithstanding any other law of this state, a court
28 shall not take under advisement an offense committed by a person
29 while operating a motor vehicle for which this act requires a

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

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

11 Enacting section 1. This amendatory act takes effect 90 days
12 after the date it is enacted into law.