

MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949

CANCELLATION, SUSPENSION, OR REVOCATION OF LICENSES

257.317 Suspension or revocation of right of nonresident to operate vehicle in state; driving while privilege suspended, revoked, or denied; forwarding certified copy of record; notification to other states.

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 upon 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, upon 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 person is a resident.

(3) Beginning October 1, 2005, within 30 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. Beginning October 1, 2008, the secretary of state must give notice under this subsection within 10 days after an appeal is completed or the appeal period has expired if an appeal is not made.

(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.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1967, Act 226, Eff. Nov. 2, 1967;—Am. 1978, Act 139, Eff. May 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 1993, Act 359, Eff. Sept. 1, 1994;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004.

257.318 Suspension or revocation of license of person convicted or determined responsible for violation in another state.

Sec. 318. The secretary of state may suspend or revoke the license issued under this act upon receiving notice of the conviction of that person in another state of an offense in that state, or the determination of responsibility of that person in an administrative adjudication in another state for a violation in that state which, if committed in this state, would be grounds for the suspension or revocation of the license of an operator or chauffeur.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 139, Eff. May 1, 1979;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008.

257.319 Suspension of license; crimes; violations; waiver; restricted license; "prior conviction" as used in subsection (7) or (8); 2 or more convictions; appeal.

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

(2) The secretary of state shall suspend the person'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 violation of section 1 of former 1931 PA 214, MCL 752.191, or former section 626c.

(d) 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 person convicted operated a motor vehicle and

while operating the vehicle presented real or potential harm to persons 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.
- (e) A violation of section 602a(2) or (3) of this act or section 479a(2) or (3) of the Michigan penal code, 1931 PA 328, MCL 750.479a.
- (f) Beginning October 31, 2010, a violation of section 601d.
- (3) The secretary of state shall suspend the person'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.
 - (d) A violation of section 703(2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703.
- (4) The secretary of state shall suspend the person'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 substantially corresponding to section 324(1), the secretary of state shall suspend the person's license as follows:
 - (a) If the person has no prior conviction for an offense described in this subsection within 7 years, for 90 days.
 - (b) If the person 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 person's license as follows:
 - (a) If the person has no prior conviction for that offense within 7 years, for 90 days.
 - (b) If the person has 1 or more prior convictions for that offense within 7 years, for 1 year.
- (7) For a violation of section 624a or 624b of this act or section 703(1) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, the secretary of state shall suspend the person's license as follows:
 - (a) Subject to subsection (24), if the person has 1 prior conviction for an offense described in section 624a or 624b of this act or section 33b(1) of former 1933 (Ex Sess) PA 8, for 90 days. The secretary of state may issue the person a restricted license after the first 30 days of suspension.
 - (b) Subject to subsection (24), if the person has 2 or more prior convictions for an offense described in this subsection or section 33b(1) of former 1933 (Ex Sess) PA 8, for 1 year. The secretary of state may issue the person a restricted license after the first 60 days of suspension.
- (8) The secretary of state shall suspend the person'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 person has no prior convictions within 7 years. The secretary of state may issue the person 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 person has no prior convictions within 7 years. However, if the person 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 person's ability to operate the vehicle was visibly impaired, the secretary of state shall suspend the person's license under this subdivision for 180 days. The secretary of state may issue the person 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 person has no prior convictions within 7 years. The secretary of state may issue the person 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 person 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 person has no prior convictions within 7 years. The

secretary of state may issue the person a restricted license after the first 90 days of suspension.

(f) For 90 days for a violation of section 625m if the person has no prior convictions within 7 years. The secretary of state may issue the person 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 person has no prior convictions within 7 years or not more than 2 convictions within 10 years. The secretary of state may issue the person 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 a person 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 person 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 person 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 person 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 person 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 person 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 person's license as follows:

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

(b) If the person 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 person's license for 6 months.

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

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

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

(14) If the secretary of state receives records of more than 1 conviction of a person resulting from the same

incident, a suspension shall be imposed only for the violation to which the longest period of suspension applies under this section.

(15) The secretary of state may waive a restriction, suspension, or revocation of a person's license imposed under this act if the person 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.

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

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

(18) Except as provided in subsection (17), a restricted license issued under this section shall permit the person 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 person's employment or occupation.

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

(i) The person's residence.

(ii) The person'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 person is enrolled as a student.

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

(viii) An ignition interlock service provider as required.

(19) While driving with a restricted license, the person 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 upon a peace officer's request.

(20) Subject to subsection (22), 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 substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

(a) Except as provided in subsection (21), 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 resulting 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).

(21) 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 substantially corresponding to section 625(6), or a law of another state substantially corresponding to section 625(6) may be used as a prior conviction.

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

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

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1967, Act 226, Eff. Nov. 2, 1967;—Am. 1976, Act 285, Eff. Apr. 1, 1977;—Am. 1980, Act 398, Eff. Mar. 31, 1981;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 1981, Act 159, Eff. Mar. 31, 1982;—Am. 1981, Act 222, Imd. Eff. Jan. 5, 1982;—Am. 1982, Act 64, Eff. Mar. 30, 1983;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1986, Act 177, Imd. Eff. July 7, 1986;—Am. 1988, Act 205, Eff. July 1, 1988;—Am. 1988, Act 406, Eff. Mar. 30, 1989;—Am. 1991, Act 93, Eff. Jan. 1, 1992;—Am. 1993, Act 359, Eff. Sept. 1, 1994;—Am. 1994, Act 211, Eff. Nov. 1, 1994;—Am. 1994, Act 449, Eff. May 1, 1995;—Am. 1996, Act 493, Eff. Apr. 1, 1997;—Am. 1996, Act 587, Eff. June 1, 1997;—Am. 1998, Act 347, Eff. Dec. 31, 1998.

Eff. Oct. 1, 1999;—Am. 1999, Act 118, Eff. Apr. 1, 2000;—Am. 1999, Act 267, Imd. Eff. Dec. 29, 1999;—Am. 2000, Act 152, Imd. Eff. June 12, 2000;—Am. 2000, Act 460, Eff. Mar. 28, 2001;—Am. 2001, Act 103, Eff. Oct. 1, 2001;—Am. 2001, Act 134, Eff. Feb. 1, 2002;—Am. 2001, Act 159, Eff. Feb. 1, 2002;—Am. 2002, Act 422, Eff. Oct. 1, 2002;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2003, Act 61, Eff. Sept. 30, 2003;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2008, Act 462, Eff. Oct. 31, 2010;—Am. 2008, Act 463, Eff. Oct. 31, 2010;—Am. 2010, Act 155, Eff. Jan. 1, 2011;—Am. 2010, Act 267, Eff. June 30, 2011;—Am. 2012, Act 306, Imd. Eff. Oct. 1, 2012;—Am. 2015, Act 11, Eff. July 8, 2015;—Am. 2016, Act 32, Eff. June 6, 2016;—Am. 2016, Act 358, Eff. Jan. 1, 2018.

Compiler's note: Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

Section 2 of Act 205 of 1988 provides: "This amendatory act shall take effect July 1, 1988 and apply to violations which occur on or after that date."

Enacting section 1 of Act 32 of 2016 provides:

"Enacting section 1. R 257.1005 and R 257.1006 of the Michigan Administrative Code are rescinded."

257.319a Repealed. 2002, Act 534, Eff. Oct. 1, 2002.

Compiler's note: The repealed section pertained to suspension of class 1, class 2, or class 3 indorsement on license.

257.319b Suspension or revocation of commercial learners permits or vehicle group designations on operator's or chauffeur's license; notice of conviction, bond forfeiture, civil infraction determination, violation of law, or refusal to submit to chemical test; period of suspension or revocation; denial, cancellation, or revocation of hazardous material indorsement; notice of security risk; applicability of conditions; definitions.

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

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

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

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

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

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

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

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

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

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

(i) Three serious traffic violations.

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

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

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

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

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

(iv) A refusal of a peace officer's request to submit to a chemical test of his or her blood, breath, or urine to

determine the amount of alcohol or presence of a controlled substance or both in his or her blood, breath, or urine while he or she was operating a commercial or noncommercial motor vehicle as required by a law or local ordinance of this state or another state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

imposed under this section, is as follows:

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

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

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

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

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

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

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

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

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

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

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

(c) Leaving the scene of an accident.

(d) Using a vehicle to commit a felony.

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

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

(10) As used in this section:

(a) "Felony in which a commercial motor vehicle was used" means a felony during the commission of which the person convicted operated a commercial motor vehicle and while the person was operating the vehicle 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.

(b) "Serious traffic violation" means any of the following:

(i) A traffic violation that occurs in connection with an accident in which a person died.

(ii) Reckless driving.

(iii) Excessive speeding as defined in regulations promulgated under 49 USC 31301 to 31317.

(iv) Improper lane use.

(v) Following too closely.

(vi) Operating a commercial motor vehicle without obtaining any vehicle group designation on the person's license.

(vii) Operating a commercial motor vehicle without either having an operator's or chauffeur's license in the person's possession or providing proof to the court, not later than the date by which the person must appear in court or pay a fine for the violation, that the person held a valid vehicle group designation and indorsement on the date that the citation was issued.

(viii) Operating a commercial motor vehicle while in possession of an operator's or chauffeur's license that has a vehicle group designation but does not have the appropriate vehicle group designation or indorsement required for the specific vehicle group being operated or the passengers or type of cargo being transported.

(ix) Beginning October 28, 2013, a violation of section 602b(2) or (3).

(x) Any other serious traffic violation as defined in 49 CFR 383.5 or as prescribed under this act.

History: Add. 1988, Act 346, Imd. Eff. Oct. 25, 1988;—Am. 1991, Act 93, Eff. Jan. 1, 1992;—Am. 1991, Act 100, Eff. Jan. 1, 1993;—Am. 1996, Act 404, Eff. Dec. 21, 1996;—Am. 1998, Act 356, Eff. Oct. 1, 1999;—Am. 2002, Act 259, Imd. Eff. May 1, 2002;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2004, Act 62, Imd. Eff. Apr. 13, 2004;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2004, Act 495, Eff. Jan. 31, 2005;—Am. 2006, Act 298, Imd. Eff. July 20, 2006;—Am. 2008, Act 463, Eff. Oct. 31, 2010;—Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011;—Am. 2012, Act 306, Imd. Eff. Oct. 1, 2012;—Am. 2012, Act 498, Eff. Mar. 28, 2013;—Am. 2015, Act 11, Eff. July 8, 2015.

Compiler's note: Section 2 of Act 346 of 1988 provides:

“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”

Section 2 of Act 173 of 1989 provides:

“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”

MCL 257.319b, as amended by 2008 PA 463, contains no changes from the 2006 PA 298 amendment.

257.319c Providing United States department of transportation with information pertaining to operator's or chauffeur's license with vehicle group designation; notification of motor vehicle administrator or other appropriate officer.

Sec. 319c. (1) The secretary of state shall provide the United States department of transportation with the following information pertaining to an operator's or chauffeur's license with a vehicle group designation:

(a) A notice of the issuance of an operator's or chauffeur's license with a vehicle group designation within 10 days after the issuance of the license.

(b) A notice of a suspension, revocation, or denial of a license within 10 days after the suspension, revocation, or denial.

(2) Within 10 days after receiving a record of conviction, civil infraction determination, or forfeiture of bail in this state of a nonresident driver of a commercial motor vehicle for a violation under the motor vehicle laws of this state, other than a parking violation, the secretary of state shall notify the motor vehicle administrator or other appropriate officer in the state in which the person is licensed.

History: Add. 1988, Act 346, Imd. Eff. Oct. 25, 1988;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004.

Compiler's note: Section 2 of Act 346 of 1988 provides:

“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”

Section 2 of Act 173 of 1989 provides:

“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”

257.319d Operation of commercial motor vehicle by person with certain alcohol content; out-of-service order; violations; penalty.

Sec. 319d. (1) A person, whether licensed or not, shall not operate a commercial motor vehicle within this state with an alcohol content of 0.015 grams or more per 100 milliliters of blood, per 210 liters of breath, or

per 67 milliliters of urine.

(2) A peace officer who has reasonable cause to believe that a person was operating a commercial motor vehicle within the state with an alcohol content of 0.015 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, as measured by a preliminary chemical breath analysis or a chemical test provided under section 625a, shall order the person out-of-service immediately for 24 hours, which shall begin upon issuance of the order.

(3) A peace officer shall immediately order a person who refuses to submit to a preliminary chemical breath analysis requested or a chemical test provided under section 625a out-of-service for 24 hours, which shall begin when the order is issued.

(4) A person ordered out-of-service as described in this section shall not operate a commercial motor vehicle within this state during the 24-hour out-of-service period.

(5) A peace officer who issues an out-of-service order under this section shall provide for the safe and expeditious disposition of a product carried by a commercial motor vehicle that is hazardous or would result in damage to the vehicle, human health, or the environment.

(6) Failure to comply with subsection (1) is not a civil infraction or criminal violation of this act.

(7) A person who violates subsection (4) is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$100.00, or both.

History: Add. 1988, Act 346, Imd. Eff. Oct. 25, 1988;—Am. 1991, Act 100, Eff. Jan. 1, 1993;—Am. 1994, Act 449, Eff. May 1, 1995;—Am. 1996, Act 404, Eff. Dec. 21, 1996;—Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011.

Compiler's note: Section 2 of Act 346 of 1988 provides:

“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”

Section 2 of Act 173 of 1989 provides:

“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”

257.319e Receipt of abstract of conviction; suspension of license; waiver or restrictions; conditions; suspension of license prohibited; definitions.

Sec. 319e. (1) Except as otherwise provided in this section, upon receipt of an abstract of conviction for a person for an attempt to violate, a conspiracy to violate, or a violation of part 74 or section 17766a of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.7401 to 333.7461 and 333.17766a of the Michigan Compiled Laws, or of a local ordinance that prohibits conduct prohibited under part 74 or section 17766a of Act No. 368 of the Public Acts of 1978, the secretary of state shall immediately suspend the license of the person for the period specified in the abstract of conviction.

(2) Except as otherwise provided in this section, upon receipt of an abstract of conviction for a person for an attempt to violate, a conspiracy to violate, or a violation of a law of another state that regulates the possession, distribution, manufacture, cultivation, sale, or transfer of a substance the possession of which is prohibited under the controlled substances act; or for an attempt to violate, a conspiracy to violate, or a violation of the controlled substances act, title II of the comprehensive drug abuse prevention and control act of 1970, Public Law 91-513, 84 Stat. 1242, the secretary of state shall immediately suspend the license of the person, as follows:

(a) For a period of 6 months, if the person does not have a prior conviction within 7 years of the violation.

(b) For a period of 1 year, if the person has 1 or more prior convictions within 7 years of the violation.

(3) The secretary of state may waive the suspension of a person's license imposed under subsection (2) or grant restrictions if the person convicted of a violation described in subsection (2) submits proof that he or she served a term of imprisonment that exceeded 1 year for the violation, or submits proof of both of the following:

(a) That a court revoked, suspended, or restricted his or her license for a period equal to or greater than the period of a suspension prescribed under subsection (2) for the violation.

(b) That the revocation, suspension, or restriction described in subdivision (a) was served for the violation.

(4) The secretary of state shall not suspend the license of a person if the person is sentenced to life imprisonment or a minimum term of imprisonment that exceeds 1 year for an attempt to violate, a conspiracy to violate, or a violation of part 74 or section 17766a of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.7401 to 333.7461 and section 333.17766a of the Michigan Compiled Laws, or a law of another state that prohibits conduct prohibited under part 74 or section 17766a of Act No. 368 of the

Public Acts of 1978.

(5) As used in this section:

(a) "Prior conviction" means either of the following:

(i) A conviction for an attempt to violate, a conspiracy to violate, or a violation of part 74 or section 17766a of Act No. 368 of the Public Acts of 1978, a local ordinance that prohibits conduct prohibited under part 74 or section 17766a of Act No. 368 of the Public Acts of 1978, or a law of another state that prohibits conduct prohibited under part 74 or section 17766a of Act No. 368 of the Public Acts of 1978.

(ii) A conviction for an attempt to violate, a conspiracy to violate, or a violation of the controlled substances act, title II of the comprehensive drug abuse prevention and control act of 1970, Public Law 91-513, 84 Stat. 1242.

(b) "Substance the possession of which is prohibited under the controlled substances act" means that term as defined in 23 C.F.R. 1212.3.

History: Add. 1993, Act 359, Eff. Sept. 1, 1994.

257.319f Operation of commercial motor vehicle in violation of out-of-state service order; prohibition; suspension; "commercial motor vehicle" defined.

Sec. 319f. (1) A person shall not operate a commercial motor vehicle in this state in violation of an out-of-service order.

(2) Except as otherwise provided in this subsection, the secretary of state shall immediately suspend all vehicle group designations on the operator's or chauffeur's license of a person convicted of violating a driver out-of-service or vehicle out-of-service order as required under 49 CFR 383.51.

(3) A person who violates an out-of-service order shall be ordered to pay a civil fine as required under section 907.

(4) As used in this section, "commercial motor vehicle" means that term as defined in section 7a and any motor vehicle having a GVWR or GCWR of 10,001 pounds or more.

History: Add. 1996, Act 404, Eff. Dec. 21, 1996;—Am. 2006, Act 298, Imd. Eff. July 20, 2006;—Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011.

257.319g Prohibitions; violations; civil infraction.

Sec. 319g. (1) An employer shall not knowingly allow, permit, authorize, or require a driver to operate a commercial motor vehicle in violation of any of the following:

(a) Section 667, 668, 669, 669a, or 670 or a federal, state, or local law or regulation pertaining to railroad-highway grade crossings.

(b) Motor carrier safety regulations 49 CFR 392.10 or 392.11, as adopted by section 1a of the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11a.

(c) Section 57 of the pupil transportation act, 1990 PA 187, MCL 257.1857.

(d) Motor carrier safety regulations 49 CFR 392.10 or 392.11, as adopted by section 31 of the motor bus transportation act, 1982 PA 432, MCL 474.131.

(e) Motor carrier safety regulations 49 CFR 392.10 or 392.11 while operating a commercial motor vehicle other than a vehicle covered under subdivision (b), (c), or (d).

(f) Transportation security regulations 49 CFR parts 1570 and 1572 or motor carrier safety regulations 49 CFR parts 383 and 384 that regulate who may operate a commercial motor vehicle that is used to transport hazardous material.

(g) A federal regulation or state law or local ordinance pertaining to an out-of-service order.

(2) Except as otherwise provided for violations listed under subsection (1)(a) and (g), a person who violates this section is responsible for a civil infraction and shall be ordered to pay a civil fine under section 907.

History: Add. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2004, Act 495, Eff. Jan. 31, 2005;—Am. 2006, Act 298, Imd. Eff. July 20, 2006;—Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011.

257.320 Investigation or reexamination of person; notice; restricting, suspending, revoking, or imposing other terms and conditions on license; service of notice; suspension of license for more than 1 year prohibited; reexamination; failure to appear for scheduled reexamination; prohibited restricted license.

Sec. 320. (1) The secretary of state after notice as provided in this section may conduct an investigation or reexamination of a person, based upon 1 or more of the following:

(a) The secretary of state has reason to believe that the person is incompetent to drive a motor vehicle or is afflicted with a mental or physical infirmity or disability rendering it unsafe for that person to drive a motor

vehicle.

(b) The person, as a driver, has in 1 or more instances been involved in an accident resulting in the death of a person.

(c) The person, within a 24-month period, has been involved in 3 accidents resulting in personal injury or damage to the property of a person, and the official police report indicates a moving violation on the part of the driver in each of the accidents.

(d) The person has charged against him or her a total of 12 or more points as provided in section 320a within a period of 2 years, or a total of 6 or more points as provided in section 320a(q) within a period of 2 years.

(e) The person has been convicted of violating restrictions, terms, or conditions of the person's license.

(2) The secretary of state, upon good cause, or based solely on the licensed operator's or chauffeur's driving record, may restrict, suspend, revoke, or impose other terms and conditions on the license of a person subject to an investigation or reexamination and require the immediate surrender of the license of that person. The secretary of state shall, in all cases, prescribe the period of restriction, suspension, revocation, or other terms and conditions.

(3) Service of notice shall be made by regular mail to the last known address of the licensee as shown on the most recent license application or change of address on the license as provided by section 315.

(4) A license shall not be suspended under this section for a period of more than 1 year.

(5) The reexamination may be held by the secretary of state pursuant to this section notwithstanding any restriction, suspension, revocation, or denial of a license under this section, section 303 or 319, chapter V, section 625 or 625b, or under any other law of this state. A suspension ordered pursuant to this section shall be in addition to other suspensions.

(6) If a licensed operator or chauffeur fails to appear for a reexamination scheduled by the secretary of state pursuant to this section, the licensed operator's or chauffeur's license may be suspended immediately and shall remain suspended until the licensed operator or chauffeur appears for a reexamination by the secretary of state. However, the secretary of state may restrict, suspend, or revoke the license based solely on the licensed operator's or chauffeur's driving record.

(7) Notwithstanding any other provision of this act, the secretary of state shall not issue a restricted license to a person to operate a commercial motor vehicle when a vehicle group designation is required to operate that vehicle.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1958, Act 180, Eff. Sept. 13, 1958;—Am. 1967, Act 132, Eff. Nov. 2, 1967;—Am. 1968, Act 332, Eff. Jan. 1, 1969;—Am. 1974, Act 316, Imd. Eff. Dec. 15, 1974;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2016, Act 448, Eff. Jan. 5, 2018.

Compiler's note: Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

***** 257.320a THIS SECTION IS AMENDED EFFECTIVE FEBRUARY 13, 2019: See 257.320a.amended *****

257.320a Recording date of conviction, civil infraction determination, or probate court disposition and number of points; interview; violation committed in another state.

Sec. 320a. (1) Within 5 days after receipt of a properly 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
(h) A violation of any law or ordinance pertaining to speeding by exceeding the lawful maximum by more than 15 miles per hour.....	4	points
(i) A violation of section 625(3) or (6), section 81135 or 82127(3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81135 and 324.82127, or a law or ordinance substantially corresponding to section 625(3) or (6) or section 81135 or 82127(3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81135 and 324.82127.....	4	points
(j) A violation of section 626a or a law or ordinance substantially corresponding to section 626a.....	4	points
(k) A violation of section 653a(2).....	4	points
(l) 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 10 but not more than 15 miles per hour.....	4	points
(m) Beginning October 31, 2010, a moving violation resulting in an at-fault collision with another vehicle, a person, or any other object.....	4	points
(n) Careless driving in violation of section 626b or a law or ordinance substantially corresponding to section 626b.....	3	points
(o) A violation of any law or ordinance pertaining to speed by exceeding the lawful maximum by more than 10 miles per hour but not more than 15 miles per hour.....	3	points
(p) A violation of any law or ordinance pertaining to speed by exceeding the lawful maximum by more than 5 miles per hour but not more than 10 miles per hour	2	points
(q) A violation of any law or ordinance pertaining to speed by exceeding the lawful maximum by more than 1 mile per hour but not more than 5 miles per hour.....	1	point
(r) Disobeying a traffic signal or stop sign, or improper passing.....	3	points
(s) A violation of section 624a, 624b, or a law or ordinance substantially corresponding to section 624a or 624b.....	2	points
(t) A violation of section 310e(4) or (6) or a law or ordinance substantially corresponding to section 310e(4) or (6).....	2	points
(u) All other moving violations pertaining to the operation of motor vehicles reported under this section.....	2	points

(v) A refusal by a person less than 21 years of age to submit to a preliminary breath test required by a peace officer under section 625a.....2 points

(w) A violation of section 627(6) pertaining to speed in a work zone described in that section by exceeding the lawful maximum by 10 miles per hour or less.....3 points

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

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

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

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

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

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

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

(9) If a Michigan driver commits a violation in another state that would be a civil infraction if committed in Michigan, and a conviction results solely because of the failure of the Michigan driver to appear in that state to contest the violation, upon receipt of the abstract of conviction by the secretary of state, the violation shall be noted on the driver's record, but no points shall be assessed against his or her driver's license.

History: Add. 1958, Act 180, Eff. Sept. 13, 1958;—Am. 1960, Act 82, Eff. Aug. 17, 1960;—Am. 1963, Act 34, Eff. Sept. 6, 1963;—Am. 1965, Act 41, Imd. Eff. May 25, 1965;—Am. 1965, Act 351, Imd. Eff. July 23, 1965;—Am. 1968, Act 332, Eff. Jan. 1, 1969;—Am. 1974, Act 28, Imd. Eff. Mar. 2, 1974;—Am. 1975, Act 24, Imd. Eff. Apr. 15, 1975;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 1980, Act 25, Eff. Mar. 31, 1981;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 1981, Act 72, Imd. Eff. June 30, 1981;—Am. 1981, Act 159, Eff. Mar. 31, 1981;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1982, Act 533, Eff. Mar. 30, 1983;—Am. 1987, Act 154, Eff. Dec. 1, 1987;—Am. 1991, Act 93, Eff. Jan. 1, 1992;—Am. 1991, Act 94, Eff. Jan. 1, 1993;—Am. 1994, Act 211, Eff. Nov. 1, 1994;—Am. 1996, Act 387, Eff. Apr. 1, 1997;—Am. 1996, Act 471, Eff. Apr. 1, 1997;—Am. 1996, Act 493, Eff. Apr. 1, 1997;—Am. 1998, Act 350, Eff. Oct. 1, 1999;—Am. 1999, Act 21, Eff. Oct. 1, 2000;—Am. 1999, Act 40, Imd. Eff. June 9, 1999;—Am. 2000, Act 460, Eff. Mar. 28, 2001;—Am. 2001, Act 103, Eff. Oct. 1, 2001;—Am. 2002, Act 149, Eff. July 1, 2002;—Am. 2003, Act 61, Eff. Sept. 30, 2003;—Am. 2003, Act 315, Eff. Apr. 8, 2004;—Am. 2004, Act 62, Imd. Eff. Apr. 13, 2004;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2004, Act 495, Imd. Eff. Dec. 29, 2004;—Am. 2008, Act 463, Eff. Oct. 31, 2010;—Am. 2010, Act 58, Eff. July 1, 2010;—Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011;—Am. 2012, Act 592, Eff. Mar. 28, 2013;—Am. 2016, Act 448, Eff. Jan. 5, 2018.

Compiler's note: Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

In OAG 6480, issued November 23, 1987, the Attorney General stated: "It is my opinion, therefore, that 1987 PA 154, which fixes maximum speed limit on certain state highways, becomes effective November 29, 1987."

***** 257.320a.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 13, 2019 *****

257.320a.amended Recording date of conviction, civil infraction determination, or probate court disposition and number of points; interview; violation committed in another state.

Sec. 320a. (1) Within 5 days after receipt of a properly 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
(h) A violation of any law or ordinance pertaining to speeding by exceeding the lawful maximum by more than 15 miles per hour.....	4	points
(i) A violation of section 625(3) or (6), section 81135 or 82127(3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81135 and 324.82127, or a law or ordinance substantially corresponding to section 625(3) or (6) or section 81135 or 82127(3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81135 and 324.82127.....	4	points
(j) A violation of section 626a or a law or ordinance substantially corresponding to section 626a.....	4	points
(k) 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 10 but not more than 15 miles per hour.....	4	points
(l) Beginning October 31, 2010, a moving violation resulting in an at-fault collision with another vehicle, a person, or any other object.....	4	points
(m) Careless driving in violation of section 626b or a law or ordinance substantially corresponding to section 626b.....	3	points
(n) A violation of any law or ordinance pertaining to speed by exceeding the lawful maximum by more than 10 miles per hour but not more than 15 miles per hour.....	3	points
(o) A violation of section 653a(2).....	2	points
(p) A violation of any law or ordinance pertaining to speed by exceeding the lawful maximum by more than 5 miles per hour but not more than 10 miles per hour	2	points
(q) A violation of any law or ordinance pertaining to speed by exceeding the lawful maximum by more than 1 mile per hour but not more than 5 miles per hour.....	1	point
(r) Disobeying a traffic signal or stop sign, or improper passing.....	3	points
(s) A violation of section 624a, 624b, or		

a law or ordinance substantially corresponding to section 624a or 624b.....2 points

(t) A violation of section 310e(4) or (6) or a law or ordinance substantially corresponding to section 310e(4) or (6).....2 points

(u) All other moving violations pertaining to the operation of motor vehicles reported under this section.....2 points

(v) A refusal by a person less than 21 years of age to submit to a preliminary breath test required by a peace officer under section 625a.....2 points

(w) A violation of section 627(6) pertaining to speed in a work zone described in that section by exceeding the lawful maximum by 10 miles per hour or less.....3 points

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

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

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

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

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

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

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

(9) If a Michigan driver commits a violation in another state that would be a civil infraction if committed in Michigan, and a conviction results solely because of the failure of the Michigan driver to appear in that state to contest the violation, upon receipt of the abstract of conviction by the secretary of state, the violation shall be noted on the driver's record, but no points shall be assessed against his or her driver's license.

History: Add. 1958, Act 180, Eff. Sept. 13, 1958;—Am. 1960, Act 82, Eff. Aug. 17, 1960;—Am. 1963, Act 34, Eff. Sept. 6, 1963;—Am. 1965, Act 41, Imd. Eff. May 25, 1965;—Am. 1965, Act 351, Imd. Eff. July 23, 1965;—Am. 1968, Act 332, Eff. Jan. 1, 1969;—Am. 1974, Act 28, Imd. Eff. Mar. 2, 1974;—Am. 1975, Act 24, Imd. Eff. Apr. 15, 1975;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 1980, Act 25, Eff. Mar. 31, 1981;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 1981, Act 72, Imd. Eff. June 30, 1981;—Am. 1981, Act 159, Eff. Mar. 31, 1981;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1982, Act 533, Eff. Mar. 30, 1983;—Am. 1987, Act 154, Eff. Dec. 1, 1987;—Am. 1991, Act 93, Eff. Jan. 1, 1992;—Am. 1991, Act 94, Eff. Jan. 1, 1993;—Am. 1994, Act 211, Eff. Nov. 1, 1994;—Am. 1996, Act 387, Eff. Apr. 1, 1997;—Am. 1996, Act 471, Eff. Apr. 1, 1997;—Am. 1996, Act 493, Eff. Apr. 1, 1997;—Am. 1998, Act 350, Eff. Oct. 1, 1999;—Am. 1999, Act 21, Eff. Oct. 1, 2000;—Am. 1999, Act 40, Imd. Eff. June 9, 1999;—Am. 2000, Act 460, Eff. Mar. 28, 2001;—Am. 2001, Act 103, Eff. Oct. 1, 2001;—Am. 2002, Act 149, Eff. July 1, 2002;—Am. 2003, Act 61, Eff. Sept. 30, 2003;—Am. 2003, Act 315, Eff. Apr. 8, 2004;—Am. 2004, Act 62, Imd. Eff. Apr. 13, 2004;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2004, Act 495, Imd. Eff. Dec. 29, 2004;—Am. 2008, Act 463, Eff. Oct. 31, 2010;—Am. 2010, Act 58, Eff. July 1, 2010;—Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011;—Am. 2012, Act 592, Eff. Mar. 28, 2013;—Am. 2016, Act 448, Eff. Jan. 5, 2018;—Am. 2018, Act 349, Eff. Feb. 13, 2019.

Compiler's note: Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

In OAG 6480, issued November 23, 1987, the Attorney General stated: "It is my opinion, therefore, that 1987 PA 154, which fixes maximum speed limit on certain state highways, becomes effective November 29, 1987."

257.320b Driver safety school; establishment; supervision; courses; referrals; voluntary attendance; staying imposition of sentence; fee; approval of school.

Sec. 320b. (1) A driver safety school may be established in a county by an advisory board consisting of the superintendent of schools of the largest school district in the county who shall act as chairperson and fiscal

agent, the county superintendent of schools, a judge of the family division of circuit court, the prosecuting attorney, the sheriff, the chief of police of the largest city in the county; and a judge of a court having jurisdiction over traffic offenses or civil infractions, and 2 citizens at large, who shall be appointed by the county board of commissioners. A school so established shall be conducted under the supervision of the superintendent of public instruction and pursuant to the rules prescribed by the superintendent.

(2) Courses, as prescribed by the superintendent of public instruction, shall be offered for the purpose of developing good driving habits and promoting highway traffic safety. The courses shall be open to the following persons:

(a) A person who is referred to a school by a court having jurisdiction over traffic violations after 2 or more convictions or civil infraction determinations of a moving traffic violation within a 12-month period and who, in the determination of the court, is in need of the remedial education.

(b) A person who, after a hearing as provided in section 320, is referred to a school by the secretary of state.

(c) A person who voluntarily chooses to attend.

(3) For the purpose of referral as provided in this section, the court, after entry of judgment of conviction for a misdemeanor, may stay the imposition of sentence until the violator has attended the school. A person referred to a school by a court or by the secretary of state may attend any school in the state which has been established in conformity with this section.

(4) A fee not to exceed \$10.00 may be charged for attendance at the school. The fees shall be established by the advisory board and shall be used to defray the cost of instruction, materials, and clinical services.

(5) A person shall not be referred to a school which has not been approved by the advisory board and the superintendent of public instruction.

History: Add. 1957, Act 230, Eff. Sept. 27, 1957;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 1998, Act 358, Eff. Oct. 1, 1999.

Administrative rules: R 340.431 et seq. of the Michigan Administrative Code.

257.320c Issuance of license after suspension or revocation; examination; qualifications; exception.

Sec. 320c. Before a license is issued to a person whose license has been suspended or revoked, the person may be examined in a manner prescribed by the secretary of state and shall be required to meet all of the qualifications prescribed in section 309. An examination shall not be required if the license has been suspended pursuant to section 321a.

History: Add. 1966, Act 174, Imd. Eff. July 1, 1966;—Am. 1978, Act 391, Eff. Jan. 15, 1979;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 1982, Act 310, Eff. Mar. 30, 1983.

Compiler's note: Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

257.320d Basic driver improvement course; eligibility; database; use; fees; basic driver improvement course fund; study; report; approval of basic driver improvement course sponsors; security bond; surety; prohibited acts or practices; sanctions; "approved sponsor" defined.

Sec. 320d. (1) Notwithstanding section 320a, the secretary of state shall not enter the points corresponding to a moving violation committed in this state by an individual the secretary of state determines to be eligible under this section on the individual's driving record or make information concerning that violation available to any insurance company if the individual attends and successfully completes a basic driver improvement course under this section and an approved sponsor provides a certificate of successful completion of that course to the secretary of state not more than 60 days after the date on which the secretary of state notified the individual that he or she was eligible to take a basic driver improvement course.

(2) The secretary of state shall determine if an individual is eligible under subsection (3) to attend a basic driver improvement course upon receipt of an abstract of a moving violation. If the secretary of state determines that an individual is eligible to attend a basic driver improvement course, the secretary of state shall do all of the following:

(a) Notify the individual of his or her eligibility by first-class mail at the individual's last known address as indicated on the individual's operator's or chauffeur's license and inform the individual of the manner and time within which the individual is required to attend and complete a basic driver improvement course.

(b) Provide all eligible participants with information on how to access a list of approved sponsors and basic driver improvement course locations, including the secretary of state's website address and telephone number

to call for more information.

(c) If an approved sponsor does not provide notice of successful completion of the course by the individual within the time prescribed in subsection (1), the secretary of state shall enter the points required under section 320a.

(3) An individual is ineligible to take a basic driver improvement course if any of the following apply:

(a) The violation occurred while the individual was operating a commercial motor vehicle or was licensed as a commercial driver while operating a noncommercial motor vehicle.

(b) The violation is a criminal offense.

(c) The violation is a violation for which 4 or more points may be assessed under section 320a.

(d) The violation is a violation of section 626b, 627(9), 627a, or 682.

(e) The individual was cited for more than 1 moving violation arising from the same incident.

(f) The individual's license was suspended under section 321a(2) in connection with the violation.

(g) The individual previously successfully completed a basic driver improvement course.

(h) The individual has 3 or more points on his or her driving record.

(i) The individual's operator's or chauffeur's license is restricted, suspended, or revoked, or the individual was not issued an operator's or chauffeur's license.

(4) The individual is not eligible to take a driver improvement course for a second or subsequent violation an individual receives within the time allowed under subsection (1).

(5) The secretary of state shall maintain a computerized database of the following:

(a) Individuals who have attended a basic driver improvement course.

(b) Individuals who have successfully completed a basic driver improvement course.

(6) The database maintained under subsection (5) shall only be used for determining eligibility under subsections (3) and (4). The secretary of state shall only make the information contained in the database available to approved sponsors under subsection (10). Information in this database concerning an individual shall be maintained for the life of that individual.

(7) An individual shall be charged a fee of not more than \$100.00 by an approved sponsor to participate in a basic driver improvement course and, if applicable, to obtain a certificate in a form as approved by the secretary of state demonstrating that he or she successfully completed the course. An approved sponsor shall remit a portion of the fee, as determined annually by the secretary of state, to cover the costs of implementing and administering this course program.

(8) Fees remitted to the department under subsection (7) by an approved sponsor shall be credited to the basic driver improvement course fund created under subsection (9).

(9) The basic driver improvement course fund is created within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund. The secretary of state shall be the administrator of the fund for auditing purposes. The secretary of state shall expend money from the fund, upon appropriation, only to pay the costs of administering this section.

(10) An approved sponsor shall conduct a study of the effect, if any, that the successful completion of its basic driver improvement course has on reducing collisions, moving violations, or both for students completing its course in this state. An approved sponsor shall conduct this study every 5 years on each of the course delivery modalities employed by the approved sponsor. The secretary of state shall make all of the following information available to the approved sponsor for that purpose, subject to applicable state and federal laws governing the release of information:

(a) The number of individuals who successfully complete a basic driver improvement course under this section.

(b) The number of individuals who are eligible to take a basic driver improvement course under this section but who do not successfully complete that course.

(c) The number and type of moving violations committed by individuals after successfully completing a basic driver improvement course under this section in comparison to the number and type of moving violations committed by individuals who have not taken a basic driver improvement course.

(11) The secretary of state shall report on the findings of all studies conducted under subsection (10) to the standing committees of the house of representatives and senate on transportation issues.

(12) The secretary of state shall approve basic driver improvement course sponsors, and enter into an agreement with approved sponsors, if the basic driver improvement course offered by that sponsor satisfies the requirements listed in section 3a.

(13) A sponsor seeking to be an approved sponsor shall submit to the secretary of state an application on a form prescribed by the secretary of state along with a properly executed security bond in the principal sum of

\$20,000.00 with good and sufficient surety. Every sponsor that is an approved sponsor on the effective date of the amendatory act that added this subsection also shall submit to the secretary of state a security bond described in this subsection. The bond shall indemnify or reimburse the secretary of state or an individual taking the sponsor's basic driver improvement course for monetary loss caused through fraud, cheating, or misrepresentation in the conduct of the sponsor's business where the fraud, cheating, or misrepresentation was made by the sponsor or by an employee, agent, instructor, or salesperson of the sponsor. The surety shall make indemnification or reimbursement for a monetary loss only after judgment based on fraud, cheating, or misrepresentation has been entered in a court of record against the sponsor. The aggregate liability of the surety shall not exceed the sum of the bond. The surety on the bond may cancel the bond by giving 30 days' written or electronic notice to the secretary of state and after giving notice is not liable for a breach of condition occurring after the effective date of the cancellation.

(14) An approved sponsor shall not engage in a deceptive or unconscionable method, act, or practice, including, but not limited to, all of the following:

(a) Using, adopting, or conducting business under a name that is the same as, like, or deceptively similar to the name of another approved sponsor.

(b) Except as otherwise provided in this subsection, using the words "state", "government", "municipal", "city", or "county" as part of the name of the approved sponsor.

(c) Advertising, representing, or implying that an approved sponsor is supervised, recommended, or endorsed by, or affiliated or associated with, or employed by, or an agent or representative of this state, the secretary of state, or a bureau of the secretary of state.

(d) Advertising or publicizing under a name other than the approved sponsor's full business name as identified on the sponsor's application to be an approved sponsor.

(e) Advertising that the sponsor is open for business before the sponsor becomes an approved sponsor.

(f) Soliciting business on the premises of any facility rented, leased, owned, or used by the secretary of state.

(g) Misrepresenting the quantity or quality of the instruction provided by, or the requirements for, a basic driver improvement course.

(h) Failing to promptly restore any deposit, down payment, or other payment that a person is entitled to after an agreement is rescinded, canceled, or otherwise terminated as required under the agreement or applicable law.

(i) Taking advantage of a student's or potential student's inability to reasonably protect his or her interest because of a disability, illiteracy, or inability to understand the language of an agreement, if the sponsor knows or reasonably should have known of the student's or potential student's inability.

(j) Failing to honor a term of an agreement.

(k) Falsifying a document, agreement, record, report, or certificate associated with a basic driver improvement course.

(15) Except as otherwise provided in this act, the secretary of state may impose 1 or more of the sanctions listed under subsection (16) if the secretary of state determines that an approved sponsor did 1 or more of the following:

(a) Failed to meet a requirement under this act or an agreement established under this act.

(b) Violated this act or an agreement established under this act.

(c) Made an untrue or misleading statement of a material fact to the secretary of state or concealed a material fact in connection with an application or record under this act.

(d) Permitted fraud or engaged in a fraudulent method, act, or practice in connection with a basic driver improvement course, or induced or countenanced fraud or a fraudulent method, act, or practice in connection with a basic driver improvement course.

(e) Engaged in an unfair or deceptive method, act, or practice or made an untrue statement of a material fact.

(f) Violated a suspension or an order issued under this act.

(g) Failed to maintain good moral character as defined and determined under 1974 PA 381, MCL 338.41 to 338.47, in connection with its business operations.

(16) After the secretary of state determines that an approved sponsor committed a violation listed in subsection (15), the secretary of state may impose upon the approved sponsor 1 or more of the following sanctions:

(a) Denial of an application for approval as a basic driver improvement course sponsor.

(b) Suspension or revocation of the approval of an approved sponsor.

(c) A requirement to take the affirmative action determined necessary by the secretary of state, including, but not limited to, payment of restitution to a student or to an injured person.

(17) As used in this section, "approved sponsor" means a sponsor of a basic driver improvement course that is approved by the secretary of state under subsection (12) and whose approved status is not suspended or revoked under subsection (16).

History: Add. 2008, Act 568, Eff. Dec. 31, 2008;—Am. 2010, Act 289, Imd. Eff. Dec. 16, 2010;—Am. 2012, Act 498, Eff. Mar. 28, 2013.

257.320e Payment of reinstatement fee for suspended, revoked, or restricted operator's or chauffeur's license; waiver of fee; assessment of points and licensing action by secretary of state; judicial review of administrative licensing sanction.

Sec. 320e. (1) Except as otherwise provided in subsection (2), (3), or (4), a person whose operator's or chauffeur's license is suspended, revoked, or restricted pursuant to 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 person. The increase in the reinstatement fee from \$60.00 to \$125.00 shall 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 shall be allocated to the department of state, \$10.00 shall be deposited by the department of treasury in the drunk driving prevention equipment and training fund created under section 625h(1), and \$30.00 shall be deposited by the department of treasury in the drunk driving caseflow assistance fund created under section 625h(5). The fee shall be waived if the license was suspended or restricted because of the person's mental or physical infirmity or disability.

(2) A person whose operator's or chauffeur's license is suspended, revoked, or restricted pursuant to 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 person. The fee shall be waived if the license was suspended or restricted because of the person's mental or physical infirmity or disability.

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

(4) A person 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.

(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 shall 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 shall be governed by the law in effect after January 1, 1992.

History: Add. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1983, Act 18, Imd. Eff. Mar. 29, 1983;—Am. 1987, Act 232, Imd. Eff. Dec. 28, 1987;—Am. 1991, Act 98, Eff. Oct. 1, 1991;—Am. 1993, Act 359, Eff. Sept. 1, 1994;—Am. 1994, Act 449, Eff. May 1, 1995;—Am. 1996, Act 240, Eff. Jan. 1, 1997;—Am. 1996, Act 493, Eff. Apr. 1, 1997;—Am. 1998, Act 346, Eff. Oct. 1, 1999;—Am. 2003, Act 152, Eff. Oct. 1, 2003.

Compiler's note: Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

257.321 Surrender of license; replacement.

Sec. 321. Upon suspending or revoking a license, the department shall require that the license be surrendered to and be destroyed by the department. At the end of the suspension period, the licensee may obtain a replacement license.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 2002, Act 534, Eff. Oct. 1, 2002.

257.321a Failure to answer citation or notice to appear in court; failure to comply with order or judgment; misdemeanor; notice and duration of suspension; exceptions; effect of

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failure to appear; giving copy of information transmitted to secretary of state to person; driver license reinstatement fees; failure to answer out-state citation, comply with out-state order or judgment, or appear in court or administrative tribunal under MCL 257.732; parking or standing of vehicle; resolution of outstanding matters regarding notices, orders, or citations.

Sec. 321a. (1) A person who fails to answer a citation, or a notice to appear in court for a violation reportable to the secretary of state under section 732 or a local ordinance substantially corresponding to a violation of a law of this state reportable to the secretary of state under section 732, or for any matter pending, or who fails to comply with an order or judgment of the court, including, but not limited to, paying all fines, costs, fees, and assessments, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both. A violation of this subsection or failure to answer a citation or notice to appear for a violation of section 33b(1) of former 1933 (Ex Sess) PA 8, section 703(1) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance substantially corresponding to either of those sections must not be considered a violation for any purpose under section 320a.

(2) Except as provided in subsection (3), 28 days or more after a person fails to answer a citation, or a notice to appear in court for a violation reportable to the secretary of state under section 732 or a local ordinance substantially corresponding to a violation of a law of this state reportable to the secretary of state under section 732, including for a violation of section 703(1)(a) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, 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, the court shall give notice by mail at the last known address of the person that if the person 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 person's operator's or chauffeur's license. If the person 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 person. The secretary of state shall immediately notify the person of the suspension by regular mail at the person's last known address.

(3) If the person is charged with, or convicted of, a violation of section 625 or a local ordinance substantially corresponding to section 625(1), (2), (3), (6), or (8) and the person fails to answer a citation or a 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, and crime victim rights assessments, the court shall immediately give notice by first-class mail sent to the person's last known address that if the person 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 person's operator's or chauffeur's license. If the person 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 person's operator's or chauffeur's license and notify the person of the suspension by first-class mail sent to the person's last known address.

(4) If the person is charged with, or convicted of, a violation of section 33b(1) of former 1933 (Ex Sess) PA 8, section 703(1)(b) or (c) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, section 624a, section 624b, or a local ordinance substantially corresponding to those sections and the person fails to answer a citation or a notice to appear in court issued under section 33b of former 1933 (Ex Sess) PA 8, section 703 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, section 624a, section 624b, or a local ordinance substantially corresponding to those sections or fails to comply with an order or judgment of the court issued under section 33b of former 1933 (Ex Sess) PA 8, section 703 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, section 624a, section 624b, or a local ordinance substantially corresponding to those sections including, but not limited to, paying all fines and costs, the court shall immediately give notice by first-class mail sent to the person's last known address that if the person 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 and costs, within 14 days after the notice is issued, the secretary of state shall suspend the person's operator's or chauffeur's license. If the person 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 and costs, within the 14-day period, the court shall immediately inform the secretary of state who shall immediately suspend the person's operator's or chauffeur's license and notify the person of the suspension by first-class mail sent to the person's last known address.

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

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

(b) The person 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.

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

(a) The parking or standing of a vehicle.

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

(7) The court may notify a person who has done either of the following, that if the person does not appear within 10 days after the notice is issued, the court will inform the secretary of state of the person's failure to appear:

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

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

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

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

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

(9) Not less than 28 days after a person fails to appear in response to a citation issued for, or fails to comply with an order or judgment involving, a state civil infraction described in chapter 88 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8801 to 600.8835, the court shall give notice by ordinary mail, addressed to the person's last known address, that if the person fails to appear or fails to comply with the order or judgment described in this subsection within 14 days after the notice is issued, the court will give to the secretary of state notice of that failure. Upon receiving notice of that failure, the secretary of state shall not issue or renew an operator's or chauffeur's license for the person until both of the following occur:

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

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

(10) For the purposes of subsections (5)(a), (8)(a), and (9)(a), the court shall give to the person a copy of the information being transmitted to the secretary of state. Upon showing that copy, the person 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 (5)(a), (8)(a), or (9)(a), even if the information being sent to the secretary of state has not yet been received or recorded by the department.

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

(a) Fifteen dollars to the secretary of state. The funds received by the secretary of state under this subdivision must 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.

(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.

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

(13) The secretary of state shall immediately suspend the operator's and chauffeur's license of a person licensed to operate a commercial motor vehicle, or a person who operates a commercial motor vehicle without a license to operate that vehicle, if the person 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 person of the suspension by regular mail at the person's last known address.

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

(15) The secretary of state shall not suspend the person's license under subsection (13) if the person 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.

(16) The secretary of state, upon being informed of the failure of a person to appear or comply as provided in subsection (13), shall not issue a license to the person or renew a license for the person until the court or authorized administrative tribunal of the other state informs the secretary of state that the person has resolved all outstanding matters regarding the notices, orders, or citations.

History: Add. 1968, Act 332, Eff. Jan. 1, 1969;—Am. 1978, Act 391, Eff. Jan. 15, 1979;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 1987, Act 232, Imd. Eff. Dec. 28, 1987;—Am. 1988, Act 205, Eff. July 1, 1988;—Am. 1988, Act 346, Eff. Oct. 1, 1989;—Am. 1989, Act 89, Eff. Sept. 19, 1989;—Am. 1991, Act 95, Eff. Jan. 1, 1992;—Am. 1994, Act 211, Eff. Nov. 1, 1994;—Am. 1995, Act 55, Eff. Jan. 1, 1996;—Am. 1996, Act 493, Eff. Apr. 1, 1997;—Am. 1998, Act 68, Imd. Eff. May 4, 1998;—Am. 1998, Act 343, Eff. Oct. 1, 1999;—Am. 1999, Act 73, Eff. Oct. 1, 1999;—Am. 2002, Act 741, Eff. Jan. 1, 2003;—Am. 2004, Act 62, Eff. May 3, 2004;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2012, Act 13, Eff. May 16, 2012;—Am. 2017, Act 235, Eff. Jan. 1, 2018;—Am. 2017, Act 236, Eff. Jan. 1, 2018.

Compiler's note: Section 2 of Act 205 of 1988 provides: "This amendatory act shall take effect July 1, 1988 and apply to violations which occur on or after that date."

Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

257.321b Suspended or revoked license; destruction.

Sec. 321b. Any policeman, law enforcing agent, or judicial officer who is informed by an official communication from the secretary of state that the secretary of state has suspended or revoked an operator's, moped, or chauffeur's license under the provisions of this act, shall obtain and destroy the suspended or revoked license.

History: Add. 1968, Act 332, Eff. Jan. 1, 1969;—Am. 2002, Act 534, Eff. Oct. 1, 2002.

257.321c Notification by friend of the court of failure to appear for hearing, comply with repayment plan order, or respond to license suspension notice; duty of secretary of state to suspend operator's or chauffeur's license; duration; reinstatement; transmission of fees; amounts.

Sec. 321c. (1) If a friend of the court notifies the secretary of state that a licensee has failed to appear for a hearing, comply with a repayment plan order, or respond to a license suspension notice under the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650, the secretary of state shall immediately suspend the operator's or chauffeur's license of the licensee and shall notify the licensee of the suspension by first-class mail.

(2) If a person's license is suspended under subsection (1), the secretary of state shall not issue a license to the person if the person's license is already suspended, revoked, or denied or if the person does not have a license to suspend until the person is in compliance with subsection (3) and other provisions of this act.

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

(a) The person obtains a certificate from the friend of the court showing that the person is complying with the custody, parenting time, or support order, and provides that certificate to the secretary of state within 10 days after the date of issuance noted on the certificate.

(b) The person pays to the circuit court clerk a \$45.00 driver license clearance fee.

(c) The person pays the reinstatement fee imposed under section 320e.

(4) Unless a person's license is otherwise suspended, revoked, denied, or canceled, the license is immediately reinstated on satisfaction of the requirements of subsection (3). The secretary of state shall reissue the operator's or chauffeur's license of a person whose suspension is rescinded under subsection (3) within 30 days after receipt of the certificate obtained under subsection (3)(a), evidence of the payment of the fee under subsection (3)(b), and the fee imposed under section 320e.

(5) If a person provides a copy of a certificate obtained under subsection (3) to the secretary of state more than 10 days after the date of issuance noted on the certificate, the certificate is no longer valid, and the secretary of state shall not reinstate the person's license. A person who fails to provide a copy of the certificate to the secretary of state within 10 days after the date of issuance shall obtain another certificate from the friend of the court and satisfy the requirements of subsection (3) before the secretary of state shall reinstate that person's license.

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

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

(b) Thirty dollars to the treasurer of the county. The treasurer shall deposit money received under this subdivision in the county friend of the court fund created in section 2530 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2530.

History: Add. 1996, Act 240, Eff. Jan. 1, 1997;—Am. 2009, Act 194, Imd. Eff. Dec. 28, 2009.

257.322 Hearing officer; appointment; powers and duties as to appeals from final determination of secretary of state.

Sec. 322. (1) The secretary of state shall appoint a hearing officer to hear appeals from persons aggrieved by a final determination of the secretary of state denying an application for an operator's or chauffeur's license, suspending, restricting, or revoking an operator's or chauffeur's license, or other license action.

(2) The appeal shall be in writing and filed with the secretary of state within 14 days after the final determination. Upon notice of the appeal, the hearing officer shall require production of all documents filed in the matter, together with a transcript of any testimony taken.

(3) In a hearing or matter properly before the hearing officer, he or she may do any of the following:

(a) Issue subpoenas to compel attendance of witnesses.

(b) Issue process to compel attendance.

(c) Punish for contempt any witness failing to appear or testify in the same manner as provided by the rules and practice in the circuit court.

(d) Swear witnesses, administer oaths, and exemplify records in any matter before the officer.

(e) Take additional testimony he or she considers appropriate.

(4) A verbatim record shall be made of the hearing.

(5) After a hearing, the hearing officer may affirm, modify, or set aside a final determination of the secretary of state denying an application for an operator's or chauffeur's license, suspending, restricting, or revoking an operator's or chauffeur's license, or any other license action. The hearing officer shall include his or her findings of fact and conclusions of law in the record.

(6) Except as provided in subsection (7), if a person whose license has been denied or revoked under section 303(2)(c), (d), or (g) applies for a license or reinstatement of a license after the time period specified in section 303(4) has elapsed, the hearing officer may issue a restricted license to that person, setting

restrictions upon operating a vehicle as the hearing officer determines are appropriate. If the hearing officer issues a restricted license following a hearing held after October 1, 1999, he or she shall do both of the following:

(a) Require a properly installed and functioning ignition interlock device on each motor vehicle the person owns or intends to operate, the costs of which shall be borne by the person whose license is restricted.

(b) Condition issuance of a restricted license upon verification by the secretary of state that an ignition interlock device has been installed.

(7) The hearing officer shall not issue a restricted license under subsection (6) that would permit the person to operate a commercial motor vehicle that hauls hazardous material.

(8) If the hearing officer issues a restricted license to a person who intends to operate a vehicle owned by his or her employer, the secretary of state shall notify the employer of the employee's license restriction that requires the installation of an ignition interlock device. An employer who receives notice under this subsection is not required to install an ignition interlock device on the employer-owned vehicle. This subsection does not apply to a vehicle that is operated by a self-employed individual who uses the vehicle for both business and personal use.

(9) If the hearing officer issues a restricted license requiring an ignition interlock device, the initial period for requiring the device shall be not less than 1 year.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1953, Act 215, Eff. Oct. 2, 1953;—Am. 1976, Act 9, Imd. Eff. Feb. 13, 1976;—Am. 1998, Act 340, Eff. Oct. 1, 1999;—Am. 2001, Act 159, Imd. Eff. Nov. 6, 2001;—Am. 2008, Act 462, Eff. Oct. 31, 2010.

Transfer of powers: See MCL 16.129.

257.322a Ignition interlock device; removal; issuance of order required.

Sec. 322a. A person who is issued a restricted license by the department requiring an ignition interlock device shall not remove the device or cause the device to be removed unless the department has issued an order authorizing its removal.

History: Add. 2008, Act 462, Eff. Oct. 31, 2010.

257.323 Denial, revocation, suspension, or restriction of operator or chauffeur's license, vehicle group designation, or indorsement; final determination; petition for review of determination; order setting cause for hearing; service of order, petition, and affidavits on secretary of state's office; testimony and examination; order affirming, modifying, or setting aside restriction, suspension, or denial; conditions; restricted driving privileges; vehicle owned by employer; notification; other requirements.

Sec. 323. (1) A person aggrieved by a final determination of the secretary of state denying the person an operator's or chauffeur's license, a vehicle group designation, or an indorsement on a license or revoking, suspending, or restricting an operator's or chauffeur's license, vehicle group designation, or an indorsement may petition for a review of the determination in the circuit court in the county where the person was arrested if the denial or suspension was imposed under section 625f or under the order of a trial court under section 328 or, in all other cases, in the circuit court in the person's county of residence. The person shall file the petition within 63 days after the determination is made except that for good cause shown the court may allow the person to file petition within 182 days after the determination is made. As provided in section 625f, a peace officer aggrieved by a determination of a hearing officer in favor of a person who requested a hearing under section 625f may, with the prosecuting attorney's consent, petition for review of the determination in the circuit court in the county where the arrest was made. The peace officer shall file the petition within 63 days after the determination is made except that for good cause shown the court may allow the peace officer to file the petition within 182 days after the determination is made.

(2) Except as otherwise provided in this section, the circuit court shall enter an order setting the cause for hearing for a day certain not more than 63 days after the order's date. The order, a copy of the petition that includes the person's full name, current address, birth date, and driver's license number, and all supporting affidavits must be served on the secretary of state's office in Lansing not less than 20 days before the date set for the hearing. If the person is seeking a review of the record prepared under section 322 or section 625f, the service upon the secretary of state must be made not less than 50 days before the date set for the hearing.

(3) The court may take testimony and examine all the facts and circumstances relating to the denial, suspension, or restriction of the person's license under sections 303(1)(d), 320, or 904(10) or (11), a licensing action under section 310d, or a suspension for a first violation under section 625f. The court may affirm, modify, or set aside the restriction, suspension, or denial, except the court shall not order the secretary of state to issue a restricted or unrestricted chauffeur's license that would permit the person to drive a commercial motor vehicle that hauls a hazardous material. The court shall enter the order and the petitioner shall file a

certified copy of the order with the secretary of state's office in Lansing within 7 days after entry of the order.

(4) Except as otherwise provided in this section, in reviewing a determination resulting in a denial, suspension, restriction, or revocation under this act, the court shall confine its consideration to a review of the record prepared under section 322 or 625f or the driving record created under section 204a for a statutory legal issue, and may determine that the petitioner is eligible for full driving privileges or, if the petitioner is subject to a revocation under section 303, may determine that the petitioner is eligible for restricted driving privileges. The court shall set aside the secretary of state's determination only if 1 or more of the following apply:

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

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

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

(iii) Made upon unlawful procedure resulting in material prejudice to the petitioner.

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

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

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

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

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

(ii) All of the following are satisfied:

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

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

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

(5) If the court determines that a petitioner is eligible for restricted driving privileges under subsection (4)(b), the court shall issue an order that includes, but is not limited to, all of the following:

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

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

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

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

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

(i) The petitioner violates the restrictions on his or her license.

(ii) The petitioner violates subdivision (b).

(iii) The petitioner removes, or causes to be removed, an ignition interlock device required under subdivision (b), unless the secretary of state has authorized the removal under section 322a.

(iv) The petitioner commits an act that would be a major violation if the petitioner's license had been issued under section 322(6) or consumes alcohol or a controlled substance without a prescription. As used in this

subparagraph, "major violation" means that term as defined in R 257.301a of the Michigan Administrative Code.

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

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

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

(8) If a court determines that a petitioner is eligible for restricted driving privileges, the court shall notify the department of its determination through the issuance of an order under subsection (5) and shall not retain jurisdiction over a license issued under this section.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1953, Act 120, Eff. Oct. 2, 1953;—Am. 1958, Act 113, Eff. Sept. 13, 1958;—Am. 1978, Act 57, Imd. Eff. Mar. 10, 1978;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1981, Act 71, Imd. Eff. June 30, 1981;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1988, Act 346, Eff. Jan. 1, 1990;—Am. 1991, Act 99, Eff. Jan. 1, 1992;—Am. 1991, Act 100, Eff. Jan. 1, 1993;—Am. 1993, Act 359, Eff. Sept. 1, 1994;—Am. 1994, Act 449, Eff. May 1, 1995;—Am. 1998, Act 346, Eff. Oct. 1, 1999;—Am. 1999, Act 73, Eff. Oct. 1, 1999;—Am. 2001, Act 159, Imd. Eff. Nov. 6, 2001;—Am. 2016, Act 117, Eff. Aug. 15, 2016;—Am. 2018, Act 99, Eff. July 1, 2018.

Compiler's note: Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

Transfer of powers: See MCL 16.129.

257.323a Petition for order staying revocation or suspension of license; ex parte order; provisions inapplicable to violation of financial responsibility act.

Sec. 323a. (1) A person who is aggrieved by a final determination of the secretary of state suspending or revoking the operator's or chauffeur's license of the person may, within 63 days after the determination, petition the circuit court for the county in which the conviction or civil infraction determination resulting in the license being suspended or revoked was entered, or the circuit court for the county of residence of the person if the license was suspended or revoked as provided in section 318, or for the accumulation of 12 or more points as provided in sections 320 and 320a, for an order staying the revocation or suspension of the license. Except as provided in subsection (2), the court may enter an ex parte order staying the suspension or revocation subject to terms and conditions prescribed by the court until the determination of an appeal to the secretary of state or of an appeal or a review by the circuit court, or for a lesser time which the court considers proper, except that the court shall not enter an ex parte order staying the suspension or revocation of a person who drives a truck or truck tractor, including a trailer, which hauls hazardous material.

(2) The court shall not enter an ex parte order staying the suspension, denial, or revocation if the order is based upon a claim of undue hardship.

(3) This section shall not apply to a suspension for a violation of the financial responsibility act contained in chapter V.

History: Add. 1960, Act 78, Eff. Aug. 17, 1960;—Am. 1961, Act 19, Imd. Eff. May 10, 1961;—Am. 1978, Act 57, Imd. Eff. Mar. 10, 1978;—Am. 1978, Act 139, Eff. May 1, 1979;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1991, Act 99, Eff. Jan. 1, 1992.

Compiler's note: Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or
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incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”

257.323b Cancellation of minor's license.

Sec. 323b. The license of a minor shall be canceled by the secretary of state upon the written request of the custodial parent or parents or legal guardian of the minor. The secretary of state may reduce the graduated driver license level or delay advancement to the next level of a minor upon the written request of the custodial parent or parents or legal guardian of the minor.

History: Add. 1965, Act 306, Eff. Mar. 31, 1966;—Am. 1972, Act 49, Imd. Eff. Feb. 19, 1972;—Am. 2000, Act 456, Imd. Eff. Jan. 10, 2001.

257.323c Restricted license; issuance by circuit court; limitations; exceptions; condition.

Sec. 323c. (1) A person denied a license to operate a motor vehicle or whose license for that purpose has been suspended by the secretary of state under section 625f has a right to a review of the matter in circuit court as provided in sections 323 and 323a. Except as provided in this section, the court may order the secretary of state to issue to the person a restricted license permitting the person to drive only to and from the person's residence and work location; in the course of the person's employment or occupation; to and from an alcohol or drug education program or treatment program as ordered by a court; to and from the person's residence and the court probation department, or a court-ordered community service program, or both; to and from the person's residence and an educational institution at which the person is enrolled as a student; or pursuant to a combination of these restrictions. The restricted license shall permit the driver to take any driving skills test required by the secretary of state. If the denial, suspension, or revocation of a person's license or vehicle group designation under section 625f occurred in connection with the operation of a commercial motor vehicle, the court shall not order the secretary of state to issue a restricted license that would permit the person to operate a commercial motor vehicle. The court shall not order the secretary of state to issue a restricted operator's or chauffeur's license that would permit a person to operate a commercial motor vehicle hauling hazardous material. The court shall not order the secretary of state to issue a restricted license unless the person states under oath and the court finds that the person is unable to take public transportation to and from his or her work location, place of alcohol or drug education or treatment, or educational institution, and does not have a family member or other person able to provide transportation. The court order and license shall indicate the person's work location and the approved route or routes and permitted times of travel. For purposes of this section, "work location" includes, as applicable, either or both of the following:

- (a) The specific place or places of employment.
- (b) The territory or territories regularly visited by the person in pursuance of the person's occupation.

(2) If the person's license has been suspended pursuant to section 625f within the immediately preceding 7-year period, a restricted license shall not be issued.

(3) Notwithstanding any other provision of this section, the court shall not issue a restricted license to a person who has accumulated over 24 points, as provided in section 320a, within the 2-year period preceding the date of the suspension of his or her license.

(4) Notwithstanding any other provision of this act, the court shall not issue a restricted license to a person to operate a commercial motor vehicle when a vehicle group designation is required to operate that vehicle.

History: Add. 1968, Act 335, Eff. Nov. 15, 1968;—Am. 1978, Act 57, Imd. Eff. Mar. 10, 1978;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1991, Act 99, Eff. Jan. 1, 1992;—Am. 1991, Act 100, Eff. Jan. 1, 1993;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004.

Compiler's note: Section 2 of Act 310 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”

257.323d Drug case information management fund; creation; purpose; expenditure; crediting and investing money; reversion; distribution of amounts by state court administrator; reimbursement of costs.

Sec. 323d. (1) The drug case information management fund is created as a separate fund in the state treasury. The purpose of the fund is to help defray the costs of complying with requirements for the timely management and reporting to the secretary of state of information concerning cases involving an attempt to violate, a conspiracy to violate, or a violation of part 74 or section 17766a of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.7401 to 333.7461 and 333.17766a of the Michigan Compiled Laws, or of a local ordinance that prohibits conduct prohibited under part 74 or section 17766a of the Michigan Compiled Laws.

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Act No. 368 of the Public Acts of 1978. Money in the fund shall be expended only as provided in subsection (3).

(2) The state treasurer shall credit the drug case information management fund with the money collected from license reinstatement fees as provided in section 320e(2). The state treasurer may invest money contained in the drug case information management fund in any manner authorized by law for the investment of state money. However, an investment shall not interfere with any apportionment, allocation, or payment of money as required by this section. The state treasurer shall credit all earnings from the fund to the fund. Money in the fund at the end of the fiscal year shall remain in the fund and shall not revert to the general fund.

(3) The state court administrator, at the direction of the supreme court and upon confirmation of the amount by the state treasurer, shall distribute from the drug case information management fund the total amount available in a fiscal year to each circuit of the circuit court, each district of the district court, and each probate court as provided in this subsection. The state court administrator, after reimbursement of costs as provided in this subsection, shall distribute the balance of the drug case information management fund annually after costs are disbursed to each circuit of the circuit court, each district of the district court, and each probate court in an amount determined by multiplying the amount available for distribution by a fraction, the numerator of which is the number of cases in which the defendant was charged with an attempt to violate, a conspiracy to violate, or a violation of part 74 or section 17766a of Act No. 368 of the Public Acts of 1978, or a local ordinance that prohibits conduct prohibited under part 74 or section 17766a of Act No. 368 of the Public Acts of 1978, in the prior calendar year in that circuit of the circuit court, that district of the district court, or that probate court, as certified by the state court administrator, and the denominator of which is the total number of cases in all circuits of the circuit court, all districts of the district court, and all probate courts in which the defendant was charged with an attempt to violate, a conspiracy to violate, or a violation of part 74 of section 17766a of Act No. 368 of the Public Acts of 1978, or a local ordinance that prohibits conduct prohibited under part 74 or section 17766a of Act No. 368 of the Public Acts of 1978. The state court administrative office shall be reimbursed annually from the drug case information management fund for all reasonable costs associated with the administration of this section, including judicial and staff training, on-site management assistance, forms development and conversion, and software development and conversion.

History: Add. 1993, Act 359, Eff. Sept. 1, 1994.