

HOUSE BILL No. 4181

February 13, 2019, Introduced by Rep. Manoogian and referred to the Committee on Transportation.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 320a. (1) Within 5 days after receipt of a properly
2 prepared abstract from a court of this state or another state,
3 the secretary of state shall record the date of conviction, civil
4 infraction determination, or probate court disposition, and the
5 number of points for each, based on the following formula, except
6 as otherwise provided in this section and section 629c:

7 (a) Manslaughter, negligent homicide, or a

1 felony resulting from the operation of a motor
2 vehicle, ORV, or snowmobile.....6 points
3 (b) A violation of section 601b(2) or (3),
4 601c(1) or (2), or 653a(3) or (4) or, beginning
5 October 31, 2010, a violation of section 601d.....6 points
6 (c) A violation of section 625(1), (4), (5),
7 (7), or (8), section 81134 or 82127(1) of the
8 natural resources and environmental protection act,
9 1994 PA 451, MCL 324.81134 and 324.82127, or a law
10 or ordinance substantially corresponding to section
11 625(1), (4), (5), (7), or (8), or section 81134
12 or 82127(1) of the natural resources and
13 environmental protection act, 1994 PA 451,
14 MCL 324.81134 and 324.82127.....6 points
15 (d) Failing to stop and disclose identity
16 at the scene of an accident when required by law.....6 points
17 (e) Operating a motor vehicle in violation
18 of section 626.....6 points
19 (f) Fleeing or eluding an officer.....6 points
20 (g) A violation of section 627(6) pertaining
21 to speed in a work zone described in that section
22 by exceeding the lawful maximum by more than
23 15 miles per hour.....5 points
24 (h) A violation of any law or ordinance
25 pertaining to speed by exceeding the lawful
26 maximum by more than 15 miles per hour.....4 points
27 (i) A violation of section 625(3) or (6),
28 section ~~81135~~ or 82127(3) of the natural
29 resources and environmental protection act,

1 1994 PA 451, MCL ~~324.81135~~ and 324.82127,
2 or a law or ordinance substantially corresponding
3 to section 625(3) or (6) or section ~~81135~~
4 ~~or~~ 82127(3) of the natural resources and
5 environmental protection act, 1994 PA 451,
6 MCL ~~324.81135~~ and 324.82127.....4 points
7 (j) A violation of section 626a or a law
8 or ordinance substantially corresponding to
9 section 626a.....4 points
10 (k) A violation of section 627(6) pertaining
11 to speed in a work zone described in that section
12 by exceeding the lawful maximum by more than 10
13 but not more than 15 miles per hour.....4 points
14 (l) Beginning October 31, 2010, a moving
15 violation resulting in an at-fault collision with
16 another vehicle, a person, or any other object.....4 points
17 (m) Careless driving in violation of section
18 626b or a law or ordinance substantially
19 corresponding to section 626b.....3 points
20 (n) A violation of any law or ordinance
21 pertaining to speed by exceeding the lawful
22 maximum by more than 10 miles per hour but not
23 more than 15 miles per hour.....3 points
24 (o) A violation of section 653a(2).....2 points
25 (p) A violation of any law or ordinance
26 pertaining to speed by exceeding the lawful
27 maximum by more than 5 miles per hour but not
28 more than 10 miles per hour2 points
29 (q) A violation of any law or ordinance

1 pertaining to speed by exceeding the lawful
2 maximum by more than 1 mile per hour but not
3 more than 5 miles per hour.....1 point

4 (r) Disobeying a traffic signal or stop sign,
5 or improper passing.....3 points

6 (s) A violation of section 624a, 624b, or
7 a law or ordinance substantially corresponding to
8 section 624a or 624b.....2 points

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

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

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

18 (w) A violation of section 627(6) pertaining
19 to speed in a work zone described in that
20 section by exceeding the lawful maximum by
21 10 miles per hour or less.....3 points

22 **(X) A THIRD OR SUBSEQUENT VIOLATION OF**
23 **SECTION 602B(1).....2 POINTS**

24 **(Y) A SECOND VIOLATION OF SECTION 602B(1).....1 POINT**

25 (2) Points shall not be entered for a violation of section
26 310e(14), 311, ~~602b(1)~~, 602c, 625m, 658, 710d, 717, 719, 719a, or
27 723.

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

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

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

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

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

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

23 (9) If a Michigan driver commits a violation in another
24 state that would be a civil infraction if committed in Michigan,
25 and a conviction results solely because of the failure of the
26 Michigan driver to appear in that state to contest the violation,
27 upon receipt of the abstract of conviction by the secretary of

1 state, the violation shall be noted on the driver's record, but
2 no points shall be assessed against his or her ~~driver's~~ **DRIVER**
3 license.

4 Sec. 602b. (1) Except as otherwise provided in this section,
5 a person shall not ~~read, manually type, or send a text message on~~
6 ~~a wireless 2-way communication~~ **USE A MOBILE ELECTRONIC** device
7 ~~that is located in the person's hand or in the person's lap,~~
8 ~~including a wireless telephone used in cellular telephone service~~
9 ~~or personal communication service,~~ while operating a motor
10 vehicle **OR A SCHOOL BUS.** ~~that is moving on a highway or street in~~
11 ~~this state. As used in this subsection, a wireless 2-way~~
12 ~~communication device does not include a global positioning or~~
13 ~~navigation system that is affixed to the motor vehicle. This~~
14 ~~subsection does not apply to a person operating a commercial~~
15 ~~vehicle.~~

16 (2) **SUBSECTION (1) DOES NOT APPLY TO ANY OF THE FOLLOWING**
17 **SITUATIONS:**

18 (A) **A LAW ENFORCEMENT OFFICER, FIREFIGHTER, EMERGENCY**
19 **MEDICAL TECHNICIAN, PARAMEDIC, OPERATOR OF AN AUTHORIZED**
20 **EMERGENCY VEHICLE, OR SIMILARLY ENGAGED PAID OR VOLUNTEER PUBLIC**
21 **SAFETY FIRST RESPONDER DURING THE PERFORMANCE OF THAT PERSON'S**
22 **OFFICIAL DUTIES, AND A PUBLIC UTILITY EMPLOYEE OR CONTRACTOR**
23 **ACTING WITHIN THE SCOPE OF THAT PERSON'S EMPLOYMENT WHEN**
24 **RESPONDING TO A PUBLIC UTILITY EMERGENCY.**

25 (B) **THE USE OF A MOBILE ELECTRONIC DEVICE FOR EMERGENCY**
26 **PURPOSES, INCLUDING A TEXT MESSAGING DEVICE TO CONTACT A 9-1-1**
27 **SYSTEM, OR AN EMERGENCY CALL TO A LAW ENFORCEMENT AGENCY, HEALTH**

1 CARE PROVIDER, FIRE DEPARTMENT, OR OTHER EMERGENCY SERVICES
2 AGENCY OR ENTITY TO REPORT TO APPROPRIATE AUTHORITIES A FIRE,
3 TRAFFIC ACCIDENT, SERIOUS ROAD HAZARD, OR MEDICAL OR HAZARDOUS
4 MATERIALS EMERGENCY; TO REPORT THE OPERATOR OF ANOTHER MOTOR
5 VEHICLE WHO IS DRIVING IN A RECKLESS OR OTHERWISE UNSAFE MANNER
6 OR WHO APPEARS TO BE DRIVING UNDER THE INFLUENCE OF ALCOHOL OR
7 DRUGS; OR TO REPORT A CRIME.

8 (C) THE USE OF A GLOBAL POSITIONING OR NAVIGATION SYSTEM
9 FEATURE OF A MOBILE ELECTRONIC DEVICE IF INFORMATION IS NOT
10 ENTERED BY HAND INTO THE GLOBAL POSITIONING OR NAVIGATION SYSTEM
11 FEATURE OF THE MOBILE ELECTRONIC DEVICE.

12 (D) READING, SELECTING, OR ENTERING A TELEPHONE NUMBER OR
13 NAME IN A MOBILE ELECTRONIC DEVICE FOR THE PURPOSE OF MAKING OR
14 RECEIVING A TELEPHONE CALL OR IF A PERSON OTHERWISE ACTIVATES OR
15 DEACTIVATES A FEATURE OR FUNCTION OF A MOBILE ELECTRONIC DEVICE.

16 (E) THE USE OF A MOBILE ELECTRONIC DEVICE IN A VOICE-
17 OPERATED OR HANDS-FREE MODE IF THE OPERATOR OF THE MOTOR VEHICLE
18 DOES NOT USE HIS OR HER HANDS TO OPERATE THE DEVICE, EXCEPT TO
19 ACTIVATE OR DEACTIVATE A FEATURE OR FUNCTION OF THE MOBILE
20 ELECTRONIC DEVICE OR THE USE OF A MOBILE ELECTRONIC DEVICE THAT
21 IS INTEGRATED INTO A MOTOR VEHICLE AND UTILIZES THE USER
22 INTERFACES THAT ARE PERMANENTLY INSTALLED INTO THE MOTOR VEHICLE.

23 (3) A PERSON SHALL NOT OPERATE A MOTOR VEHICLE OR SCHOOL BUS
24 WHILE WEARING HEADPHONES OR EARPHONES IN BOTH EARS SIMULTANEOUSLY
25 FOR THE PURPOSES OF LISTENING TO MUSIC, VIDEO, OR OTHER SOUND
26 BROADCASTS.

27 (4) A PERSON SHALL NOT OPERATE A MOTOR VEHICLE OR SCHOOL BUS

1 WHILE ACCESSING, READING, OR POSTING TO A SOCIAL NETWORKING SITE.

2 (5) A PERSON SHALL NOT OPERATE A MOTOR VEHICLE OR SCHOOL BUS
3 WHILE VIEWING, RECORDING, OR TRANSMITTING A VIDEO ON A MOBILE
4 ELECTRONIC DEVICE.

5 (6) ~~(2)~~—Except as otherwise provided in this section, a
6 person shall not read, manually type, or send a text message on a
7 wireless 2-way communication device that is located in the
8 person's hand or in the person's lap, including a wireless
9 telephone used in cellular telephone service or personal
10 communication service, while operating a commercial motor vehicle
11 ~~or a school bus~~ on a highway or street in this state. As used in
12 this subsection, ~~a wireless~~ "**WIRELESS 2-WAY COMMUNICATION DEVICE**"
13 **MEANS A MOBILE TELEPHONE AS THAT TERM IS DEFINED IN 49 CFR 390.5.**
14 **WIRELESS** 2-way communication device does not include a global
15 positioning or navigation system that is affixed to the
16 commercial motor vehicle. ~~or school bus.~~

17 (7) ~~(3)~~—Except as otherwise provided in this section, a
18 person shall not use a hand-held mobile telephone to conduct a
19 voice communication while operating a commercial motor vehicle ~~or~~
20 ~~a school bus~~ on a highway, including while temporarily stationary
21 due to traffic, a traffic control device, or other momentary
22 delays. This subsection does not apply if the operator of the
23 commercial vehicle ~~or school bus~~ has moved the vehicle to the
24 side of, or off, a highway and has stopped in a location where
25 the vehicle can safely remain stationary. As used in this
26 subsection, "mobile telephone" **MEANS THAT TERM AS DEFINED IN 49**
27 **CFR 390.5. MOBILE TELEPHONE** does not include a 2-way radio

1 service or citizens band radio service. As used in this
2 subsection, "use a hand-held mobile telephone" means 1 or more of
3 the following:

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

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

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

13 **(8)** ~~(4)~~ Subsections ~~(1)~~, ~~(2)~~, ~~(6)~~ and ~~(3)~~ ~~(7)~~ do not apply
14 to an individual who is using a device described in subsection
15 ~~(1)~~ ~~(6)~~ or ~~(3)~~ ~~(7)~~ to do any of the following:

16 (a) Report a traffic accident, medical emergency, or serious
17 road hazard.

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

20 (c) Report or avert the perpetration or potential
21 perpetration of a criminal act against the individual or another
22 person.

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

26 (e) Operate or program the operation of an automated motor
27 vehicle while testing or operating the automated motor vehicle

1 without a human operator **WHILE THE AUTOMATED DRIVING SYSTEM IS**
2 **ENGAGED.**

3 ~~———— (5) Subsection (1) does not apply to a person using an on-~~
4 ~~demand automated motor vehicle network.~~

5 **(9) ~~(6) An~~ EXCEPT AS PROVIDED IN SUBSECTION (10), AN**
6 individual who violates this section is responsible for a civil
7 infraction and shall be ordered to pay a civil fine, **COMMUNITY**
8 **SERVICE, OR BOTH,** as follows:

9 (a) For a first violation, \$100.00 **OR 16 HOURS OF COMMUNITY**
10 **SERVICE.**

11 (b) For a second or subsequent violation, ~~\$200.00.~~**\$250.00 OR**
12 **24 HOURS OF COMMUNITY SERVICE, OR BOTH.**

13 **(10) IF AN INDIVIDUAL IS INVOLVED IN AN ACCIDENT AT THE TIME**
14 **THE INDIVIDUAL VIOLATES THIS SECTION, THE CIVIL FINE ORDERED MUST**
15 **BE DOUBLE THE AMOUNT UNDER SUBSECTION (9) AND A LAW ENFORCEMENT**
16 **OFFICER INVESTIGATING THE ACCIDENT SHALL INDICATE IN A WRITTEN**
17 **ACCIDENT REPORT THAT THE INDIVIDUAL WAS USING A MOBILE ELECTRONIC**
18 **DEVICE AT THE TIME OF THE ACCIDENT.**

19 **(11) ~~(7)~~ This section supersedes all local ordinances**
20 **regulating the use of a communications device while operating a**
21 **motor vehicle in motion on a highway or street, except that a**
22 **unit of local government may adopt an ordinance or enforce an**
23 **existing ordinance substantially corresponding to this section.**

24 **(12) A COURT MAY SUSPEND AN INDIVIDUAL'S DRIVER LICENSE FOR**
25 **NOT MORE THAN 90 DAYS IF THE INDIVIDUAL IS RESPONSIBLE FOR 3 OR**
26 **MORE CIVIL INFRACTIONS UNDER THIS SECTION WITHIN A 3-YEAR PERIOD.**

27 **(13) A LAW ENFORCEMENT OFFICER ENFORCING THIS SECTION MAY**

1 TREAT A VIOLATION OF THIS SECTION AS THE PRIMARY OR SOLE REASON
2 FOR ISSUING A CITATION TO A DRIVER. A LAW ENFORCEMENT OFFICER
3 SHALL NOT SEARCH A MOTOR VEHICLE OR THE DRIVER OR PASSENGER IN
4 THE MOTOR VEHICLE SOLELY BECAUSE OF A VIOLATION OF THIS SECTION.

5 (14) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AS USED
6 IN THIS SECTION:

7 (A) "MOBILE ELECTRONIC DEVICE" MEANS ANY HANDHELD OR
8 PORTABLE ELECTRONIC DEVICE CAPABLE OF PROVIDING WIRELESS DATA OR
9 VOICE COMMUNICATION BETWEEN 2 OR MORE INDIVIDUALS OR AMUSEMENT,
10 INCLUDING A CELLULAR TELEPHONE; BROADBAND PERSONAL COMMUNICATION
11 DEVICE; 2-WAY MESSAGING DEVICE; TEXT MESSAGING DEVICE; PAGER;
12 ELECTRONIC DEVICE THAT CAN RECEIVE OR TRANSMIT TEXT OR CHARACTER-
13 BASED IMAGES, ACCESS OR STORE DATA, OR CONNECT TO THE INTERNET;
14 PERSONAL DIGITAL ASSISTANT; LAPTOP COMPUTER; COMPUTER TABLET;
15 STAND-ALONE COMPUTER; PORTABLE COMPUTING DEVICE; MOBILE DEVICE
16 WITH A TOUCHSCREEN DISPLAY THAT IS DESIGNED TO BE WORN;
17 ELECTRONIC GAME; EQUIPMENT THAT IS CAPABLE OF PLAYING A VIDEO,
18 TAKING PHOTOGRAPHS, CAPTURING IMAGES, OR RECORDING OR
19 TRANSMITTING VIDEO; AND ANY SIMILAR DEVICE THAT IS READILY
20 REMOVABLE FROM A VEHICLE AND IS USED TO WRITE, SEND, OR READ TEXT
21 OR DATA OR CAPTURE IMAGES OR VIDEO THROUGH MANUAL INPUT. MOBILE
22 ELECTRONIC DEVICE DOES NOT INCLUDE A RADIO DESIGNED FOR THE
23 CITIZENS BAND SERVICE OR THE AMATEUR RADIO SERVICE OF THE FEDERAL
24 COMMUNICATIONS COMMISSION OR A COMMERCIAL 2-WAY RADIO
25 COMMUNICATIONS DEVICE OR EQUIPMENT PERMANENTLY INSTALLED IN A
26 MOTOR VEHICLE.

27 (B) "OPERATE" MEANS TO DRIVE OR ASSUME PHYSICAL CONTROL OF A

1 MOTOR VEHICLE ON A PUBLIC WAY, STREET, ROAD, OR HIGHWAY,
2 INCLUDING OPERATION WHILE TEMPORARILY STATIONARY BECAUSE OF
3 TRAFFIC, ROAD CONDITIONS, A TRAFFIC LIGHT, OR A STOP SIGN.
4 OPERATE DOES NOT INCLUDE A MOTOR VEHICLE THAT IS LAWFULLY PARKED
5 OR AN AUTOMATED VEHICLE WITH AN SAE LEVEL 4 OR 5 AUTOMATED
6 DRIVING SYSTEM THAT PERFORMS DYNAMIC DRIVING TASKS IN AUTOMATED
7 MODE AS REFERENCED IN THE SOCIETY OF AUTOMOTIVE ENGINEERS, INC.
8 INTERNATIONAL STANDARD J3016, 2014 EDITION.

9 (C) "SOCIAL NETWORKING SITE" MEANS ANY WEB-BASED SERVICE
10 THAT ALLOWS INDIVIDUALS TO CONSTRUCT A PROFILE WITHIN A FOUNDED
11 SYSTEM AND COMMUNICATE WITH OTHER USERS OF THE SITE FOR SOCIAL OR
12 AMUSEMENT PURPOSES.

13 Sec. 602c. (1) Except as provided in this section, **AND IN**
14 **ADDITION TO THE REQUIREMENTS OF SECTION 602B**, an individual
15 issued a level 1 or level 2 graduated license under section 310e
16 shall not use a cellular telephone while operating a motor
17 vehicle upon a highway or street. For purposes of this
18 subsection, "use" means to initiate a call; answer a call; or
19 listen to or engage in verbal communication through the cellular
20 telephone.

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

23 (a) Report a traffic accident, medical emergency, or serious
24 road hazard.

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

27 (c) Report or avert the perpetration or potential

1 perpetration of a criminal act against the individual or another
2 person.

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

5 (3) ~~(4)~~—An individual who violates this section is
6 responsible for a civil infraction.

7 (4) ~~(5)~~—This section supersedes all local ordinances
8 regulating the use of a cellular telephone by an individual
9 issued a level 1 or level 2 graduated license while operating a
10 motor vehicle in motion on a highway or street, except that a
11 unit of local government may adopt an ordinance or enforce an
12 existing ordinance substantially corresponding to this section.

13 (5) ~~(6)~~—This section shall be known and may be cited as
14 "Kelsey's Law".

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

25 (a) Not more than 5 days after a conviction, forfeiture of
26 bail, or entry of a civil infraction determination or default
27 judgment upon a charge of or citation for violating or attempting

1 to violate this act or a local ordinance substantially
2 corresponding to this act regulating the operation of vehicles on
3 highways.

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

9 (c) Immediately for each case charging a violation of
10 section 82127(1) or (3) or 81134 of the natural resources and
11 environmental protection act, 1994 PA 451, MCL 324.82127 and
12 324.81134, or a local ordinance substantially corresponding to
13 those sections.

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

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

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

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

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

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

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

11 (f) Whether bail was forfeited.

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

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

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

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

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

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

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

27 (d) A violation of sections 701(1) and 703 of the Michigan

1 liquor control code of 1998, 1998 PA 58, MCL 436.1701 and
2 436.1703, or a local ordinance substantially corresponding to
3 those sections.

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

6 (f) A violation of motor carrier safety regulations 49 CFR
7 392.10 or 392.11 as adopted by section 1a of the motor carrier
8 safety act of 1963, 1963 PA 181, MCL 480.11a.

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

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

18 (i) An attempt to commit an offense described in
19 subdivisions (a) to (g).

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

22 (k) A violation of section 3101, 3102(1), or 3103 of the
23 insurance code of 1956, 1956 PA 218, MCL 500.3101, 500.3102, and
24 500.3103.

25 (l) A violation listed as a disqualifying offense under 49
26 CFR 383.51.

27 (5) The clerk of the court shall also forward an abstract of

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

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

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

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

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

20 (d) The vehicle was necessary for the commission of the
21 felony.

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

27 "You are charged with the commission of a felony in which a

1 motor vehicle was used. If you are convicted and the judge finds
2 that the conviction is for a felony in which a motor vehicle was
3 used, as defined in section 319 of the Michigan vehicle code,
4 1949 PA 300, MCL 257.319, your driver's license shall be
5 suspended by the secretary of state."

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

12 "You are accused of an act the nature of which constitutes a
13 felony in which a motor vehicle was used. If the accusation is
14 found to be true and the judge or referee finds that the nature
15 of the act constitutes a felony in which a motor vehicle was
16 used, as defined in section 319 of the Michigan vehicle code,
17 1949 PA 300, MCL 257.319, your driver's license shall be
18 suspended by the secretary of state."

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

25 (10) As used in subsections (11) and (12), "felony in which
26 a commercial motor vehicle was used" means a felony during the
27 commission of which the person operated a commercial motor

1 vehicle and while the person was operating the vehicle 1 or more
2 of the following circumstances existed:

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

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

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

7 (d) The vehicle was necessary for the commission of the
8 felony.

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

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

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

1 to the secretary of state.

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

12 (a) The name and title of the person required to forward
13 abstracts.

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

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

16 (d) The following statement:

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

21 (e) Other information the secretary of state considers
22 necessary.

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

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

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

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

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

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

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

19 (d) A pedestrian, passenger, or bicycle violation, other
20 than a violation of section 703(1) or (2) of the Michigan liquor
21 control code of 1998, 1998 PA 58, MCL 436.1703, or a local
22 ordinance substantially corresponding to section 703(1) or (2) of
23 the Michigan liquor control code of 1998, 1998 PA 58, MCL
24 436.1703, or section 624a or 624b or a local ordinance
25 substantially corresponding to section 624a or 624b.

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

1 (f) A violation of section 328(1) if, before the appearance
2 date on the citation, the person submits proof to the court that
3 the motor vehicle had insurance meeting the requirements of
4 sections 3101 and 3102 of the insurance code of 1956, 1956 PA
5 218, MCL 500.3101 and 500.3102, at the time the citation was
6 issued. Insurance obtained subsequent to the time of the
7 violation does not make the violation an exception under this
8 subsection.

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

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

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

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

27 (18) The secretary of state shall inform the courts of this

1 state of the nonmoving violations and violations of chapter II
2 that are used by the secretary of state as the basis for the
3 suspension, restriction, revocation, or denial of an operator's
4 or chauffeur's license.

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

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

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

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

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

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