

SENATE BILL NO. 409

May 04, 2021, Introduced by Senators JOHNSON, RUNESTAD, SANTANA, BULLOCK, LASATA, MACDONALD and WOJNO and referred to the Committee on Judiciary and Public Safety.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

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

8 (b) A violation of section 601b(2) or (3),
9 601c(1) or (2), or 653a(3) or (4) or, beginning
10 October 31, 2010, a violation of section 601d..... 6 points

11 (c) A violation of section 625(1), (4), (5),
12 (7), or (8), section 81134 or 82127(1) of the
13 natural resources and environmental protection act,
14 1994 PA 451, MCL 324.81134 and 324.82127, or a law
15 or ordinance substantially corresponding to section
16 625(1), (4), (5), (7), or (8), or section 81134 or
17 82127(1) of the natural resources and environmental
18 protection act, 1994 PA 451, MCL 324.81134 and
19 324.82127..... 6 points

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

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

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

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

1 (h) A violation of any law or ordinance
2 pertaining to speed by exceeding the lawful maximum
3 by more than 15 miles per hour..... 4 points

4 (i) A violation of section 625(3) or (6),
5 section ~~81135 or~~ 82127(3) of the natural resources
6 and environmental protection act, 1994 PA 451, MCL
7 ~~324.81135 and~~ 324.82127, or a law or ordinance
8 substantially corresponding to section 625(3) or (6)
9 or section ~~81135 or~~ 82127(3) of the natural
10 resources and environmental protection act, 1994 PA
11 451, MCL ~~324.81135 and~~ 324.82127..... 4 points

12 (j) A violation of section 626a or a law or
13 ordinance substantially corresponding to section
14 626a..... 4 points

15 (k) A violation of section 627(6) pertaining
16 to speed in a work zone described in that section by
17 exceeding the lawful maximum by more than 10 but not
18 more than 15 miles per hour..... 4 points

19 (l) Beginning October 31, 2010, a moving
20 violation resulting in an at-fault collision with
21 another vehicle, a person, or any other object..... 4 points

22 (m) Careless driving in violation of section
23 626b or a law or ordinance substantially
24 corresponding to section 626b..... 3 points

25 (n) A violation of any law or ordinance
26 pertaining to speed by exceeding the lawful maximum
27 by more than 10 miles per hour but not more than 15
28 miles per hour..... 3 points

29 (o) A violation of section 653a(2)..... 2 points

1 (p) A violation of any law or ordinance
2 pertaining to speed by exceeding the lawful maximum
3 by more than 5 miles per hour but not more than 10
4 miles per hour..... 2 points

5 (q) A violation of any law or ordinance
6 pertaining to speed by exceeding the lawful maximum
7 by more than 1 mile per hour but not more than 5
8 miles per hour..... 1 point

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

11 (s) A violation of section 624a, 624b, or a
12 law or ordinance substantially corresponding to
13 section 624a or 624b..... 2 points

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

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

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

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

27 **(x) A third or subsequent violation of section**
28 **602b(1)..... 2 points**

29 **(y) A second violation of section 602b(1)..... 1 point**

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

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

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

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

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

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

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

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

1 driver to appear in that state to contest the violation, upon
2 receipt of the abstract of conviction by the secretary of state,
3 the violation ~~shall~~**must** be noted on the driver's record, but ~~no~~
4 points ~~shall~~**must not** be assessed against his or her ~~driver's~~
5 **driver** license.

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

1 is specifically designed and configured to allow voice-operated and
2 hands-free operation and is being used in that manner by the person
3 while operating the motor vehicle. This subsection does not apply
4 to a person who holds or uses a portable electronic device while
5 operating a motor vehicle if the vehicle is stopped at the side of
6 or off of a public highway in a location where the vehicle is not
7 otherwise prohibited from stopping by law, rule, regulation, or a
8 lawful order or direction of a police officer.

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

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

1 **telephone** does not include a 2-way radio service or citizens band
2 radio service. As used in this subsection, "use a hand-held mobile
3 telephone" means 1 or more of 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 requires
9 a driver to maneuver so that he or she is no longer in a seated
10 driving position, restrained by a seat belt that is installed as
11 required by 49 CFR 393.93 and adjusted in accordance with the
12 vehicle manufacturer's instructions.

13 (4) Subsections (1), (2), and (3) do not apply to an
14 individual who is using a device described in subsection (1) or (3)
15 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 her
19 personal safety is in jeopardy.

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

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

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

29 (5) Subsection (1) does not apply to a person using an on-

1 demand automated motor vehicle network.

2 (6) An individual who violates this section is responsible for
3 a civil infraction and ~~shall~~**must** be ordered to pay a civil fine as
4 follows:

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

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

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

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

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

19 (10) As used in this section:

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

21 (i) A wireless telephone.

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

25 (iii) A personal digital assistant.

26 (iv) A device that has mobile data access.

27 (v) A laptop computer.

28 (vi) A pager.

29 (vii) A broadband personal communication device.

1 (viii) A 2-way messaging device.

2 (ix) An electronic game.

3 (x) A portable computing device.

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

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

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

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

14 (i) Conducting a search.

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

16 (iii) Playing games.

17 (iv) For the purpose of present or future communication, doing
18 1 or more of the following:

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

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

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

1 communication through the cellular telephone.

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

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

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

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

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

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

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

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

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

1 record shall prepare and forward to the secretary of state an
2 abstract of the court record as follows:

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

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

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

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

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

1 correct. An abstract or report ~~shall~~**must** include all of the
2 following:

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

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

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

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

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

13 (f) Whether bail was forfeited.

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

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

18 (i) Other information considered necessary to the secretary of
19 state.

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

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

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

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

29 (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 436.1703,
2 or a local ordinance substantially corresponding to those sections.

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

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

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

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

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

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

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

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

26 (5) The clerk of the court shall also forward an abstract of
27 the court record to the secretary of state if a person has pled
28 guilty to, or offered a plea of admission in a juvenile proceeding
29 for, a violation of section 703 of the Michigan liquor control code

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

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

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

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

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

29 (8) If a juvenile is accused of an act, the nature of which

1 constitutes a felony in which a motor vehicle was used, other than
2 a felony specified in subsection (4) or section 319, the
3 prosecuting attorney or family division of circuit court shall
4 include the following statement on the petition filed in the court:

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

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

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

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

28 (11) If a person is charged with a felony in which a
29 commercial motor vehicle was used and for which a vehicle group

1 designation on a license is subject to suspension or revocation
2 under section 319b(1) (c) (iii), 319b(1) (d), 319b(1) (e) (iii), or
3 319b(1) (f) (i), the prosecuting attorney shall include the following
4 statement on the complaint and information filed in district or
5 circuit court:

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

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

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

28 (a) The name and title of the person required to forward
29 abstracts.

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

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

3 (d) The following statement:

4 "I certify that all abstracts required by section 732 of the
5 Michigan vehicle code, **1949 PA 300**, MCL 257.732, ~~MSA 9.2432~~, for
6 the period _____ through _____ have been
7 forwarded to the secretary of state."

8 (e) Other information the secretary of state considers
9 necessary.

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

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

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

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

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

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

29 (c) A violation of chapter II that is not the basis for the

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

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

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

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

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

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

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

29 (17) Except as otherwise provided in this subsection, the

1 secretary of state shall discard and not enter on the master
2 driving record an abstract for a bond forfeiture that occurred
3 outside this state. The secretary of state shall enter on the
4 master driving record an abstract for a conviction as defined in
5 section 8a(b) that occurred outside this state in connection with
6 the operation of a commercial motor vehicle or for a conviction of
7 a person licensed as a commercial motor vehicle driver.

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

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

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

1 (21) Notwithstanding any other law of this state, a court
2 shall not take under advisement an offense committed by a person
3 while operating a motor vehicle for which this act requires a
4 conviction or civil infraction determination to be reported to the
5 secretary of state. A conviction or civil infraction determination
6 that is the subject of this subsection ~~shall~~**must** not be masked,
7 delayed, diverted, suspended, or suppressed by a court. Upon a
8 conviction or civil infraction determination, the conviction or
9 civil infraction determination ~~shall~~**must** immediately be reported
10 to the secretary of state in accordance with this section.

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

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