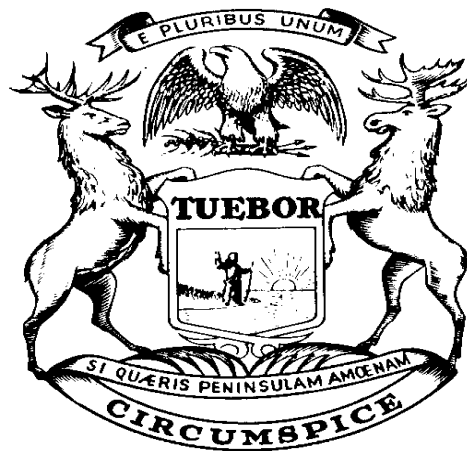


MICHIGAN ASSOCIATION OF DISTRICT COURT MAGISTRATES CONFERENCE

SEPTEMBER 2016



DEPARTMENT OF STATE UPDATE BY:

LEE ANN GASPAR
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GASPARL@MICHIGAN.GOV

Court Liaison

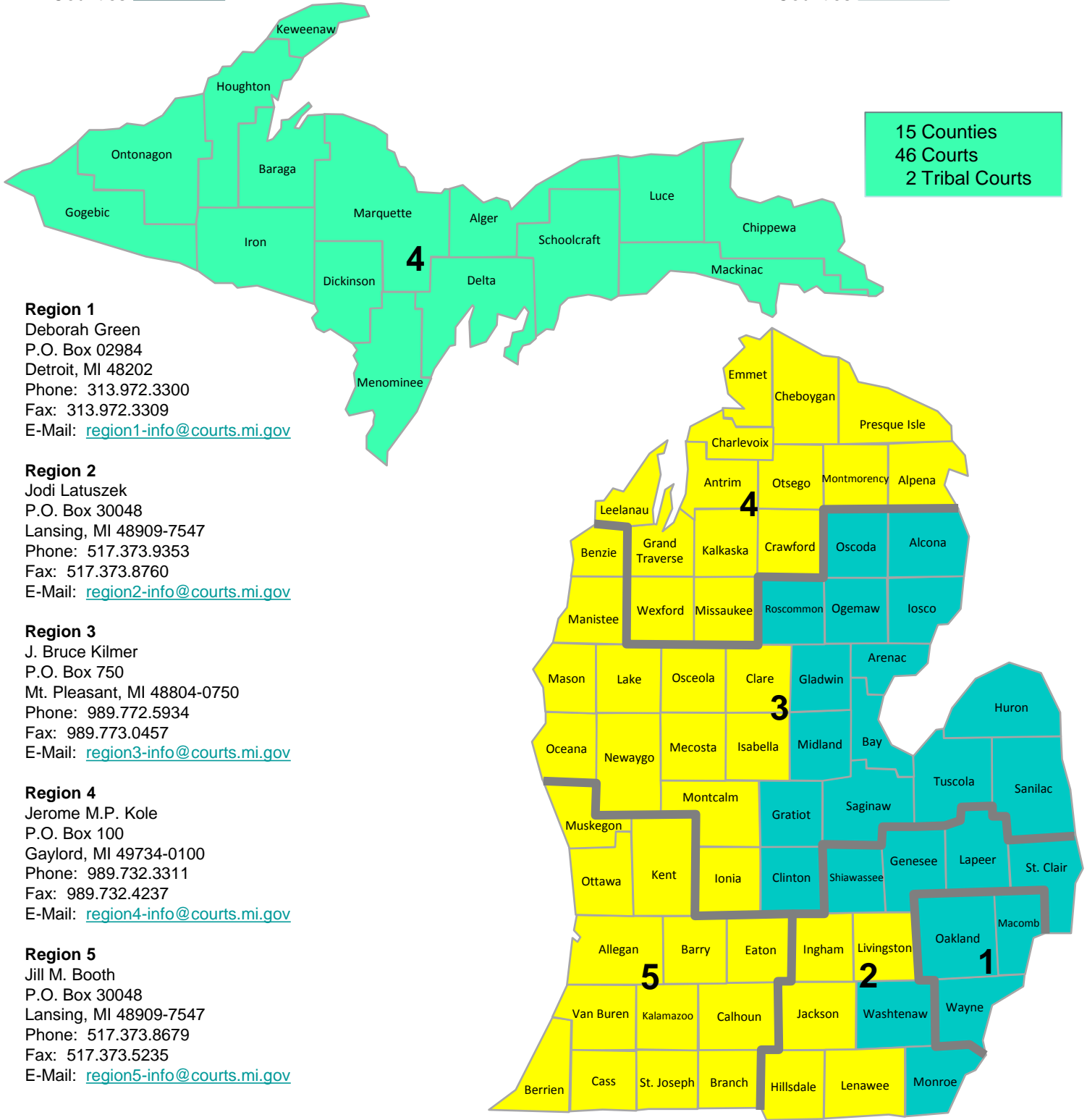
David Handsor
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Fax: 517.322.1072
Email: handsord@michigan.gov
Counties 

Court Liaison

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Counties 



15 Counties
46 Courts
2 Tribal Courts

Region 1

Deborah Green
P.O. Box 02984
Detroit, MI 48202
Phone: 313.972.3300
Fax: 313.972.3309
E-Mail: region1-info@courts.mi.gov

Region 2

Jodi Latuszek
P.O. Box 30048
Lansing, MI 48909-7547
Phone: 517.373.9353
Fax: 517.373.8760
E-Mail: region2-info@courts.mi.gov

Region 3

J. Bruce Kilmer
P.O. Box 750
Mt. Pleasant, MI 48804-0750
Phone: 989.772.5934
Fax: 989.773.0457
E-Mail: region3-info@courts.mi.gov

Region 4

Jerome M.P. Kole
P.O. Box 100
Gaylord, MI 49734-0100
Phone: 989.732.3311
Fax: 989.732.4237
E-Mail: region4-info@courts.mi.gov

Region 5

Jill M. Booth
P.O. Box 30048
Lansing, MI 48909-7547
Phone: 517.373.8679
Fax: 517.373.5235
E-Mail: region5-info@courts.mi.gov

Driver Records Activity Unit - Abstracts
Phone: 517.322.1598
Fax: 517.322.6570

44 Counties
148 Courts
2 Tribal Courts

24 Counties
137 Courts

Michigan Department of State Frequently Called Telephone/Fax Numbers

CDL Help Desk ----- 517-322-5555

Driver Records Activity Unit

Abstracts ----- 517-322-1598
Email----- sosabpr@michigan.gov
Fax----- 517-322-6570
Actions----- 517-322-6406
Email----- sosap@michigan.gov
Fax (Death Certificate Notification)----- 517-322-1072
Combines/Alias----- 517-322-6692
Email----- combines@michigan.gov
Fax----- 517-322-1072

FAC/FCJ Fee Transmittal (Dept of Treasury)----- 517-373-8730

Financial Responsibility (Sobriety Check Inquires)----- 517-322-6406

General Information ----- 888-767-6424

Implied Consent----- 517-322-1182

Inventory Services Section ----- 517-335-4793

Fax----- 517-373-1475

(To order forms, pamphlets, etc.)

Out-of-State Resident Services ----- 517-322-1473

Record Look-up Unit----- 517-322-1624

Driver Responsibility Fee

(Department of State)..... 888-767-6424

(Department of Treasury*) 800-950-6227

* Telephone lines for Department of Treasury are open from 8 a.m. – 9 p.m. Monday thru Thursday, 8 a.m. – 7 p.m. on Friday and from 8 a.m. – 12 noon on Saturday.

SOS LEIN Hours of Operation----- 8 a.m. – 5 p.m. Monday thru Friday

(Covered Holidays from 9 a.m. – 5 p.m. are Martin Luther King Jr Day, President’s Day, Day after Thanksgiving, Christmas Eve, and New Years Eve)

Note: **All Law Enforcement LEIN Operators should have an emergency contact list for after hours.**

Act No. 138
Public Acts of 2016
Approved by the Governor
May 25, 2016
Filed with the Secretary of State
May 26, 2016

EFFECTIVE DATE: 91st day after final adjournment of 2016 Regular Session

**STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2016**

Introduced by Senators Stamas, Horn, Schmidt and Hansen

ENROLLED SENATE BILL No. 501

AN ACT to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of manufacturers, the manufacturers of automated technology, upfitters, owners, and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending section 302a (MCL 257.302a), as amended by 2006 PA 298.

The People of the State of Michigan enact:

Sec. 302a. (1) Except as otherwise provided by this act, and as provided in this section, a nonresident operator of a motor vehicle who is the holder of a license to operate a motor vehicle issued by a country other than the United States is not required to obtain a license to operate a passenger vehicle in this state if he or she does not receive compensation for such operation. The nonresident operator may operate a motor vehicle in compliance with otherwise applicable state and federal law using the license to operate a motor vehicle issued by a country other than the United States if the country that issued the nonresident operator's license is a party to an international treaty, convention, or agreement regulating traffic, driving, or the operation of motor vehicles to which the United States or this state is also a party, according to the terms of that treaty, convention, or agreement. If the issuing country is not a party to a treaty, convention, or agreement described in this subsection, the nonresident operator may operate a motor vehicle using the license issued by his or her home country if he or she would otherwise be able to satisfy the requirements of section 307(1) except for any requirement to establish an address in this state or residency. While operating a passenger vehicle in this state, a nonresident operator who is the holder of a license to operate a motor vehicle issued by a country other than the United States shall have in his or her immediate possession his or her valid license to operate a motor vehicle issued by that country and, if no English translation appears on the front or back of the license, 1 of the following:

(a) A valid international driving permit.

(b) If the license to operate a motor vehicle is issued by a country that does not permit the issuance of an international driving permit, a document containing a photo and an English translation that substantially corresponds to an international driving permit, which shall be used solely to properly identify the individual appearing on the license for the purpose of enforcing this act.

(2) The secretary of state shall establish a unique driver record for an individual upon receipt of an abstract of conviction for any offense committed in violation of this act by that individual who is operating a motor vehicle in this state as provided in subsection (1). The operation of a motor vehicle in this state by an individual who possesses a valid license to operate a motor vehicle issued by a country other than the United States is subject to this act.

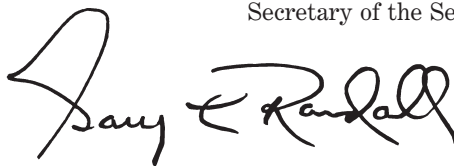
(3) An individual for whom a unique driver record has been created under subsection (2) is subject to all fees, fines, restrictions, and enforcement as if he or she were licensed under this act.

(4) Nothing in this section prohibits the secretary of state from entering into a reciprocal agreement and exchanging letters confirming the extension of privileges to operate vehicles with another country.

(5) The secretary of state shall publish on its website a list of the countries with which it has entered into a reciprocal agreement described in subsection (4).



Secretary of the Senate



Clerk of the House of Representatives

Approved

.....
Governor

International Drivers' Licenses and Reciprocity Update

There are different sources of authority, including international treaties and state and federal laws, which govern the operation of commercial and non-commercial vehicles by persons licensed in foreign countries. The licenses of residents of foreign countries that are considered valid are listed below. An international driving permit is not required. For licenses that are not in English, an interpreter may be required to determine the license's validity.

Courts and law enforcement should not seize and destroy foreign drivers' licenses pursuant to section 625g of the Michigan Vehicle Code.

1943 Convention on the Regulation of Inter-American Automotive Traffic

Residents of countries that are signatories to the 1943 Convention may drive in this country if they have a valid **non-commercial** or **commercial** driver's license issued by their country of residence or an authorized political subdivision of that country. These countries include:

Mexico	Honduras
Brazil	Nicaragua
Colombia	Panama
Costa Rica	Uruguay
El Salvador	

1949 Convention on Road Traffic

Residents of countries that are signatories to the 1949 Convention may drive in this country if they have a valid **non-commercial** driver's license issued by their country of residence. These countries include:

Albania	Central African Rep.	Gambia	Japan
Algeria	Chile	Georgia	Jordan
Argentina	China (Taiwan)	Ghana	Korea
Australia	Congo	Greece	Kyrgyz Rep.
Austria	Congo Democratic Rep.	Grenada	Laos
Bahamas	Cote d'Ivoire	Guatemala	Lebanon
Bangladesh	Cuba	Guyana	Lesotho
Barbados	Cyprus	Haiti	Luxembourg
Belgium	Czech Rep.	Hong Kong	Macao
Belize	Denmark	Hungary	Madagascar
Benin	Dominican Rep.	Iceland	Malawi
Botswana	Ecuador	India	Malaysia
Bulgaria	Egypt	Ireland	Mali
Burkina Faso	Fiji	Israel	Malta
Cambodia	Finland	Italy	Mauritius
Canada	France	Jamaica	Monaco

Morocco	Portugal	Slovak Rep.	Tunisia
Namibia	Romania	South Africa	Turkey
Netherlands	Russian Federation	Spain	Uganda
New Zealand	Rwanda	Sri Lanka	United Arab Emirates
Niger	St. Lucia	Suriname	United Kingdom
Nigeria	St. Vincent & the Grenadines	Swaziland	Vatican City
Norway	San Marino	Sweden	Venezuela
Papua New Guinea	Senegal	Syrian Arab Rep.	Vietnam Rep.
Paraguay	Serbia and Montenegro	Tanzania	Western Samoa
Peru	Seychelles	Thailand	Yugoslavia
Philippines	Sierra Leone	Togo	Zambia
Poland	Singapore	Trinidad & Tobago	Zimbabwe

Commercial Drivers' Licenses Issued by Canada and Mexico

If a driver has a valid commercial driver's license issued by Canada or Mexico, the license must be honored as required by federal law (see 49 USC 31301 *et seq.* and 49 CFR 383.23).

Special Reciprocity Agreements with Germany and the Republic of Korea

Pursuant to MCL 257.302a(2) of the Michigan Vehicle Code, the Secretary of State has determined that the standards for licensing operators in Germany and the Republic of Korea correspond substantially to those of the State of Michigan. Therefore, reciprocal driving privileges were extended to Germany, effective November 10, 1997, and to the Republic of Korea effective, February 14, 2012. Persons holding valid driver licenses issued by Germany or the Republic of Korea may operate passenger vehicles in Michigan on such licenses, if they are not receiving compensation for such operation. The privileges extended to Germany and Republic of Korea have not been withdrawn.

If you have any questions, please contact the Michigan Department of State at (888) SOS-MICH; (888) 767-6424.

Act No. 111
Public Acts of 2016
Approved by the Governor
May 10, 2016
Filed with the Secretary of State
May 10, 2016
EFFECTIVE DATE: August 8, 2016

**STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2016**

Introduced by Reps. Durhal, Derek Miller, Dillon, Brunner, Smiley, Moss, Chirkun, Wittenberg, Yanez, Banks, Geiss, Faris, LaVoy, Guerra, Jacobsen, Poleski, Zemke, Glenn, Heise, Hovey-Wright, Darany, Lane, Talabi, Garrett, Cochran, Singh, Greimel, Sarah Roberts and Kosowski

ENROLLED HOUSE BILL No. 4187

AN ACT to amend 1931 PA 328, entitled "An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," (MCL 750.1 to 750.568) by adding section 377d; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 377d. (1) A person who willfully and maliciously damages, destroys, injures, defaces, dismantles, tampers with, or removes a traffic control device is guilty of a crime as follows:

(a) Except as provided in subdivisions (b) and (c), the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(b) A person who violates this section and has 1 prior conviction for violating this section is guilty of a misdemeanor punishable by imprisonment for not more than 180 days or a fine of not more than \$1,000.00, or both.

(c) A person who violates this section and has 2 or more prior convictions for violating this section is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$10,000.00, or both.

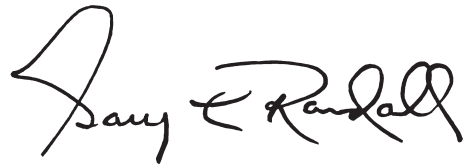
(2) This section does not prohibit the person from being charged with, convicted of, or sentenced for any other violation of law arising out of the same transaction as the violation of this section in addition to being charged with, convicted of, or sentenced for the violation of this section.

(3) As used in this section, "traffic control device" means a sign, signal, electronic traffic control sign or signal, marking, light post, railroad sign or signal, or device not inconsistent with the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic, maintaining highway safety, or providing information to motor vehicle operators.

Enacting section 1. Section 616 of the Michigan vehicle code, 1949 PA 300, MCL 257.616, is repealed.

Enacting section 2. This amendatory act takes effect 90 days after the date it is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor

Act No. 117
Public Acts of 2016
Approved by the Governor
May 17, 2016
Filed with the Secretary of State
May 17, 2016
EFFECTIVE DATE: August 15, 2016

STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2016

Introduced by Rep. Lucido

ENROLLED HOUSE BILL No. 4436

AN ACT to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of manufacturers, the manufacturers of automated technology, upfitters, owners, and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending section 323 (MCL 257.323), as amended by 2001 PA 159.

The People of the State of Michigan enact:

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 shall 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 shall 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, 1 or more 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 at least 1 year. The petitioner shall bear the cost of an ignition interlock device required under this subdivision. A restricted license shall 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 500.3103 to 500.3179.

(d) A requirement that a restricted license issued to the petitioner shall 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).

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

MEMORANDUM

DATE: May 3, 2016

TO: Circuit, District, Family and Municipal Court Judges and Staff

FROM: Court Liaisons; Kari Ferri, Lee Ann Gaspar, and David Handsor
Michigan Department of State

SUBJECT: 2013 Public Act 231 (SB 169)

Effective March 27, 2014, the Michigan Department of State implemented Public Act 231 of 2013, amending 257.663 and 257.665 of the Motor Vehicle Code.

MCL 257.663 provides except as otherwise provided in section 665, a person shall not operate an automated motor vehicle upon a highway or street in automatic mode.

MCL 257.665 requires; (1) Before beginning research or testing of an automated motor vehicle or any automated technology installed in a motor vehicle under this section, the manufacturer of automated technology performing that research or testing shall submit proof satisfactory to the secretary of state that the vehicle is insured under chapter 31 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179.

(2) A manufacturer of automated technology shall ensure that all of the following circumstances exist when researching or testing the operation of an automated motor vehicle or any automated technology installed in a motor vehicle upon a highway or street:

(a) The vehicle is operated only by an employee, contractor, or other person designated or otherwise authorized by that manufacturer of automated technology.

(b) An individual is present in the vehicle while it is being operated on a highway or street of this state and that individual has the ability to monitor the vehicle's performance and, if necessary, immediately take control of the vehicle's movements.

(c) The individual operating the vehicle under subdivision (a) and the individual who is present in the vehicle for purposes of subdivision (b) are licensed to operate a motor vehicle in the United States.

Improper Operation – Automated Vehicle cited under MCL 257.663 is a civil infraction; 2 points will be assessed, and is eligible for abstract of conviction and FCJ suspension. These convictions and suspensions shall be submitted to MDOS using offense code 2675.

Page 2
2013 Public Act 231
May 3, 2016

The Michigan Department of State Court Manual, and the offense code listing located on our web site at: http://www.michigan.gov/documents/OffenseCode_73877_7.pdf will be updated to reflect these changes.

If you have any questions, please contact Court Liaisons Kari Ferri (517) 636-0962, Lee Ann Gaspar (810)762-0764 or David Handsor (517) 636-0129.

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

FOR PUBLICATION
March 22, 2016
9:00 a.m.

v

MARCUS MCCANN,

No. 325281
Bay Circuit Court
LC No. 11-010380-FH

Defendant-Appellee.

Before: SERVITTO, P.J., and GADOLA and O'BRIEN, JJ.

PER CURIAM.

Plaintiff appeals, by leave granted, the court order denying it relief from judgment in connection with an order requiring the Secretary of State to strike defendant's conviction of operating while intoxicated causing serious injury, MCL 257.625(5), from his driving record and directing that his driving privileges be adjusted accordingly. Because MCL 257.732(22) precludes the trial court from ordering the expunction of defendant's conviction from the Secretary of State driving abstract, we reverse.

Defendant was the driver of a vehicle involved in an accident on December 26, 2010. He ultimately pleaded guilty to operating under the influence of liquor causing serious injury, MCL 257.625(5); operating with a forged license, MCL 257.324(1); and operating with a blood alcohol level of .17 or more, MCL 257.625(1)(c). The plea agreement included a recommendation that the plea to operating under the influence of liquor causing serious injury (hereafter OUIL) be accepted for delayed sentence under MCL 771.1.

On August 20, 2012, defendant was sentenced to deferred time of 88 days in jail for operating with a forged license and 180 days for operating with a blood alcohol level of .17 or more, while sentencing on OUIL was delayed. An abstract of defendant's conviction was created and sent to the Secretary of State, which resulted in defendant's driving privileges being revoked. On May 5, 2014, pursuant to an amended plea agreement, defendant's plea to OUIL was withdrawn and the charge was dismissed. A modified abstract was created and sent to the Secretary of State.

In August 2014, defendant filed a motion to amend his Secretary of State driving abstract to remove the conviction for OUIL, as that conviction still appeared on his driving abstract and precluded him from having his driving privileges reinstated. At the conclusion of a hearing, at

which no representative from the Secretary of State appeared, the trial court granted the requested relief.

Plaintiff moved for relief from judgment, and at the conclusion of a hearing on the motion, the trial court stated that it would rule in favor of defendant based on MCL 771.1. The trial court opined that defendant performed as required under the delayed sentencing provision, and the ends of justice did not require defendant to suffer penalties from the Secretary of State for a conviction that he does not have. The trial court ordered that defendant's driving record be amended to reflect the dismissal of the OUIL count, and his eligibility to obtain driving privileges be adjusted accordingly. The trial court entered an order consistent with its ruling and denying plaintiff's motion for relief from judgment on December 4, 2014. We granted plaintiff leave to appeal that decision.

On appeal, plaintiff contends that the Michigan Vehicle Code prohibits the trial court from ordering the Secretary of State to strike defendant's conviction from his driving record even though the conviction was dismissed by the trial court under a delayed sentence plea agreement. We agree.

The scope of a trial court's powers is a question of law, calling for review de novo. *Traxler v Ford Motor Co*, 227 Mich App 276, 280; 576 NW2d 398 (1998). The interpretation of a statute presents a question of law, which this Court also reviews de novo. *People v Droog*, 282 Mich App 68, 70; 761 NW2d 822 (2009). "The primary goal of statutory interpretation is to ascertain the legislative intent that may reasonably be inferred from the statutory language. The first step in that determination is to review the language of the statute itself." *Spectrum Health Hosps v Farm Bureau Mut Ins Co of Michigan*, 492 Mich 503, 515; 821 NW2d 117 (2012).

This case concerns the interplay between certain provisions of the Michigan Vehicle Code, MCL 257.1, *et seq.* and MCL 771.1, which permits delayed sentencing as follows:

(1) In all prosecutions for felonies, misdemeanors, or ordinance violations other than murder, treason, criminal sexual conduct in the first or third degree, armed robbery, or major controlled substance offenses, if the defendant has been found guilty upon verdict or plea and the court determines that the defendant is not likely again to engage in an offensive or criminal course of conduct and that the public good does not require that the defendant suffer the penalty imposed by law, the court may place the defendant on probation under the charge and supervision of a probation officer.

(2) In an action in which the court may place the defendant on probation, the court may delay sentencing the defendant for not more than 1 year to give the defendant an opportunity to prove to the court his or her eligibility for probation or other leniency compatible with the ends of justice and the defendant's rehabilitation, such as participation in a drug treatment court under chapter 10A of the revised judicature act of 1961, 1961 PA 236, MCL 600.1060 to 600.1082. When sentencing is delayed, the court shall enter an order stating the reason for the delay upon the court's records. The delay in passing sentence does not deprive

the court of jurisdiction to sentence the defendant at any time during the period of delay. [MCL 771.1].

The Michigan Vehicle Code, at MCL 257.732 provides, in part:

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

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

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

* * *

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

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

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

(c) The date and nature of the violation.

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

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

(f) Whether bail was forfeited.

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

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

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

* * *

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

* * *

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

* * *

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

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

At issue in this case is whether the dismissal of charges following delayed sentencing constitutes an “expunction” for purposes of MCL 257.732(22). This Court has addressed issues involving a trial court’s requiring the Secretary of State to amend an individual’s driving record. In *Droog*, 282 Mich App at 69, for example, the defendant had been convicted of obtaining a controlled substance by fraud, which conviction was reported to the Secretary of State as required by MCL 257.732(4)(i). After serving a term of probation and performing community service, the defendant sought to have her conviction set aside pursuant to MCL 780.621. *Id.* The trial court held that although the defendant had satisfied that statute’s requirements for having her conviction set aside, the court could not properly do so because of the decree in MCL 257.732(22) that “a court shall not order expunction of any violation reportable to the secretary of state under this section.” *Id.* at 70. This Court reversed, explaining that “the expunction of a record maintained by the Secretary of State is a much different matter from the setting aside of a

criminal conviction.” *Id.* at 72. “The two statutes have to do with different subjects and, thus, their provisions are not in conflict.” *Id.* The *Droog* Court thus held that “[t]he Vehicle Code limitation on a court’s authority to order the expunction of a Secretary of State record does not affect the authority granted by the Code of Criminal Procedure to set aside a criminal conviction.” *Droog*, 282 Mich App at 72.

In *Matheson v Secretary of State*, 170 Mich App 216, 220-221; 428 NW2d 31 (1988), lv den 432 Mich 879 (1989), this Court also noted the different purposes behind revocation of driving privileges and criminal punishments:

[R]evocation or suspension of a person's driving privileges by the Secretary of State is not enhancement of a punishment against the person, but rather is an administrative action aimed at the protection of the public. Revocation of a license to operate a motor vehicle upon conviction of certain offenses is not a criminal penalty nor part of the sentence of the court and is not punishment for the offense. While suspension or revocation may have a chastening effect, the purpose of those procedures is for public safety. (citations omitted).

Clearly, the Vehicle Code does not prevent removal of convictions from a criminal record. *Droog*, 282 Mich App at 72. However, removal of a conviction from a criminal record does *not* require removal of it from a report maintained by the Secretary of State under the Vehicle Code.

This Court has recognized that the Secretary of State’s driving records are distinct from criminal records in both purpose and scope. *Droog*, 282 Mich App at 72; *Matheson*, 170 Mich App at 220-221. Although a trial judge has discretion to delay sentencing or otherwise exercise leniency following a guilty plea, see MCL 771.1, the Vehicle Code regards the plea at issue as a conviction. MCL 257.8a.¹ The reasoning behind the distinction also likely hinges on the purpose of criminal penalties versus administrative driving sanctions. A trial court may delay sentencing under MCL 771.1(1) when it “determines that the defendant is not likely again to engage in an offensive or criminal course of conduct and that the public good does not require that the defendant suffer the penalty imposed by law” In contrast, the Secretary of State is concerned with public safety. The trial court’s decision to mitigate the legal consequences of defendant’s felony driving offense does not change the fact that defendant committed that violation.

Here, the trial court forwarded an abstract listing the felony conviction following defendant’s guilty plea. Although the Vehicle Code also requires a trial court to forward abstracts to the Secretary of State following the dismissal of charges, MCL 257.732(1)(b), it does

¹ MCL 257.8a(a) defines “conviction” for purposes of the Vehicle Code to include “a plea of guilty or nolo contendere if accepted by the court.” For that reason, that the instant case concerns an order dismissing the charge entirely upon the prosecution’s request for *nolle prosequi* after a period of delayed sentencing, while *Droog* concerned a motion to set aside a formally entered conviction whose sentence was served, is of no consequence. It is simply a distinction without a difference.

not command the secretary to take specific action in response. On the other hand, the Vehicle Code is clear that “[e]xcept as provided in this act and notwithstanding any other provision of law, a court shall not order expunction of any violation reportable to the secretary of state under this section.” MCL 257.732(22). Moreover, this Court stated in *Droog*, 282 Mich App at 74, that if a conviction is a violation reportable to the Secretary of State, the Secretary of State cannot be required to expunge the record of the violation if the underlying conviction has been set aside. *Id.* at 74. By analogous reasoning, a trial court may not require the Secretary of State to amend driving records when a conviction is dismissed following guilty plea and delayed sentencing.

Reversed.

/s/ Deborah A. Servitto

/s/ Michael F. Gadola

/s/ Colleen A. O'Brien

Act No. 32
Public Acts of 2016
Approved by the Governor
March 8, 2016
Filed with the Secretary of State
March 8, 2016
EFFECTIVE DATE: June 6, 2016

**STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2016**

Introduced by Senator Schuitmaker

ENROLLED SENATE BILL No. 176

AN ACT to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of manufacturers, the manufacturers of automated technology, upfitters, owners, and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending the title and sections 20d, 212, 304, 319, 625k, 625l, and 732a (MCL 257.20d, 257.212, 257.304, 257.319, 257.625k, 257.625l, and 257.732a), the title as amended by 2013 PA 231, section 20d as added by 2008 PA 462, sections 212 and 319 as amended by 2015 PA 11, section 304 as amended by 2013 PA 226, sections 625k and 625l as amended by 2008 PA 461, and section 732a as amended by 2014 PA 250, and by adding section 625q.

The People of the State of Michigan enact:

TITLE

An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of manufacturers, the manufacturers of certain devices, the manufacturers of automated technology, upfitters, owners, and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to regulate and certify the manufacturers of certain devices; to provide for approval and certification of installers and servicers of certain devices; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.

Sec. 20d. "Ignition interlock device" or "breath alcohol ignition interlock device" or "BAIID" means an alcohol concentration measuring device that prevents a motor vehicle from being started at any time without first determining through a deep lung sample the operator's alcohol level, calibrated so that the motor vehicle cannot be started if the breath alcohol level of the operator, as measured by the test, reaches a level of 0.025 grams per 210 liters of breath, and to which all of the following apply:

(a) The device meets or exceeds the model specifications for breath alcohol ignition interlock devices (BAIID), 78 FR 26849 - 26867 (May 8, 2013) or any subsequent model specifications.

(b) The device utilizes alcohol-specific electrochemical fuel sensor technology.

(c) As its anticircumvention method, the device installation uses a positive-negative-positive air pressure test requirement, a midtest hum tone requirement, or any other anticircumvention method or technology that first becomes commercially available after July 31, 2007 and that is approved by the department as equally or more effective.

Sec. 212. (1) If the secretary of state is authorized or required to give notice under this act or other law regulating the operation of a vehicle, unless a different method of giving notice is otherwise expressly prescribed, notice shall be given either by personal delivery to the person to be notified or by first-class United States mail addressed to the person at the address shown by the record of the secretary of state. The giving of notice by mail is complete upon the expiration of 5 days after mailing the notice.

(2) Any notice required to be provided under this act may be provided by electronic means.

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

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

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

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

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

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

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

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

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

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

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

(e) Section 319e(2)(a) or (b).

(f) Section 320(1)(d).

(g) Section 321a(1), (2), or (3).

(h) Section 323c.

(i) Section 625f.

(j) Section 732a(5).

(k) Section 904(10).

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

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

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

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

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

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

(i) The person's residence.

(ii) The person's work location.

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

(iv) Alcoholics anonymous, narcotics anonymous, or other court-ordered self-help programs.

(v) Court hearings and probation appointments.

(vi) Court-ordered community service.

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

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

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

(x) Ignition interlock service provider as required.

(5) 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.

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

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

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

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

(d) The person satisfies the requirements of section 303 and R 257.313 of the Michigan administrative code.

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

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

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

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

(9) If the secretary of state receives a notification from the DWI/sobriety court under section 1084(6) of the revised judiciary act of 1961, 1961 PA 236, MCL 600.1084, the secretary of state shall summarily impose 1 of the following license sanctions, as applicable:

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

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

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

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

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

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

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

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

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

(A) Section 625.

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

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

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

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

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

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

(b) At the end of the person's participation in the DWI/sobriety court program, the driver responsibility fees shall be assessed and paid under the payment schedule described in section 732a.

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

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

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

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

(14) As used in this section:

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

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

Sec. 319. (1) The secretary of state shall immediately suspend a person's license as provided in this section upon 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) If the person has 1 prior conviction for an offense described in this subsection 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) 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 shall be 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 shall be 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.

Sec. 625k. (1) An ignition interlock device (BAIID) manufacturer seeking certification of a device in this state shall do all of the following:

(a) Complete an application to the department for certification of the BAIID.

(b) Submit a report from a department-approved or National Highway Traffic Safety Administration-approved laboratory certifying that the BAIID meets or exceeds the model specifications for BAIIDs, 78 FR 26849 - 26867 (May 8, 2013), or any subsequent version. Subject to subsection (5), the department shall provide a list of all manufacturers of approved certified devices to each person who is approved to be issued a restricted license that permits the person to drive a vehicle only if equipped with a BAIID. The department shall rotate the order of the providers with each list provided under this subsection. Any model of an ignition interlock device certified by a department-approved laboratory as complying with the model specifications for breath alcohol ignition interlock devices (BAIIDs), 57 FR 11772-11787 (April 7, 1992), that was installed in a vehicle before the effective date of the amendatory act that added this subdivision may be used in this state for the 24 months after the effective date of the amendatory act that added this subdivision.

(c) Ensure that a BAIID is capable of recording a digital image of the individual providing the sample, and record the time and date the sample was provided on or logically associated with the digital image. A BAIID presented to the department for certification may include additional technological features, including, but not limited to, the ability to remotely report information collected by the device.

(d) Agree to ensure proper record keeping in a format approved by the department and provide testimony relating to any aspect of the installation, service, repair, use, removal, or interpretation of any report or information recorded in the data storage system of a device or performance of any other duties required by this act at no cost on behalf of the state or any political subdivision of the state.

(2) The secretary of state shall promulgate rules to implement this section in compliance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(3) The manufacturer of an ignition interlock device shall bear the cost of that device's certification.

(4) A laboratory that certifies an ignition interlock device as provided in this section shall immediately notify the department of that certification.

(5) The department shall not include the manufacturer of a certified ignition interlock device on the list of manufacturers published under subsection (1) unless the manufacturer complies with all of the following:

(a) The manufacturer has filed copies of all of the following with the department:

(i) A bond executed as provided in section 625o or a letter of credit.

(ii) Proof of liability insurance issued by an insurance company authorized to do business in this state specifying all of the following:

(A) That the policy is current and shall remain valid during the duration of device approval.

(B) The name and model number of the device model covered by the policy.

(C) That the policy has a minimum coverage of \$1,000,000.00 per occurrence and \$3,000,000.00 in the aggregate.

(D) That the policy will indemnify the department and any other person injured as a result of any defects in manufacture, materials, design, calibration, installation, or operation of the device.

(iii) An affidavit that the ignition interlock device meets or exceeds all of the following conditions:

(A) Meets the definition in section 20d.

(B) Is set to periodically take samples while the vehicle is in operation. After the vehicle is in operation, the device requires a first retest sample within 5 to 15 minutes of the operator starting the vehicle. The device prompts second and subsequent retests within 15 to 45 minutes of the first retest. The operator of the vehicle is afforded not more than 5 minutes to provide a passing retest sample for each retest prompted by the device. The device accepts multiple attempts to provide a retest sample without initiating a lockout. If the device detects an alcohol content of 0.025 grams or more per 210 liters of breath in the person who offers a breath sample or if a breath sample is not given within the allotted time the device does all of the following:

(I) Emits a visible or audible warning signal.

(II) Renders the vehicle inoperable as soon as the vehicle is no longer being operated, requiring the operator to provide a breath sample containing a breath alcohol level of less than 0.025 grams per 210 liters of breath before the vehicle may be restarted.

(III) Disables the free restart as defined by the National Highway Traffic Safety Administration standards.

(IV) Activates a violation reset. The device initiates an audible or visual cue that warns the driver that the device will enter a permanent lockout in 5 days.

(b) Agrees to have service locations within 50 miles of any location within this state. A manufacturer may request a waiver of this requirement from the secretary of state if the manufacturer is unable to secure an installation facility within 50 miles of any location in this state. Subject to review, the secretary of state may determine whether the manufacturer's waiver request shall be approved. The secretary of state shall only approve a waiver of the 50-mile requirement and designate a location not meeting the 50-mile requirement as a service center if the service center employs a BAIID certified installer who shall perform any installation or service to a BAIID at that location. If the secretary of state approves a waiver of the 50-mile requirement, that waiver applies only to the approved location. A manufacturer shall make a separate request for a waiver of the 50-mile requirement for any additional installation facility not meeting the 50-mile requirement.

(c) Agrees to provide an ignition interlock device without cost to a person whose gross income for the immediately preceding tax year based on his or her state income tax return was less than 150% of the official poverty line for that same tax year established in the poverty guidelines issued by the secretary of health and human services under 42 USC 9902. A person in whose vehicle an ignition interlock device is installed without cost under this subdivision shall pay a maintenance fee to the installer of not more than \$2.00 per day.

(d) Agrees to comply with the reporting requirements of the secretary of state.

(e) Agrees to periodically monitor installed ignition interlock devices and if monitoring indicates that the device has been circumvented, tampered with, or that a person with a breath alcohol level of 0.025 or more grams per 210 liters of breath has attempted to operate the motor vehicle, or both, to communicate all of the relevant information concerning these facts to the secretary of state, and to the court if appropriate.

(6) A manufacturer that has made a filing under subsection (5) shall immediately notify the department if the device no longer meets the requirements of subsection (5).

(7) Upon the request of the department, the BAIID manufacturer shall, at no cost to this state, provide the department with not less than 2 BAIIDs for each model that is certified under this section for demonstration and training purposes by the department.

(8) Upon the request of the department, the BAIID manufacturer shall, at no cost to this state, install 1 of each device that is certified under this section in a vehicle provided by the department. Any service performed under this subsection, including, but not limited to, installation, maintenance, calibration, or removal, shall be completed at no cost to this state.

(9) Upon the request of the department, for each BAIID model approved by the department, the BAIID manufacturer shall provide a total of not less than 10 hours of training to department employees at no cost to this state. This training shall be held at the times and locations within the state designated by the department. The training shall be designed to familiarize department employees with the installation, operation, service, repair, and removal of the BAIIDs and include the training and instructions that a BAIID installer will give to customers. The BAIID manufacturer shall also provide the department, upon request, with the following information:

(a) A detailed description of the device, including complete instructions for installation, operation, service, repair, and removal of the BAIID.

(b) Complete technical specifications, including detailed explanations and definitions of all data log entries.

(10) A BAIID manufacturer shall notify the department not less than 15 days before implementation of any modification, upgrade, or alteration to any hardware, software, or firmware of a device certified for use in this state. The notification shall include both of the following:

(a) A description and explanation of the modification, upgrade, or alteration and proof satisfactory to the department that these modifications, upgrades, or alterations do not adversely affect the ability of the device to satisfy the requirements of this section and section 625L.

(b) A comprehensive plan of action for the phasing out of the use of the current device. This plan of action must be approved by the department prior to the implementation of the plan of action.

(11) Any equipment in the possession of the department that was retained for certification of the device shall be modified, upgraded, or altered simultaneously with the implementation of a plan of action under subsection (10). The department, in its discretion, may retain a BAIID device regardless of whether the device is no longer the current version or model of that device.

(12) Material modifications to a certified BAIID device may require recertification under this section as determined by the department.

(13) A BAIID manufacturer shall apply to the department annually for recertification of BAIID devices it manufactures.

(14) The department is responsible for approving BAIID service centers for operation in this state. The department shall not approve a BAIID service center unless all of the following conditions are satisfied:

(a) Only service centers that are BAIID manufacturer and vendor approved shall install, service, or remove BAIIDs approved for use in this state.

(b) Except as provided in subdivision (d), beginning July 1, 2016, a BAIID shall only be installed, serviced, or removed in a motor vehicle repair facility. As used in this subdivision, "motor vehicle repair facility" means that term as defined in section 2 of the motor vehicle service and repair act, 1974 PA 300, MCL 257.1302.

(c) A service center shall be located in a fixed facility within this state.

(d) A business that installs, services, or removes a BAIID, including a BAIID manufacturer's corporate office located in this state, that is installing, repairing, or removing BAIID devices on the effective date of the amendatory act that amended this section may install, service, and remove BAIIDs in this state without being certified as a motor vehicle repair facility under the motor vehicle service and repair act, 1974 PA 300, MCL 257.1302 to 257.1340, if the business employs a certified BAIID installer to perform any installation, service, or removal of a BAIID.

(e) Each service center shall have not less than 1 individual who is a mechanic and who possesses a specialty certification in BAIID service under section 10(1)(j) of the motor vehicle service and repair act, 1974 PA 300, MCL 257.1310, and holds a BAIID certification under this section to work as a BAIID installer.

(f) Each service center shall maintain and make available for inspection records that prove that each certified BAIID installer working at the service center has been properly trained by the BAIID manufacturer to service the BAIID for which the center is a vendor.

(g) Each service center shall provide a designated waiting area for customers that is separate from the area in which BAIIDs are installed or serviced.

(h) Only certified BAIID installers and representatives of the BAIID manufacturer or the department shall be allowed to observe the installation or removal of a BAIID.

(i) Adequate security measures shall be taken to ensure that unauthorized personnel are not allowed access to proprietary materials of BAIID manufacturers or files of customers.

(j) BAIID manufacturer service centers shall install, maintain, service, and remove all BAIIDs handled by that service center and perform any other services determined necessary by the department for using those BAIIDs in this state.

(k) The BAIID manufacturer shall inform the department of a change in its service center's business address 15 days prior to the date of any relocation.

- (l) BAIIDs approved for use in this state shall only be serviced by service centers located within this state, unless the customer is unable to return to this state for service because of a significant personal hardship.
- (m) If a BAIID is serviced by a service center outside of this state, the BAIID service provider shall ensure that all of the following requirements are met:
- (i) The BAIID operates using the same firmware that is used for devices in this state.
 - (ii) The data recorded by the BAIID remain intact on the device for later retrieval by a service center in this state or the data are transferred to a BAIID manufacturer database for review.
 - (n) Service centers shall make the addresses of their locations available to the department.
 - (o) BAIIDs for use in this state shall be installed and shall be removed only in a service center approved by the department for installing that device under this subsection.
 - (p) Each application for approval shall be for a single service center. A separate service center application is required for each additional service center.
 - (q) Before issuance of approval, the department may require an on-site evaluation to ensure compliance with the requirements of this section and section 625l.
 - (r) The department's approval of a service center shall be for a period of 1 year. The renewal process shall be the same as the initial service center approval process under this section.
- (15) The department may conduct inspections of a manufacturer or a BAIID service center to ensure compliance with this act and rules promulgated to implement this act. The manufacturer shall pay for the actual costs to the department in conducting an inspection under this subsection.
- (16) An individual shall not install, service, or remove a BAIID in this state without being certified by the department under this section.
- (17) All BAIID installations shall be done in a workmanlike manner by a BAIID certified installer at an approved service center and shall be in accordance with the standards set forth in this section and with the requirements of the manufacturer. All BAIIDs installed shall be in working order and shall perform in accordance with the standards set forth in this act. All connections shall be covered with a tamper seal.
- (18) Upon completion of the installation of a BAIID required under this act, the approved BAIID certified installer shall provide the customer with installation verification in the form and format designated by the department.
- (19) A manufacturer shall ensure that BAIID certified installers meet the following requirements:
- (a) Possess the appropriate certification from the department under this section.
 - (b) Possess and maintain all necessary training and skills required to install, examine, troubleshoot, and verify the proper operation of BAIIDs.
 - (c) Possess the tools, test equipment, and manuals needed to install, inspect, download, calibrate, repair, maintain, service, and remove BAIID devices.
 - (d) Provide all persons who will use the vehicle with written and hands-on training regarding the operation of a vehicle equipped with the BAIID and ensure that each of those persons demonstrates a properly delivered alveolar breath sample and an understanding of how the abort test feature works.
- (20) An individual who has been convicted of an alcohol-related driving offense or any offense classified as a felony in this state or elsewhere within 5 years before the date of filing an application for approval as a BAIID certified installer is not eligible for approval as a BAIID certified installer under this act.
- (21) The following requirements apply to a BAIID certified installer under this act:
- (a) Be not less than 18 years of age.
 - (b) Possess a valid driver license.
 - (c) Be a motor vehicle mechanic as defined in section 2 of the motor vehicle service and repair act, 1974 PA 300, MCL 257.1302, and possess a specialty certification in BAIID service under section 10(1)(j) of the motor vehicle service and repair act, 1974 PA 300, 257.1310.
 - (d) Be certified as a BAIID installer under this section.
- (22) To be certified as a BAIID installer under this section, the individual shall meet all of the following requirements:
- (a) Possess a specialty certification in BAIID installation under section 10(1)(j) of the motor vehicle service and repair act, 1974 PA 300, MCL 257.1310.
 - (b) Properly complete and file a BAIID installer application form with the department.
 - (c) Beginning 180 days after the effective date of the amendatory act that added this subdivision, be a mechanic who is certified as a mechanic with a specialty certification in BAIID service under section (10)(1)(j) of the motor vehicle service and repair act, 1974 PA 300, MCL 257.1310, and hold a BAIID certification under this section.

(d) Submit a criminal history report certified by the department of state police within the immediately preceding 30 days.

(e) Meet the requirements of the department for certification under this act.

(23) Each application for approval shall be for a single BAIID installer. A separate BAIID installer application is required for each additional BAIID installer.

(24) The department's approval of a BAIID installer is for 1 year. The renewal process shall be the same as the initial BAIID installer approval process under this section.

Sec. 625l. (1) The manufacturer of an ignition interlock device shall design a warning label, and the person who has an ignition interlock device shall promptly affix that label to each ignition interlock device upon installation. The label shall contain a warning that any person tampering with, circumventing, or otherwise misusing the device is guilty of a misdemeanor punishable as provided by law.

(2) A person who is only permitted to operate a motor vehicle equipped with an ignition interlock device shall not operate a motor vehicle on which an ignition interlock device is not properly installed.

(3) A person who has an ignition interlock device installed and whose driving privilege is restricted shall not request, solicit, or allow any other person to blow into an ignition interlock device or to start a vehicle equipped with the device for the purpose of providing the person whose driving privilege is restricted with an operable vehicle.

(4) A person shall not blow into an ignition interlock device or start a motor vehicle equipped with the device for the purpose of providing an operable vehicle to a person who has an interlock device installed and whose driving privilege is restricted.

(5) A person shall not tamper with or circumvent the operation of an ignition interlock device.

(6) A person who violates subsection (2), (3), (4), or (5) is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than \$5,000.00, or both.

(7) If a law enforcement officer detains the operator of a motor vehicle for violating a law of this state or a local ordinance and the operator is a person required to only operate a motor vehicle with an ignition interlock device properly installed, but no ignition interlock device is properly installed on the motor vehicle, the law enforcement officer shall impound the motor vehicle. If a motor vehicle impounded under this subsection is individually or jointly owned by the operator, the law enforcement officer shall do all of the following:

(a) Immediately confiscate the motor vehicle registration plate and destroy it.

(b) Issue a temporary registration plate for the vehicle in the same manner prescribed by the secretary of state for temporary registration plates issued under section 226a or 226b.

(c) Place the temporary registration plate issued under subdivision (b) on the motor vehicle in the manner prescribed by the secretary of state.

(d) Notify the secretary of state through the law enforcement information network in a form prescribed by the secretary of state that the registration plate was destroyed and a temporary registration plate was issued to the motor vehicle.

(8) A temporary registration plate issued under this section is valid until the charges for violating subsection (2) are dismissed, the person pleads guilty or no contest to the charge, or the person is found guilty of or is acquitted of the charge.

(9) If the motor vehicle impounded under this section is not owned individually or jointly by the operator, the law enforcement officer shall impound the motor vehicle by contacting a local towing agency. The motor vehicle shall only be returned to the registered owner.

(10) The owner of a motor vehicle impounded under this section is liable for the expenses incurred in the removal and storage of the motor vehicle whether or not it is returned to him or her. The motor vehicle shall be returned to the owner only if the owner pays the expenses of removal and storage. If redemption is not made or the vehicle is not returned as described under this subsection, it shall be considered an abandoned vehicle and disposed of under section 252a.

Sec. 625q. (1) The secretary of state may investigate a BAIID installer's compliance with section 625k and shall suspend, revoke, or deny an individual's certification as a BAIID installer under section 625k if the secretary of state determines that 1 or more of the following apply:

(a) The BAIID installer violated section 625k or a rule promulgated under section 625k.

(b) The BAIID installer committed a fraudulent act in connection with the installation, monitoring, servicing, or removal of a BAIID.

(c) The BAIID installer performed improper, careless, or negligent inspection, installation, monitoring, servicing, or removal of the BAIID.

- (d) The BAIID installer made a false statement of a material fact regarding his or her actions in inspecting, installing, monitoring, servicing, or removing a BAIID.
- (2) The department shall notify a manufacturer within 14 days of the date the department decertifies an installer that one of the manufacturer's installers has been decertified.
- (3) A person who knowingly provides false information to the department under section 625k(4) or (5) is guilty of a felony punishable by imprisonment for not less than 5 years or more than 10 years or a fine of not less than \$5,000.00 or more than \$10,000.00, or both, together with costs of the prosecution.
- (4) A person who negligently provides false information to the department under section 625k(4) or (5) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both, together with costs of the prosecution.
- (5) A person who knowingly fails to comply with section 625k(6) is guilty of a felony punishable by imprisonment for not less than 5 years or more than 10 years or a fine of not less than \$5,000.00 or more than \$10,000.00, or both, together with the costs of prosecution.
- (6) A person who negligently fails to comply with section 625k(6) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both, together with the costs of prosecution.
- (7) The department may suspend or revoke the certification of a manufacturer and its device from the list of approved certified BAIIDs for any of the following reasons:
- (a) The manufacturer, the manufacturer's BAIIDs, or the manufacturer's installer or service provider no longer complies with the requirements of section 625k or 625l or the relevant rules promulgated under section 625k or 625l.
- (b) The manufacturer or the installer and service provider authorized to install and service the manufacturer's BAIIDs have failed to submit reports required under section 625k or the relevant rules promulgated under section 625k in a timely manner in the form prescribed by the department.
- (8) Before removing a manufacturer from the list of manufacturers of approved certified BAIIDs under section 625k, the administrator shall give the manufacturer written notice of the reasons for the removal.
- (9) The notice issued under subsection (8) shall also indicate that suspension or revocation will occur 30 days after the date of the notice unless the manufacturer establishes, to the satisfaction of the administrator, that both of the following apply:
- (a) The conditions set forth in subsection (7)(a) and (b) no longer exist.
- (b) The manufacturer, the manufacturer's BAIIDs, or the manufacturer's installer or service provider, as applicable, is complying with the requirements of section 625k or 625l and the relevant rules promulgated under section 625k or 625l.
- (10) The administrator may order a summary suspension or revocation of the certification of a manufacturer and its device from the list of approved certified BAIIDs under section 625k for the following reasons:
- (a) Repeated failure to submit reports in a timely manner.
- (b) Repeated failure to report violations as required by the applicable administrative rules.
- (c) Repeated submission of inaccurate violation reports or annual reports to the department.
- (d) The manufacturer, installer, or service provider has provided an individual with a bypass code.
- (e) The manufacturer, installer, or service provider has shown or instructed an individual how to tamper with or circumvent a BAIID.
- (f) The manufacturer, installer, or service provider has provided a sample to start a vehicle for an individual, in an attempt to circumvent a BAIID.
- (g) The manufacturer, installer, or service provider has allowed an individual other than the individual specified in section 625k(14)(h) to observe the installation or removal of a BAIID.
- (h) The BAIID no longer meets the National Highway Safety Traffic Administration's standards or no longer meets the requirements of section 625k or 625l.
- (11) The manufacturer to whom a summary order is directed shall immediately comply with that order but, upon application to the department, shall be afforded a hearing by the department within 30 days after the date of the application. On the basis of a hearing under this subsection, the order shall be continued, modified, or held in abeyance not later than 30 days after the hearing is held.
- (12) The secretary of state may promulgate rules to implement this section in compliance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

Sec. 732a. (1) An individual, whether licensed or not, who accumulates 7 or more points on his or her driving record under sections 320a and 629c within a 2-year period for any violation not listed under subsection (2) shall be assessed a \$100.00 driver responsibility fee. For each additional point accumulated above 7 points not listed under subsection (2),

an additional fee of \$50.00 shall be assessed. The secretary of state shall collect the fees described in this subsection once each year that the point total on an individual driving record is 7 points or more. This subsection is subject to subsection (11).

(2) An individual, whether licensed or not, who violates any of the following sections or another law or local ordinance that substantially corresponds to those sections shall be assessed a driver responsibility fee as follows:

(a) Subject to subsection (11), upon posting an abstract indicating that an individual has been found guilty for a violation of law listed or described in this subdivision, the secretary of state shall assess a \$1,000.00 driver responsibility fee each year for 2 consecutive years:

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

(ii) Section 601b(2) or (3), 601c(1) or (2), 601d, 626(3) or (4), or 653a(3) or (4).

(iii) Section 625(1), (4), or (5), section 625m, or section 81134 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134, or a law or ordinance substantially corresponding to section 625(1), (4), or (5), section 625m, or section 81134 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134.

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

(v) Fleeing or eluding an officer.

(b) Subject to subsection (11), upon posting an abstract indicating that an individual has been found guilty for a violation of law listed in this subdivision, the secretary of state shall assess a \$500.00 driver responsibility fee each year for 2 consecutive years:

(i) Section 625(3), (6), (7), or (8).

(ii) Section 626 or, beginning October 31, 2010, section 626(2).

(iii) Section 904.

(iv) Section 3101, 3102(1), or 3103 of the insurance code of 1956, 1956 PA 218, MCL 500.3101, 500.3102, and 500.3103.

(c) Through September 30, 2012, upon posting an abstract indicating that an individual has been found guilty for a violation of section 301, the secretary of state shall assess a \$150.00 driver responsibility fee each year for 2 consecutive years. However, a driver responsibility fee shall not be assessed under this subdivision for a violation committed on or after October 1, 2012.

(d) Through September 30, 2012, upon posting an abstract indicating that an individual has been found guilty or determined responsible for a violation listed in section 328, the secretary of state shall assess a \$200.00 driver responsibility fee each year for 2 consecutive years. However, a driver responsibility fee shall not be assessed under this subdivision for a violation committed on or after October 1, 2012.

(3) The secretary of state shall send a notice of the driver responsibility assessment, as prescribed under subsection (1) or (2), to the individual by regular mail to the address on the records of the secretary of state. If payment is not received within 30 days after the notice is mailed, the secretary of state shall send a second notice that indicates that if payment is not received within the next 30 days, the driver's driving privileges will be suspended.

(4) The secretary of state may authorize payment by installment for a period not to exceed 24 months or, alternatively, the individual may engage in community service under section 732b.

(5) Except as otherwise provided under this subsection and section 732b, if payment is not received or an installment plan is not established after the time limit required by the second notice prescribed under subsection (3) expires, the secretary of state shall suspend the driving privileges until the assessment and any other fees prescribed under this act are paid. However, if the individual's license to operate a motor vehicle is not otherwise required under this act to be denied, suspended, or revoked, the secretary of state shall reinstate the individual's operator's driving privileges if the individual requests an installment plan under subsection (4) and makes proper payment under that plan. Fees required to be paid for the reinstatement of an individual's operator's driving privileges as described under this subsection shall, at the individual's request, be included in the amount to be paid under the installment plan. If the individual establishes a payment plan as described in this subsection and subsection (4) but the individual fails to make full or timely payments under that plan, or enters into community service under section 732b but fails to successfully complete that service within the 45-day period allowed, or withdraws from community service with or without good cause shown, the secretary of state shall suspend the individual's driving privileges. The secretary of state shall only reinstate a license under this subsection once. Not later than April 1, 2013, the secretary of state shall only reinstate a license under this subsection 3 times.

(6) A fee shall not be assessed under this section for 7 points or more on a driving record on October 1, 2003. Points assigned after October 1, 2003 shall be assessed as prescribed under subsections (1) and (2), but subject to subsection (11).

(7) A driver responsibility fee shall be assessed under this section in the same manner for a conviction or determination of responsibility for a violation or an attempted violation of a law of this state, of a local ordinance substantially corresponding to a law of this state, or of a law of another state substantially corresponding to a law of this state.

(8) The fire protection 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. The state treasurer shall credit to the fund interest and earnings from fund investments. 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 department of licensing and regulatory affairs shall expend money from the fund, upon appropriation, only for fire protection grants to cities, villages, and townships with state-owned facilities for fire services, as provided in 1977 PA 289, MCL 141.951 to 141.956.

(9) The secretary of state shall transmit the fees collected under this section to the state treasurer. The state treasurer shall credit fee money received under this section in each fiscal year as follows:

(a) The first \$8,500,000.00 shall be credited to the fire protection fund created in subsection (8).

(b) For fiscal year 2015, after the amount specified in subdivision (a) is credited to the fire protection fund created under subsection (8), the next \$1,550,000.00 shall be credited as follows:

(i) \$550,000.00 to the department of treasury, distributed as follows:

(A) \$500,000.00 for administering the requirements of the department of treasury under section 732b.

(B) \$50,000.00 for providing a 1-time-only written notice to individuals under section 732b(2) of the option of entering into community service as an alternative to paying a driver responsibility fee.

(ii) \$1,000,000.00 to the department of state for necessary expenses incurred by the department of state in implementing and administering the requirements of sections 625k and 625q of the Michigan vehicle code, 1949 PA 300, MCL 257.625k and 257.625q. Funds appropriated under this subparagraph shall be based upon an established cost allocation methodology that reflects the actual costs incurred or to be incurred by the secretary of state during the fiscal year. However, funds appropriated under this subparagraph shall not exceed \$1,000,000.00 during that fiscal year.

(c) For fiscal year 2016, after the amount specified in subdivision (a) is credited to the fire protection fund created under subsection (8), the next \$1,500,000.00 shall be credited as follows:

(i) \$500,000.00 to the department of treasury for administering the requirements of the department of treasury under section 732b.

(ii) \$1,000,000.00 to the department of state for necessary expenses incurred by the department of state in implementing and administering the requirements of sections 625k and 625q of the Michigan vehicle code, 1949 PA 300, MCL 257.625k and 257.625q. Funds appropriated under this subparagraph shall be based upon an established cost allocation methodology that reflects the actual costs incurred or to be incurred by the secretary of state during the fiscal year. However, funds appropriated under this subparagraph shall not exceed \$1,000,000.00 during that fiscal year.

(d) For fiscal year 2017 and for each fiscal year thereafter, after the amount specified in subdivision (a) is credited to the fire protection fund created under subsection (8), the next \$1,000,000.00 shall be credited to the department of state for necessary expenses incurred by the department of state in implementing and administering the requirements of sections 625k and 625q of the Michigan vehicle code, 1949 PA 300, MCL 257.625k and 257.625q. Funds appropriated under this subdivision shall be based upon an established cost allocation methodology that reflects the actual costs incurred or to be incurred by the secretary of state during the fiscal year. However, funds appropriated under this subdivision shall not exceed \$1,000,000.00 during any fiscal year.

(e) Any amount collected after crediting the amounts under subdivisions (a) through (d) shall be credited to the general fund.

(10) The collection of assessments under this section is subject to section 304.

(11) A driver responsibility fee shall be assessed and collected under this section as follows:

(a) For an individual who accumulates 7 or more points on his or her driving record beginning on the following dates, a fee assessed under subsection (1) shall be reduced as follows:

(i) Beginning October 1, 2015, the assessment shall be 75% of the fee calculated under subsection (1).

(ii) Beginning October 1, 2016, the assessment shall be 50% of the fee calculated under subsection (1).

(iii) Beginning October 1, 2018, the assessment shall be 25% of the fee calculated under subsection (1).

(iv) Beginning October 1, 2019, no fee shall be assessed under subsection (1).

(b) A fee assessed under subsection (2)(a) or (b) shall be reduced as follows:

(i) For a violation that occurs on or after October 1, 2015, 100% of the fee shall be assessed for the first year and 50% for the second year.

(ii) For a violation that occurs on or after October 1, 2016, 100% of the fee shall be assessed for the first year and no fee shall be assessed for the second year.

(iii) For a violation that occurs on or after October 1, 2018, 50% of the fee shall be assessed for the first year and no fee shall be assessed for the second year.

(iv) For a violation that occurs on or after October 1, 2019, no fee shall be assessed under subsection (2)(a) or (b).

(12) It is the intent of the legislature that beginning with the fiscal year ending September 30, 2018, and each fiscal year after that, \$8,500,000.00 shall be appropriated to the fire protection fund created under subsection (8).

Enacting section 1. R 257.1005 and R 257.1006 of the Michigan administrative code are rescinded.

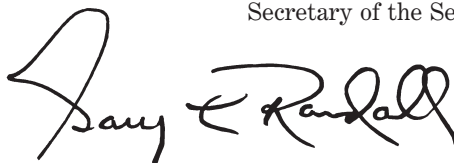
Enacting section 2. This amendatory act takes effect 90 days after the date it is enacted into law.

Enacting section 3. This amendatory act does not take effect unless Senate Bill No. 357 of the 98th Legislature is enacted into law.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

.....
Governor



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

MEMORANDUM

Date: October 6, 2015

To: Circuit, District, Family and Municipal Court Judges and Staff

From: Court Liaisons; Kari Ferri, Lee Ann Gaspar and David Handsor
Michigan Department of State

SUBJECT: FRIEND OF THE COURT (FOC) TITLE LIEN

Effective immediately, the Michigan Department of State (MDOS) will provide title liens on automobiles, watercraft and mobile homes of individuals that are found in arrearage of Friend of the Court support orders. Pursuant to 552.625 (a), (b) of the Support and Parenting Time Enforcement Act (Act 295 of 1982), the lien is effective at the time that the support is due and unpaid and continues until the amount of past due support is paid in full or the lien is terminated by the title IV-D agency.

The Department of State previously placed a hold on the title record activity. The new action is to add the court as a lien holder on the titled vehicle.

- The court must provide the Department of State with a SCAO approved Notice of Lien (FOC 90) and submit via email to:

SOS-VRAU-Friend-of-Court@michigan.gov

- Upon receipt of the lien request the Department of State will place the court as a lien holder on the title.
- The court name and address will be added to the title as a first or second secured party, providing the vehicle is not titled out of state, junked or at time of FOC request has two secured parties listed on the title.
- Courts may place a lien on multiple vehicles, if registered to claimant. If placing lien on multiple vehicle, list all vehicles on form FOC 90.
- MDOS will provide the owner with a revised title, reflecting the court as a first or secondary secured party.
- To remove the action, the courts are required to provide a Notice to Release Lien (FOC 92) to the designated Department of State email address.

If you have any questions, please contact Court Liaisons Kari Ferri (517) 636-0962, Lee Ann Gaspar (810) 762-0764 or David Handsor (517) 636-0129.



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

MEMORANDUM

DATE: October 12, 2015

TO: Circuit, District, Family and Municipal Court Judges and Staff

FROM: Court Liaisons; Kari Ferri, Lee Ann Gaspar, and David Handsor
Michigan Department of State

SUBJECT: 2015 Public Act 11 (SB 42)

Effective July 8, 2015, the Michigan Department of State implemented Public Act 11 of 2015, amending 257.324 and 257.309 of the Motor Vehicle Code.

MCL 257.324 provides that if an operator's or chauffeur's license is issued to a person based on an application that is untrue, or contains false statements as to any material matters, or was obtained by fraudulent means in the testing for or issuance of the license, then it is void from the date of issuance. The operator or chauffeur who was issued the license is considered unlicensed and the license issued shall be returned upon request or order of the department.

A person whose commercial driver license application is voided or canceled under this subsection, including as required under 49 CFR part 383, shall not reapply for a commercial driver license no sooner than 365 days after the permit or license is canceled if the person obtained the license by fraud in the testing for or issuance of the commercial driver license or commercial learner permit issued in accordance with MCL 257.309.

Fraud related to the issuance of commercial learner permit or a commercial driver license violation cited under MCL 257.309 is a felony, 0 points will be assessed, and is eligible for abstract of conviction and FAC/FCJ suspension. These convictions and suspensions shall be submitted to MDOS using offense code 3330.

The Michigan Department of State Court Manual, and the offense code listing located on our web site at: http://www.michigan.gov/documents/OffenseCode_73877_7.pdf will be updated to reflect these changes.

If you have any questions, please contact Court Liaisons Kari Ferri (517) 636-0962, Lee Ann Gaspar (810)762-0764 or David Handsor (517) 636-0129.

Public Acts 242 and 243 – Effective, September 22, 2016

Public Acts 242 and 243, effective September 22, 2016, create a one-year pilot program that will allow law enforcement officers trained as Drug Recognition Experts (DREs) to administer a saliva test to drivers suspected of being under the influence of drugs.

Pursuant to Public Act 243, the Michigan State Police (MSP) will select five counties in which to implement the pilot program. A county is eligible to participate if it has a law enforcement agency within its boundary that employs at least one law enforcement officer who is a certified drug recognition expert. MSP will develop a written policy and rules for the implementation of the pilot program and the administration of roadside drug testing.

Not more than 90 days after the program's conclusion, MSP will need to issue a report to the legislature on the selection of participant counties; participating law enforcement agencies; statistical data from the performance of the pilot project; and convictions resulting from arrests made as a result of roadside drug tests.

Upon the conclusion of the initial pilot program and subject to appropriation, MSP could establish additional pilot programs in other eligible counties for up to one year.

Public Act 242 authorizes a peace officer who is certified as a drug recognition expert in a county that participates in the pilot program to require a person to submit to a preliminary oral fluid analysis. The officer must have reasonable cause to believe that the person is operating a vehicle and that he or she, by the consumption of a controlled substance, may have affected his or her ability to operate a vehicle, or if the officer has reasonable cause to believe that the person has in his or her body any amount

of a Schedule 1 controlled substance or cocaine.

The officer may arrest the person based in whole or in part upon the results of a preliminary oral fluid analysis.

A person who submits to a preliminary oral fluid analysis will remain subject to other requirements of drunk driving laws for the purposes of chemical tests. A person who refuses to submit to a preliminary oral fluid analysis will be responsible for a civil infraction. A commercial motor vehicle operator's refusal will also result in a civil infraction.

In addition, the law specifies that, if qualified by knowledge, skill, experience, training, or education, a witness must be allowed to testify solely on the issue of impairment, but not on the issue of specific alcohol concentration level, relating to the results of any standardized field sobriety test including the horizontal gaze nystagmus (HGN) test administered by a person who had completed training in standardized field sobriety testing.

This provision will not preclude the admissibility of a non-standardized field sobriety test if it complied with the Michigan Rules of Evidence.

“Standardized field sobriety test” means one of the standardized tests validated by the National Highway Traffic Safety Administration (NHTSA). A field sobriety test is considered a standardized field sobriety test under this section if it is administered in substantial compliance with the standards prescribed by NHTSA.

**Michigan
Drunk Driving
Audit**

Annual Drunk Driving Audit — 2015

The Annual Drunk Driving Audit for 2015 will be available on the Michigan Department of State Police website in July 2016, at the address listed below:

http://www.michigan.gov/msp/0,1607,7-123-1645_3501_4626-27728--,00.html

You may also access the Annual Drunk Driving Audit by going to <http://www.michigan.gov/msp>, and then click on Media Center. Next, click on Statistics & Reports; then Michigan Drunk Driving Audit, and you will see the Statistical Reports and Data from 1999 to present.

The screenshot shows the Michigan State Police website's Media Center page. The header includes the Michigan State Police logo, navigation links (Contact MSP, Online Services, MSP Home, MI.gov), a search bar, and social media icons. The main navigation menu includes ABOUT MSP, CAREERS, SERVICES, LAW ENFORCEMENT RESOURCES, DIVISIONS, POSTS, and MEDIA CENTER. The left sidebar contains links for MEDIA CENTER, NEWS RELEASES, STOCK PHOTOS, SOCIAL MEDIA, and STATISTICS & REPORTS. The main content area is titled "Michigan Drunk Driving Audit" and includes a sub-section for "Statistical Reports and Data" with a list of links for audits from 1999 to 2014. Below the list, there are three paragraphs of text explaining the crash program, the data collection process, and the reporting system.

Contact MSP Online Services MSP Home MI.gov

Michigan State Police

Search

ABOUT MSP CAREERS SERVICES LAW ENFORCEMENT RESOURCES DIVISIONS POSTS MEDIA CENTER

MEDIA CENTER

NEWS RELEASES

STOCK PHOTOS

SOCIAL MEDIA

STATISTICS & REPORTS

MSP > MEDIA CENTER > STATISTICS & REPORTS

Michigan Drunk Driving Audit

Statistical Reports and Data

- 2014 Drunk Driving Audit
- 2013 Drunk Driving Audit
- 2012 Drunk Driving Audit
- 2011 Drunk Driving Audit
- 2010 Drunk Driving Audit
- 2009 Drunk Driving Audit
- 2008 Drunk Driving Audit
- 2007 Drunk Driving Audit
- 2006 Drunk Driving Audit
- 2005 Drunk Driving Audit
 - Conviction Disposition Data - Circuit and District Courts
 - Conviction Disposition Data - District Courts cont'd, Magistrate, Municipal, and Probate Courts
- 2004 Drunk Driving Audit
 - Conviction Disposition Data- Circuit and District Courts
 - Conviction Disposition Data - District Courts cont'd, Magistrate, Municipal, and Probate Courts
- 2003 Drunk Driving Audit
- 2002 Drunk Driving Audit
- 2001 Drunk Driving Audit
- 2000 Drunk Driving Audit
- 1999 Drunk Driving Audit

The crash program has been in existence since Public Act 300 of 1949. All law enforcement agencies in Michigan submit accident data to the MSP Criminal Justice Information Center on UD-10 Traffic Crash Reports. A crash report is completed when the driver of a motor vehicle involved in a traffic crash injures or kills any person, or damages property totaling \$1000.00 or more. It is also completed when the driver of a snowmobile or ORV is involved in a crash resulting in injuries to or the death of any person, or property damage in an estimated amount of \$100.00 or more.

The Michigan State Police Criminal Justice Information Center (CJIC) and the Office of Highway Safety Planning (OHSP), in conjunction with the University of Michigan Transportation Research Institute (UMTRI) compiles and publishes an annual report. In addition, the MSP also works with the Secretary of State (SOS) to produce a drunk driving audit report annually. This report contains cumulative and individual information regarding judge's dispositions and fines involved with drunk driving.

Reports are processed and sent to the Department of State to be applied to individual driving records. Fatal records are maintained on both the state system and the federal Fatality Analysis Reporting System (FARS) (supported by the National Highway Traffic Safety Administration).

Traffic Crash Report data is also supplied to the Michigan Department of Transportation for analysis of high crash locations and to bill for damage to state property. The Michigan Department of Community Health receives data to bill the appropriate no-fault carrier for reimbursement of expenses under the Medicaid program and the Michigan Department of Natural Resources receives data for analysis of snowmobile and car/deer crashes.

2015 Abstract
Timeliness for all
Michigan Courts

**ABSTRACT TIMELINESS FOR ALL MICHIGAN COURTS - JAN TO DEC 2015
WITHIN 10 DAYS AND SORTED BY COUNTY**

CtCode	County	Court	# Of Abstracts	On Time	% Rec In 10 Days
MP		MATCH-B-NASH-SHE-WISH INDIAN	1	0	0%
254C	ALCONA	HARRISVILLE CIRCUIT COURT	22	17	77%
254D	ALCONA	HARRISVILLE DISTRICT COURT	517	499	97%
254P	ALCONA	HARRISVILLE PROBATE COURT	3	0	0%
427C	ALGER	MUNISING CIRCUIT COURT	13	10	77%
427D	ALGER	MUNISING DISTRICT COURT	682	673	99%
427P	ALGER	MUNISING PROBATE COURT	1	1	100%
003C	ALLEGAN	ALLEGAN CIRCUIT COURT	138	93	67%
003D	ALLEGAN	ALLEGAN DISTRICT COURT	10123	10103	100%
003P	ALLEGAN	ALLEGAN PROBATE COURT	28	13	46%
007C	ALPENA	ALPENA CIRCUIT COURT	43	29	67%
007D	ALPENA	ALPENA DISTRICT COURT	1430	1398	98%
007P	ALPENA	ALPENA PROBATE COURT	27	16	59%
035C	ANTRIM	BELLAIRE CIRCUIT COURT	11	3	27%
035D	ANTRIM	BELLAIRE DISTRICT COURT	1223	1203	98%
035P	ANTRIM	BELLAIRE PROBATE COURT	5	3	60%
591C	ARENAC	STANDISH CIRCUIT COURT	43	38	88%
591D	ARENAC	STANDISH DISTRICT COURT	2802	2735	98%
591P	ARENAC	STANDISH PROBATE COURT	4	1	25%
381C	BARAGA	LANSE CIRCUIT COURT	8	7	88%
381D	BARAGA	LANSE DISTRICT COURT	374	365	98%
381P	BARAGA	LANSE PROBATE COURT	5	2	40%
256C	BARRY	HASTINGS CIRCUIT COURT	78	58	74%
256D	BARRY	HASTINGS DISTRICT COURT	1619	1611	100%
256P	BARRY	HASTINGS PROBATE COURT	17	10	59%
033C	BAY	BAY CITY CIRCUIT COURT	157	118	75%
033D	BAY	BAY CITY DISTRICT COURT	7072	6776	96%
033P	BAY	BAY CITY PROBATE COURT	28	23	82%
039C	BENZIE	BEULAH CIRCUIT COURT	12	11	92%
039D	BENZIE	BEULAH DISTRICT COURT	637	623	98%
455D	BERRIEN	NILES DISTRICT COURT	3329	3103	93%
590C	BERRIEN	ST JOSEPH CIRCUIT COURT	368	318	86%
590D	BERRIEN	ST JOSEPH DISTRICT COURT	8175	7512	92%

CtCode	County	Court	# Of Abstracts	On Time	% Rec In 10 Days
590P	BERRIEN	ST JOSEPH PROBATE COURT	49	40	82%
083C	BRANCH	COLDWATER CIRCUIT COURT	97	85	88%
083D	BRANCH	COLDWATER DISTRICT COURT	3133	3064	98%
083P	BRANCH	COLDWATER PROBATE COURT	20	13	65%
032C	CALHOUN	BATTLE CREEK CIRCUIT COURT	278	238	86%
032D	CALHOUN	BATTLE CREEK DISTRICT COURT	9223	8677	94%
032P	CALHOUN	BATTLE CREEK PROBATE COURT	30	27	90%
073C	CASS	CASSOPOLIS CIRCUIT COURT	278	267	96%
073D	CASS	CASSOPOLIS DISTRICT COURT	1628	1591	98%
073P	CASS	CASSOPOLIS PROBATE COURT	33	29	88%
076C	CHARLEVOIX	CHARLEVOIX CIRCUIT COURT	21	20	95%
076D	CHARLEVOIX	CHARLEVOIX DISTRICT COURT	993	910	92%
076P	CHARLEVOIX	CHARLEVOIX PROBATE COURT	2	1	50%
078C	CHEBOYGAN	CHEBOYGAN CIRCUIT COURT	109	97	89%
078D	CHEBOYGAN	CHEBOYGAN DISTRICT COURT	1783	1755	98%
078P	CHEBOYGAN	CHEBOYGAN PROBATE COURT	16	13	81%
BY	CHIPPEWA	BAY MILLS INDIAN	43	19	44%
SM	CHIPPEWA	SAULT STE MARIE CHIPPEWA TRIBAL	21	8	38%
582C	CHIPPEWA	SAULT STE MARIE CIRCUIT COURT	112	104	93%
582D	CHIPPEWA	SAULT STE MARIE DISTRICT COURT	1463	1452	99%
582P	CHIPPEWA	SAULT STE MARIE PROBATE COURT	7	2	29%
253C	CLARE	HARRISON CIRCUIT COURT	73	40	55%
253D	CLARE	HARRISON DISTRICT COURT	1477	1425	96%
253P	CLARE	HARRISON PROBATE COURT	2	1	50%
589C	CLINTON	ST JOHNS CIRCUIT COURT	50	43	86%
589D	CLINTON	ST JOHNS DISTRICT COURT	13092	13024	99%
589P	CLINTON	ST JOHNS PROBATE COURT	9	4	44%
221C	CRAWFORD	GRAYLING CIRCUIT COURT	32	30	94%
221D	CRAWFORD	GRAYLING DISTRICT COURT	2077	2010	97%
221P	CRAWFORD	GRAYLING PROBATE COURT	3	1	33%
150C	DELTA	ESCANABA CIRCUIT COURT	97	95	98%
150D	DELTA	ESCANABA DISTRICT COURT	1899	1766	93%
150P	DELTA	ESCANABA PROBATE COURT	15	9	60%
294C	DICKINSON	IRON MOUNTAIN CIRCUIT COURT	31	25	81%
294D	DICKINSON	IRON MOUNTAIN DISTRICT COURT	1233	1186	96%
294P	DICKINSON	IRON MOUNTAIN PROBATE COURT	4	3	75%

CtCode	County	Court	# Of Abstracts	On Time	% Rec In 10 Days
077C	EATON	CHARLOTTE CIRCUIT COURT	280	233	83%
077D	EATON	CHARLOTTE DISTRICT COURT	9098	8801	97%
077P	EATON	CHARLOTTE PROBATE COURT	24	10	42%
511C	EMMET	PETOSKEY CIRCUIT COURT	51	42	82%
511D	EMMET	PETOSKEY DISTRICT COURT	1915	1862	97%
511P	EMMET	PETOSKEY PROBATE COURT	7	1	14%
047D	GENESEE	BURTON DISTRICT COURT	1220	1199	98%
111D	GENESEE	DAVISON DISTRICT COURT	1785	1777	100%
183D	GENESEE	FENTON DISTRICT COURT	1654	1630	99%
186C	GENESEE	FLINT CIRCUIT COURT	771	606	79%
186D	GENESEE	FLINT DISTRICT COURT	4018	3234	80%
186P	GENESEE	FLINT PROBATE COURT	43	24	56%
187D	GENESEE	FLUSHING DISTRICT COURT	2362	2323	98%
212D	GENESEE	GENESEE COUNTY DISTRICT COURT	1924	1405	73%
215D	GENESEE	GRAND BLANC DISTRICT COURT	1734	1708	99%
425D	GENESEE	MT MORRIS DISTRICT COURT	2137	2126	99%
214C	GLADWIN	GLADWIN CIRCUIT COURT	66	65	98%
214D	GLADWIN	GLADWIN DISTRICT COURT	1374	1349	98%
214P	GLADWIN	GLADWIN PROBATE COURT	6	4	67%
038C	GOGEBIC	BESSEMER CIRCUIT COURT	44	41	93%
038D	GOGEBIC	BESSEMER DISTRICT COURT	555	540	97%
038P	GOGEBIC	BESSEMER PROBATE COURT	1	1	100%
623C	GR TRAVERSE	TRAVERSE CITY CIRCUIT COURT	67	51	76%
623D	GR TRAVERSE	TRAVERSE CITY DISTRICT COURT	5233	5077	97%
623P	GR TRAVERSE	TRAVERSE CITY PROBATE COURT	64	56	88%
298C	GRATIOT	ITHACA CIRCUIT COURT	103	51	50%
298D	GRATIOT	ITHACA DISTRICT COURT	5099	5041	99%
298P	GRATIOT	ITHACA PROBATE COURT	12	8	67%
260C	HILLSDALE	HILLSDALE CIRCUIT COURT	28	22	79%
260D	HILLSDALE	HILLSDALE DISTRICT COURT	3060	2976	97%
262C	HOUGHTON	HOUGHTON CIRCUIT COURT	20	18	90%
262D	HOUGHTON	HOUGHTON DISTRICT COURT	996	995	100%
262P	HOUGHTON	HOUGHTON PROBATE COURT	3	2	67%
030C	HURON	BAD AXE CIRCUIT COURT	31	24	77%
030D	HURON	BAD AXE DISTRICT COURT	1074	1068	99%
030P	HURON	BAD AXE PROBATE COURT	5	1	20%

CtCode	County	Court	# Of Abstracts	On Time	% Rec In 10 Days
144D	INGHAM	EAST LANSING DISTRICT COURT	5165	5034	97%
382C	INGHAM	LANSING CIRCUIT COURT	301	176	58%
382D	INGHAM	LANSING DISTRICT COURT	8357	8163	98%
382P	INGHAM	LANSING PROBATE	66	44	67%
415D	INGHAM	MASON DISTRICT COURT	9804	9686	99%
293C	IONIA	IONIA CIRCUIT COURT	101	95	94%
293D	IONIA	IONIA DISTRICT COURT	3553	3517	99%
293P	IONIA	IONIA PROBATE COURT	28	18	64%
620C	IOSCO	TAWAS CITY CIRCUIT COURT	72	34	47%
620D	IOSCO	TAWAS CITY DISTRICT COURT	1295	1222	94%
620P	IOSCO	TAWAS CITY PROBATE COURT	7	1	14%
085C	IRON	CRYSTAL FALLS CIRCUIT COURT	26	5	19%
085D	IRON	CRYSTAL FALLS DISTRICT COURT	528	513	97%
085P	IRON	CRYSTAL FALLS PROBATE COURT	3	2	67%
426C	ISABELLA	MT PLEASANT CIRCUIT COURT	226	203	90%
426D	ISABELLA	MT PLEASANT DISTRICT COURT	4613	4581	99%
426P	ISABELLA	MT PLEASANT PROBATE COURT	7	6	86%
SA	ISABELLA	SAGINAW INDIAN	69	46	67%
320C	JACKSON	JACKSON CIRCUIT COURT	227	202	89%
320D	JACKSON	JACKSON DISTRICT COURT	10776	10688	99%
320P	JACKSON	JACKSON PROBATE COURT	29	10	34%
351D	KALAMAZOO	KALAMAZOO 9TH DISTRICT COURT	13080	13058	100%
350C	KALAMAZOO	KALAMAZOO CIRCUIT COURT	612	552	90%
350D	KALAMAZOO	KALAMAZOO DISTRICT COURT	4256	4196	99%
350P	KALAMAZOO	KALAMAZOO PROBATE COURT	34	22	65%
517D	KALAMAZOO	PORTAGE DISTRICT COURT	15	15	100%
352C	KALKASKA	KALKASKA CIRCUIT COURT	33	23	70%
352D	KALKASKA	KALKASKA DISTRICT COURT	2134	2074	97%
352P	KALKASKA	KALKASKA PROBATE COURT	14	13	93%
219D	KENT	GRAND RAPIDS 63RD DISTRICT COURT	10760	10695	99%
218C	KENT	GRAND RAPIDS CIRCUIT COURT	992	857	86%
218D	KENT	GRAND RAPIDS DISTRICT COURT	11621	11235	97%
218P	KENT	GRAND RAPIDS PROBATE COURT	112	43	38%
220D	KENT	GRANDVILLE DISTRICT COURT	1614	1577	98%
353D	KENT	KENTWOOD DISTRICT COURT	4435	4379	99%
545D	KENT	ROCKFORD DISTRICT COURT	1	0	0%

CtCode	County	Court	# Of Abstracts	On Time	% Rec In 10 Days
681D	KENT	WALKER DISTRICT COURT	2118	2070	98%
693D	KENT	WYOMING DISTRICT COURT	2682	2658	99%
140C	KEWEENAW	EAGLE RIVER CIRCUIT COURT	1	1	100%
140D	KEWEENAW	EAGLE RIVER DISTRICT COURT	54	53	98%
031C	LAKE	BALDWIN CIRCUIT COURT	20	15	75%
031D	LAKE	BALDWIN DISTRICT COURT	544	519	95%
031P	LAKE	BALDWIN PROBATE COURT	1	1	100%
383C	LAPEER	LAPEER CIRCUIT COURT	184	164	89%
383D	LAPEER	LAPEER DISTRICT COURT	3484	3449	99%
383P	LAPEER	LAPEER PROBATE COURT	21	17	81%
GT	LEELANAU	GRAND TRAVERSE BAND OF OTTAWA CH	4	1	25%
385C	LEELANAU	LELAND CIRCUIT COURT	1	1	100%
385D	LEELANAU	SUTTONS BAY DISTRICT COURT	619	597	96%
001C	LENAWEE	ADRIAN CIRCUIT COURT	49	40	82%
001D	LENAWEE	ADRIAN DISTRICT COURT	8329	8242	99%
001P	LENAWEE	ADRIAN PROBATE COURT	4	1	25%
263C	LIVINGSTON	HOWELL CIRCUIT COURT	364	333	91%
263D	LIVINGSTON	HOWELL DISTRICT COURT	10748	10576	98%
263P	LIVINGSTON	HOWELL PROBATE COURT	26	24	92%
454C	LUCE	NEWBERRY CIRCUIT COURT	11	11	100%
454D	LUCE	NEWBERRY DISTRICT COURT	383	383	100%
454P	LUCE	NEWBERRY PROBATE COURT	1	0	0%
588C	MACKINAC	ST IGNACE CIRCUIT COURT	18	18	100%
588D	MACKINAC	ST IGNACE DISTRICT COURT	1681	1652	98%
588P	MACKINAC	ST IGNACE PROBATE COURT	1	0	0%
074D	MACOMB	CENTER LINE DISTRICT COURT	1078	1038	96%
091D	MACOMB	CLINTON TWP 41ST DISTRICT COURT	6774	6668	98%
141M	MACOMB	EASTPOINTE DISTRICT COURT	5162	5122	99%
188D	MACOMB	FRASER DISTRICT COURT	1664	1564	94%
423D	MACOMB	MT CLEMENS 41ST DISTRICT COURT	4	2	50%
422C	MACOMB	MT CLEMENS CIRCUIT COURT	3136	2777	89%
422D	MACOMB	MT CLEMENS DISTRICT COURT	1	1	100%
422P	MACOMB	MT CLEMENS PROBATE COURT	112	65	58%
451D	MACOMB	NEW BALTIMORE DISTRICT COURT	2098	2072	99%
547D	MACOMB	ROMEO DISTRICT COURT	1623	1601	99%
550D	MACOMB	ROSEVILLE DISTRICT COURT	2950	2862	97%

CtCode	County	Court	# Of Abstracts	On Time	% Rec In 10 Days
587D	MACOMB	ST CLAIR SHORES DISTRICT COURT	6691	6658	100%
593D	MACOMB	STERLING HEIGHTS DISTRICT COURT	9883	9671	98%
651D	MACOMB	UTICA-SHELBY TWP DISTRICT COURT	6221	6104	98%
683D	MACOMB	WARREN DISTRICT COURT	10007	9659	97%
411C	MANISTEE	MANISTEE CIRCUIT COURT	18	7	39%
411D	MANISTEE	MANISTEE DISTRICT COURT	877	827	94%
411P	MANISTEE	MANISTEE PROBATE COURT	6	2	33%
297D	MARQUETTE	ISHPEMING DISTRICT COURT	982	966	98%
413C	MARQUETTE	MARQUETTE CIRCUIT COURT	51	48	94%
413D	MARQUETTE	MARQUETTE DISTRICT COURT	3383	3340	99%
413P	MARQUETTE	MARQUETTE PROBATE COURT	16	13	81%
389C	MASON	LUDINGTON CIRCUIT COURT	67	62	93%
389D	MASON	LUDINGTON DISTRICT COURT	1359	1353	100%
389P	MASON	LUDINGTON PROBATE COURT	5	5	100%
040C	MECOSTA	BIG RAPIDS CIRCUIT COURT	53	35	66%
040D	MECOSTA	BIG RAPIDS DISTRICT COURT	2705	2660	98%
040P	MECOSTA	BIG RAPIDS PROBATE COURT	7	6	86%
417C	MENOMINEE	MENOMINEE CIRCUIT COURT	27	25	93%
417D	MENOMINEE	MENOMINEE DISTRICT COURT	1021	999	98%
417P	MENOMINEE	MENOMINEE PROBATE COURT	9	8	89%
418C	MIDLAND	MIDLAND CIRCUIT COURT	135	47	35%
418D	MIDLAND	MIDLAND DISTRICT COURT	7417	7367	99%
418P	MIDLAND	MIDLAND PROBATE COURT	9	7	78%
380C	MISSAUKEE	LAKE CITY CIRCUIT COURT	22	21	95%
380D	MISSAUKEE	LAKE CITY DISTRICT COURT	645	625	97%
380P	MISSAUKEE	LAKE CITY PROBATE COURT	1	0	0%
149D	MONROE	ERIE DISTRICT COURT	908	907	100%
421C	MONROE	MONROE CIRCUIT COURT	266	207	78%
421D	MONROE	MONROE DISTRICT COURT	5610	5542	99%
421P	MONROE	MONROE PROBATE COURT	22	15	68%
592C	MONTCALM	STANTON CIRCUIT COURT	64	62	97%
592D	MONTCALM	STANTON DISTRICT COURT	3540	3501	99%
592P	MONTCALM	STANTON PROBATE	8	6	75%
010C	MONTMORENCY	ATLANTA CIRCUIT COURT	9	8	89%
010D	MONTMORENCY	ATLANTA DISTRICT COURT	399	390	98%
010P	MONTMORENCY	ATLANTA PROBATE COURT	1	1	100%

CtCode	County	Court	# Of Abstracts	On Time	% Rec In 10 Days
428C	MUSKEGON	MUSKEGON CIRCUIT COURT	270	189	70%
428D	MUSKEGON	MUSKEGON DISTRICT COURT	9198	8917	97%
428P	MUSKEGON	MUSKEGON PROBATE COURT	27	4	15%
690C	NEWAYGO	WHITE CLOUD CIRCUIT COURT	124	96	77%
690D	NEWAYGO	WHITE CLOUD DISTRICT COURT	2567	2497	97%
690P	NEWAYGO	WHITE CLOUD PROBATE COURT	12	3	25%
037D	OAKLAND	BERKLEY DISTRICT COURT	1369	1315	96%
042D	OAKLAND	BLOOMFIELD HILLS DISTRICT COURT	11398	11313	99%
081D	OAKLAND	CLARKSTON DISTRICT COURT	8219	8115	99%
180D	OAKLAND	FARMINGTON DISTRICT COURT	6028	5975	99%
184D	OAKLAND	FERNDALE DISTRICT COURT	3236	3177	98%
257D	OAKLAND	HAZEL PARK DISTRICT COURT	3283	3246	99%
410D	OAKLAND	MADISON HEIGHTS DISTRICT COURT	2710	2663	98%
461D	OAKLAND	NOVI 52-1 DISTRICT COURT	6566	6420	98%
480D	OAKLAND	OAK PARK DISTRICT COURT	6415	6365	99%
515C	OAKLAND	PONTIAC CIRCUIT COURT	2540	2420	95%
515D	OAKLAND	PONTIAC DISTRICT COURT	3735	3656	98%
515P	OAKLAND	PONTIAC PROBATE COURT	56	24	43%
544D	OAKLAND	ROCHESTER DISTRICT COURT	12835	12653	99%
551D	OAKLAND	ROYAL OAK DISTRICT COURT	7142	6800	95%
584D	OAKLAND	SOUTHFIELD DISTRICT COURT	10658	10525	99%
625D	OAKLAND	TROY DISTRICT COURT	6444	6378	99%
684D	OAKLAND	WATERFORD DISTRICT COURT	2335	2320	99%
255C	OCEANA	HART CIRCUIT COURT	27	25	93%
255D	OCEANA	HART DISTRICT COURT	1069	1049	98%
255P	OCEANA	HART PROBATE COURT	5	3	60%
688C	OGEMAW	WEST BRANCH CIRCUIT COURT	55	42	76%
688D	OGEMAW	WEST BRANCH DISTRICT COURT	7523	7436	99%
688P	OGEMAW	WEST BRANCH PROBATE COURT	2	2	100%
481C	ONTONAGON	ONTONAGON CIRCUIT COURT	14	12	86%
481D	ONTONAGON	ONTONAGON DISTRICT COURT	307	302	98%
481P	ONTONAGON	ONTONAGON PROBATE COURT	3	3	100%
541C	OSCEOLA	REED CITY CIRCUIT COURT	28	26	93%
541D	OSCEOLA	REED CITY DISTRICT COURT	1872	1853	99%
419C	OSCODA	MIO CIRCUIT COURT	46	40	87%
419D	OSCODA	MIO DISTRICT COURT	446	422	95%

CtCode	County	Court	# Of Abstracts	On Time	% Rec In 10 Days
419P	OSCODA	MIO PROBATE COURT	2	2	100%
211C	OTSEGO	GAYLORD CIRCUIT COURT	79	67	85%
211D	OTSEGO	GAYLORD DISTRICT COURT	2249	2207	98%
211P	OTSEGO	GAYLORD PROBATE COURT	11	4	36%
216C	OTTAWA	GRAND HAVEN CIRCUIT COURT	243	207	85%
216D	OTTAWA	GRAND HAVEN DISTRICT COURT	5269	5173	98%
261D	OTTAWA	HOLLAND DISTRICT COURT	6721	6539	97%
264D	OTTAWA	HUDSONVILLE DISTRICT COURT	7801	7727	99%
698P	OTTAWA	WEST OLIVE PROBATE COURT	99	61	62%
546C	PRESQUE ISLE	ROGERS CITY CIRCUIT COURT	17	13	76%
546D	PRESQUE ISLE	ROGERS CITY DISTRICT COURT	360	316	88%
546P	PRESQUE ISLE	ROGERS CITY PROBATE COURT	13	9	69%
549C	ROSCOMMON	ROSCOMMON CIRCUIT COURT	84	63	75%
549D	ROSCOMMON	ROSCOMMON DISTRICT COURT	3086	3047	99%
549P	ROSCOMMON	ROSCOMMON PROBATE COURT	2	2	100%
580C	SAGINAW	SAGINAW CIRCUIT COURT	482	425	88%
580D	SAGINAW	SAGINAW DISTRICT COURT	11415	11032	97%
580P	SAGINAW	SAGINAW PROBATE COURT	59	41	69%
581C	SANILAC	SANDUSKY CIRCUIT COURT	55	51	93%
581D	SANILAC	SANDUSKY DISTRICT COURT	807	787	98%
581P	SANILAC	SANDUSKY PROBATE COURT	6	5	83%
412C	SCHOOLCRAFT	MANISTIQUE CIRCUIT COURT	12	10	83%
412D	SCHOOLCRAFT	MANISTIQUE DISTRICT COURT	517	502	97%
412P	SCHOOLCRAFT	MANISTIQUE PROBATE COURT	4	4	100%
084C	SHIAWASSEE	CORUNNA CIRCUIT COURT	99	92	93%
084D	SHIAWASSEE	CORUNNA DISTRICT COURT	2044	1980	97%
084P	SHIAWASSEE	CORUNNA PROBATE COURT	13	12	92%
430D	ST. CLAIR	MARINE CITY DISTRICT COURT	2431	2401	99%
516C	ST. CLAIR	PORT HURON CIRCUIT COURT	398	342	86%
516D	ST. CLAIR	PORT HURON DISTRICT COURT	4509	4410	98%
516P	ST. CLAIR	PORT HURON PROBATE COURT	25	23	92%
075C	ST. JOSEPH	CENTREVILLE CIRCUIT COURT	164	90	55%
075D	ST. JOSEPH	CENTREVILLE DISTRICT COURT	4945	4693	95%
075P	ST. JOSEPH	CENTREVILLE PROBATE COURT	18	18	100%
072C	TUSCOLA	CARO CIRCUIT COURT	144	134	93%
072D	TUSCOLA	CARO DISTRICT COURT	2804	2781	99%

CtCode	County	Court	# Of Abstracts	On Time	% Rec In 10 Days
072P	TUSCOLA	CARO PROBATE COURT	7	1	14%
510C	VANBUREN	PAW PAW CIRCUIT COURT	183	176	96%
510D	VANBUREN	PAW PAW DISTRICT COURT	3055	3036	99%
510P	VANBUREN	PAW PAW PROBATE COURT	52	35	67%
583D	VANBUREN	SOUTH HAVEN DISTRICT COURT	1855	1826	98%
009D	WASHTENAW	ANN ARBOR 14A DISTRICT COURT	2029	1936	95%
008C	WASHTENAW	ANN ARBOR CIRCUIT COURT	746	352	47%
008D	WASHTENAW	ANN ARBOR DISTRICT COURT	8128	7991	98%
008P	WASHTENAW	ANN ARBOR PROBATE COURT	70	60	86%
079D	WASHTENAW	CHELSEA DISTRICT COURT	2700	2637	98%
595D	WASHTENAW	SALINE DISTRICT COURT	1000	962	96%
722D	WASHTENAW	YPSILANTI 14A DISTRICT COURT	2915	2724	93%
721D	WASHTENAW	YPSILANTI TWP 14B DISTRICT COURT	3079	2953	96%
004D	WAYNE	ALLEN PARK DISTRICT COURT	5842	5698	98%
112D	WAYNE	DEARBORN DISTRICT COURT	11208	11084	99%
113D	WAYNE	DEARBORN HEIGHTS DISTRICT COURT	10449	10178	97%
114C	WAYNE	DETROIT CIRCUIT COURT	2309	1615	70%
114D	WAYNE	DETROIT DISTRICT COURT	66358	65339	98%
114P	WAYNE	DETROIT PROBATE COURT	22	3	14%
147D	WAYNE	ECORSE DISTRICT COURT	25	19	76%
210D	WAYNE	GARDEN CITY DISTRICT COURT	1672	1662	99%
224M	WAYNE	GROSSE PTE FARMS MUNICIPAL COURT	750	737	98%
223M	WAYNE	GROSSE PTE MUNICIPAL COURT	277	274	99%
225M	WAYNE	GROSSE PTE PARK MUNICIPAL COURT	983	978	99%
226M	WAYNE	GROSSE PTE SHORES MUNICIPAL COURT	513	510	99%
228M	WAYNE	GROSSE PTE WOODS MUNICIPAL COURT	395	383	97%
250D	WAYNE	HAMTRAMCK DISTRICT COURT	5419	5374	99%
252D	WAYNE	HARPER WOODS DISTRICT COURT	1461	1438	98%
259D	WAYNE	HIGHLAND PARK DISTRICT COURT	5016	4974	99%
292D	WAYNE	INKSTER DISTRICT COURT	2235	1912	86%
386D	WAYNE	LINCOLN PARK DISTRICT COURT	5126	4861	95%
387D	WAYNE	LIVONIA DISTRICT COURT	20222	20025	99%
514D	WAYNE	PLYMOUTH DISTRICT COURT	10590	10544	100%
514P	WAYNE	PLYMOUTH PROBATE COURT	1	0	0%
540D	WAYNE	REDFORD TWP DISTRICT COURT	4076	4017	99%
542D	WAYNE	RIVER ROUGE DISTRICT COURT	32	25	78%

CtCode	County	Court	# Of Abstracts	On Time	% Rec In 10 Days
548D	WAYNE	ROMULUS DISTRICT COURT	14809	14478	98%
585D	WAYNE	SOUTHGATE DISTRICT COURT	2436	2393	98%
621D	WAYNE	TAYLOR DISTRICT COURT	5439	5373	99%
687D	WAYNE	WAYNE DISTRICT COURT	668	654	98%
689D	WAYNE	WESTLAND DISTRICT COURT	6933	6742	97%
689P	WAYNE	WESTLAND PROBATE COURT	1	1	100%
691D	WAYNE	WOODHAVEN DISTRICT COURT	5603	5509	98%
692D	WAYNE	WYANDOTTE DISTRICT COURT	2013	1960	97%
070C	WEXFORD	CADILLAC CIRCUIT COURT	66	48	73%
070D	WEXFORD	CADILLAC DISTRICT COURT	2314	2244	97%
070P	WEXFORD	CADILLAC PROBATE COURT	6	5	83%

Total Abstracts	On Time	Avg. % On Time
735291	715856	97%

SOS NEWS

Buying alcohol for underage friends carries a sobering cost for college students, warns statewide safety coalition

SEPTEMBER 7, 2016

Secretary of State Ruth Johnson and a multi-agency consortium take on underage drinking with a statewide campaign launched at Wayne State University

DETROIT, Mich. – With the backdrop of thousands of returning students at Wayne State University's central campus, Secretary of State Ruth Johnson and a consortium of state, county and local officials kicked off a targeted campaign this morning to curb underage drinking and drunken driving.

The statewide "21 to Buy, Not Supply" college campus campaign seeks to raise awareness about the legal and far-reaching consequences of providing alcohol to minors while curbing the access to alcohol for those who are not of legal age.

"Our target audience is young adults who turn 21 and suddenly have access to increased privileges and responsibilities," Johnson explained. "We know their younger friends may turn to them for alcohol, especially on college campuses where house parties and tailgates are such a temptation, but our message is don't do it. There is too much at risk."

Also speaking at the event was Inspector James Wolf, assistant district commander of the MSP Second District (southeast Michigan), Michigan Liquor Control Commission Chairman Andrew Deloney, Diane Dovico, executive director of the Royal Oak Community Coalition and David Pitawanakwat, director of Governmental Affairs for the Wayne State Student Senate.

Other coalition partners attending the event included representatives from the Alliance Coalition for Healthy Communities, Oakland County Health Division, and the Office of Highway Safety Planning. The press conference was staged at Gullen Mall, near the WSU Student Center.

In Michigan, the penalty for providing alcohol to a minor can be \$1,000 in fines, up to 90 days in jail and legal fees of \$5,000 or more, but broader consequences could include lost wages, forfeited scholarships and even expulsion from college.

According to the National Institute on Alcohol Abuse and Alcoholism, underage drinking increases the likelihood for unwanted pregnancies, personal safety issues, sexual assault, suicides and traffic crashes. Such outcomes are tracked in Michigan by the Pacific Institute for Research and Evaluation, with a reported 745 teen pregnancies linked to underage drinking in 2013 and 442,000 disorderly conduct crimes in 2012. On Michigan roads, the rate of alcohol-related traffic crashes is greater for drivers ages 16 to 20 than for drivers age 21 and older.

Colonel Kriste Kibbey Etue, director of the Michigan State Police, urges young people to avoid jeopardizing their future by supplying alcohol to minors. "Many young people are unaware of the laws and penalties for supplying alcohol to underage peers," Etue stated. "Because it is important to the Michigan State Police to reduce underage drinking, drunk driving and alcohol-related traffic crashes, our troopers will take enforcement action for this and other alcohol offenses."

National statistics show that more than one third of young adults aged 18-25 are binge alcohol users and about 1 in 10 are heavy alcohol users. (Source: 2014 National Survey on Drug Use and Health) Such data is the reason this public awareness campaign is targeting college campuses this fall.

"Keeping alcohol out of the hands of minors is one of our greatest challenges," Johnson said. "In 2003, the Secretary of State's office began issuing vertical driver's licenses for those under 21 to clearly represent their underage status. Since then, the state has seen a steady decline in the sale of alcohol to minors from convenience stores, bars and clubs."

That trend also reflects the concerted efforts of the Michigan Liquor Control Commission (MLCC) to prevent minors from obtaining alcohol through Michigan businesses.

"We're working every day to ensure no licensee of this state illegally sells alcohol – directly or indirectly – to anyone under the age of 21," said MLCC Chairman Andrew Deloney, a key partner in the "21 to Buy, Not Supply" campaign. "We do that through education, training, and a thorough enforcement of Michigan's liquor laws."

The "21 to Buy, Not Supply" college campus campaign is a year-long marketing effort that includes traditional media and electronic media, social media, video messages in Secretary of State offices, posters, future window clings for alcohol retailers, and an audio PSA played in Kroger stores statewide.

"College students are just starting out on the great adventure that is life," Johnson said. "The '21 to Buy, Not Supply' coalition wants to help ensure that these young people make the most of the opportunities they have and avoid ill-advised and illegal acts that can ruin their futures before they even get started."





Ruth Johnson, Secretary of State
Department of State

SOS

New report shows success of Michigan's DWI/Sobriety Court Ignition Interlock Program

APRIL 20, 2016

Use of devices increases participants' success rate, reduces recidivism

LANSING, Mich. – A new research report evaluating Michigan's program to prevent repeat drunk driving by chronic offenders through the use of ignition interlocks concludes that the devices, when used in conjunction with a Sobriety Court program, contribute to significantly better success rates among participants.



Offenders participating in the state's DWI/Sobriety Courts without the use of interlocks were found to have three times greater odds of failing out of Sobriety Court than those ordered by the court to use the devices.

An ignition interlock device connects with a motor vehicle's ignition and other control systems. The interlock device measures the driver's bodily alcohol content through their breath and keeps the vehicle from starting if the Blood Alcohol Content is 0.025 or higher. The device also will ask for random retests while the person is driving.

The report, commissioned by the Michigan Association of Treatment Court Professionals (MATCP) to evaluate the first five years of the DWI/Sobriety Court Ignition Interlock Program, was announced by Secretary of State Ruth Johnson, judges and legislators at a news conference as part of Alcohol Awareness Month in Lansing today. A program graduate was also in attendance to share his success story.

District Judge Harvey Hoffman implemented Michigan's first DWI/Sobriety Court in Eaton County in 2009 and is a state and national leader in the development of this kind of problem-solving court, which combines judicial supervision with testing, treatment, punitive sanctions and positive incentives for participants.

"The marriage of DWI/Sobriety Courts with ignition interlocks when dealing with repeat DWI Offenders has helped to make Michigan's roads and highways safer and has improved the lives of alcoholic drivers," Hoffman said. "The partnership between Michigan's courts and the Secretary of State, in allowing program participants to lawfully drive to and from court, treatment, school, testing and employment, has been crucial in spreading DWI/Sobriety Courts across the state."

Statistics for the group of DWI/Sobriety Court participants using interlocks were compared to a similar group that did not use the devices. Among the report's findings:

- 97 percent of Sobriety Court participants ordered to install interlock devices on their vehicles complied with the court.
- Of the participants using an interlock, only 11.4 percent failed to graduate from the program—a rate nearly three times better than the number of participants not using an interlock who did not graduate.
- Alcohol and drug use among Sobriety Court participants using an interlock was substantially lower compared to the offenders not under interlock supervision.

- Sobriety Court participants using an interlock were more likely to improve their levels of education during their time in the program.
- Sobriety Court participants using an interlock spent less time in jail, had fewer warrants issued against them and had a higher number of overall sobriety days.

The Michigan Department of State (MDOS) administers the Breath Alcohol Ignition Interlock Detection (BAIID) Program and currently has more than 9,700 individuals who are required to use an interlock device under the vehicle code for High BAC convictions, ordered by an MDOS hearing officer or through the DWI/Sobriety Court. DWI/Sobriety Courts account for 3,700 of those devices, Johnson said.

“The data clearly shows that the ignition interlock devices and Sobriety Courts are effective tools for controlling drunk driving recidivism,” she said. “More people are now required to use these devices because of changes in drunk driving laws and Sobriety Court programs. It’s making our roads safer and we believe it is saving lives.”

Johnson thanked MATCP, Hoffman and his colleagues from other treatment courts for their efforts, and Gov. Rick Snyder and legislators including Sen. Tonya Schuitmaker and Sen. Rick Jones for recent changes to the law that closed loopholes and strengthened the regulation of ignition interlock devices in Michigan.

###

For media questions, please call Gisgje Dávila Gendreau or
Fred Woodhams at 517-373-2520.

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