

MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949

***** 257.320.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 5, 2018 *****

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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