



**Michigan Supreme Court
State Court Administrative Office**

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Senate Bill 386

June 16, 2015

Existing Law – MCL 257.732(21):

(21) Notwithstanding any other law of this state, a court shall not take under advisement an offense committed by a person while operating a commercial motor vehicle or by a person licensed to drive a commercial motor vehicle while operating a noncommercial motor vehicle at the time of the offense, 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.

SB 42 (Pages 89-90) Effective July 8, 2015:

(21) Notwithstanding any other law of this state, a court shall not take under advisement an offense committed by a person while operating a ~~commercial motor vehicle or by a person licensed to drive a commercial motor vehicle while operating a noncommercial motor vehicle at the time of the offense,~~ 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.

SB 386

(21) Notwithstanding any other law of this state, a court shall not take under advisement an offense committed by a person while operating a **COMMERCIAL** motor vehicle **OR BY A PERSON LICENSED TO DRIVE A COMMERCIAL MOTOR VEHICLE WHILE OPERATING A NONCOMMERCIAL MOTOR VEHICLE AT THE TIME OF THE OFFENSE**, 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.

Federal Law prohibits motor vehicle offenses from being masked, deferred, or diverted for **CDL drivers or those driving commercial vehicles**. 49 CFR 384.226. Current Michigan law and Proposed SB 386 meet that requirement.

Current Law	SB 42	SB 386
Drivers of Commercial Vehicles cannot have a motor vehicle offense masked, delayed, diverted, suspended, or suppressed	No Change Intended	No Change from Current Law
Holders of CDLs cannot have a motor vehicle offense masked, delayed, diverted, suspended, or suppressed	No Change Intended	No Change from Current Law
Non-CDL Drivers can have a motor vehicle offense masked, delayed, diverted, suspended, or suppressed	Non-CDL Drivers cannot have a motor vehicle offense masked, delayed, diverted, suspended, or suppressed	No Change from Current Law

The importance of non-CDL driver offense delay, etc. to the success of problem solving courts, cannot be underestimated. It is the main incentive for an offender to join the program and not re-offend.