

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	ORDER REGARDING DRIVER LICENSE RESTORATION APPEAL For Arrests from 1/1/92 Through 9/30/99	CASE NO.
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Court address

Court telephone no.

Petitioner name, address, and telephone no.	
Driver license no.	Date of birth
Petitioner's attorney, bar no., address, and telephone no.	

v

Respondent SECRETARY OF STATE OF THE STATE OF MICHIGAN Driver License Appeal Division PO Box 30196 Lansing, Michigan 48909-7696
Respondent's attorney, bar no., address, and telephone no.

For arrests after 10/1/99 use Form CC 268, Order Regarding Driver License Restoration Appeal for Arrests After 10/1/99

Complete either Section A or B, but not both.

Date of hearing: _____ Judge: _____ Bar no. _____

A. REVIEW OF THE RECORD

1. Petitioner filed a petition seeking review of the _____ revocation/suspension for:
- a. 2 convictions for OUIL/UBAC within 7 years with arrest date after 1/1/92 [MCL 257.303(1)(f)(i) and (2)(c)]
 - b. 3 convictions for any combination of OUIL/UBAC/OWI with arrest date after 1/1/92 [MCL 257.303(1)(f)(ii) and (2)(f)]
 - c. a conviction under MCL 257.625(4) or (5) [MCL 257.303(1)(d) and (2)(d)]
 - d. a conviction of negligent homicide, manslaughter, or murder involving use of motor vehicle [MCL 257.303(1)(e) and (2)(e)]
 - e. second implied consent suspension [MCL 257.323(4)(a)]

IT IS ORDERED:

- 2. **Second Implied Consent:** After a review of the record under MCL 257.322 in the matter of a second implied consent appeal:
 - a. the hearing officer properly determined the issues listed in MCL 257.625f for a second implied consent suspension in accordance with MCL 257.323(4)(a). The hearing officer's decision is upheld by a preponderance of the evidence and the petition is denied. **OR**
 - b. the hearing officer did not properly determine the issues listed in MCL 257.625f for a second implied consent suspension for the following reasons: _____
The hearing officer's decision is set aside and the suspension and points shall be removed from the driving record.
- 3. **Administrative Revocation/Denial:** After a review of the record created under MCL 257.322 in the matter of a determination resulting in a denial or revocation authorized under MCL 257.303(1)(d), (e), or (f) or MCL 257.303(2)(c), (d), (e), or (f);
 - a. the hearing officer's decision is upheld by competent, material, and substantial evidence on the whole record in accordance with MCL 257.323(6) and the petition is denied. **OR**
 - b. the hearing officer's decision is set aside and the petition is granted because the petitioner's substantial rights have been prejudiced by the determination, which is:
 - in violation of the constitution of the United States, the State constitution of 1963, or a statute.
 - in excess of the Secretary of State's statutory authority or jurisdiction.
 - made upon unlawful procedure resulting in material prejudice to the petitioner.
 - not supported by competent, material, and substantial evidence on the whole record.
 - arbitrary, capricious, or clearly an abuse or unwarranted exercise of discretion.
 - affected by other substantial and material error of law.

(order continued on other side)

This conclusion is based upon the fact that _____
The decision shall be set aside and full licensing privileges shall be reinstated subject to the payment of a reinstatement fee and compliance with renewal procedures.

c. the court remands the matter to the Driver License Appeal Division for _____

4. This order is without effect if no review of the appellate record prepared under MCL 257.322 has been conducted as required by MCL 257.323(6).

B. RESTRICTED OR FULL RELIEF

1. Petitioner filed a petition seeking review of all other licensing actions.

License Action

Date

IT IS ORDERED:

2. The Secretary of State shall restore to petitioner an operator's license with full privileges.

3. The secretary of State shall issue restricted driving privilege as follows:

- a. Petitioner may drive to and from residence and place of employment and in the course of employment, to substance abuse treatment program and/or support group meetings, to regularly scheduled treatment for serious medical condition, to court probation office and community service and educational institution. **The petitioner must carry proof of destination and hours.**
- b. If there is any evidence of drinking in the use of a motor vehicle, or if there is a violation of this order during the period that this order is in effect, police shall confiscate the operator's license and return it to the court. A hearing will be held if requested by the petitioner within 14 days from the date the license is confiscated.
- c. Provided the petitioner abides by the conditions of this order, the restricted driver license shall terminate on

AND

- on that date the petitioner shall appear before the court for further examination and review. **OR**
- the court relinquishes jurisdiction to the Secretary of State. **OR**
- on that date the Secretary of State shall restore full driving privileges.

4. The petitioner's appeal for licensing privilege is denied.

5. Other: _____

C. SERVICE

This order shall be void and without effect if a true copy of this order is not served on the Secretary of State, Driver License Appeal Division, PO Box 30196, Lansing, Michigan 48909-7696 within 7 days of the date this order is signed.

Date

Judge

Approved as to form: _____
Assistant attorney general/Assistant prosecuting attorney

NOTE: Any relief granted in either of the above orders does not overrule any restriction, denial, suspension, or revocation which was imposed under:

- administrative denial for any arrest for drunk driving after January 1, 1992 - see MCL 257.323(6) [MCL 257.303(1)(d), (e), (f)(i), or (f)(ii), and MCL 257.303(2)(c), (d), (e), or (f)]
- trial court sentence for drunk driving or under 21 blood alcohol content - see MCL 257.323(5)(a) [MCL 257.625 or 257.626b]
- CDL [see MCL 257.323(8)] [MCL 257.312f, MCL 257.319a, or MCL 257.319b]
- failure to appear in court or failure to comply with judgment - see MCL 257.323(5) [MCL 257.321a]
- unsatisfied judgment - see MCL 257.323(7) [MCL 257.512]
- trial court sentence for a drug conviction - see MCL 257.323(5)(b) and (9) [MCL 257.303(1)(n) and MCL 257.319e]