

## Licensing (Michigan Vehicle Code) Appeals Table

This is an aid to track appeal events. Consult court rules and statutes as needed.

See the Michigan Judicial Institute’s *Appeals & Opinions Benchbook*, Chapter 2.

**This is an appeal of right when timely filed. See MCR 7.120(B). Where procedural requirements differ between claims of appeal and applications for late appeal, it has been noted in the table. If an application for late appeal has been granted, the appeal proceeds in the same manner as an appeal of right. MCR 7.120(C)(4). MCR 7.101–MCR 7.115 apply unless MCR 7.120 provides otherwise. MCR 7.120(A).**

Case Number: \_\_\_\_\_

Lower Case Number: \_\_\_\_\_

Appellant: \_\_\_\_\_

Appellant’s Attorney: \_\_\_\_\_

Appellee: \_\_\_\_\_

Appellee’s Attorney: \_\_\_\_\_

Task	Applicable Court Rule	Due Date (if applicable)	Compliance?
Review date of the Secretary of State (SOS) decision being appealed. Appeal must be filed within 63 days of decision, and application for late appeal must be filed within 182 days for good cause. See <a href="#">MCL 257.323(1)</a> .	<a href="#">MCR 7.120(B)(1)</a> ; <a href="#">MCR 7.120(C)(1)</a>		
<b>Claim of appeal:</b> Appellant must serve all parties. <b>Application for late appeal:</b> Appellant must serve all parties and notify SOS that application was filed. Appellant may ask circuit court to prescribe service in certain circumstances.	<a href="#">MCR 7.105(B)(6)</a> ; <a href="#">MCR 7.120(B)(2)(e)</a> ; <a href="#">MCR 7.120(C)(2)</a>		
Appellee must file an appearance within 14 days of service. Appearance must comply with <a href="#">MCR 7.104(F)</a> .	<a href="#">MCR 7.120(B)(3)</a> ; see generally <a href="#">MCR 7.120(C)(4)</a>		
<b>Application for late appeal:</b> Appellee may file signed answer to application within 21 days of service (circuit court may require this). Must also file proof of service on all parties.	<a href="#">MCR 7.105(C)</a> ; <a href="#">MCR 7.120(C)(3)</a>		
Except for items omitted by written stipulation of the parties, record must be sent to the SOS within 14 days of filing of request for certified copy of record. Stipulations regarding any part of the record must appear in an order entered by the court.	<a href="#">MCR 7.109(G)(1)</a> ; <a href="#">MCR 7.120(E)</a>		
Circuit court must provide written notice to the parties immediately after the record is filed in circuit court.	<a href="#">MCR 7.109(G)(3)</a>		

Task	Applicable Court Rule	Due Date (if applicable)	Compliance?
<b>Proceedings under MCL 257.323(3) (review limited to decisions made under MCL 257.303(1)(d); MCL 257.310d; MCL 257.320; MCL 257.904(10)-(11); or a first violation of MCL 257.625f):</b>	MCR 7.120(F)		
Court may require briefs and set briefing schedule by order.	MCR 7.120(F)(1)		
Appellant must file and serve its brief on all parties within 28 days after circuit court provides written notice that the record has been filed. The circuit court may extend time on motion, or time may be extended by 14 days on stipulation and order.	MCR 7.120(F)(1); MCR 7.111(A)(1)(a)		
If appellant fails to pursue appeal in conformity with court rules, circuit court sends notice of intent to dismiss unless deficiency rectified within 14 days. If appeal is dismissed, the circuit court must immediately send a copy of the order to the parties and the SOS. Appellant may move for reinstatement within 14 days of dismissal.	MCR 7.113(A); MCR 7.113(C)		
Appellee’s brief is optional, but if submitted, must be filed and served on all parties within 21 days after appellant’s brief was served. The circuit court may extend time on motion, or time may be extended by 14 days on stipulation and order.	MCR 7.120(F)(1); MCR 7.111(A)(2)		
Appellant may file a reply brief within 14 days after appellee’s brief was served.	MCR 7.120(F)(1); MCR 7.111(A)(3)		
Hearing under MCL 257.323(2) within 63 days of order. The order for hearing, petition, and supporting affidavits must be served on the SOS not less than 20 days (50 days if per MCL 257.322 or MCL 257.625f) before the hearing. See MCL 257.323(2).	MCR 7.120(F)(2)		
Circuit court must decide appeal by oral or written opinion and issue order. The court must not order the SOS to issue chauffeur’s license allowing person to drive commercial vehicle that hauls hazardous material. See MCL 257.323(3).	MCR 7.114(B); MCR 7.120(F)(3)		
Circuit court must promptly send original record, certified copy of order, and any written opinion to (1) the clerk of the Court of Appeals, if timely application for leave is filed, or (2) the SOS, if no timely application for leave to appeal filed.	MCR 7.109(H)		
<b>Proceedings under MCL 257.323(4):</b>	MCR 7.120(G)		
Appellant must file and serve its brief on all parties within 28 days after circuit court provides written notice that the record has been filed. The circuit court may extend time on motion, or time may be extended by 14 days on stipulation and order.	MCR 7.120(G)(1); MCR 7.111(A)(1)(a)		

Task	Applicable Court Rule	Due Date (if applicable)	Compliance?
If appellant fails to pursue appeal in conformity with court rules, circuit court sends notice of intent to dismiss unless deficiency rectified within 14 days. If appeal is dismissed, the circuit court must immediately send a copy of the order to the parties and the SOS. Appellant may move for reinstatement within 14 days of dismissal.	MCR 7.113(A); MCR 7.113(C)		
Appellee’s brief is optional, but if submitted, must be filed and served on all parties within 21 days after appellant’s brief was served. The circuit court may extend time on motion, or time may be extended by 14 days on stipulation and order.	MCR 7.120(G)(1); MCR 7.111(A)(2)		
Appellant may file a reply brief within 14 days after appellee’s brief was served.	MCR 7.111(A)(3)		
Determine whether either party properly requested oral argument and whether deliberation will be significantly aided by oral argument; if so, schedule. Oral argument is forfeited for failure to timely file a conforming brief unless the circuit court grants motion to reinstate oral argument.	MCR 7.111(A)(6); MCR 7.111(C); MCR 7.114(A)		
Court must limit its consideration to a review of the record prepared under <a href="#">MCL 257.322</a> , <a href="#">MCL 257.625f</a> , or <a href="#">MCL 257.204a</a> for statutory legal issues. Court must not grant restricted driving privileges.	MCR 7.120(G)(3)		
Court must decide appeal by oral or written opinion and issue order. The court may reverse only if appellant’s rights were substantially prejudiced due to decision that was (1) contrary to law, (2) outside the SOS’s jurisdiction or authority, (3) made via unlawful procedure resulting in material prejudice, (4) not supported by competent, material, and substantial evidence on the whole record, (5) arbitrary, capricious, or an abuse of discretion, or (6) affected by other substantial and material legal error.	MCR 7.114(B); MCR 7.120(G)(3)		
Circuit court must promptly send original record, certified copy of order, and any written opinion to (1) the clerk of the Court of Appeals, if timely application for leave is filed, or (2) the SOS if no timely application for leave to appeal filed.	MCR 7.109(H)		

