



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

DATE: September 8, 2022

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

FROM: Melissa Noll, Court Liaison
Michigan Department of State

SUBJECT: New Offense Code 1460 – Human Trafficking in a Commercial Motor Vehicle (CMV)

On July 23, 2019, the Federal Motor Carrier Safety Administration (FMCSA) published its final rule titled, "Lifetime Disqualification for Human Trafficking." This regulation prohibits an individual from operating a commercial motor vehicle (CMV), as defined by 49 CFR 383.5, for life, if that individual uses a CMV in the commission of a felony involving a severe form of trafficking in persons as defined by 22 U.S.C 7102(11). States have until September 23, 2022, to come into compliance. Therefore, effective September 23, 2022, the Michigan Department of State will begin accepting the new offense code 1460.

The clerk of the court must forward an abstract of conviction, using the new offense code, when:

- (1) The defendant is convicted of a human trafficking offense ([MCL 750.462b to MCL 750.462f](#)); **and**
- (2) The judge determines as part of the sentence that it is an offense in which a commercial motor vehicle was used. MCL 257.732(12).

Additionally, the prosecutor must provide notice on the complaint and information that the defendant is being charged with a felony in which a commercial motor vehicle was used. MCL 257.732(11). The notice must also advise the defendant that, if convicted and the judge finds that the conviction is for a felony in which a commercial motor vehicle was used, as defined in MCL 257.319b, all vehicle group designations on the defendant's driver's license shall be suspended or revoked by the secretary of state. *Id.*

You will abstract these charges at sentencing only. The Offense Index Code has been updated. No new error messages will be displayed.

Thank you.