

<b>STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY</b>	<b>ORDER REGARDING DRIVER'S LICENSE RESTORATION AFTER REVIEW OF THE RECORD (Part 1)</b>	<b>CASE NO. and JUDGE</b>
--	---	---------------------------

Court address \_\_\_\_\_

Court telephone no. \_\_\_\_\_

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

v

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

Date of hearing: \_\_\_\_\_ Judge \_\_\_\_\_

1. On \_\_\_\_\_ petitioner filed a petition for review of the \_\_\_\_\_  
Date Date

- a. revocation/suspension for (For arrests before 1/1/92.)
  - two convictions for OUIL within 7 years with arrest date before 1/1/92.
  - three convictions for any combination of OUIL/OWI with arrest date before 1/1/92.
  - a conviction pursuant to MCL 257.625(4) or (5).
  - a conviction of negligent homicide, manslaughter, or murder involving use of motor vehicle.
  
- b. \_\_\_\_\_ suspension/revocation/restriction/denial other  
License action  
 than an application denial for medical reasons, driver assessment suspension/restriction, first implied consent suspension, or mandatory additional suspension for driving while license suspended. (For arrests on or after 10/1/99.)

**IT IS ORDERED:**

- 2. **Administrative Revocation/Denial:** After a review of the record created pursuant to MCL 257.322, in the matter of a determination resulting in a denial or revocation authorized pursuant to MCL 257.303,
  - a. the hearing officer's decision is upheld by competent, material, and substantial evidence on the whole record in accordance with MCL 257.323(4) 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.
 This conclusion is based on 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 Assessment and Appeal Division for \_\_\_\_\_ .
- 3. This order is without effect if no review of the appellate record prepared pursuant to MCL 257.322 has been conducted as required by MCL 257.323.
  - 4. In all other cases for arrests after 10/1/99,
    - a. after a review of the driving record created pursuant to MCL 257.204a, it is found the action was legally imposed pursuant to law.
    - b. the action was imposed in violation of law and is set aside.
  - 5. This order shall be void and without effect if a certified copy of this order is not served on the Secretary of State, Driver Assessment and Appeal Division, PO Box 30196, Lansing, Michigan 48909-7696 within 7 days of the date this order is signed.

\_\_\_\_\_  
Judge signature and date

Approved as to form: \_\_\_\_\_  
Assistant attorney general/Assistant prosecuting attorney

**CERTIFICATE OF MAILING**

I served a certified copy of this order on the Secretary of State by first-class mail at the address provided in this order as defined by MCR 2.107(C)(3). I declare under the penalties of perjury that this certificate of mailing has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of petitioner

<b>STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY</b>	<b>ORDER REGARDING DRIVER'S LICENSE RESTORATION AFTER REVIEW OF THE RECORD (Part 2)</b>	<b>CASE NO. and JUDGE</b>
--	---	---------------------------

Court address \_\_\_\_\_ Court telephone no. \_\_\_\_\_

Petitioner's name, address, and telephone no.	
Driver's 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 Assessment and Appeal Division PO Box 30196 Lansing, Michigan 48909-7696
Respondent's attorney, bar no., address, and telephone no.

Date of hearing: \_\_\_\_\_ Judge \_\_\_\_\_

1. On \_\_\_\_\_ petitioner filed a petition for review of the \_\_\_\_\_  
Date Date

- a. revocation/suspension for (For arrests before 1/1/92.)
  - two convictions for OUIL within 7 years with arrest date before 1/1/92.
  - three convictions for any combination of OUIL/OWI with arrest date before 1/1/92.
  - a conviction pursuant to MCL 257.625(4) or (5).
  - a conviction of negligent homicide, manslaughter, or murder involving use of motor vehicle.
  
- b. \_\_\_\_\_ suspension/revocation/restriction/denial other  
License action  
 than an application denial for medical reasons, driver assessment suspension/restriction, first implied consent suspension, or mandatory additional suspension for driving while license suspended. (For arrests on or after 10/1/99.)

**IT IS ORDERED:**

- 2. **Administrative Revocation/Denial:** After a review of the record created pursuant to MCL 257.322, in the matter of a determination resulting in a denial or revocation authorized pursuant to MCL 257.303,
  - a. the hearing officer's decision is upheld by competent, material, and substantial evidence on the whole record in accordance with MCL 257.323(4) 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.
 This conclusion is based on 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 Assessment and Appeal Division for \_\_\_\_\_ .
3. This order is without effect if no review of the appellate record prepared pursuant to MCL 257.322 has been conducted as required by MCL 257.323.
- 4. In all other cases for arrests after 10/1/99,
    - a. after a review of the driving record created pursuant to MCL 257.204a, it is found the action was legally imposed pursuant to law.
    - b. the action was imposed in violation of law and is set aside.
5. This order shall be void and without effect if a certified copy of this order is not served on the Secretary of State, Driver Assessment and Appeal Division, PO Box 30196, Lansing, Michigan 48909-7696 within 7 days of the date this order is signed.

\_\_\_\_\_  
Judge signature and date

Approved as to form: \_\_\_\_\_  
Assistant attorney general/Assistant prosecuting attorney

**CERTIFICATE OF MAILING**

I served a certified copy of this order on the Secretary of State by first-class mail at the address provided in this order as defined by MCR 2.107(C)(3). I declare under the penalties of perjury that this certificate of mailing has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of petitioner