

MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949

257.323a Petition for order staying revocation or suspension of license; ex parte order; provisions inapplicable to violation of financial responsibility act.

Sec. 323a.

(1) A person who is aggrieved by a final determination of the secretary of state suspending or revoking the operator's or chauffeur's license of the person may, within 63 days after the determination, petition the circuit court for the county in which the conviction or civil infraction determination resulting in the license being suspended or revoked was entered, or the circuit court for the county of residence of the person if the license was suspended or revoked as provided in section 318, or for the accumulation of 12 or more points as provided in sections 320 and 320a, for an order staying the revocation or suspension of the license. Except as provided in subsection (2), the court may enter an ex parte order staying the suspension or revocation subject to terms and conditions prescribed by the court until the determination of an appeal to the secretary of state or of an appeal or a review by the circuit court, or for a lesser time which the court considers proper, except that the court shall not enter an ex parte order staying the suspension or revocation of a person who drives a truck or truck tractor, including a trailer, which hauls hazardous material.

(2) The court shall not enter an ex parte order staying the suspension, denial, or revocation if the order is based upon a claim of undue hardship.

(3) This section shall not apply to a suspension for a violation of the financial responsibility act contained in chapter V.

History: Add. 1960, Act 78, Eff. Aug. 17, 1960 ;-- Am. 1961, Act 19, Imd. Eff. May 10, 1961 ;-- Am. 1978, Act 57, Imd. Eff. Mar. 10, 1978 ;-- Am. 1978, Act 139, Eff. May 1, 1979 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1982, Act 310, Eff. Mar. 30, 1983 ;-- Am. 1991, Act 99, Eff. Jan. 1, 1992

Compiler's Notes: Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."