

# HOUSE BILL No. 5517

March 22, 1988, Introduced by Reps. Perry Bullard, Nye, Martin, Sparks, Gire, Webb, Farhat, Scott, Hertel, Emerson and Van Regenmorter and referred to the Committee on Judiciary.

A bill to amend sections 303, 319, 320a, 323, 323a, 625, 625a, 625b, 625c, 625d, 625f, 625i, 732, and 904 of Act No. 300 of the Public Acts of 1949, entitled as amended

"Michigan vehicle code,"

section 303 as amended by Act No. 216 of the Public Acts of 1983, section 319 as amended by Act No. 177 of the Public Acts of 1986, section 320a as amended by Act No. 154 of the Public Acts of 1987, sections 323, 323a, 625a, 625c, 625d, 625f, and 904 as amended and section 625i as added by Act No. 310 of the Public Acts of 1982, sections 625 and 625b as amended by Act No. 109 of the Public Acts of 1987, and section 732 as amended by Act No. 1 of the Public Acts of 1985, being sections 257.303, 257.319, 257.320a, 257.323, 257.323a, 257.625, 257.625a, 257.625b, 257.625c, 257.625d, 257.625f, 257.625i, 257.732, and 257.904 of

the Michigan Compiled Laws; to add sections 27a, 624a, 624b, and 910; and to repeal certain acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 303, 319, 320a, 323, 323a, 625, 625a,  
2 625b, 625c, 625d, 625f, 625i, 732, and 904 of Act No. 300 of the  
3 Public Acts of 1949, section 303 as amended by Act No. 216 of the  
4 Public Acts of 1983, section 319 as amended by Act No. 177 of the  
5 Public Acts of 1986, section 320a as amended by Act No. 154 of  
6 the Public Acts of 1987, sections 323, 323a, 625a, 625c, 625d,  
7 625f, and 904 as amended and section 625i as added by Act No. 310  
8 of the Public Acts of 1982, sections 625 and 625b as amended by  
9 Act No. 109 of the Public Acts of 1987, and section 732 as  
10 amended by Act No. 1 of the Public Acts of 1985, being sections  
11 257.303, 257.319, 257.320a, 257.323, 257.323a, 257.625, 257.625a,  
12 257.625b, 257.625c, 257.625d, 257.625f, 257.625i, 257.732, and  
13 257.904 of the Michigan Compiled Laws, are amended and sections  
14 27a, 624a, 624b, and 910 are added to read as follows:

15       SEC. 27A. "LOCAL ORDINANCE" MEANS AN ORDINANCE OR OTHER  
16 FORM OF LAW ENACTED BY A LOCAL UNIT OF GOVERNMENT IN THIS OR  
17 ANOTHER STATE.

18       Sec. 303. (1) The secretary of state shall not issue a  
19 license under this act:

20       (a) To a person, as an operator, who is ~~+17 years of age or~~  
21 less THAN 18 YEARS OF AGE, except that the secretary of state may  
22 issue a license to a person who is not less than 16 years of age  
23 and who has satisfactorily passed a driver education course and  
24 examination given by a public school or nonpublic school of this

1 or another state offering a course approved by the department of  
2 education, or an equivalent COURSE AND examination as prescribed  
3 in section 811. The secretary of state may issue to a person not  
4 less than 14 years of age a restricted license as provided in  
5 this act. This subdivision shall not apply to a person who has  
6 been the holder of a valid driver's license issued by another  
7 state, territory, or possession of the United States or another  
8 sovereignty for at least 1 year immediately before application  
9 for a driver's license under this act.

10 (b) To a person, as a chauffeur, who is 17 years of age or  
11 less, except that the secretary of state may issue a license to a  
12 person who is not less than 16 years of age and who has satisfac-  
13 torily passed a driver education course and examination given by  
14 a public school or nonpublic school of this or another state  
15 offering a course approved by the department of education, or an  
16 equivalent COURSE AND examination as prescribed in section 811.

17 (c) To a person whose license has been suspended during the  
18 period for which the license was suspended.

19 (d) To a person whose license has been revoked under this  
20 act until the later of the following:

21 (i) The expiration of not less than 1 year after the license  
22 was revoked.

23 (ii) The expiration of not less than 5 years after the date  
24 of a subsequent revocation occurring within 7 years after the  
25 date of any prior revocation.

26 (e) To a person who is an habitual violator of the criminal  
27 laws relating to operating a vehicle while impaired by or under

1 the influence of intoxicating liquor or a controlled substance or  
2 a combination of intoxicating liquor and a controlled substance,  
3 or with a blood alcohol content of 0.10% or more by weight of  
4 alcohol. Convictions of any of the following, whether under a  
5 law of this state, a local ordinance substantially corresponding  
6 to a law of this state, or a law of another state substantially  
7 corresponding to a law of this state, shall be prima facie evi-  
8 dence that the person is an habitual violator as described in  
9 this subdivision:

10 (i) Two convictions under section 625(1) ~~or (2), or 1 con-~~  
11 ~~viction under section 625(1) and 1 conviction under section~~  
12 ~~625(2)~~ within ~~7~~ 10 years.

13 (ii) ~~Three~~ ANY COMBINATION OF 3 convictions under section  
14 ~~625b~~ 625(1) AND (3) within 10 years.

15 (f) To a person who in the opinion of the secretary of state  
16 is afflicted with or suffering from a physical or mental disabil-  
17 ity or disease which prevents that person from exercising reason-  
18 able and ordinary control over a motor vehicle while operating  
19 the motor vehicle upon the highways.

20 (g) To a person who is unable to understand highway warning  
21 or direction signs in the English language.

22 (h) To a person who is an habitually reckless driver. Four  
23 convictions of reckless driving under this act or any other law  
24 of this state relating to reckless driving or under a local ordi-  
25 nance of this state or a law of another state which defines the  
26 term "reckless driving" substantially similar to the law of this

1 state shall be prima facie evidence that the person is an  
2 habitually reckless driver.

3 (i) To a person who is an habitual criminal. Two convic-  
4 tions of a felony involving the use of a motor vehicle in this or  
5 another state shall be prima facie evidence that the person is an  
6 habitual criminal.

7 (j) To a person who is unable to pass a knowledge, skill, or  
8 ability test administered by the secretary of state in connection  
9 with the issuance of an original operator's or chauffeur's  
10 license or original indorsement.

11 (k) To a person who has been convicted, received a probate  
12 court finding, or been determined responsible for 2 or more  
13 moving violations under a law of this state, a local ordinance  
14 substantially corresponding to a law of this state, or a law of  
15 another state substantially corresponding to a law of this state,  
16 within the preceding 3 years, if the violations occurred prior to  
17 the issuance of an original license to the person in this or  
18 another state.

19 (l) TO A PERSON NOT LICENSED UNDER THIS ACT WHO HAS BEEN  
20 CONVICTED, RECEIVED A PROBATE COURT FINDING, OR BEEN DETERMINED  
21 RESPONSIBLE FOR COMMITTING ANY OF THE CRIMES OR CIVIL INFRACTIONS  
22 DESCRIBED IN SECTIONS 319, 324, AND 904. A PERSON SHALL BE  
23 DENIED A LICENSE UNDER THIS SUBDIVISION FOR THE LENGTH OF TIME  
24 WHICH CORRESPONDS TO THE PERIOD OF THE LICENSING SANCTION WHICH  
25 WOULD HAVE BEEN IMPOSED UNDER SECTION 319, 324, OR 904 IF THE  
26 PERSON HAD BEEN LICENSED AT THE TIME OF VIOLATION.

1 (2) Upon receipt of the appropriate records of conviction,  
 2 the secretary of state shall revoke the operator's or chauffeur's  
 3 license of a person having any of the following convictions,  
 4 whether under a law of this state, a local ordinance substan-  
 5 tially corresponding to a law of this state, or a law of another  
 6 state substantially corresponding to a law of this state:

7 (a) Four convictions of reckless driving within 7 years.

8 (b) Two convictions of a felony involving the use of a motor  
 9 vehicle within ~~7~~ 10 years.

10 (c) Two convictions under section 625(1) ~~or (2), or 1 con-~~  
 11 ~~viction under section 625(1) and 1 conviction under section~~  
 12 ~~625(2)~~ within ~~7~~ 10 years.

13 (d) ~~Three~~ ANY COMBINATION OF 3 convictions under section  
 14 ~~625b~~ 625(1) OR (3) within 10 years.

15 (3) The secretary of state shall revoke a license under sub-  
 16 section (2) notwithstanding a court order issued under section  
 17 ~~625 or 625b,~~ 625(1) OR (3) or a local ordinance substantially  
 18 corresponding to section 625(1) or ~~(2) or 625b~~ (3).

19 Sec. 319. (1) The secretary of state shall immediately sus-  
 20 pend for a period of not less than 90 days, nor more than 2  
 21 years, the license of a person upon receiving a record of the  
 22 conviction of that person of any of the following crimes, whethe-  
 23 the conviction is under a law of this state, a local ordinance  
 24 substantially corresponding to a law of this state, or a law of  
 25 another state substantially corresponding to a law of this  
 26 state:

1 (a) Manslaughter or negligent homicide resulting from the  
2 operation of a motor vehicle.

3 (b) Perjury or the making of a false certification to the  
4 secretary of state under any law requiring the registration of a  
5 motor vehicle or regulating the operation of a motor vehicle on a  
6 highway.

7 (c) A crime punishable as a felony under a law of this state  
8 regulating motor vehicles, or any other felony in the commission  
9 of which a motor vehicle was used.

10 (d) Conviction upon 3 charges of reckless driving within the  
11 preceding ~~+2-~~ 36 months.

12 (e) A conviction of a driver of a motor vehicle involved in  
13 an accident resulting in the death or injury of another person,  
14 upon a charge of failing to stop and disclose his or her identity  
15 at the scene of the accident.

16 (f) A conviction of a driver of a motor vehicle for will-  
17 fully failing to obey the direction of a police or conservation  
18 officer to bring the motor vehicle to a stop.

19 (2) The secretary of state shall suspend, for the period  
20 described in subsection (1), the license of a person upon receiv-  
21 ing the record of conviction of the person for a violation of a  
22 law of another state substantially corresponding to section  
23 625(1). ~~or (2).~~

24 (3) The secretary of state shall suspend the license of a  
25 person convicted of malicious destruction resulting from the  
26 operation of a motor vehicle ~~as prescribed by~~ UNDER section 382  
27 of the Michigan penal code, Act No. 328 of the Public Acts of

1 1931, as amended, being section 750.382 of the Michigan Compiled  
2 Laws, for a period of not more than 1 year as ordered by the  
3 court as part of the sentence.

4 (4) The secretary of state shall immediately suspend the  
5 license of a person for the period specified in the certificate  
6 of conviction upon receipt of the person's license and certifi-  
7 cate of conviction forwarded to the secretary of state pursuant  
8 to section 367c of the Michigan penal code, Act No. 328 of the  
9 Public Acts of 1931, being section 750.367c of the Michigan  
10 Compiled Laws.

11 (5) The secretary of state shall suspend, for a period of  
12 not less than ~~6~~ 2 months nor more than 18 months, the license  
13 of a person having the following convictions within a ~~7-year~~  
14 10-YEAR period, whether under the law of this state, a local  
15 ordinance substantially corresponding to a law of this state, or  
16 a law of another state substantially corresponding to a law of  
17 this state:

18 (a) Two convictions under section ~~625b~~ 625(3).

19 (b) One conviction under section 625(1) ~~or (2) followed by~~  
20 AND 1 conviction under section ~~625b~~ 625(3).

21 (6) Upon receipt of a certificate of conviction pursuant to  
22 section 33b(3) of THE MICHIGAN LIQUOR CONTROL ACT, Act No. 8 of  
23 the Public Acts of the Extra Session of 1933, being section  
24 436.33b of the Michigan Compiled Laws, or of a local ordinance or  
25 law of another state substantially corresponding to section  
26 33b(3) of Act No. 8 of the Public Acts of the Extra Session of  
27 1933, the secretary of state shall suspend the person's ~~operator~~



1 ~~or chauffeur~~ OPERATOR'S OR CHAUFFEUR'S license for a period of  
2 90 days. A suspension under this subsection shall be in addition  
3 to any other suspension of the person's ~~operator or chauffeur~~  
4 license.

5 (7) UPON RECEIPT OF THE RECORD OF CONVICTION OR PROBATE  
6 COURT FINDING OF A PERSON FOR A VIOLATION OF SECTION 624A OR OF A  
7 LOCAL ORDINANCE OR LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPOND-  
8 ING TO SECTION 624A, THE SECRETARY OF STATE SHALL SUSPEND FOR THE  
9 FOLLOWING PERIODS OF TIME THE PERSON'S LICENSE TO OPERATE A MOTOR  
10 VEHICLE ON THE PUBLIC HIGHWAYS OF THIS STATE:

11 (A) NINETY DAYS FOR A FIRST OFFENSE.

12 (B) SIX MONTHS FOR A SECOND OFFENSE.

13 (C) ONE YEAR FOR A THIRD OR SUBSEQUENT OFFENSE.

14 (8) A SUSPENSION PURSUANT TO THIS SECTION SHALL BE IMPOSED  
15 NOTWITHSTANDING A COURT ORDER ISSUED UNDER SECTION 625(1) OR (3),  
16 OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION  
17 625(1) OR (3).

18 Sec. 320a. (1) The secretary of state, within 10 days after  
19 the receipt of a properly prepared abstract from this or another  
20 state, shall record the date of conviction, civil infraction  
21 determination, or probate court finding, and the number of points  
22 for each, based on the following formula, except as otherwise  
23 provided in this section and section 629c:

24 (a) Manslaughter, negligent homicide, or a felony  
25 resulting from the operation of a motor vehicle..... 6 points

26 (b) Operating a motor vehicle while under the  
27 influence of intoxicating liquor or a controlled

1 substance, or a combination of an intoxicating liquor  
2 and a controlled substance, or while having a blood  
3 alcohol content of 0.10% or more by weight of alcohol.. 6 points

4 (c) Failing to stop and disclose identity at the  
5 scene of an accident when required by law..... 6 points

6 (d) Operating a motor vehicle in a reckless manner 6 points

7 (e) Violation of any law or ordinance pertaining  
8 to speed by exceeding the lawful maximum by more than  
9 15 miles per hour..... 4 points

10 (f) Violation of section ~~625b~~ 625(3) or a law or  
11 ordinance substantially corresponding to section 625b.. 4 points

12 (g) Fleeing or eluding an officer..... 6 points

13 (h) Violation of section ~~626a~~ 625(3) or a law or  
14 ordinance substantially corresponding to section 626a.. 4 points

15 (i) Violation of any law or ordinance pertaining  
16 to speed by exceeding the lawful maximum by more than  
17 10 but not more than 15 miles per hour or careless  
18 driving in violation of section 626b or a law or ordi-  
19 nance substantially corresponding to section 626b..... 3 points

20 (j) Violation of any law or ordinance pertaining  
21 to speed by exceeding the lawful maximum by 10 miles  
22 per hour or less..... 2 points

23 (k) Disobeying a traffic signal or stop sign, or  
24 improper passing..... 3 points

25 (l) VIOLATIONS OF SECTION 624A OR 625B OR A LAW OR  
26 ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 624A  
27 OR 625B.....

1 (M) ~~(4)~~ All other moving violations pertaining  
2 to the operation of motor vehicles reported under this  
3 section..... 2 points

4 (2) Points shall not be entered for a violation of section  
5 311, 658, 717, 719, 719a, or 723.

6 (3) Points shall not be entered for bond forfeitures.

7 (4) Points shall not be entered for overweight loads or for  
8 defective equipment.

9 (5) If more than 1 conviction, civil infraction determina-  
10 tion, or probate court finding results from the same incident,  
11 points shall be entered only for the violation which receives the  
12 highest number of points under this section.

13 (6) If a person has accumulated 9 points as provided in this  
14 section, the secretary of state may call the person in for an  
15 interview as to the person's driving ability and record after due  
16 notice as to time and place of the interview. If the person  
17 fails to appear as provided in this subsection, the secretary of  
18 state shall add 3 points to the person's record.

19 (7) If a person is determined to be responsible for a civil  
20 infraction for a violation of a law or ordinance pertaining to  
21 speed by exceeding the lawful maximum on a street or highway  
22 which maximum was reduced by Act No. 28 of the Public Acts of  
23 1974, then points shall be entered only pursuant to the  
24 following:

25 (a) Sixty miles per hour to the lawful maximum in  
26 effect before being reduced by Act No. 28 of the Public  
27 Acts of 1974..... 1 point

1 (b) Exceeding the lawful maximum in effect before  
2 being reduced by Act No. 28 of the Public Acts of 1974,  
3 by 10 miles per hour or less..... 2 points

4 (c) Exceeding the lawful maximum in effect before  
5 being reduced by Act No. 28 of the Public Acts of 1974,  
6 by more than 10 but not more than 15 miles per hour.... 3 points

7 (d) Exceeding the lawful maximum in effect before  
8 being reduced by Act No. 28 of the Public Acts of 1974,  
9 by more than 15 miles per hour..... 4 points

10 (8) Notwithstanding subsection (7), if a person violates a  
11 speed restriction established by an executive order issued during  
12 a state of energy emergency as provided by Act No. 191 of the  
13 Public Acts of 1982, being sections 10.81 to 10.89 of the  
14 Michigan Compiled Laws, the secretary of state shall enter points  
15 for the violation pursuant to subsection (1).

16 (9) The secretary of state shall enter 6 points upon the  
17 record of a person whose license is suspended or denied pursuant  
18 to section 625f for refusal to submit to a chemical test  
19 described in section 625a. However, if a conviction, civil  
20 infraction determination, or probate court finding results from  
21 the same incident, additional points for that offense shall not  
22 be entered.

23 (10) If a Michigan driver commits a violation in another  
24 state that would be a civil infraction if committed in Michigan,  
25 and a conviction results solely because of the failure of the

1 Michigan driver to appear in that state to contest the violation,  
2 upon receipt of the abstract of conviction by the secretary of  
3 state, the violation shall be noted on the driver's record, but  
4 no points shall be assessed against his or her driver's license.

5       Sec. 323. (1) A person who is aggrieved by a final determi-  
6 nation of the secretary of state denying the person an operator's  
7 or chauffeur's license or an indorsement on a license or revok-  
8 ing, suspending, or restricting an operator's or chauffeur's  
9 license or an indorsement may, WITHIN 60 DAYS AFTER THE  
10 DETERMINATION, petition for a review of the determination in the  
11 circuit court in the county where the person was arrested if the  
12 denial or suspension was imposed pursuant to section 625f or pur-  
13 suant to the order of a trial court under section 328 or, in all  
14 other cases, in the circuit court in the county of residence of  
15 the person.

16       (2) The circuit court shall enter an order setting the cause  
17 for hearing for a day certain ~~in not to exceed~~ WHICH IS NOT  
18 MORE THAN 60 days after the date of the order. The order,  
19 together with a copy of the petition which shall include the  
20 person's full name, current address, birth date, and driver's  
21 license number, and all supporting affidavits, shall be served on  
22 the secretary of state's office in Lansing not less than 20 days  
23 before the date set for the hearing. If the person is seeking a  
24 review of the record prepared pursuant to section 625f(3) to  
25 determine whether the hearing officer properly determined the  
26 issues enumerated in section 625f(2), then the service upon the

1 secretary of state shall be made not less than 50 days before the  
2 date set for the hearing.

3 (3) Except as provided in ~~subsection~~ SUBSECTIONS (4) AND  
4 (6), the court may take testimony and examine into all the facts  
5 and circumstances incident to the denial, suspension, restric-  
6 tion, or revocation of the person's license. The court may  
7 affirm, modify, or set aside the restriction, suspension, revoca-  
8 tion, or denial except that the court shall not order the secre-  
9 tary of state to issue a restricted or unrestricted chauffeur's  
10 license which would permit a person to drive a truck or truck  
11 tractor, including a trailer, which hauls a hazardous material.  
12 The order of the court shall be duly entered and THE PETITIONER  
13 SHALL FILE a certified copy ~~shall be filed immediately~~ OF THE  
14 ORDER with the secretary of state's office in Lansing WITHIN  
15 7 DAYS AFTER ENTRY OF THE ORDER.

16 (4) In reviewing a determination resulting in a denial or  
17 suspension under section 625f, the court shall confine its con-  
18 sideration to 1 or both of the following:

19 (a) A review of the record prepared pursuant to section  
20 625f(3) to determine whether the hearing officer properly deter-  
21 mined the issues enumerated in section 625f(2).

22 (b) A determination of whether to order the issuance of a  
23 restricted license as provided in section 323c.

24 (5) This section shall not apply to a denial, revocation,  
25 suspension, or restriction imposed pursuant to a court order  
26 issued as part of the sentence for ~~of~~ a conviction of a  
27 violation of section ~~625 or 625b,~~ 625(1) OR (3) or a local

1 ordinance substantially corresponding to section 625(1) or ~~(2)~~  
2 ~~or 625b~~ (3).

3 (6) IN REVIEWING A DETERMINATION RESULTING IN A DENIAL OR  
4 REVOCATION UNDER SECTION 303(1)(E), 303(2)(C), OR 303(2)(D), THE  
5 COURT SHALL CONFINE ITS CONSIDERATION TO A REVIEW OF THE RECORD  
6 PREPARED PURSUANT TO SECTION 322 OR THE DRIVING RECORD CREATED  
7 UNDER SECTION 204A. THE COURT SHALL SET ASIDE THE DETERMINATION  
8 OF THE SECRETARY OF STATE ONLY IF SUBSTANTIAL RIGHTS OF THE PETI-  
9 TIONER HAVE BEEN PREJUDICED BECAUSE THE DETERMINATION IS ANY OF  
10 THE FOLLOWING:

11 (A) IN VIOLATION OF THE CONSTITUTION OR A STATUTE.

12 (B) IN EXCESS OF THE STATUTORY AUTHORITY OR JURISDICTION OF  
13 THE SECRETARY OF STATE.

14 (C) MADE UPON UNLAWFUL PROCEDURE RESULTING IN MATERIAL PREJ-  
15 UDICE TO THE PETITIONER.

16 (D) NOT SUPPORTED BY COMPETENT, MATERIAL, AND SUBSTANTIAL  
17 EVIDENCE ON THE WHOLE RECORD.

18 (E) ARBITRARY, CAPRICIOUS, OR CLEARLY AN ABUSE OR UNWAR-  
19 RANTED EXERCISE OF DISCRETION.

20 (F) AFFECTED BY OTHER SUBSTANTIAL AND MATERIAL ERROR OF LAW.

21 (7) ~~(6)~~ This section shall not apply to a denial, revoca-  
22 tion, suspension, or restriction imposed pursuant to the finan-  
23 cial responsibility act contained in chapter V.

24 Sec. 323a. (1) A person who is aggrieved by a final deter-  
25 mination of the secretary of state suspending or revoking the  
26 operator's or chauffeur's license of the person may, WITHIN  
27 60 DAYS AFTER THE DETERMINATION, petition the circuit court for

1 the county in which ~~was entered~~ the conviction or civil  
2 infraction determination resulting in the license being suspended  
3 or revoked WAS ENTERED, or the circuit court for the county of  
4 residence of the person if the license was suspended or revoked  
5 as provided in section 318, or for the accumulation of 12 or more  
6 points as provided in sections 320 and 320a, for an order staying  
7 the revocation or suspension of the license. The court may enter  
8 an ex parte order staying the suspension or revocation subject to  
9 terms and conditions prescribed by the court until the determina-  
10 tion of an appeal to the secretary of state or of an appeal or a  
11 review by the circuit court, or for a lesser time which the court  
12 considers proper, except that the court shall not enter an ex  
13 parte order staying the suspension or revocation of a person who  
14 drives a truck or truck tractor, including a trailer, which hauls  
15 hazardous material.

16 (2) This section shall not apply to a suspension for a vio-  
17 lation of the financial responsibility act contained in chapter  
18 V.

19 SEC. 624A. (1) A PERSON LESS THAN 21 YEARS OF AGE SHALL NOT  
20 KNOWINGLY TRANSPORT OR POSSESS ALCOHOLIC LIQUOR IN A MOTOR VEHI-  
21 CLE UPON A HIGHWAY OR OTHER PLACE OPEN TO THE GENERAL PUBLIC,  
22 INCLUDING AN AREA DESIGNATED FOR THE PARKING OF VEHICLES, UNLESS  
23 THE PERSON IS EMPLOYED BY A PERSON LICENSED PURSUANT TO THE  
24 MICHIGAN LIQUOR CONTROL ACT, ACT NO. 8 OF THE PUBLIC ACTS OF THE  
25 EXTRA SESSION OF 1933, BEING SECTIONS 436.1 TO 436.58 OF THE  
26 MICHIGAN COMPILED LAWS, THE LIQUOR CONTROL COMMISSION, OR AN  
27 AGENT OF THE LIQUOR CONTROL COMMISSION AND THE PERSON IS



1 TRANSPORTING THE ALCOHOLIC LIQUOR DURING REGULAR WORKING HOURS  
2 AND IN THE COURSE OF EMPLOYMENT.

3 (2) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A  
4 CIVIL INFRACTION.

5 SEC. 624B. (1) A PERSON SHALL NOT TRANSPORT ALCOHOLIC  
6 LIQUOR IN A CONTAINER WHICH IS OPEN OR UNCAPPED OR UPON WHICH THE  
7 SEAL IS BROKEN, WITHIN THE PASSENGER COMPARTMENT OF A VEHICLE  
8 UPON A HIGHWAY OR OTHER PLACE OPEN TO THE GENERAL PUBLIC, INCLUD-  
9 ING AN AREA DESIGNATED FOR THE PARKING OF VEHICLES. IF THE VEHI-  
10 CLE DOES NOT HAVE A TRUNK OR OTHER COMPARTMENT SEPARATE FROM THE  
11 PASSENGER COMPARTMENT, A CONTAINER WHICH IS OPEN OR UNCAPPED OR  
12 UPON WHICH THE SEAL IS BROKEN SHALL BE ENCASED OR ENCLOSED.

13 (2) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A  
14 CIVIL INFRACTION.

15 (3) THIS SECTION DOES NOT APPLY TO A CHARTERED VEHICLE  
16 LICENSED BY THE MICHIGAN PUBLIC SERVICE COMMISSION.

17 Sec. 625. (1) A person, whether licensed or not, ~~who is~~  
18 ~~under the influence of intoxicating liquor or a controlled sub-~~  
19 ~~stance, or a combination of intoxicating liquor and a controlled~~  
20 ~~substance,~~ shall not operate a vehicle upon a highway or other  
21 place open to the general public, including an area designated  
22 for the parking of vehicles, within the state ~~. A peace officer~~  
23 ~~may, without a warrant, arrest a person when the peace officer~~  
24 ~~has reasonable cause to believe that the person was, at the time~~  
25 ~~of an accident, the driver of a vehicle involved in the accident~~  
26 ~~and was operating the vehicle upon a public highway or other~~  
27 ~~place open to the general public, including an area designated~~

~~1 for the parking of vehicles, in the state while in violation of~~  
~~2 this subsection or of subsection (2), or of a local ordinance~~  
~~3 substantially corresponding to this subsection or subsection~~  
~~4 (2).~~ IF EITHER OF THE FOLLOWING APPLY:

5 (A) THE PERSON IS UNDER THE INFLUENCE OF INTOXICATING LIQUOR  
6 OR A CONTROLLED SUBSTANCE, OR A COMBINATION OF INTOXICATING  
7 LIQUOR AND A CONTROLLED SUBSTANCE.

8 (B) THE PERSON'S BLOOD CONTAINS 0.10% OR MORE BY WEIGHT OF  
9 ALCOHOL.

10 ~~(2) A person, whether licensed or not, whose blood contains~~  
~~11 0.10% or more by weight of alcohol, shall not operate a vehicle~~  
~~12 upon a highway or other place open to the general public, includ-~~  
~~13 ing an area designated for the parking of vehicles, within the~~  
~~14 state.~~

15 (2) ~~(3)~~ The owner of a vehicle or a person in charge or in  
16 control of a vehicle shall not authorize or knowingly permit the  
17 vehicle to be operated upon a highway or other place open to the  
18 general public, including an area designated for the parking of  
19 motor vehicles, within the state by a person who is under the  
20 influence of intoxicating liquor or a controlled substance, or a  
21 combination of intoxicating liquor and a controlled substance, OR  
22 WHOSE BLOOD CONTAINS 0.10% OR MORE BY WEIGHT OF ALCOHOL.

23 (3) A PERSON SHALL NOT OPERATE A VEHICLE UPON A HIGHWAY OR  
24 OTHER PLACE OPEN TO THE GENERAL PUBLIC, INCLUDING AN AREA DESIG-  
25 NATED FOR THE PARKING OF VEHICLES, WITHIN THE STATE WHEN, DUE TO  
26 THE CONSUMPTION OF AN INTOXICATING LIQUOR, A CONTROLLED  
27 SUBSTANCE, OR A COMBINATION OF AN INTOXICATING LIQUOR AND A

1 CONTROLLED SUBSTANCE, THE PERSON HAS VISIBLY IMPAIRED HIS OR HER  
2 ABILITY TO OPERATE THE VEHICLE. IF A PERSON IS CHARGED WITH VIO-  
3 LATING SUBSECTION (1), A FINDING OF GUILTY UNDER THIS SUBSECTION  
4 MAY BE RENDERED.

5 (4) IF A PERSON IS CONVICTED OF A VIOLATION OF SUBSECTION  
6 (1), THE FOLLOWING SANCTIONS SHALL APPLY:

7 (A) ~~(4)~~ Except as otherwise provided in ~~this section, a~~  
8 ~~person who is convicted of a violation of subsection (1), (2), or~~  
9 ~~(3)~~ SUBDIVISIONS (B) AND (C), THE PERSON is guilty of a misde-  
10 meanor, punishable by imprisonment for not more than 90 days, or  
11 a fine of not less than \$100.00 nor more than \$500.00, or both,  
12 together with costs of the prosecution. ~~As part of the sentence~~  
13 ~~for a violation of subsection (1) or (2), the~~ THE court shall  
14 order the secretary of state to IMPOSE LICENSE SANCTIONS PURSUANT  
15 TO SECTION 625B. ~~suspend the operator's or chauffeur's license~~  
16 ~~of the person for a period of not less than 6 months nor more~~  
17 ~~than 2 years. The court may order the secretary of state to~~  
18 ~~issue to the person a restricted license permitting the person~~  
19 ~~during all or a specified portion of the period of suspension to~~  
20 ~~drive only to and from the person's residence and work location,~~  
21 ~~in the course of the person's employment or occupation, to and~~  
22 ~~from an alcohol or drug education program or treatment program as~~  
23 ~~ordered by the court, to and from the person's residence and an~~  
24 ~~educational institution at which the person is enrolled as a stu-~~  
25 ~~dent, or pursuant to a combination of these restrictions. The~~  
26 ~~court may also order that the restricted license include the~~  
27 ~~requirement that a person shall not operate a motor vehicle~~

1 ~~unless the vehicle is equipped with a functioning certified~~  
2 ~~ignition interlock device. The device shall be set to render the~~  
3 ~~motor vehicle inoperable if the device detects 0.02% or more by~~  
4 ~~weight of alcohol in the blood of the person who offers a breath~~  
5 ~~sample. The court may order installation of a certified ignition~~  
6 ~~interlock device on any motor vehicle that the person owns or~~  
7 ~~operates, the costs of which shall be borne by the person whose~~  
8 ~~license is restricted. The court shall not order the secretary~~  
9 ~~of state to issue a restricted chauffeur's license which would~~  
10 ~~permit a person to operate a truck or truck tractor, including a~~  
11 ~~trailer, which hauls hazardous material. The court shall not~~  
12 ~~order the secretary of state to issue a restricted license unless~~  
13 ~~the person states under oath and the court finds that the person~~  
14 ~~is unable to take public transportation to and from his or her~~  
15 ~~work location, place of alcohol or drug education or treatment,~~  
16 ~~or educational institution, and does not have any family members~~  
17 ~~or others able to provide transportation. The court order and~~  
18 ~~license shall indicate the person's work location and the~~  
19 ~~approved route or routes and permitted times of travel. For pur-~~  
20 ~~poses of this subsection, "work location" includes, as applica-~~  
21 ~~ble, either or both of the following:~~

22 ~~(i) The specific place or places of employment.~~

23 ~~(ii) The territory or territories regularly visited by the~~  
24 ~~person in pursuance of the person's occupation.~~

25 ~~(B) (5) A person who violates subsection (1) or (2) or a~~  
26 ~~local ordinance substantially corresponding to subsection (1) or~~  
27 ~~(2) within 7 IF THE VIOLATION OCCURS WITHIN 10 years of a prior~~

1 conviction, THE PERSON may be sentenced to imprisonment for not  
2 more than 1 year, or a fine of not LESS THAN \$200.00 NOR more  
3 than \$1,000.00, or both. ~~As part of the sentence, the~~ THE  
4 COURT MAY ORDER THE PERSON TO PAY THE COSTS OF THE PROSECUTION  
5 AND SHALL IMPOSE LICENSE SANCTIONS PURSUANT TO SECTION 625B. THE  
6 court shall order the secretary of state to revoke the operator's  
7 or chauffeur's license of the person. ~~For purposes of this sec-~~  
8 ~~tion, "prior conviction" means a conviction under subsection (1)~~  
9 ~~or (2), a local ordinance substantially corresponding to subsec-~~  
10 ~~tion (1) or (2), or a law of another state substantially corre-~~  
11 ~~sponding to subsection (1) or (2).~~

12 (C) ~~(6) A person who violates subsection (1) or (2) or a~~  
13 ~~local ordinance substantially corresponding to subsection (1) or~~  
14 ~~(2) IF THE VIOLATION OCCURS within 10 years of 2 or more prior~~  
15 ~~convictions, as defined in subsection (5), THE PERSON is guilty~~  
16 ~~of a felony. As part of the sentence, the~~ THE court shall  
17 order the secretary of state to ~~revoke the operator's or~~  
18 ~~chauffeur's license of the person~~ IMPOSE LICENSE SANCTIONS PUR-  
19 SUANT TO SECTION 625B.

20 ~~(7) As part of the sentence for a violation of subsection~~  
21 ~~(1) or (2), or a local ordinance substantially corresponding to~~  
22 ~~subsection (1) or (2), the court may order the person to perform~~  
23 ~~service to the community, as designated by the court, without~~  
24 ~~compensation, for a period not to exceed 12 days. The person~~  
25 ~~shall reimburse the state or appropriate local unit of government~~  
26 ~~for the cost of insurance incurred by the state or local unit of~~

1 ~~government as a result of the person's activities under this~~  
2 ~~subsection.~~

3 ~~(8) Before imposing sentence for a violation of subsection~~  
4 ~~(1) or (2) or a local ordinance substantially corresponding to~~  
5 ~~subsection (1) or (2), the court shall order the person to~~  
6 ~~undergo screening and assessment by a person or agency designated~~  
7 ~~by the office of substance abuse services, to determine whether~~  
8 ~~the person is likely to benefit from rehabilitative services,~~  
9 ~~including alcohol or drug education and alcohol or drug treatment~~  
10 ~~programs. As part of the sentence, the court may order the~~  
11 ~~person to participate in and successfully complete 1 or more~~  
12 ~~appropriate rehabilitative programs. The person shall pay for~~  
13 ~~the costs of the screening, assessment, and rehabilitative~~  
14 ~~services.~~

15 (5) AS USED IN SUBSECTION (4), "PRIOR CONVICTION" MEANS A  
16 CONVICTION UNDER SUBSECTION (1), A LOCAL ORDINANCE SUBSTANTIALLY  
17 CORRESPONDING TO SUBSECTION (1), OR A LAW OF ANOTHER STATE SUB-  
18 STANTIALLY CORRESPONDING TO SUBSECTION (1).

19 (6) A PERSON WHO IS CONVICTED OF A VIOLATION OF SUBSECTION  
20 (2) IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY IMPRISONMENT FOR  
21 NOT MORE THAN 90 DAYS, OR A FINE OF NOT LESS THAN \$100.00 NOR  
22 MORE THAN \$500.00, OR BOTH, TOGETHER WITH COSTS OF THE  
23 PROSECUTION.

24 (7) IF A PERSON IS CONVICTED OF A VIOLATION OF SUBSECTION  
25 (3), THE FOLLOWING SANCTIONS SHALL APPLY:

26 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISIONS (B) AND  
27 (C), THE PERSON IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY

1 IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR A FINE OF NOT MORE  
2 THAN \$300.00, OR BOTH. THE COURT MAY ORDER THE PERSON TO PAY THE  
3 COSTS OF THE PROSECUTION. THE COURT SHALL ORDER THE SECRETARY OF  
4 STATE TO IMPOSE LICENSE SANCTIONS PURSUANT TO SECTION 625B.

5 (B) IF THE VIOLATION OCCURS WITHIN 10 YEARS OF A PRIOR CON-  
6 VICTION, THE PERSON MAY BE SENTENCED TO IMPRISONMENT FOR NOT MORE  
7 THAN 1 YEAR, OR A FINE OF NOT LESS THAN \$200.00 NOR MORE THAN  
8 \$1,000.00, OR BOTH. THE COURT MAY ORDER THE PERSON TO PAY THE  
9 COSTS OF THE PROSECUTION. THE COURT SHALL ORDER THE SECRETARY OF  
10 STATE TO IMPOSE LICENSE SANCTIONS PURSUANT TO SECTION 625B.

11 (C) IF THE VIOLATION OCCURS WITHIN 10 YEARS OF 2 OR MORE  
12 PRIOR CONVICTIONS, THE PERSON MAY BE SENTENCED TO IMPRISONMENT  
13 FOR NOT MORE THAN 1 YEAR, OR A FINE OF NOT LESS THAN \$200.00 NOR  
14 MORE THAN \$1,000.00, OR BOTH. THE COURT MAY ORDER THE PERSON TO  
15 PAY THE COSTS OF THE PROSECUTION. THE COURT SHALL ORDER THE SEC-  
16 RETARY OF STATE TO IMPOSE LICENSE SANCTIONS PURSUANT TO  
17 SECTION 625B.

18 (8) AS USED IN SUBSECTION (7), "PRIOR CONVICTION" MEANS A  
19 CONVICTION UNDER SUBSECTION (1) OR (3), A LOCAL ORDINANCE SUB-  
20 STANTIALY CORRESPONDING TO SUBSECTION (1) OR (3), OR A LAW OF  
21 ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO SUBSECTION (1) OR  
22 (3).

23 (9) A PEACE OFFICER MAY, WITHOUT A WARRANT, ARREST A PERSON  
24 WHEN THE PEACE OFFICER HAS REASONABLE CAUSE TO BELIEVE THAT THE  
25 PERSON WAS, AT THE TIME OF AN ACCIDENT, THE DRIVER OF A VEHICLE  
26 INVOLVED IN THE ACCIDENT AND WAS OPERATING THE VEHICLE UPON A  
27 PUBLIC HIGHWAY OR OTHER PLACE OPEN TO THE GENERAL PUBLIC,

1 INCLUDING AN AREA DESIGNATED FOR THE PARKING OF VEHICLES, IN THIS  
2 STATE WHILE IN VIOLATION OF SUBSECTION (1) OR (3), OR OF A LOCAL  
3 ORDINANCE SUBSTANTIALLY CORRESPONDING TO SUBSECTION (1) OR (3).

4 ~~-(9) Before accepting a plea of guilty under this section,~~  
5 ~~the court shall advise the accused of the statutory consequences~~  
6 ~~possible as the result of a plea of guilty in respect to suspen-~~  
7 ~~sion or revocation of an operator's or chauffeur's license, the~~  
8 ~~penalty imposed for violation of this section, and the limitation~~  
9 ~~on the right of appeal.~~

10 ~~-(10) The operator's or chauffeur's license of a person~~  
11 ~~found guilty of violating subsection (1) or (2), or a local ordi-~~  
12 ~~nance substantially corresponding to subsection (1) or (2), shall~~  
13 ~~be surrendered to the court in which the person was convicted,~~  
14 ~~and the court shall immediately forward the surrendered license~~  
15 ~~and an abstract of conviction to the secretary of state. The~~  
16 ~~abstract of conviction shall indicate the sentence imposed. Upon~~  
17 ~~receipt of, and pursuant to the abstract of conviction, the sec-~~  
18 ~~retary of state shall suspend or revoke the person's license and,~~  
19 ~~if ordered by the court and the person is otherwise eligible for~~  
20 ~~a license, issue to the person a restricted license stating the~~  
21 ~~limited driving privileges indicated on the abstract. If the~~  
22 ~~license is not forwarded to the secretary of state, an explana-~~  
23 ~~tion of the reason why the license is absent shall be attached.~~  
24 ~~If the conviction is appealed to circuit court, that court may,~~  
25 ~~ex parte, order the secretary of state to rescind the suspension,~~  
26 ~~revocation, or restricted license issued pursuant to this~~  
27 ~~section.~~



1       Sec. 625a. (1) A PEACE OFFICER WHO HAS REASONABLE CAUSE TO  
2 BELIEVE THAT A PERSON WAS OPERATING A VEHICLE UPON A PUBLIC HIGH-  
3 WAY OR OTHER PLACE OPEN TO THE GENERAL PUBLIC, INCLUDING AN AREA  
4 DESIGNATED FOR THE PARKING OF VEHICLES, IN THIS STATE, AND THAT  
5 THE PERSON BY THE CONSUMPTION OF INTOXICATING LIQUOR MAY HAVE  
6 AFFECTED HIS OR HER ABILITY TO OPERATE A VEHICLE, MAY REQUIRE THE  
7 PERSON TO SUBMIT TO A PRELIMINARY CHEMICAL BREATH ANALYSIS.

8       (2) A PEACE OFFICER MAY ARREST A PERSON BASED IN WHOLE OR IN  
9 PART UPON THE RESULTS OF A PRELIMINARY CHEMICAL BREATH ANALYSIS.

10       (3) THE RESULTS OF A PRELIMINARY CHEMICAL BREATH ANALYSIS  
11 SHALL BE ADMISSIBLE IN A CRIMINAL PROSECUTION FOR A CRIME ENUMER-  
12 ATED IN SUBSECTION (7) OR IN AN ADMINISTRATIVE HEARING, SOLELY TO  
13 ASSIST THE COURT OR HEARING OFFICER IN DETERMINING A CHALLENGE TO  
14 THE VALIDITY OF AN ARREST. THIS SUBSECTION DOES NOT LIMIT THE  
15 INTRODUCTION OF OTHER COMPETENT EVIDENCE OFFERED TO ESTABLISH THE  
16 VALIDITY OF AN ARREST.

17       (4) A PERSON WHO SUBMITS TO A PRELIMINARY CHEMICAL BREATH  
18 ANALYSIS SHALL REMAIN SUBJECT TO THE REQUIREMENTS OF SUBSECTIONS  
19 (6) TO (10) AND SECTIONS 625C, 625D, AND 625F FOR THE PURPOSES OF  
20 CHEMICAL TESTS DESCRIBED IN THOSE SECTIONS.

21       (5) A PERSON WHO REFUSES TO SUBMIT TO A PRELIMINARY CHEMICAL  
22 BREATH ANALYSIS UPON A LAWFUL REQUEST BY A PEACE OFFICER IS  
23 RESPONSIBLE FOR A CIVIL INFRACTION.

24       (6) ~~-(+)~~ The amount of alcohol or presence of a controlled  
25 substance or both in ~~the~~ A driver's blood at the time alleged  
26 as shown by chemical analysis of the person's blood, urine, or

1 breath shall be admissible into evidence in a criminal  
2 prosecution for any of the following:

3 (a) A violation of section 625(1), (2), or (3), ~~or 625b,~~  
4 or of a local ordinance substantially corresponding to section  
5 625(1), (2), or (3). ~~, or 625b.~~

6 (b) Felonious driving, negligent homicide, or manslaughter  
7 resulting from the operation of a motor vehicle while the driver  
8 is alleged to have been impaired by or under the influence of  
9 intoxicating liquor or a controlled substance or a combination of  
10 intoxicating liquor and a controlled substance, or to have had a  
11 blood alcohol content of 0.10% or more by weight of alcohol.

12 ~~(2) If a test is given, the results of the test shall be~~  
13 ~~made available to the person charged or the person's attorney~~  
14 ~~upon written request to the prosecution, with a copy of the~~  
15 ~~request filed with the court. The prosecution shall furnish the~~  
16 ~~report at least 2 days before the day of the trial and the~~  
17 ~~results shall be offered as evidence by the prosecution in a~~  
18 ~~criminal proceeding. Failure to fully comply with the request~~  
19 ~~shall bar the admission of the results into evidence by the~~  
20 ~~prosecution.~~

21 ~~(3) Except in a prosecution relating solely to a violation~~  
22 ~~of section 625(2), the amount of alcohol in the driver's blood at~~  
23 ~~the time alleged as shown by chemical analysis of the person's~~  
24 ~~blood, urine, or breath shall give rise to the following~~  
25 ~~presumptions:~~

1 ~~(a) If there was at the time 0.07% or less by weight of~~  
2 ~~alcohol in the defendant's blood, it shall be presumed that the~~  
3 ~~defendant was not under the influence of intoxicating liquor.~~

4 ~~(b) If there was at the time in excess of 0.07% but less~~  
5 ~~than 0.10% by weight of alcohol in the defendant's blood, it~~  
6 ~~shall be presumed that the defendant's ability to operate a vehi-~~  
7 ~~cle was impaired within the provisions of section 625b due to the~~  
8 ~~consumption of intoxicating liquor.~~

9 ~~(c) If there was at the time 0.10% or more by weight of~~  
10 ~~alcohol in the defendant's blood, it shall be presumed that the~~  
11 ~~defendant was under the influence of intoxicating liquor.~~

12 (7) A PERSON ARRESTED FOR A CRIME ENUMERATED IN SUBSECTION  
13 (6) SHALL BE ADVISED OF ALL OF THE FOLLOWING:

14 (A) THAT IF HE OR SHE TAKES A CHEMICAL TEST OF HIS OR HER  
15 BLOOD, URINE, OR BREATH ADMINISTERED AT THE REQUEST OF A PEACE  
16 OFFICER, HE OR SHE SHALL THEN HAVE THE RIGHT TO DEMAND THAT A  
17 PERSON OF HIS OR HER OWN CHOOSING ADMINISTER 1 OF THE CHEMICAL  
18 TESTS, THAT THE RESULTS OF THE TEST SHALL BE ADMISSIBLE AND SHALL  
19 BE CONSIDERED WITH OTHER COMPETENT EVIDENCE IN DETERMINING THE  
20 INNOCENCE OR GUILT OF THE DEFENDANT, AND THAT HE OR SHE SHALL BE  
21 RESPONSIBLE FOR OBTAINING A CHEMICAL ANALYSIS OF THE TEST  
22 SAMPLE.

23 (B) THAT IF THE PERSON REFUSES THE REQUEST OF A PEACE OFFI-  
24 CER TO TAKE A TEST DESCRIBED IN SUBDIVISION (A), A TEST SHALL NOT  
25 BE GIVEN WITHOUT A COURT ORDER.

26 (C) THAT THE PERSON'S REFUSAL OF THE REQUEST OF A PEACE  
27 OFFICER TO TAKE A TEST DESCRIBED IN SUBDIVISION (A) SHALL RESULT

1 IN THE SUSPENSION OF HIS OR HER OPERATOR'S OR CHAUFFEUR'S LICENSE  
2 OR OPERATING PRIVILEGE, AND IN THE ADDITION OF 6 POINTS TO HIS OR  
3 HER DRIVER RECORD.

4 (8) ~~(4)~~ A sample or specimen of urine or breath shall be  
5 taken and collected in a reasonable manner. Only a licensed phy-  
6 sician, or a licensed nurse or medical technician under the  
7 direction of a licensed physician and qualified to withdraw blood  
8 acting in a medical environment, at the request of a peace offi-  
9 cer, may withdraw blood for the purpose of determining the amount  
10 of alcohol or presence of a controlled substance or both in the  
11 person's blood, as provided in this ~~act~~ SECTION. Liability for  
12 a crime or civil damages predicated on the act of withdrawing  
13 blood and related procedures shall not attach to a qualified  
14 person who withdraws blood or assists in the withdrawal in  
15 accordance with this act unless the withdrawal is performed in a  
16 negligent manner.

17 (9) ~~(5) The tests~~ A CHEMICAL TEST DESCRIBED IN THIS  
18 SECTION shall be administered at the request of a peace officer  
19 having reasonable grounds to believe the person has committed a  
20 crime described in subsection ~~(+)~~ (6). A person who takes a  
21 chemical test administered at the request of a peace officer, as  
22 provided in this section, shall be given a reasonable opportunity  
23 to have a person of his or her own choosing administer 1 of the  
24 chemical tests described in this section within a reasonable time  
25 after his or her detention, and the results of the test shall be  
26 admissible and shall be considered with other competent evidence  
27 in determining the innocence or guilt of the defendant. If the

1 person charged is administered a chemical test by a person of his  
2 or her own choosing, the person charged shall be responsible for  
3 obtaining a chemical analysis of the test sample. ~~The person~~  
4 ~~charged shall be informed that he or she has the right to demand~~  
5 ~~that a person of his or her choosing administer 1 of the tests~~  
6 ~~provided for in subsection (1), that the results of the test~~  
7 ~~shall be admissible and shall be considered with other competent~~  
8 ~~evidence in determining the innocence or guilt of the defendant,~~  
9 ~~and that the person charged shall be responsible for obtaining a~~  
10 ~~chemical analysis of the test sample.~~

11 ~~(6) The person charged shall be advised that if the person~~  
12 ~~refuses the request of a peace officer to take a test described~~  
13 ~~in this section, a test shall not be given without a court~~  
14 ~~order. The person charged shall also be advised that the~~  
15 ~~person's refusal of the request of a peace officer to take a test~~  
16 ~~described in this section shall result in the suspension of his~~  
17 ~~or her operator's or chauffeur's license or operating privilege,~~  
18 ~~and in the addition of 6 points to his or her driver record.~~

19 ~~(7) This section shall not be construed as limiting the~~  
20 ~~introduction of any other competent evidence bearing upon the~~  
21 ~~question of whether or not the person was impaired by or under~~  
22 ~~the influence of intoxicating liquor or a controlled substance,~~  
23 ~~or a combination of intoxicating liquor and a controlled sub-~~  
24 ~~stance, or whether the person had a blood alcohol content of~~  
25 ~~0.10% or more by weight of alcohol.~~

26 ~~(8) If a jury instruction regarding a defendant's refusal to~~  
27 ~~submit to a chemical test under this section is requested by the~~

1 ~~prosecution or the defendant, the jury instruction shall be given~~  
 2 ~~as follows:~~

3 ~~"Evidence was admitted in this case which, if believed by~~  
 4 ~~the jury, could prove that the defendant had exercised his or her~~  
 5 ~~right to refuse a chemical test. You are instructed that such a~~  
 6 ~~refusal is within the statutory rights of the defendant and is~~  
 7 ~~not evidence of his guilt. You are not to consider such a~~  
 8 ~~refusal in determining the guilt or innocence of the defendant."~~

9 (10) ~~-(9)-~~ If after an accident the driver of a vehicle  
 10 involved in the accident is transported to a medical facility and  
 11 a sample of the driver's blood is withdrawn at that time for the  
 12 purpose of medical treatment, the results of a chemical analysis  
 13 of that sample shall be admissible in a criminal prosecution for  
 14 a crime described in subsection ~~-(1)-~~ (6) to show the amount of  
 15 alcohol or presence of a controlled substance or both in the  
 16 person's blood at the time alleged, regardless of whether the  
 17 person had been offered or had refused a chemical test. The med-  
 18 ical facility or person performing the chemical analysis shall  
 19 disclose the results of the analysis to a prosecuting attorney  
 20 who requests the results for use in a criminal prosecution as  
 21 provided in this subsection. A medical facility or person dis-  
 22 closing information in compliance with this subsection shall not  
 23 be civilly or criminally liable for making the disclosure.

24 (11) ~~-(10)-~~ If after ~~a highway~~ AN accident the driver of a  
 25 vehicle involved in the accident is deceased, a sample of the  
 26 decedent's blood shall be withdrawn in a manner directed by the  
 27 medical examiner for the purpose of determining ~~blood~~ THE

1 AMOUNT OF alcohol ~~content~~ or presence of a controlled substance  
2 or both IN THE DECEDENT'S BLOOD.

3 (12) THE PROVISIONS OF THIS SECTION FOR CHEMICAL TESTING  
4 SHALL NOT BE CONSTRUED AS LIMITING THE INTRODUCTION OF ANY OTHER  
5 COMPETENT EVIDENCE BEARING UPON THE QUESTION OF WHETHER OR NOT A  
6 PERSON WAS IMPAIRED BY OR UNDER THE INFLUENCE OF INTOXICATING  
7 LIQUOR OR A CONTROLLED SUBSTANCE, OR A COMBINATION OF INTOXICAT-  
8 ING LIQUOR AND A CONTROLLED SUBSTANCE, OR WHETHER THE PERSON HAD  
9 A BLOOD ALCOHOL CONTENT OF 0.10% OR MORE BY WEIGHT OF ALCOHOL.

10 (13) THE DEPARTMENT OF STATE POLICE MAY PROMULGATE UNIFORM  
11 RULES FOR THE ADMINISTRATION OF CHEMICAL TESTS, INCLUDING PRELIM-  
12 INARY CHEMICAL BREATH ANALYSIS, FOR THE PURPOSES OF THIS  
13 SECTION.

14 (14) IF A CHEMICAL TEST DESCRIBED IN THIS SECTION IS ADMIN-  
15 ISTERED, THE RESULTS OF THE TEST SHALL BE MADE AVAILABLE TO THE  
16 PERSON CHARGED OR THE PERSON'S ATTORNEY UPON WRITTEN REQUEST TO  
17 THE PROSECUTION, WITH A COPY OF THE REQUEST FILED WITH THE  
18 COURT. THE PROSECUTION SHALL FURNISH THE REPORT AT LEAST 2 DAYS  
19 BEFORE THE DAY OF THE TRIAL AND THE RESULTS SHALL BE OFFERED AS  
20 EVIDENCE BY THE PROSECUTION IN A CRIMINAL PROCEEDING. FAILURE TO  
21 FULLY COMPLY WITH THE REQUEST SHALL BAR THE ADMISSION OF THE  
22 RESULTS INTO EVIDENCE BY THE PROSECUTION.

23 (15) EXCEPT IN A PROSECUTION RELATING SOLELY TO A VIOLATION  
24 OF SECTION 625(1)(B), THE AMOUNT OF ALCOHOL IN THE DRIVER'S BLOOD  
25 AT THE TIME ALLEGED AS SHOWN BY CHEMICAL ANALYSIS OF THE PERSON'S  
26 BLOOD, URINE, OR BREATH SHALL GIVE RISE TO THE FOLLOWING  
27 PRESUMPTIONS:

1 (A) IF THERE WAS AT THE TIME 0.07% OR LESS BY WEIGHT OF  
2 ALCOHOL IN THE DEFENDANT'S BLOOD, IT SHALL BE PRESUMED THAT THE  
3 DEFENDANT WAS NOT UNDER THE INFLUENCE OF INTOXICATING LIQUOR.

4 (B) IF THERE WAS AT THE TIME IN EXCESS OF 0.07% BUT LESS  
5 THAN 0.10% BY WEIGHT OF ALCOHOL IN THE DEFENDANT'S BLOOD, IT  
6 SHALL BE PRESUMED THAT THE DEFENDANT'S ABILITY TO OPERATE A VEHI-  
7 CLE WAS IMPAIRED WITHIN THE PROVISIONS OF SECTION 625(3) DUE TO  
8 THE CONSUMPTION OF INTOXICATING LIQUOR.

9 (C) IF THERE WAS AT THE TIME 0.10% OR MORE BY WEIGHT OF  
10 ALCOHOL IN THE DEFENDANT'S BLOOD, IT SHALL BE PRESUMED THAT THE  
11 DEFENDANT WAS UNDER THE INFLUENCE OF INTOXICATING LIQUOR.

12 (16) A PERSON'S REFUSAL TO SUBMIT TO A CHEMICAL TEST AS PRO-  
13 VIDED IN THIS SECTION SHALL BE ADMISSIBLE IN A CRIMINAL PROSECU-  
14 TION FOR A CRIME DESCRIBED IN SUBSECTION (6) ONLY FOR THE PURPOSE  
15 OF SHOWING THAT A TEST WAS OFFERED TO THE DEFENDANT, BUT NOT AS  
16 EVIDENCE IN DETERMINING INNOCENCE OR GUILT OF THE DEFENDANT. THE  
17 JURY SHALL BE INSTRUCTED ACCORDINGLY.

18 (17) BEFORE ACCEPTING A PLEA OF GUILTY UNDER THIS SECTION,  
19 THE COURT SHALL ADVISE THE ACCUSED OF THE MAXIMUM POSSIBLE TERM  
20 OF IMPRISONMENT AND THE MAXIMUM POSSIBLE FINE THAT MAY BE IMPOSED  
21 FOR VIOLATION OF THIS SECTION.

22 Sec. 625b. ~~-(1) A person shall not operate a vehicle upon a~~  
23 ~~highway or other place open to the general public, including an~~  
24 ~~area designated for the parking of vehicles, within the state~~  
25 ~~when, due to the consumption of an intoxicating liquor, a con-~~  
26 ~~trolled substance, or a combination of an intoxicating liquor and~~  
27 ~~a controlled substance, the person has visibly impaired his or~~



~~1 her ability to operate the vehicle. If a person is charged with  
2 violating section 625(1) or (2), a finding of guilty is permissi-  
3 ble under this section.~~

~~4 (2) Except as otherwise provided in this section, a person  
5 convicted of a violation of this section is guilty of a misde-  
6 meanor, punishable by imprisonment for not more than 90 days, or  
7 a fine of not more than \$300.00, or both, together with costs of  
8 the prosecution. As part of the sentence, the court shall order  
9 the secretary of state to suspend the operator's or chauffeur's  
10 license of the person for a period of not less than 90 days nor  
11 more than 1 year. The court may order the secretary of state to  
12 issue to the person a restricted license permitting the person  
13 during all or a specified portion of the period of suspension to  
14 drive only to and from the person's residence and work location;  
15 in the course of the person's employment or occupation; to and  
16 from an alcohol or drug education program or treatment program as  
17 ordered by the court; to and from the person's residence and an  
18 educational institution at which the person is enrolled as a stu-  
19 dent; or pursuant to a combination of these restrictions. The  
20 court may also order that the restricted license include the  
21 requirement that a person shall not operate a motor vehicle  
22 unless the vehicle is equipped with a functioning certified igni-  
23 tion interlock device. The device shall be set to render the  
24 motor vehicle inoperable if the device detects 0.02% or more by  
25 weight of alcohol in the blood of the person who offers a breath  
26 sample. The court may order installation of a certified ignition  
27 interlock device on any motor vehicle that the person owns or~~

~~1 operates, the costs of which shall be borne by the person whose  
2 license is restricted. The court shall not order the secretary  
3 of state to issue a restricted chauffeur's license which would  
4 permit a person to operate a truck or truck tractor, including a  
5 trailer, which hauls hazardous material. The court shall not  
6 order the secretary of state to issue a restricted license unless  
7 the person states under oath and the court finds that the person  
8 is unable to take public transportation to and from his or her  
9 work location, place of alcohol or drug education or treatment,  
10 or educational institution, and does not have any family members  
11 or others able to provide transportation. The court order and  
12 license shall indicate the person's work location and the  
13 approved route or routes and permitted times of travel. For pur-  
14 poses of this subsection, "work location" includes, as applica-  
15 ble, either or both of the following:~~

~~16 (i) The specific place or places of employment.~~

~~17 (ii) The territory or territories regularly visited by the  
18 person in pursuance of the person's occupation.~~

~~19 (3) A person who violates this section or a local ordinance  
20 substantially corresponding to this section within 7 years of a  
21 prior conviction may be sentenced to imprisonment for not more  
22 than 1 year, or a fine of not more than \$1,000.00, or both. As  
23 part of the sentence, the court shall order the secretary of  
24 state to suspend the operator's or chauffeur's license of the  
25 person for a period of not less than 6 months nor more than 18  
26 months. The court may order the secretary of state to issue to  
27 the person a restricted license as provided in subsection (2),~~

1 ~~except that a restricted license shall not be issued during the~~  
2 ~~first 60 days of the suspension period. For purposes of this~~  
3 ~~section, "prior conviction" means a conviction under this sec-~~  
4 ~~tion, section 625(1) or (2), a local ordinance substantially cor-~~  
5 ~~responding to this section or section 625(1) or (2), or a law of~~  
6 ~~another state substantially corresponding to this section or sec-~~  
7 ~~tion 625(1) or (2).~~

8 ~~(4) A person who violates this section, or a local ordinance~~  
9 ~~substantially corresponding to this section, within 10 years of 2~~  
10 ~~or more prior convictions, as defined in subsection (3), may be~~  
11 ~~sentenced as provided in subsection (3), except that as part of~~  
12 ~~the sentence the court shall order the secretary of state to~~  
13 ~~revoke the operator's or chauffeur's license of the person.~~

14 ~~(5) As part of the sentence for a violation of this section~~  
15 ~~or a local ordinance substantially corresponding to this section,~~  
16 ~~the court may order the person to perform service to the communi-~~  
17 ~~ty, as designated by the court, without compensation, for a~~  
18 ~~period not to exceed 12 days. The person shall reimburse the~~  
19 ~~state or appropriate local unit of government for the cost of~~  
20 ~~insurance incurred by the state or local unit of government as a~~  
21 ~~result of the person's activities under this subsection.~~

22 ~~(1) -(6)- Before imposing sentence for a violation of this~~  
23 ~~section 625(1) OR (3) or a local ordinance substantially corre-~~  
24 ~~sponding to this section 625(1) OR (3), the court shall order~~  
25 ~~the person to undergo screening and assessment by THE COURT PRO-~~  
26 ~~BATION DEPARTMENT OR a person or agency designated by the office~~  
27 ~~of substance abuse services, to determine whether the person is~~

1 likely to benefit from rehabilitative services, including alcohol  
2 or drug education and alcohol or drug treatment programs. As  
3 part of the sentence, the court may order the person to partici-  
4 pate in and successfully complete 1 or more appropriate rehabili-  
5 tative programs. The person shall pay for the costs of the  
6 screening, assessment, and rehabilitative services.

7 ~~(7) Before accepting a plea of guilty under this section,~~  
8 ~~the court shall advise the accused of the statutory consequences~~  
9 ~~possible as a result of a plea of guilty in respect to suspension~~  
10 ~~or revocation of an operator's or chauffeur's license, the pen-~~  
11 ~~alty imposed for violation of this section, and the limitation on~~  
12 ~~the right of appeal.~~

13 ~~(8) The operator's or chauffeur's license of a person found~~  
14 ~~guilty of violating this section, or a local ordinance substan-~~  
15 ~~tially corresponding to this section, shall be surrendered to the~~  
16 ~~court in which the person was convicted. The court shall immedi-~~  
17 ~~ately forward the surrendered license and an abstract of convic-~~  
18 ~~tion to the secretary of state. The abstract of conviction shall~~  
19 ~~indicate the sentence imposed. Upon receipt of and pursuant to~~  
20 ~~the abstract of conviction, the secretary of state shall suspend~~  
21 ~~or revoke the person's license and, if ordered by the court and~~  
22 ~~the person is otherwise eligible for a license, issue to the~~  
23 ~~person a restricted license stating the limited driving privi-~~  
24 ~~leges indicated on the abstract. If the license is not forwarded~~  
25 ~~to the secretary of state, an explanation of the reason why the~~  
26 ~~license is absent shall be attached. If the conviction is~~  
27 ~~appealed to circuit court, that court may, ex parte, order the~~

~~1 secretary of state to rescind the suspension, revocation, or~~  
~~2 restricted license issued pursuant to this section.~~

3       (2) AS A PART OF THE SENTENCE FOR A CONVICTION UNDER  
4 SECTION 625, OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO  
5 SECTION 625, WHETHER OR NOT THE PERSON IS CONVICTED AS A MULTIPLE  
6 OFFENDER, THE COURT MAY ORDER THE PERSON CONVICTED TO PERFORM  
7 SERVICE TO THE COMMUNITY, AS DESIGNATED BY THE COURT, WITHOUT  
8 COMPENSATION, FOR A PERIOD OF NOT MORE THAN 45 DAYS. THE PERSON  
9 SHALL REIMBURSE THE STATE OR APPROPRIATE LOCAL UNIT OF GOVERNMENT  
10 FOR THE COST OF INSURANCE INCURRED BY THE STATE OR LOCAL UNIT OF  
11 GOVERNMENT AS A RESULT OF THE PERSON'S ACTIVITIES IN THIS  
12 SERVICE.

13       (3) AS A PART OF THE SENTENCE FOR A CONVICTION UNDER SECTION  
14 625(1) OR (3), OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING  
15 TO SECTION 625(1) OR (3), WHETHER OR NOT THE PERSON IS CONVICTED  
16 AS A MULTIPLE OFFENDER, THE COURT SHALL CONSIDER ALL PRIOR CON-  
17 VICTIONS CURRENTLY ENTERED UPON THE MICHIGAN DRIVING RECORD OF  
18 THE PERSON, EXCEPT THOSE CONVICTIONS WHICH ARE DETERMINED BY THE  
19 COURT TO BE CONSTITUTIONALLY INVALID, AND SHALL IMPOSE THE FOL-  
20 LOWING SANCTIONS:

21       (A) FOR A CONVICTION OF OPERATING UNDER THE INFLUENCE OR  
22 HAVING AN UNLAWFUL BLOOD ALCOHOL LEVEL:

23       (i) IF THE COURT FINDS THAT THE PERSON HAS NO PRIOR CONVIC-  
24 TIONS WITHIN 10 YEARS UNDER SECTION 625(1) OR (3), A LOCAL ORDI-  
25 NANCE SUBSTANTIALLY CORRESPONDING TO SECTION 625(1) OR (3), OR A  
26 LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO SECTION  
27 625(1) OR (3), THE COURT SHALL ORDER THE SECRETARY OF STATE TO

1 SUSPEND THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF THE PERSON FOR A  
2 PERIOD OF NOT LESS THAN 6 MONTHS NOR MORE THAN 2 YEARS. THE  
3 COURT MAY ORDER THE SECRETARY OF STATE TO ISSUE TO THE PERSON A  
4 RESTRICTED LICENSE DURING ALL OR A SPECIFIED PORTION OF THE  
5 PERIOD OF SUSPENSION.

6 (ii) IF THE COURT FINDS THAT THE PERSON HAS 1 PRIOR CONVIC-  
7 TION WITHIN 10 YEARS UNDER SECTION 625(3), A LOCAL ORDINANCE SUB-  
8 STANTIALLY CORRESPONDING TO SECTION 625(3), OR A LAW OF ANOTHER  
9 STATE SUBSTANTIALLY CORRESPONDING TO SECTION 625(3), THE COURT  
10 SHALL ORDER THE SECRETARY OF STATE TO SUSPEND THE OPERATOR'S OR  
11 CHAUFFEUR'S LICENSE OF THE PERSON FOR A PERIOD OF NOT LESS THAN  
12 6 MONTHS NOR MORE THAN 2 YEARS. THE COURT MAY ORDER THE SECRE-  
13 TARY OF STATE TO ISSUE TO THE PERSON A RESTRICTED LICENSE DURING  
14 ALL OR ANY PORTION OF THE PERIOD OF SUSPENSION, EXCEPT THAT A  
15 RESTRICTED LICENSE SHALL NOT BE ISSUED DURING THE FIRST 60 DAYS  
16 OF THE PERIOD OF SUSPENSION.

17 (iii) IF THE COURT FINDS THAT THE PERSON HAS 1 OR MORE PRIOR  
18 CONVICTIONS WITHIN 10 YEARS UNDER SECTION 625(1), A LOCAL ORDI-  
19 NANCE SUBSTANTIALLY CORRESPONDING TO SECTION 625(1), OR A LAW OF  
20 ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO SECTION 625(1); OR  
21 THAT THE PERSON HAS 2 OR MORE PRIOR CONVICTIONS WITHIN 10 YEARS  
22 UNDER SECTION 625(3), A LOCAL ORDINANCE SUBSTANTIALLY CORRESPOND-  
23 ING TO SECTION 625(3), OR A LAW OF ANOTHER STATE SUBSTANTIALLY  
24 CORRESPONDING TO SECTION 625(3), THE COURT SHALL ORDER THE SECRE-  
25 TARY OF STATE TO REVOKE THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF  
26 THE PERSON AND SHALL NOT ORDER THE SECRETARY OF STATE TO ISSUE A  
27 RESTRICTED LICENSE TO THE PERSON.

1 (B) FOR A CONVICTION OF IMPAIRED DRIVING:

2 (i) IF THE COURT FINDS THAT THE CONVICTED PERSON HAS NO  
3 PRIOR CONVICTION WITHIN 10 YEARS UNDER SECTION 625(1) OR (3), A  
4 LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 625(1) OR  
5 (3), OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO  
6 SECTION 625(1) OR (3), THEN THE COURT SHALL ORDER THE SECRETARY  
7 OF STATE TO SUSPEND THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF THE  
8 PERSON FOR A PERIOD OF NOT LESS THAN 90 DAYS NOR MORE THAN  
9 1 YEAR. THE COURT MAY ORDER THE SECRETARY OF STATE TO ISSUE TO  
10 THE PERSON A RESTRICTED LICENSE DURING ALL OR A SPECIFIED PORTION  
11 OF THE PERIOD OF SUSPENSION.

12 (ii) IF THE COURT FINDS THAT THE PERSON HAS 1 PRIOR CONVICT-  
13 TION WITHIN 10 YEARS UNDER SECTION 625(1) OR (3), A LOCAL ORDI-  
14 NANCE SUBSTANTIALLY CORRESPONDING TO SECTION 625(1) OR (3), OR A  
15 LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO  
16 SECTION 625(1) OR (3), THE COURT SHALL ORDER THE SECRETARY OF  
17 STATE TO SUSPEND THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF THE  
18 PERSON FOR A PERIOD OF NOT LESS THAN 6 MONTHS NOR MORE THAN  
19 18 MONTHS. THE COURT MAY ORDER THE SECRETARY OF STATE TO ISSUE  
20 TO THE PERSON A RESTRICTED LICENSE DURING ALL OR ANY PORTION OF  
21 THE SUSPENSION PERIOD, EXCEPT THAT A RESTRICTED LICENSE SHALL NOT  
22 BE ISSUED DURING THE FIRST 60 DAYS OF THE PERIOD OF SUSPENSION.

23 (iii) IF THE COURT FINDS THAT THE PERSON HAS 2 OR MORE PRIOR  
24 CONVICTIONS WITHIN 10 YEARS UNDER SECTION 625(1) OR (3), A LOCAL  
25 ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 625(1) OR (3),  
26 OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO SECTION  
27 625(1) OR (3), THE COURT SHALL ORDER THE SECRETARY OF STATE TO

1 REVOKE THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF THE PERSON AND  
2 SHALL NOT ORDER THE SECRETARY OF STATE TO ISSUE A RESTRICTED  
3 LICENSE TO THE PERSON.

4 (4) A RESTRICTED LICENSE ISSUED PURSUANT TO AN ORDER UNDER  
5 SUBSECTION (3) SHALL PERMIT THE PERSON TO WHOM IT IS ISSUED TO DO  
6 1 OR MORE OF THE FOLLOWING:

7 (A) DRIVE TO AND FROM THE PERSON'S RESIDENCE AND WORK  
8 LOCATION.

9 (B) DRIVE IN THE COURSE OF THE PERSON'S EMPLOYMENT OR  
10 OCCUPATION.

11 (C) DRIVE TO AND FROM THE PERSON'S RESIDENCE AND AN ALCOHOL  
12 OR DRUG EDUCATION OR TREATMENT PROGRAM AS ORDERED BY THE COURT.

13 (D) DRIVE TO AND FROM THE PERSON'S RESIDENCE AND THE COURT  
14 PROBATION DEPARTMENT, OR A COURT-ORDERED COMMUNITY SERVICE PRO-  
15 GRAM, OR BOTH.

16 (E) DRIVE TO AND FROM THE PERSON'S RESIDENCE AND AN EDUCA-  
17 TIONAL INSTITUTION AT WHICH THE PERSON IS ENROLLED AS A STUDENT.

18 (F) DRIVE ONLY IN A MOTOR VEHICLE EQUIPPED WITH AN IGNITION  
19 INTERLOCK DEVICE WHICH PREVENTS THE PERSON FROM OPERATING THE  
20 MOTOR VEHICLE IF THE PERSON HAS A BLOOD ALCOHOL CONTENT IN VIOLA-  
21 TION OF SECTION 625.

22 (5) THE COURT SHALL NOT ORDER THE SECRETARY OF STATE UNDER  
23 SUBSECTION (3) TO ISSUE A RESTRICTED CHAUFFEUR'S LICENSE WHICH  
24 WOULD PERMIT A PERSON TO OPERATE A TRUCK OR TRUCK TRACTOR,  
25 INCLUDING A TRAILER, WHICH HAULS HAZARDOUS MATERIALS.

26 (6) THE COURT SHALL NOT ORDER THE SECRETARY OF STATE TO  
27 ISSUE A RESTRICTED LICENSE UNLESS THE PERSON STATES UNDER OATH,



1 AND THE COURT FINDS, THAT THE PERSON IS UNABLE TO TAKE PUBLIC  
2 TRANSPORTATION TO AND FROM HIS OR HER WORK LOCATION, PLACE OF  
3 ALCOHOL OR DRUG EDUCATION TREATMENT, OR EDUCATIONAL INSTITUTION,  
4 AND DOES NOT HAVE ANY FAMILY MEMBERS OR OTHERS ABLE TO PROVIDE  
5 TRANSPORTATION.

6 (7) THE COURT ORDER UNDER SUBSECTION (3) AND THE RESTRICTED  
7 LICENSE SHALL INDICATE THE WORK LOCATION OF THE PERSON TO WHOM IT  
8 IS ISSUED AND THE APPROVED ROUTE OR ROUTES AND PERMITTED TIMES OF  
9 TRAVEL. AS USED IN THIS SUBSECTION, "WORK LOCATION" MEANS, AS  
10 APPLICABLE, EITHER THE SPECIFIC PLACE OR PLACES OF EMPLOYMENT, OR  
11 THE TERRITORY OR TERRITORIES REGULARLY VISITED BY THE PERSON IN  
12 PURSUANCE OF THE PERSON'S OCCUPATION, OR BOTH.

13 (8) THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF A PERSON FOUND  
14 GUILTY OF VIOLATING SECTION 625(1) OR (3), OR A LOCAL ORDINANCE  
15 SUBSTANTIALLY CORRESPONDING TO SECTION 625(1) OR (3), SHALL BE  
16 SURRENDERED TO THE COURT IN WHICH THE PERSON WAS CONVICTED. THE  
17 COURT SHALL IMMEDIATELY FORWARD THE SURRENDERED LICENSE AND AN  
18 ABSTRACT OF CONVICTION TO THE SECRETARY OF STATE. THE ABSTRACT  
19 OF CONVICTION SHALL INDICATE THE SENTENCE IMPOSED. UPON RECEIPT  
20 OF, AND PURSUANT TO, THE ABSTRACT OF CONVICTION, THE SECRETARY OF  
21 STATE SHALL SUSPEND OR REVOKE THE PERSON'S LICENSE AND, IF  
22 ORDERED BY THE COURT AND THE PERSON IS OTHERWISE ELIGIBLE FOR A  
23 LICENSE, ISSUE TO THE PERSON A RESTRICTED LICENSE STATING THE  
24 LIMITED DRIVING PRIVILEGES INDICATED ON THE ABSTRACT. IF THE  
25 LICENSE IS NOT FORWARDED TO THE SECRETARY OF STATE, AN EXPLANA-  
26 TION OF THE REASON WHY THE LICENSE IS ABSENT SHALL BE ATTACHED.  
27 IF THE CONVICTION IS APPEALED TO CIRCUIT COURT, THE COURT MAY, EX

1 PARTE, ORDER THE SECRETARY OF STATE TO RESCIND THE SUSPENSION,  
2 REVOCATION, OR RESTRICTED LICENSE ISSUED PURSUANT TO THIS  
3 SECTION.

4       Sec. 625c. (1) A person who operates a vehicle upon a  
5 public highway or other place open to the general public, includ-  
6 ing an area designated for the parking of vehicles, in the state  
7 is considered to have given consent to chemical tests of his or  
8 her blood, breath, or urine for the purpose of determining the  
9 amount of alcohol or presence of a controlled substance or both  
10 in his or her blood ~~if~~ IN EITHER OF THE FOLLOWING CASES:

11       (a) ~~The~~ IF THE person is arrested for a violation of sec-  
12 tion 625(1) or ~~(2) or 625b~~ (3), or a local ordinance substan-  
13 tially corresponding to section 625(1) or ~~(2) or 625b~~ (3).

14       (b) ~~The~~ IF THE person is arrested for felonious driving,  
15 negligent homicide, or manslaughter resulting from the operation  
16 of a motor vehicle, and the peace officer had reasonable grounds  
17 to believe that the person was operating the vehicle while  
18 impaired by or under the influence of intoxicating liquor or a  
19 controlled substance or a combination of intoxicating liquor and  
20 a controlled substance, or while having a blood alcohol content  
21 of 0.10% or more by weight of alcohol.

22       (2) A person who is afflicted with hemophilia, diabetes, or  
23 a condition requiring the use of an anticoagulant under the  
24 direction of a physician shall not be considered to have given  
25 consent to the withdrawal of blood.

26       (3) The tests shall be administered as provided in section  
27 625a.

1       Sec. 625d. If a person refuses the request of a peace  
2 officer to submit to a chemical test offered pursuant to section  
3 625a, a test shall not be given without a court order. A written  
4 report shall be forwarded to the secretary of state by the peace  
5 officer. The report shall state that the officer had reasonable  
6 grounds to believe that the person had committed a crime  
7 described in section 625c(1), and that the person had refused to  
8 submit to the test upon the request of the peace officer and had  
9 been advised of the consequences of the refusal. The form of the  
10 report shall be prescribed and furnished by the secretary of  
11 state.

12       Sec. 625f. (1) If ~~the~~ A person ~~who~~ refuses to submit to  
13 a chemical test pursuant to section 625d AND does not request a  
14 hearing within 14 days of the date of notice pursuant to section  
15 625e, the secretary of state shall suspend the person's  
16 operator's or chauffeur's license or permit to drive, or nonresi-  
17 dent operating privilege, for a period of 6 months, or for a  
18 second or subsequent refusal within a period of ~~7~~ 10 years, for  
19 1 year. If the person is a resident without a license or permit  
20 to operate a vehicle in the state, the secretary OF STATE shall  
21 deny to the person the issuance of a license or permit for a  
22 period of 6 months, or ~~7~~ for a second or subsequent refusal  
23 within a period of ~~7~~ 10 years, for 1 year.

24       (2) If a hearing is requested, the secretary of state shall  
25 hold the hearing in the same manner and under the same conditions  
26 as provided in section 322. ~~At least~~ NOT LESS THAN 10 days'  
27 notice of the hearing shall be mailed to the person requesting

1 the hearing, to the peace officer who filed the report under  
2 section 625d, and ~~—~~ if the prosecuting attorney requests  
3 receipt of the notice, to the prosecuting attorney of the county  
4 where the arrest was made. The hearing officer ~~shall be autho-~~  
5 ~~rized to~~ MAY administer oaths, issue subpoenas for the  
6 attendance of necessary witnesses, and ~~may~~ grant a reasonable  
7 request for an adjournment. The hearing shall cover only the  
8 following issues:

9 (a) Whether the peace officer had reasonable grounds to  
10 believe that the person had committed a crime described in sec-  
11 tion 625c(1).

12 (b) Whether the person was placed under arrest for a crime  
13 described in section 625c(1).

14 (c) Whether the person reasonably refused to submit to the  
15 test upon the request of the officer.

16 (d) Whether the person was advised of the rights under  
17 ~~sections~~ SECTION 625a. ~~and 625c.~~

18 (3) The hearing officer shall make a record of proceedings  
19 held pursuant to subsection (2). The record shall be prepared  
20 and transcribed in accordance with section 86 of the administra-  
21 tive procedures act of 1969, Act No. 306 of the Public Acts of  
22 1969, being section 24.286 of the Michigan Compiled Laws. Upon  
23 notification of the filing of a petition for judicial review pur-  
24 suant to section 323, the hearing officer shall transmit to the  
25 court in which the petition was filed, not less than 10 days  
26 before the matter is set for review, the original or a certified  
27 copy of the official record of the proceedings. Proceedings at

1 which evidence was presented need not be transcribed and  
2 transmitted if the sole reason for review is to determine whether  
3 or not the court will order the issuance of a restricted  
4 license. The parties to the proceedings for judicial review may  
5 stipulate that the record be shortened. A party unreasonably  
6 refusing to stipulate to a shortened record may be taxed by the  
7 court in which the petition is filed for the additional costs.  
8 The court may permit subsequent corrections to the record.

9 (4) After the hearing, IF THE PERSON WHO REQUESTED THE HEAR-  
10 ING DOES NOT PREVAIL, the secretary of state may suspend or deny  
11 issuance of a license or driving permit or a nonresident operat-  
12 ing privilege of the person ~~involved~~ for a period of 6 months,  
13 or ~~7~~ for a second or subsequent refusal within ~~7~~ 10 years,  
14 for 1 year. If the person ~~involved~~ is a resident without a  
15 license or permit to operate a vehicle in the state, the secre-  
16 tary of state may deny to the person the issuance of a license or  
17 permit for a period of 6 months, or ~~7~~ for a second or subse-  
18 quent refusal within ~~7~~ 10 years, for 1 year. The person  
19 ~~involved~~ may file a petition in the circuit court of the county  
20 in which the arrest was made to review the suspension or denial  
21 as provided in section 323.

22 (5) When it has been finally determined that a nonresident's  
23 privilege to operate a vehicle in the state has been suspended or  
24 denied, the department shall give notice in writing of the action  
25 taken to the motor vehicle administrator of the state of the  
26 person's residence and of each state in which he or she has a  
27 license to operate a motor vehicle.

1       Sec. 625i. ~~-(1)-~~ The department of state police shall  
2 prepare an annual report which shall be designated the Michigan  
3 annual drunk driving audit. THE SECRETARY OF STATE AND THE CIR-  
4 CUIT COURTS, DISTRICT COURTS, AND LOCAL UNITS OF GOVERNMENT IN  
5 THIS STATE SHALL COOPERATE WITH THE DEPARTMENT OF STATE POLICE TO  
6 PROVIDE INFORMATION NECESSARY FOR THE PREPARATION OF THE REPORT.  
7 A COPY OF THE REPORT PREPARED UNDER THIS SUBSECTION SHALL BE SUB-  
8 MITTED TO THE GOVERNOR, THE SECRETARY OF THE SENATE, THE CLERK OF  
9 THE HOUSE OF REPRESENTATIVES, AND THE SECRETARY OF STATE ON  
10 JUNE 1 OF EACH YEAR. The report shall contain for each county in  
11 the state all of the following information applicable to the  
12 immediately preceding calendar year:

13       (a) The number of alcohol related motor vehicle accidents  
14 resulting in bodily injury, including a breakdown of the number  
15 of those injuries occurring per capita of population and per road  
16 mile in the county.

17       (b) The number of alcohol related motor vehicle accidents  
18 resulting in death, including the breakdown described in subdivi-  
19 sion (a).

20       (c) The number of alcohol related motor vehicle accidents,  
21 other than those described in subdivisions (a) and (b), including  
22 the breakdown described in subdivision (a).

23       (d) The number of arrests made for a violation of section  
24 ~~625(1) or (2),~~ 625(1)(A) OR (B) or a local ordinance substan-  
25 tially corresponding to section ~~625(1) or (2)~~ 625(1)(A) OR  
26 (B).

1 (e) The number of arrests made for a violation of section  
2 ~~625b~~ 625(3) or a local ordinance substantially corresponding to  
3 section ~~625b~~ 625(3).

4 (f) The number of operator's or chauffeur's licenses sus-  
5 pended pursuant to section 625f for refusal to submit to a chemi-  
6 cal test.

7 (g) The number of convictions of crimes enumerated in subdi-  
8 visions (d) and (e).

9 (h) The number of licenses suspended or revoked as a result  
10 of convictions of crimes enumerated in subdivisions (d) and (e).

11 (i) The number of restricted licenses issued as a result of  
12 convictions of crimes enumerated in subdivisions (d) and (e).

13 (j) The average fine, length of imprisonment, and period of  
14 license suspension imposed as part of the sentence for each crime  
15 enumerated in subdivisions (d) and (e).

16 ~~(2) The secretary of state and the circuit courts, district~~  
17 ~~courts, and local units of government in the state shall cooper-~~  
18 ~~ate with the department of state police to provide information~~  
19 ~~necessary for the preparation of the report.~~

20 ~~(3) A copy of the report required under this section shall~~  
21 ~~be submitted to the governor, to the secretary of the senate, and~~  
22 ~~to the clerk of the house of representatives on June 1 of each~~  
23 ~~year.~~

24 Sec. 732. (1) Each municipal judge and each clerk of a  
25 court of record shall keep a full record of every case in which a  
26 person is charged with or cited for a violation of this act or of

1 a law corresponding to this act regulating the operation of  
2 vehicles on highways.

3       (2) Within ~~+5~~ 14 days after the conviction OR FORFEITURE  
4 OF BAIL OF, OR ENTRY OF A civil infraction determination,  
5 ~~forfeiture of bail of, or entry of~~ DEFAULT JUDGMENT, OR probate  
6 court ~~findings~~ ORDER OF DISPOSITION, EXCEPT A DISPOSITION  
7 RESULTING IN DISMISSAL, as to, a person upon a charge of, or  
8 citation for, violating this act or a ~~city or village~~ LOCAL  
9 ordinance corresponding to this act regulating the operation of  
10 vehicles on highways, except as provided in subsection ~~(7)~~  
11 (12), the municipal judge or clerk of the court of record ~~in~~  
12 ~~which the conviction or civil infraction determination was had or~~  
13 ~~bail was forfeited~~ shall prepare and immediately forward to the  
14 secretary of state an abstract of the record of the court  
15 ~~covering the case in which the person was convicted or deter-~~  
16 ~~mined responsible or forfeited bail, or in which probate court~~  
17 ~~findings were made~~ FOR THE CASE. The abstract shall be certified  
18 by signature, stamp, or facsimile signature by the person  
19 required to prepare the abstract to be true and correct. If a  
20 city or village department, bureau, or person is authorized to  
21 accept a payment of money as a settlement for a violation of a  
22 local ordinance corresponding to this act, the city or village  
23 department, bureau, or person shall send a full report of each  
24 case in which a person pays any amount of money to the city or  
25 village department, bureau, or person to the secretary of state  
26 upon a form prescribed by the secretary of state.



1       (3) The abstract or report required under this section shall  
2 be made upon a form furnished by the secretary of state and shall  
3 include the name, ~~and~~ address, AND DATE OF BIRTH of the ~~party~~  
4 PERSON charged or cited; ~~the date of birth,~~ the number ~~, if~~  
5 ~~any,~~ of the ~~party's~~ PERSON'S operator's or chauffeur's  
6 license, IF ANY; the date and nature of the violation; the date  
7 of the conviction, finding, forfeiture, judgment, or determina-  
8 tion; whether bail was forfeited; any license revocation,  
9 restriction, suspension, or denial ordered by the court pursuant  
10 to this act; and other information necessary to the secretary of  
11 state.

12       (4) ~~Every court of record~~ THE CLERK OF THE COURT also  
13 shall forward an abstract of the record of the court to the sec-  
14 retary of state upon the conviction of a person or ENTRY OF A  
15 probate court ~~findings~~ ORDER OF DISPOSITION, EXCEPT A DISPOSI-  
16 TION RESULTING IN DISMISSAL, involving a violation of this act;  
17 ~~, manslaughter, negligent homicide, or a felony in the commis-~~  
18 ~~sion of which a vehicle was used~~ MANSLAUGHTER RESULTING FROM THE  
19 OPERATION OF A VEHICLE; A VIOLATION OF SECTION 324, 413, 414, OR  
20 479A OF THE MICHIGAN PENAL CODE, ACT NO. 328 OF THE PUBLIC ACTS  
21 OF 1931, BEING SECTIONS 750.324, 750.413, 750.414, AND 750.479A  
22 OF THE MICHIGAN COMPILED LAWS; A VIOLATION OF SECTION 1 OF ACT  
23 NO. 214 OF THE PUBLIC ACTS OF 1931, BEING SECTION 752.191 OF THE  
24 MICHIGAN COMPILED LAWS; OR AN ATTEMPT TO COMMIT ANY OF THESE  
25 OFFENSES.

26       (5) AS USED IN SUBSECTIONS (6) TO (8), "FELONY IN WHICH A  
27 MOTOR VEHICLE WAS USED" MEANS A FELONY DURING THE COMMISSION OF

1 WHICH THE PERSON OPERATED A MOTOR VEHICLE AND WHILE OPERATING THE  
2 VEHICLE PRESENTED REAL OR POTENTIAL HARM TO PERSONS OR PROPERTY  
3 AND 1 OR MORE OF THE FOLLOWING CIRCUMSTANCES EXISTED:

4 (A) THE VEHICLE WAS USED AS AN INSTRUMENT OF THE FELONY.

5 (B) THE VEHICLE WAS USED TO TRANSPORT A VICTIM OF THE  
6 FELONY.

7 (C) THE VEHICLE WAS USED TO FLEE THE SCENE OF THE FELONY.

8 (D) THE VEHICLE WAS NECESSARY FOR THE COMMISSION OF THE  
9 FELONY.

10 (6) IF A PERSON IS CHARGED WITH A FELONY IN WHICH A MOTOR  
11 VEHICLE WAS USED, OTHER THAN A FELONY SPECIFIED IN SUBSECTION  
12 (4), THE PROSECUTING ATTORNEY SHALL INCLUDE THE FOLLOWING STATE-  
13 MENT ON THE COMPLAINT AND INFORMATION FILED IN DISTRICT OR CIR-  
14 CUIT COURT:

15 "YOU ARE CHARGED WITH THE COMMISSION OF A FELONY IN WHICH A  
16 MOTOR VEHICLE WAS USED. IF YOU ARE CONVICTED, YOUR DRIVER'S  
17 LICENSE SHALL BE SUSPENDED BY THE SECRETARY OF STATE."

18 (7) IF A CHILD IS ACCUSED OF AN ACT THE NATURE OF WHICH CON-  
19 STITUTES A FELONY IN WHICH A MOTOR VEHICLE WAS USED, OTHER THAN A  
20 FELONY SPECIFIED IN SUBSECTION (4), THE PROSECUTING ATTORNEY  
21 SHALL INCLUDE ON THE PETITION FILED IN THE PROBATE COURT:

22 "YOU ARE ACCUSED OF AN ACT THE NATURE OF WHICH CONSTITUTES A  
23 FELONY IN WHICH A MOTOR VEHICLE WAS USED. IF THE ACCUSATION IS  
24 FOUND TO BE TRUE, YOUR DRIVER'S LICENSE SHALL BE SUSPENDED BY THE  
25 SECRETARY OF STATE."

26 (8) UPON CONVICTION OF, OR ENTRY OF A PROBATE COURT ORDER OF  
27 DISPOSITION, EXCEPT A DISPOSITION RESULTING IN DISMISSAL, AS TO A

1 PERSON FOR A FELONY IN WHICH A MOTOR VEHICLE WAS USED OR AN ACT  
2 THE NATURE OF WHICH CONSTITUTES A FELONY IN WHICH A MOTOR VEHICLE  
3 WAS USED, THE CLERK OF THE COURT SHALL FORWARD AN ABSTRACT OF THE  
4 RECORD OF THE COURT TO THE SECRETARY OF STATE.

5 (9) EVERY PERSON REQUIRED TO FORWARD ABSTRACTS TO THE SECRE-  
6 TARY OF STATE UNDER THIS SECTION SHALL CERTIFY FOR THE PERIOD  
7 FROM JANUARY 1 THROUGH JUNE 30 AND FOR THE PERIOD FROM JULY 1  
8 THROUGH DECEMBER 31 THAT ALL ABSTRACTS REQUIRED TO BE FORWARDED  
9 DURING THE PERIOD HAVE BEEN FORWARDED. THE CERTIFICATION SHALL  
10 BE FILED WITH THE SECRETARY OF STATE NOT LATER THAN 28 DAYS AFTER  
11 THE END OF THE PERIOD COVERED BY THE CERTIFICATION. THE CERTIFI-  
12 CATION SHALL BE MADE UPON A FORM FURNISHED BY THE SECRETARY OF  
13 STATE AND SHALL INCLUDE ALL OF THE FOLLOWING:

14 (A) THE NAME AND TITLE OF THE PERSON REQUIRED TO FORWARD  
15 ABSTRACTS.

16 (B) THE COURT FOR WHICH THE CERTIFICATION IS FILED.

17 (C) THE TIME PERIOD COVERED BY THE CERTIFICATION.

18 (D) THE FOLLOWING STATEMENT:

19 "I CERTIFY THAT ALL ABSTRACTS REQUIRED BY SECTION 732 OF THE  
20 MICHIGAN VEHICLE CODE, MCL 257.732; MSA 9.2432, FOR THE PERIOD  
21 \_\_\_\_\_ THROUGH \_\_\_\_\_ HAVE BEEN FORWARDED TO THE SECRE-  
22 TARY OF STATE."

23 (E) OTHER INFORMATION THE SECRETARY OF STATE CONSIDERS  
24 NECESSARY.

25 (F) THE SIGNATURE OF THE PERSON REQUIRED TO FORWARD  
26 ABSTRACTS.

1       (10) ~~(5)~~ The failure, refusal, or neglect of a person to  
2 comply with this section shall constitute misconduct in office  
3 and shall be ~~ground~~ GROUNDS for removal from office.

4       (11) ~~(6)~~ Except as provided in subsection ~~(7)~~ (12), the  
5 secretary of state shall keep all abstracts received under this  
6 section at the secretary of state's main office ~~, which~~ AND THE  
7 abstracts shall be open for public inspection during ~~its~~ THE  
8 OFFICE'S usual business hours. ~~The abstracts~~ EACH ABSTRACT  
9 shall be entered upon the master driving record of the person  
10 ~~involved~~ TO WHOM IT PERTAINS.

11       (12) ~~(7)~~ The court shall not submit, and the secretary of  
12 state shall discard and not enter on the master driving record,  
13 an abstract for a conviction, civil infraction determination, or  
14 probate court ~~finding~~ ORDER OF DISPOSITION for any of the fol-  
15 lowing offenses:

16       (a) The parking or standing of a vehicle.

17       (b) A nonmoving violation which is not the basis for the  
18 secretary of state's suspension, revocation, or denial of an  
19 operator's or chauffeur's license.

20       (c) A violation of chapter II which is not the basis for the  
21 secretary of state's suspension, revocation, or denial of an  
22 operator's or chauffeur's license.

23       (d) A pedestrian, passenger, or bicycle violation.

24       (e) A violation of section 710e.

25       (13) ~~(8)~~ The secretary of state shall discard and not  
26 enter on the master driving record an abstract for a bond  
27 forfeiture which occurred outside this state.

1       (14) ~~(9)~~ The secretary of state shall inform the courts of  
2 this state of the nonmoving violations and violations of chapter  
3 II which are used by the secretary of state as the basis for the  
4 suspension, restriction, revocation, or denial of an operator's  
5 or chauffeur's license.

6       (15) ~~(10)~~ If a conviction, civil infraction determination,  
7 or probate court ~~finding~~ ORDER OF DISPOSITION is reversed upon  
8 appeal, the person whose conviction, determination, or ~~finding~~  
9 ORDER OF DISPOSITION has been reversed may serve on the secretary  
10 of state a certified copy of the order of reversal, and the sec-  
11 retary of state shall enter the order in the proper book or index  
12 in connection with the record of the conviction, civil infraction  
13 determination, or probate court ~~finding~~ ORDER OF DISPOSITION.

14       (16) ~~(11)~~ The secretary of state may permit a city or vil-  
15 lage department, ~~or~~ bureau, person, or court to modify the  
16 requirement as to the time and manner of reporting a conviction,  
17 civil infraction determination, settlement, or probate court  
18 ~~finding~~ ORDER OF DISPOSITION to the secretary of state when the  
19 modification will increase the economy and efficiency of collect-  
20 ing and utilizing the records. ~~When~~ IF the permitted abstract  
21 of court record reporting a conviction, civil infraction determi-  
22 nation, settlement, or probate court ~~finding~~ ORDER OF  
23 DISPOSITION originates as a part of the written notice to appear,  
24 authorized in section 728(1) or 742(1), the form of the written  
25 notice and report shall be as prescribed by the secretary of  
26 state.

1        Sec. 904. (1) A person whose operator's or chauffeur's  
2 license or registration certificate has been suspended or revoked  
3 and who has been notified as provided in section 212 of that sus-  
4 pension or revocation, ~~or~~ whose application for A license has  
5 been denied, ~~as provided in this act,~~ or who has never applied  
6 for a license, ~~and who operates~~ SHALL NOT OPERATE a motor vehi-  
7 cle upon the highways of this state. ~~or who~~ A PERSON SHALL NOT  
8 knowingly ~~permits~~ PERMIT a motor vehicle owned by the person to  
9 be operated ~~by another~~ upon a highway, except as permitted  
10 under this act, ~~while the~~ BY A PERSON WHOSE license or regis-  
11 tration certificate is suspended or revoked, ~~or~~ whose applica-  
12 tion for A license has been denied, ~~as provided in this act,~~ OR  
13 WHO HAS NEVER APPLIED FOR A LICENSE. A PERSON WHO VIOLATES THIS  
14 SUBSECTION is guilty of a misdemeanor, punishable ~~, except as~~  
15 ~~provided in subsections (2) and (3), by imprisonment for not less~~  
16 ~~than 3 days nor more than 90 days, or a fine of not more than~~  
17 ~~\$100.00, or both. Unless the vehicle was stolen or used with the~~  
18 ~~permission of a person who did not knowingly permit an unlicensed~~  
19 ~~driver to operate the vehicle, the registration plates of the~~  
20 ~~vehicle shall be confiscated.~~ AS FOLLOWS:

21        (A) ~~(2) A person whose~~ IF THE PERSON'S operator's or  
22 chauffeur's license has been suspended under section 321a because  
23 that person has failed to answer a citation or has failed to  
24 comply with an order or judgment issued pursuant to section 907,  
25 ~~and who operates a motor vehicle upon a highway, may be~~  
26 ~~punished~~ by imprisonment for not more than 90 days, or a fine of  
27 not more than \$100.00, or both.

1 (B) IF SUBDIVISION (A) DOES NOT APPLY, BY IMPRISONMENT FOR  
2 NOT MORE THAN 90 DAYS, OR A FINE OF NOT MORE THAN \$500.00, OR  
3 BOTH.

4 (C) ~~(3) A person convicted of~~ IF SUBDIVISION (A) DOES NOT  
5 APPLY AND THE CONVICTION IS FOR a second or subsequent violation  
6 of this ~~section is guilty of a misdemeanor, punishable~~  
7 SUBSECTION, by imprisonment for not ~~less than 5 days nor~~ more  
8 than 1 year, or a fine of not more than ~~\$500.00~~ \$1,000.00, or  
9 both. Unless the vehicle was stolen, the registration plates of  
10 the vehicle shall be confiscated.

11 (2) ~~(4)~~ The secretary of state, upon receiving a record of  
12 the conviction or probate court finding of a person upon a charge  
13 of unlawful operation of a motor vehicle while the license of the  
14 person is suspended ~~,~~ OR revoked ~~,~~ ~~or denied,~~ or of the con-  
15 viction, civil infraction determination, or probate court finding  
16 of a person for a MOVING violation of the ~~motor~~ vehicle laws of  
17 this state OR A POLITICAL SUBDIVISION OF THIS STATE while the  
18 license of the person is suspended ~~,~~ OR revoked, ~~or denied,~~  
19 immediately shall extend the period of the first suspension or  
20 revocation for an additional like period. ~~,~~ ~~or if a period has~~  
21 ~~not been determined, then for not less than 30 days nor more than~~  
22 ~~1 year.~~ THIS SUBSECTION SHALL APPLY ONLY IF THE VIOLATION OCCURS  
23 DURING A SUSPENSION OF DEFINITE LENGTH OR BEFORE THE PERSON IS  
24 APPROVED FOR A LICENSE FOLLOWING A REVOCATION.

25 (3) ~~(5)~~ The secretary of state, upon receiving a record of  
26 the conviction or a civil infraction determination of a person  
27 upon a charge of unlawful operation of a motor vehicle requiring

1 a class 1, class 2, or class 3 indorsement while the indorsement  
2 is suspended pursuant to section 319a OR REVOKED, immediately  
3 shall extend the period of suspension OR REVOCATION for an addi-  
4 tional like period. THIS SUBSECTION SHALL APPLY ONLY IF THE VIO-  
5 LATION OCCURS DURING A SUSPENSION OF DEFINITE LENGTH OR BEFORE  
6 THE PERSON IS APPROVED FOR A LICENSE FOLLOWING A REVOCATION.

7 (4) ~~(6)~~ Before ~~the plea of the~~ A person is ~~accepted~~  
8 ~~under~~ ARRAIGNED BEFORE A DISTRICT COURT MAGISTRATE OR JUDGE ON A  
9 CHARGE OF VIOLATING this section, the arresting officer shall  
10 ~~check with~~ OBTAIN THE DRIVING RECORD OF THE PERSON FROM the  
11 secretary of state ~~to determine the record and status of the~~  
12 ~~person according to the records of the secretary of state and so~~  
13 ~~inform~~ AND SHALL FURNISH THE RECORD TO the court.

14 (5) ~~(7)~~ This section shall not apply to a person who oper-  
15 ates a vehicle solely for the purpose of protecting human life or  
16 property, if the life or property is endangered and the summoning  
17 of prompt aid is essential.

18 SEC. 910. (1) A PERSON WHO IS CONVICTED OF AN ATTEMPT TO  
19 COMMIT AN OFFENSE PROHIBITED BY THIS ACT SHALL BE PUNISHED AS IF  
20 THE OFFENSE HAD BEEN COMPLETED.

21 (2) WHEN ASSESSING POINTS AND TAKING LICENSING ACTION UNDER  
22 THIS ACT, THE SECRETARY OF STATE SHALL TREAT A CONVICTION OF AN  
23 ATTEMPTED OFFENSE THE SAME AS IF THE OFFENSE HAD BEEN COMPLETED,  
24 WHETHER THE ATTEMPTED OFFENSE IS PROHIBITED BY THIS ACT, ANOTHER  
25 LAW OF THIS STATE, A LOCAL ORDINANCE, OR A LAW OF ANOTHER STATE.

26 (3) A JUDGE, DISTRICT COURT MAGISTRATE, TRAFFIC BUREAU, OR  
27 PARKING VIOLATIONS BUREAU SHALL NOT ACCEPT AN ADMISSION OF



1 RESPONSIBILITY TO AN ATTEMPTED CIVIL INFRACTION NOR DETERMINE A  
2 PERSON RESPONSIBLE FOR AN ATTEMPTED CIVIL INFRACTION. THE SECRE-  
3 TARY OF STATE SHALL NOT ACCEPT AN ABSTRACT FOR AN ATTEMPTED CIVIL  
4 INFRACTION NOR ASSESS ANY POINTS FOR SUCH A DETERMINATION.

5 Section 2. The following acts and parts of acts are  
6 repealed:

7 (a) Sections 323c, 625g, 625h, and 625j of Act No. 300 of  
8 the Public Acts of 1949, being sections 257.323c, 257.625g,  
9 257.625h, and 257.625j of the Michigan Compiled Laws.

10 (b) Sections 33a and 34a of Act No. 8 of the Public Acts of  
11 the Extra Session of 1933, being sections 436.33a and 436.34a of  
12 the Michigan Compiled Laws.