



SENATE BILL No. 222

January 26, 1993, Introduced by Senators GEAKE, WELBORN, BOUCHARD, EHLERS, CISKY, DI NELLO and DILLINGHAM and referred to the Committee on Judiciary.

A bill to amend sections 25, 204a, 303, 319, 320e, 323, 624a, 625, 625b, and 732 of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," sections 303, 320e, and 625 as amended and 624a as added by Act No. 98 of the Public Acts of 1991, section 319 as amended by Act No. 93 of the Public Acts of 1991, and sections 323, 625b, and 732 as amended by Act No. 100 of the Public Acts of 1991, being sections 257.25, 257.204a, 257.303, 257.319, 257.320e, 257.323, 257.624a, 257.625, 257.625b, and 257.732 of the Michigan Compiled Laws; and to add sections 44a, 319e, 319f, and 624b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 25, 204a, 303, 319, 320e, 323, 624a,
2 625, 625b, and 732 of Act No. 300 of the Public Acts of 1949,
3 sections 303, 320e, and 625 as amended and 624a as added by Act

1 No. 98 of the Public Acts of 1991, section 319 as amended by Act
2 No. 93 of the Public Acts of 1991, and sections 323, 625b, and
3 732 as amended by Act No. 100 of the Public Acts of 1991, being
4 sections 257.25, 257.204a, 257.303, 257.319, 257.320e, 257.323,
5 257.624a, 257.625, 257.625b, and 257.732 of the Michigan Compiled
6 Laws, are amended and sections 44a, 319e, 319f, and 624b are
7 added to read as follows:

8 Sec. 25. "License" means any ~~driving privileges,~~
9 license, temporary instruction permit, or temporary license
10 issued under the laws of this state pertaining to the licensing
11 of persons to operate motor vehicles OR ANY DRIVING PRIVILEGES.

12 SEC. 44A. "PROBATE COURT DISPOSITION" MEANS THE ENTRY OF A
13 PROBATE COURT ORDER OF DISPOSITION FOR A CHILD FOUND TO BE WITHIN
14 THE PROVISIONS OF CHAPTER XIIIA OF ACT NO. 288 OF THE PUBLIC ACTS
15 OF 1939, BEING SECTIONS 712A.1 TO 712A.28 OF THE MICHIGAN
16 COMPILED LAWS.

17 Sec. 204a. (1) The secretary of state shall create and
18 maintain a central file of the names of all ~~persons~~ OF THE
19 FOLLOWING:

20 (A) PERSONS WHO ARE licensed as operators or chauffeurs
21 under chapter 3. ~~and all nonresident~~

22 (B) NONRESIDENT drivers against whom a civil infraction
23 determination is entered and who ~~fails~~ FAIL to comply with an
24 order or judgment issued pursuant to section 907. ~~to~~

25 (C) PERSONS WHO HAVE BEEN CONVICTED OF A CRIME DESCRIBED IN
26 SECTION 319E.

1 (2) THE CENTRAL FILE SHALL provide an individual, historical
2 driving record for ~~the~~ A person with respect to ~~accidents~~ ALL
3 OF THE FOLLOWING:

4 (A) ACCIDENTS in which the person is involved. ~~, moving~~

5 (B) MOVING violations for which the person is convicted or
6 determined responsible. ~~and revocations~~

7 (C) CONVICTIONS OF CRIMINAL OFFENSES DESCRIBED IN
8 SECTION 319E.

9 (D) REVOCATIONS and suspensions of the person's operating
10 privilege under this act.

11 (3) A certified copy of an order, record, or paper main-
12 tained in this file is admissible in evidence in like manner as
13 the original and is prima facie proof of the facts stated in the
14 original.

15 Sec. 303. (1) The secretary of state shall not issue a
16 license under this act to any of the following:

17 (a) A person, as an operator, who is less than 18 years of
18 age, except that the secretary of state may issue a license to a
19 person who is not less than 16 years of age and who has satisfac-
20 torily passed a driver education course and examination given by
21 a public school or nonpublic school of this or another state
22 offering a course approved by the department of education, or an
23 equivalent course and examination as prescribed in section 811.
24 The secretary of state may issue to a person not less than 14
25 years of age a restricted license as provided in this act. This
26 subdivision shall not apply to a person who has been the holder
27 of a valid driver's license issued by another state, territory,

1 or possession of the United States or another sovereignty for at
2 least 1 year immediately before application for a driver's
3 license under this act.

4 (b) A person, as a chauffeur, who is less than 18 years of
5 age, except that the secretary of state may issue a license to a
6 person who is not less than 16 years of age and who has satisfac-
7 torily passed a driver education course and examination given by
8 a public school or nonpublic school of this or another state
9 offering a course approved by the department of education, or an
10 equivalent course and examination as prescribed in section 811.

11 (c) A person whose license has been suspended during the
12 period for which the license was suspended.

13 (d) A person who has been convicted under section 625(4) or
14 (5).

15 (e) A person who is an habitual violator of the criminal
16 laws relating to operating a vehicle while impaired by or under
17 the influence of intoxicating liquor or a controlled substance or
18 a combination of intoxicating liquor and a controlled substance,
19 or with a blood alcohol content of 0.10% or more by weight of
20 alcohol. Convictions of any of the following, whether under a
21 law of this state, a local ordinance substantially corresponding
22 to a law of this state, or a law of another state substantially
23 corresponding to a law of this state, shall be prima facie evi-
24 dence that the person is an habitual violator as described in
25 this subdivision:

26 (i) Any combination of 2 convictions within 7 years for 1 or
27 more of the following:

1 (A) A violation of section 625(1), (4), or (5).

2 (B) A violation of former section 625(1) or (2).

3 (ii) Any combination of 3 convictions within 10 years for 1
4 or more of the following:

5 (A) A violation of section 625(1), (3), (4), or (5).

6 (B) A violation of former section 625(1) or (2) or former
7 section 625b.

8 (f) A person who in the opinion of the secretary of state is
9 afflicted with or suffering from a physical or mental disability
10 or disease which prevents that person from exercising reasonable
11 and ordinary control over a motor vehicle while operating the
12 motor vehicle upon the highways.

13 (g) A person who is unable to understand highway warning or
14 direction signs in the English language.

15 (h) A person who is an habitually reckless driver. Four
16 convictions of reckless driving under this act or any other law
17 of this state relating to reckless driving or under a local ordi-
18 nance of this state or a law of another state which defines the
19 term "reckless driving" substantially similar to the law of this
20 state shall be prima facie evidence that the person is an habitu-
21 ally reckless driver.

22 (i) A person who is an habitual criminal. Two convictions
23 of a felony involving the use of a motor vehicle in this or
24 another state shall be prima facie evidence that the person is an
25 habitual criminal.

26 (j) A person who is unable to pass a knowledge, skill, or
27 ability test administered by the secretary of state in connection

1 with the issuance of an original operator's or chauffeur's
2 license, original motorcycle indorsement, or an original or
3 renewal of a vehicle group designation or vehicle indorsement.

4 (k) A person who has been convicted, received a probate
5 court disposition, or been determined responsible for 2 or more
6 moving violations under a law of this state, a local ordinance
7 substantially corresponding to a law of this state, or a law of
8 another state substantially corresponding to a law of this state,
9 within the preceding 3 years, if the violations occurred prior to
10 the issuance of an original license to the person in this or
11 another state.

12 (l) A nonresident.

13 (m) A person not licensed under this act who has been con-
14 victed of or received a probate court disposition for committing
15 a crime described in section 319, 319F, 324, 624B, or 904. A
16 person shall be denied a license under this subdivision for the
17 length of time that corresponds to the period of the licensing
18 sanction that would have been imposed under section 319, 319F,
19 324, 624B, or 904 if the person had been licensed at the time of
20 the violation.

21 (N) A PERSON NOT LICENSED UNDER THIS ACT WHO HAS BEEN CON-
22 VICTED OF A CRIME DESCRIBED IN SECTION 319E. A PERSON SHALL BE
23 DENIED A LICENSE UNDER THIS SUBDIVISION FOR A PERIOD OF TIME THAT
24 CORRESPONDS TO THE PERIOD OF THE LICENSING SANCTION THAT WOULD
25 HAVE BEEN IMPOSED UNDER SECTION 319E IF THE PERSON HAD BEEN
26 LICENSED AT THE TIME OF THE VIOLATION. THE PERIOD OF THE DENIAL

1 SHALL BEGIN WHEN THE PERSON IS OTHERWISE ELIGIBLE FOR A LICENSE.
2 AS USED IN THIS SUBDIVISION:

3 (i) "CONVICTION" MEANS A FINAL CONVICTION, A PLEA OF GUILTY
4 OR NOLO CONTENDERE IF ACCEPTED BY THE COURT, A FINDING OF GUILT,
5 A PROBATE COURT DISPOSITION, OR A JUVENILE ADJUDICATION, REGARD-
6 LESS OF WHETHER THE PENALTY IS REBATED OR SUSPENDED.

7 (ii) "JUVENILE ADJUDICATION" MEANS EITHER OF THE FOLLOWING:

8 (A) THE FINDING OF JUVENILE DELINQUENCY UNDER CHAPTER 403 OF
9 TITLE 18 OF THE UNITED STATES CODE, 18 U.S.C. 5031 TO 5040 AND
10 5042.

11 (B) THE ENTRY OF AN ORDER BY THE COURT OF ANOTHER STATE THAT
12 A MINOR VIOLATED A LAW OF ANOTHER STATE WHICH VIOLATION WOULD
13 HAVE BEEN A CRIMINAL OFFENSE IF COMMITTED BY AN ADULT IN THAT
14 STATE.

15 (2) Upon receipt of the appropriate records of conviction,
16 the secretary of state shall revoke the operator's or chauffeur's
17 license of a person having any of the following convictions,
18 whether under a law of this state, a local ordinance substan-
19 tially corresponding to a law of this state, or a law of another
20 state substantially corresponding to a law of this state:

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

22 (b) Two convictions of a felony involving the use of a motor
23 vehicle within 7 years.

24 (c) Any combination of 2 convictions within 7 years for 1 or
25 more of the following:

26 (i) A violation of section 625(1).

1 (ii) A violation of former section 625(1) or (2).

2 (iii) A violation of section 625(4) or (5).

3 (d) One conviction under section 625(4) or (5).

4 (e) Any combination of 3 convictions within 10 years for 1
5 or more of the following:

6 (i) A violation of section 625(1), (3), (4), or (5).

7 (ii) A violation of former section 625(1) or (2) or former
8 section 625b.

9 (3) The secretary of state shall revoke a license under sub-
10 section (2) notwithstanding a court order issued under section
11 625, section 625b, former section 625(1) or (2), or former sec-
12 tion 625b, or a local ordinance substantially corresponding to
13 section 625, section 625b, former section 625(1) or (2), or
14 former section 625b.

15 (4) The secretary of state shall not issue a license under
16 this act to a person whose license has been revoked under this
17 act or denied under subsection (1)(d), (e), (h), or (i) until
18 both of the following occur:

19 (a) The later of the following:

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

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

25 (b) The person meets the requirements of the department.

26 (5) Multiple convictions, civil infraction determinations,
27 or probate court dispositions resulting from the same incident

1 shall be treated as a single violation for purposes of denial or
2 revocation of a license under this section.

3 Sec. 319. (1) The secretary of state shall immediately sus-
4 pend for a period of not less than 90 days or more than 2 years,
5 the license of a person upon receiving a record of the conviction
6 or probate court disposition of the person for any of the follow-
7 ing crimes or attempts to commit any of the following crimes,
8 whether the conviction or probate court disposition is under a
9 law of this state, a local ordinance substantially corresponding
10 to a law of this state, or a law of another state substantially
11 corresponding to a law of this state:

12 (a) Fraudulently altering or forging documents pertaining to
13 motor vehicles, in violation of section 257.

14 (b) Perjury or the making of a false certification to the
15 secretary of state under any law requiring the registration of a
16 motor vehicle or regulating the operation of a motor vehicle on a
17 highway.

18 (c) A violation of section 324, 413, or 414 of the Michigan
19 penal code, Act No. 328 of the Public Acts of 1931, being sec-
20 tions 750.324, 750.413, and 750.414 of the Michigan Compiled
21 Laws; or a violation of section 1 of Act No. 214 of the Public
22 Acts of 1931, being section 752.191 of the Michigan Compiled
23 Laws.

24 (d) Conviction upon 3 charges of reckless driving within the
25 preceding 36 months.

1 (e) Failing to stop and disclose identity at the scene of an
2 accident resulting in death or injury to another person, in
3 violation of section 617 or 617a.

4 (f) A felony in which a motor vehicle was used. As used in
5 this section, "felony in which a motor vehicle was used" means a
6 felony during the commission of which the person convicted oper-
7 ated a motor vehicle and while operating the vehicle presented
8 real or potential harm to persons or property and 1 or more of
9 the following circumstances existed:

10 (i) The vehicle was used as an instrument of the felony.

11 (ii) The vehicle was used to transport a victim of the
12 felony.

13 (iii) The vehicle was used to flee the scene of the felony.

14 (iv) The vehicle was necessary for the commission of the
15 felony.

16 (2) The secretary of state shall suspend the license of a
17 person convicted of malicious destruction resulting from the
18 operation of a motor vehicle under section 382 of the Michigan
19 penal code, Act No. 328 of the Public Acts of 1931, as amended,
20 being section 750.382 of the Michigan Compiled Laws, for a period
21 of not more than 1 year as ordered by the court as part of the
22 sentence.

23 (3) The secretary of state shall immediately suspend the
24 license of a person for the period specified in the certificate
25 of conviction upon receipt of the person's license and certifi-
26 cate of conviction forwarded to the secretary of state pursuant
27 to section 367c of the Michigan penal code, Act No. 328 of the

1 Public Acts of 1931, being section 750.367c of the Michigan
2 Compiled Laws.

3 (4) If a court has not ordered a suspension of a person's
4 license as ~~authorized~~ REQUIRED by this act, the secretary of
5 state shall suspend the license as follows, notwithstanding a
6 court order issued under section 625(1), (3), (4), or (5), or
7 section 625b, or former section 625(1) or (2), or former section
8 625b, or a local ordinance substantially corresponding to
9 section 625(1) or (3), or section 625b, or former section 625(1)
10 or (2), or former section 625b:

11 (a) For a period of not less than 90 days or more than 1
12 year, upon receiving a record of the conviction of the person for
13 a violation of section 625(3), a local ordinance substantially
14 corresponding to section 625(3), or a law of another state sub-
15 stantially corresponding to section 625(3), if the person has no
16 prior convictions within 7 years for a violation of section
17 625(1), (3), (4), or (5), or former section 625(1) or (2), or
18 former section 625b, a local ordinance substantially correspond-
19 ing to section 625(1) or (3), or former section 625(1) or (2), or
20 former section 625b, or a law of another state substantially cor-
21 responding to section 625(1), (3), (4), or (5), or former section
22 625(1) or (2), or former section 625b. HOWEVER, IF THE PERSON IS
23 CONVICTED OF A VIOLATION OF SECTION 625(3), A LOCAL ORDINANCE
24 SUBSTANTIALLY CORRESPONDING TO SECTION 625(3), OR A LAW OF
25 ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO SECTION 625(3) FOR
26 OPERATING A VEHICLE WHEN, DUE TO CONSUMPTION OF A CONTROLLED
27 SUBSTANCE OR A COMBINATION OF AN INTOXICATING LIQUOR AND A

1 CONTROLLED SUBSTANCE, THE PERSON'S ABILITY TO OPERATE THE VEHICLE
2 WAS VISIBLY IMPAIRED, THE SECRETARY OF STATE SHALL SUSPEND THE
3 PERSON'S LICENSE FOR A PERIOD OF NOT LESS THAN 6 MONTHS OR MORE
4 THAN 1 YEAR.

5 (b) For a period of not less than 6 months or more than 2
6 years, if the person has the following convictions within a
7 7-year period, whether under the law of this state, a local ordi-
8 nance substantially corresponding to a law of this state, or a
9 law of another state substantially corresponding to a law of this
10 state:

11 (i) One conviction under section 625(1) or former section
12 625(1) or (2). However, if the conviction is under a law of
13 another state substantially corresponding to section 625(1) or
14 former section 625(1) or (2), the secretary of state may waive
15 the suspension under this subdivision if the person submits proof
16 that a court suspended or restricted his or her license for a
17 period equal to or greater than the period of suspension or
18 restriction authorized under this subsection and that the suspen-
19 sion or restriction was served in the other state, or may grant
20 restrictions.

21 (ii) Any combination of 2 convictions under section 625(3)
22 or former section 625b.

23 (iii) One conviction under section 625(1) or former section
24 625(1) or (2) and 1 conviction under section 625(3) or former
25 section 625b.

26 (iv) One conviction under section 625(4) or (5) followed by
27 1 conviction under section 625(3).

1 ~~(5) Upon receipt of a certificate of conviction pursuant to~~
2 ~~section 33b(3) of the Michigan liquor control act, Act No. 8 of~~
3 ~~the Public Acts of the Extra Session of 1933, being section~~
4 ~~436.33b of the Michigan Compiled Laws, or a local ordinance or~~
5 ~~law of another state substantially corresponding to section~~
6 ~~33b(3) of Act No. 8 of the Public Acts of the Extra Session of~~
7 ~~1933, the secretary of state shall suspend the person's~~
8 ~~operator's or chauffeur's license for a period of 90 days. A~~
9 ~~suspension under this subsection shall be in addition to any~~
10 ~~other suspension of the person's license.~~

11 (5) ~~(6)~~ Upon receipt of the record of the conviction or
12 probate court disposition of a person for a violation of section
13 602a of this act or section 479a(1), (4), or (5) of Act No. 328
14 of the Public Acts of 1931, being section 750.479a of the
15 Michigan Compiled Laws, the secretary of state immediately shall
16 suspend the license of the person for the period ordered by the
17 court as part of the sentence or disposition.

18 (6) ~~(7)~~ A suspension pursuant to this section shall be
19 imposed notwithstanding a court order issued under
20 section 625(1), (3), (4), or (5), or section 625b, or a local
21 ordinance substantially corresponding to section 625(1) or (3) or
22 section 625b.

23 (7) ~~(8)~~ If the secretary of state receives records of more
24 than 1 conviction or probate court disposition of a person
25 resulting from the same incident, a suspension shall be imposed
26 only for the violation to which the longest period of suspension
27 applies under this section.

1 (8) ~~—(9)—~~ As used in this section, "probate court
2 disposition" means the entry of a probate court order of disposi-
3 tion for a child found to be within the provisions of chapter
4 XIIIA of Act No. 288 of the Public Acts of 1939, being
5 sections 712A.1 to 712A.28 of the Michigan Compiled Laws.

6 SEC. 319E. (1) UPON RECEIPT OF AN ABSTRACT OF CONVICTION
7 FOR A PERSON FOR AN ATTEMPT TO VIOLATE, A CONSPIRACY TO VIOLATE,
8 OR A VIOLATION OF PART 74 OR SECTION 17766A OF THE PUBLIC HEALTH
9 CODE, ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SECTIONS
10 333.7401 TO 333.7461 AND 333.17766A OF THE MICHIGAN COMPILED
11 LAWS, OR OF A LOCAL ORDINANCE THAT PROHIBITS CONDUCT PROHIBITED
12 UNDER PART 74 OR SECTION 17766A OF ACT NO. 368 OF THE PUBLIC ACTS
13 OF 1978, THE SECRETARY OF STATE SHALL IMMEDIATELY SUSPEND THE
14 LICENSE OF THE PERSON FOR THE PERIOD SPECIFIED IN THE ABSTRACT OF
15 CONVICTION.

16 (2) UPON RECEIPT OF AN ABSTRACT OF CONVICTION FOR A PERSON
17 FOR AN ATTEMPT TO VIOLATE, A CONSPIRACY TO VIOLATE, OR A VIOLA-
18 TION OF A LAW OF ANOTHER STATE THAT REGULATES A SUBSTANCE THE
19 POSSESSION OF WHICH IS PROHIBITED UNDER THE CONTROLLED SUBSTANCE
20 ACT, OR FOR AN ATTEMPT TO VIOLATE, A CONSPIRACY TO VIOLATE, OR A
21 VIOLATION OF THE CONTROLLED SUBSTANCES ACT, TITLE II OF THE COM-
22 PREHENSIVE DRUG ABUSE AND PREVENTION ACT OF 1970, PUBLIC LAW
23 91-513, 84 STAT. 1242, THE SECRETARY OF STATE SHALL IMMEDIATELY
24 SUSPEND THE LICENSE OF THE PERSON, AS FOLLOWS:

25 (A) FOR A PERIOD OF 6 MONTHS, IF THE PERSON DOES NOT HAVE A
26 PRIOR CONVICTION WITHIN 7 YEARS OF THE VIOLATION.

1 (B) FOR A PERIOD OF 1 YEAR, IF THE PERSON HAS 1 OR MORE
2 PRIOR CONVICTIONS WITHIN 7 YEARS OF THE VIOLATION.

3 (3) UPON RECEIPT OF AN ABSTRACT OF CONVICTION FOR A PERSON
4 FOR AN ATTEMPT TO VIOLATE, A CONSPIRACY TO VIOLATE, OR A VIOLA-
5 TION OF PART 74 OR SECTION 17766A OF ACT NO. 368 OF THE PUBLIC
6 ACTS OF 1978 OR OF A LOCAL ORDINANCE THAT PROHIBITS CONDUCT PRO-
7 HIBITED UNDER PART 74 OR SECTION 17766A OF ACT NO. 368 OF THE
8 PUBLIC ACTS OF 1978, THE SECRETARY OF STATE SHALL SUSPEND THE
9 LICENSE OF THE PERSON IF A COURT HAS NOT ORDERED A SUSPENSION OF
10 THE LICENSE AS REQUIRED BY SECTION 7408A OF ACT NO. 368 OF THE
11 PUBLIC ACTS OF 1978, BEING SECTION 333.7408A OF THE MICHIGAN
12 COMPILED LAWS, AS FOLLOWS:

13 (A) FOR A PERIOD OF 6 MONTHS, IF THE PERSON DOES NOT HAVE A
14 PRIOR CONVICTION WITHIN 7 YEARS OF THE VIOLATION.

15 (B) FOR A PERIOD OF 1 YEAR, IF THE PERSON HAS 1 OR MORE
16 PRIOR CONVICTIONS WITHIN 7 YEARS OF THE VIOLATION.

17 (4) A SUSPENSION UNDER SUBSECTION (3) SHALL BE IMPOSED BY
18 THE SECRETARY OF STATE NOTWITHSTANDING A COURT ORDER ISSUED UNDER
19 SECTION 7408A OF ACT NO. 368 OF THE PUBLIC ACTS OF 1978. AT THE
20 TIME OF IMPOSING A SUSPENSION UNDER SUBSECTION (3), THE SECRETARY
21 OF STATE SHALL CONSIDER ALL PRIOR CONVICTIONS CURRENTLY ENTERED
22 UPON THE CRIMINAL HISTORY RECORD AND MICHIGAN DRIVING RECORD OF
23 THE PERSON.

24 (5) THE SECRETARY OF STATE SHALL IMPOSE A SUSPENSION UNDER
25 SUBSECTION (3) TO BEGIN UPON THE EXPIRATION OF ANY OTHER SUSPEN-
26 SION OF THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF A PERSON THAT IS
27 IN EFFECT AT THE TIME OF THE SUSPENSION UNDER SUBSECTION (3).

1 (6) AS USED IN THIS SECTION:

2 (A) "CONVICTION" MEANS A FINAL CONVICTION, A PLEA OF GUILTY
3 OR NOLO CONTENDERE IF ACCEPTED BY THE COURT, A FINDING OF GUILT,
4 A PROBATE COURT DISPOSITION, OR A JUVENILE ADJUDICATION, REGARD-
5 LESS OF WHETHER THE PENALTY IS REBATED OR SUSPENDED.

6 (B) "JUVENILE ADJUDICATION" MEANS EITHER OF THE FOLLOWING:

7 (i) THE FINDING OF JUVENILE DELINQUENCY UNDER CHAPTER 403 OF
8 TITLE 18 OF THE UNITED STATES CODE, 18 U.S.C. 5031 TO 5040 AND
9 5042.

10 (ii) THE ENTRY OF AN ORDER BY THE COURT OF ANOTHER STATE
11 THAT A MINOR VIOLATED A LAW OR LOCAL ORDINANCE OF THAT STATE
12 WHICH VIOLATION WOULD HAVE BEEN A CRIMINAL OFFENSE IF COMMITTED
13 BY AN ADULT IN THAT STATE.

14 (C) "PRIOR CONVICTION" MEANS EITHER OF THE FOLLOWING:

15 (i) A CONVICTION FOR AN ATTEMPT TO VIOLATE, A CONSPIRACY TO
16 VIOLATE, OR A VIOLATION OF PART 74 OR SECTION 17766A OF ACT
17 NO. 368 OF THE PUBLIC ACTS OF 1978, A LOCAL ORDINANCE THAT PRO-
18 HIBITS CONDUCT PROHIBITED UNDER PART 74 OR SECTION 17766A OF ACT
19 NO. 368 OF THE PUBLIC ACTS OF 1978, OR A LAW OF ANOTHER STATE
20 THAT PROHIBITS CONDUCT PROHIBITED UNDER PART 74 OR SECTION 17766A
21 OF ACT NO. 368 OF THE PUBLIC ACTS OF 1978.

22 (ii) A CONVICTION FOR AN ATTEMPT TO VIOLATE, A CONSPIRACY TO
23 VIOLATE, OR A VIOLATION OF THE CONTROLLED SUBSTANCES ACT, TITLE
24 II OF THE COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL ACT OF
25 1970, PUBLIC LAW 91-513, 84 STAT. 1242.

1 (D) "SUBSTANCE THE POSSESSION OF WHICH IS PROHIBITED UNDER
2 THE CONTROLLED SUBSTANCES ACT" MEANS THAT TERM AS DEFINED IN 23
3 C.F.R. 1212.3.

4 SEC. 319F. (1) UPON RECEIPT OF AN ABSTRACT OF CONVICTION
5 FOR A PERSON FOR ANY OF THE FOLLOWING VIOLATIONS, THE SECRETARY
6 OF STATE SHALL IMMEDIATELY SUSPEND THE LICENSE OF THE PERSON FOR
7 THE PERIOD SPECIFIED IN THE ABSTRACT OF CONVICTION:

8 (A) A VIOLATION OF SECTION 33B(1) OF THE MICHIGAN LIQUOR
9 CONTROL ACT, ACT NO. 8 OF THE PUBLIC ACTS OF THE EXTRA SESSION OF
10 1933, BEING SECTION 436.33B OF THE MICHIGAN COMPILED LAWS, OR OF
11 A LOCAL ORDINANCE THAT PROHIBITS CONDUCT PROHIBITED UNDER
12 SECTION 33B(1) OF ACT NO. 8 OF THE PUBLIC ACTS OF THE EXTRA
13 SESSION OF 1933.

14 (B) AN ATTEMPT TO VIOLATE, A CONSPIRACY TO VIOLATE, OR A
15 VIOLATION OF SECTION 33B(3) OF ACT NO. 8 OF THE PUBLIC ACTS OF
16 THE EXTRA SESSION OF 1933 OR OF A LOCAL ORDINANCE THAT PROHIBITS
17 CONDUCT PROHIBITED UNDER SECTION 33B(3) OF ACT NO. 8 OF THE
18 PUBLIC ACTS OF THE EXTRA SESSION OF 1933.

19 (C) AN ATTEMPT TO VIOLATE, A CONSPIRACY TO VIOLATE, OR A
20 VIOLATION OF SECTION 624A.

21 (D) AN ATTEMPT TO VIOLATE, A CONSPIRACY TO VIOLATE, OR A
22 VIOLATION OF SECTION 624B(1).

23 (2) UPON RECEIPT OF AN ABSTRACT OF CONVICTION FOR A PERSON
24 FOR A VIOLATION OF A LAW OF ANOTHER STATE THAT PROHIBITS CONDUCT
25 PROHIBITED UNDER SECTION 33B(1) OF ACT NO. 8 OF THE PUBLIC ACTS
26 OF THE EXTRA SESSION OF 1933 OR FOR AN ATTEMPT TO VIOLATE, A
27 CONSPIRACY TO VIOLATE, OR A VIOLATION OF A LAW OF ANOTHER STATE

1 THAT PROHIBITS CONDUCT PROHIBITED UNDER SECTION 33B(3) OF ACT
2 NO. 8 OF THE PUBLIC ACTS OF THE EXTRA SESSION OF 1933, SECTION
3 624A, OR SECTION 624B(1), THE SECRETARY OF STATE SHALL IMMEDI-
4 ATELY SUSPEND THE LICENSE OF THE PERSON, AS FOLLOWS:

5 (A) FOR A PERIOD OF 6 MONTHS, IF THE PERSON DOES NOT HAVE A
6 PRIOR CONVICTION WITHIN 7 YEARS OF THE VIOLATION.

7 (B) FOR A PERIOD OF 1 YEAR, IF THE PERSON HAS 1 OR MORE
8 PRIOR CONVICTIONS WITHIN 7 YEARS OF THE VIOLATION.

9 (3) UPON RECEIPT OF AN ABSTRACT OF CONVICTION FOR A PERSON
10 FOR A VIOLATION OF SECTION 33B(1) OF ACT NO. 8 OF THE PUBLIC ACTS
11 OF THE EXTRA SESSION OF 1933 OR OF A LOCAL ORDINANCE THAT PROHIB-
12 ITS CONDUCT PROHIBITED UNDER SECTION 33B(1) OF ACT NO. 8 OF THE
13 PUBLIC ACTS OF THE EXTRA SESSION OF 1933, OR FOR AN ATTEMPT TO
14 VIOLATE, A CONSPIRACY TO VIOLATE, OR A VIOLATION OF SECTION
15 33B(3) OF ACT NO. 8 OF THE PUBLIC ACTS OF THE EXTRA SESSION OF
16 1933, SECTION 624A, OR SECTION 624B(1), OR A LOCAL ORDINANCE THAT
17 PROHIBITS CONDUCT PROHIBITED UNDER SECTION 33B(3) OF ACT NO. 8 OF
18 THE PUBLIC ACTS OF THE EXTRA SESSION OF 1933, SECTION 624A, OR
19 SECTION 624B(1), THE SECRETARY OF STATE SHALL SUSPEND THE LICENSE
20 OF THE PERSON IF A COURT HAS NOT ORDERED A SUSPENSION OF THE
21 LICENSE AS REQUIRED BY SECTION 33B OF ACT NO. 8 OF THE PUBLIC
22 ACTS OF THE EXTRA SESSION OF 1933, SECTION 624A, OR SECTION 624B,
23 AS FOLLOWS:

24 (A) FOR A PERIOD OF 6 MONTHS, IF THE PERSON DOES NOT HAVE A
25 PRIOR CONVICTION WITHIN 7 YEARS OF THE VIOLATION.

26 (B) FOR A PERIOD OF 1 YEAR, IF THE PERSON HAS 1 OR MORE
27 PRIOR CONVICTIONS WITHIN 7 YEARS OF THE VIOLATION.

1 (4) A SUSPENSION UNDER SUBSECTION (3) SHALL BE IMPOSED BY
2 THE SECRETARY OF STATE NOTWITHSTANDING A COURT ORDER ISSUED UNDER
3 SECTION 33B OF ACT NO. 8 OF THE PUBLIC ACTS OF THE EXTRA SESSION
4 OF 1933, SECTION 624A, OR SECTION 624B. AT THE TIME OF IMPOSING
5 A SUSPENSION UNDER SUBSECTION (3), THE SECRETARY OF STATE SHALL
6 CONSIDER ALL PRIOR CONVICTIONS CURRENTLY ENTERED UPON THE CRIMI-
7 NAL HISTORY RECORD AND MICHIGAN DRIVING RECORD OF THE PERSON.

8 (5) AS USED IN THIS SECTION:

9 (A) "CONVICTION" MEANS A FINAL CONVICTION, A PLEA OF GUILTY
10 OR NOLO CONTENDERE IF ACCEPTED BY THE COURT, A FINDING OF GUILT,
11 A PROBATE COURT DISPOSITION, OR A JUVENILE ADJUDICATION, REGARD-
12 LESS OF WHETHER THE PENALTY IS REBATED OR SUSPENDED.

13 (B) "FORMER SECTION 33A(1)" MEANS FORMER SECTION 33A(1) OF
14 ACT NO. 8 OF THE PUBLIC ACTS OF THE EXTRA SESSION OF 1933, AS
15 AMENDED BY ACT NO. 123 OF THE PUBLIC ACTS OF 1985.

16 (C) "JUVENILE ADJUDICATION" MEANS THE ENTRY OF AN ORDER BY
17 THE COURT OF ANOTHER STATE THAT A MINOR VIOLATED A LAW OR LOCAL
18 ORDINANCE OF THAT STATE WHICH VIOLATION WOULD HAVE BEEN A CRIMI-
19 NAL OFFENSE IF COMMITTED BY AN ADULT IN THAT STATE.

20 (D) "PRIOR CONVICTION" MEANS EITHER OF THE FOLLOWING:

21 (i) A CONVICTION OR PROBATE COURT DISPOSITION FOR AN ATTEMPT
22 TO VIOLATE, A CONSPIRACY TO VIOLATE, OR A VIOLATION OF ANY OF THE
23 FOLLOWING:

24 (A) SECTION 624A, SECTION 624B(1), SECTION 625(1), (3), (4),
25 OR (5), FORMER SECTION 625(1) OR (2), OR FORMER SECTION 625B OF
26 THE MICHIGAN VEHICLE CODE, ACT NO. 300 OF THE PUBLIC ACTS OF
27 1949, BEING SECTIONS 257.624A, 257.624B, AND 257.625 OF THE

1 MICHIGAN COMPILED LAWS, A LOCAL ORDINANCE SUBSTANTIALLY
2 CORRESPONDING TO SECTION 624A, SECTION 624B(1), SECTION 625(1),
3 (3), (4), OR (5), FORMER SECTION 625(1) OR (2), OR FORMER SECTION
4 625B OF ACT NO. 300 OF THE PUBLIC ACTS OF 1949, OR A LAW OF
5 ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO SECTION 624A, SEC-
6 TION 624B(1), SECTION 625(1), (3), (4), OR (5), FORMER SECTION
7 625(1) OR (2), OR FORMER SECTION 625B OF ACT NO. 300 OF THE
8 PUBLIC ACTS OF 1949.

9 (B) SECTION 33B(3) OF ACT NO. 8 OF THE PUBLIC ACTS OF THE
10 EXTRA SESSION OF 1933, A LOCAL ORDINANCE THAT PROHIBITS CONDUCT
11 PROHIBITED UNDER SECTION 33B(3) OF ACT NO. 8 OF THE PUBLIC ACTS
12 OF THE EXTRA SESSION OF 1933, OR A LAW OF ANOTHER STATE THAT PRO-
13 HIBITS CONDUCT PROHIBITED UNDER SECTION 33B(3) OR (4) OF ACT
14 NO. 8 OF THE PUBLIC ACTS OF THE EXTRA SESSION OF 1933.

15 (C) FORMER SECTION 33A(1) OF ACT NO. 8 OF THE PUBLIC ACTS OF
16 THE EXTRA SESSION OF 1933, A LOCAL ORDINANCE THAT PROHIBITED CON-
17 DUCT THAT WAS PROHIBITED UNDER FORMER SECTION 33A(1) OF ACT NO. 8
18 OF THE PUBLIC ACTS OF THE EXTRA SESSION OF 1933, OR A LAW OF
19 ANOTHER STATE THAT PROHIBITED CONDUCT THAT WAS PROHIBITED UNDER
20 FORMER SECTION 33A(1) OF ACT NO. 8 OF THE PUBLIC ACTS OF THE
21 EXTRA SESSION OF 1933.

22 (ii) A JUDGMENT ENTERED FOR A VIOLATION OF SECTION 33B(1) OF
23 ACT NO. 8 OF THE PUBLIC ACTS OF THE EXTRA SESSION OF 1933, A
24 LOCAL ORDINANCE THAT PROHIBITS CONDUCT PROHIBITED UNDER
25 SECTION 33B(1) OF ACT NO. 8 OF THE PUBLIC ACTS OF THE EXTRA
26 SESSION OF 1933, OR A LAW OF ANOTHER STATE THAT PROHIBITS CONDUCT

1 PROHIBITED UNDER SECTION 33B(1) OF ACT NO. 8 OF THE PUBLIC ACTS
2 OF THE EXTRA SESSION OF 1933.

3 Sec. 320e. (1) A person whose operator's or chauffeur's
4 license is suspended, revoked, or restricted pursuant to section
5 303, 319, 319E, 319F, 320, 324, 625, 625b, 625f, or 904 shall pay
6 a license reinstatement fee of \$125.00 to the secretary of state
7 before a license is issued or returned to the person. The
8 increase in the reinstatement fee from \$60.00 to \$125.00 shall be
9 imposed for a license that is issued or returned on or after
10 October 1, 1991 regardless of when the license was suspended,
11 revoked, or restricted. Of the increase in the reinstatement fee
12 from \$60.00 to \$125.00, \$25.00 shall be allocated to the depart-
13 ment of state, \$10.00 shall be deposited by the department of
14 treasury in the drunk driving prevention equipment and training
15 fund created under section 625h(1), and \$30.00 shall be deposited
16 by the department of treasury in the drunk driving caseload
17 assistance fund created under section 625h(5). The fee shall be
18 waived if the license was suspended or restricted because of the
19 person's mental or physical infirmity or disability.

20 (2) The secretary of state shall assess points and take
21 licensing action, including suspending, revoking, or denying a
22 license under section 303, ~~or~~ 319, 319E, OR 319F, according to
23 the law in effect at the time OF the CONSPIRACY TO COMMIT THE
24 OFFENSE OR AT THE TIME THE offense was committed or attempted or
25 the civil infraction occurred.

1 (3) Judicial review of an administrative licensing sanction
2 under section 303 shall be governed by the law in effect at the
3 time the offense was committed or attempted.

4 Sec. 323. (1) A person who is aggrieved by a final determi-
5 nation of the secretary of state denying the person an operator's
6 or chauffeur's license, a vehicle group designation, or an
7 indorsement on a license or revoking, suspending, or restricting
8 an operator's or chauffeur's license, vehicle group designation,
9 or an indorsement may petition for a review of the determination
10 in the circuit court in the county where the person was arrested
11 if the denial or suspension was imposed pursuant to section 625f
12 or pursuant to the order of a trial court under section 328 or,
13 in all other cases, in the circuit court in the county of resi-
14 dence of the person. The petition shall be filed within 63 days
15 after the determination is made except that for good cause shown
16 the court may allow the petition to be filed within 182 days
17 after the determination is made. As provided in section 625f, a
18 peace officer who is aggrieved by a determination of a hearing
19 officer in favor of a person who requested a hearing under
20 section 625f may, with the consent of the prosecuting attorney,
21 petition for review of the determination in the circuit court in
22 the county where the arrest was made. The petition shall be
23 filed within 63 days after the determination is made except that
24 for good cause shown the court may allow the petition to be filed
25 within 182 days after the determination is made.

26 (2) The circuit court shall enter an order setting the cause
27 for hearing for a day certain that is not more than 63 days after

1 the date of the order. The order, together with a copy of the
2 petition that includes the person's full name, current address,
3 birth date, and driver's license number, and all supporting affi-
4 davits, shall be served on the secretary of state's office in
5 Lansing not less than 20 days before the date set for the
6 hearing. If the person is seeking a review of the record pre-
7 pared pursuant to section 322 or section 625f, the service upon
8 the secretary of state shall be made not less than 50 days before
9 the date set for the hearing.

10 (3) Except as provided in subsections (4) and (6), the court
11 may take testimony and examine into all the facts and circum-
12 stances incident to the denial, suspension, restriction, or revo-
13 cation of the person's license. The court may affirm, modify, or
14 set aside the restriction, suspension, revocation, or denial
15 except that the court shall not order the secretary of state to
16 issue a restricted or unrestricted chauffeur's license that would
17 permit a person to drive a truck or truck tractor, including a
18 trailer, that hauls a hazardous material. The order of the court
19 shall be duly entered and the petitioner shall file a certified
20 copy of the order with the secretary of state's office in Lansing
21 within 7 days after entry of the order.

22 (4) In reviewing a determination under section 625f, the
23 court shall confine its consideration to 1 or both of the
24 following:

25 (a) A review of the record prepared pursuant to section
26 625f(3) to determine whether the hearing officer properly
27 determined the issues enumerated in section 625f.

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

3 (5) This section does not apply to a denial, revocation,
4 suspension, or restriction imposed pursuant to a court order
5 issued ~~as~~ UNDER EITHER OF THE FOLLOWING CIRCUMSTANCES:

6 (A) AS part of the sentence for a conviction under ~~section~~
7 ANY OF THE FOLLOWING:

8 (i) SECTION 624A, SECTION 624B, SECTION 625, section 625m,
9 former section 625(1) or (2), or former section 625b, or a local
10 ordinance substantially corresponding to SECTION 624A, SECTION
11 624B, section 625(1), (2), or (3), section 625m, former section
12 625(1) or (2), or former section 625b.

13 (ii) PART 74 OR SECTION 17766A OF THE PUBLIC HEALTH CODE,
14 ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SECTIONS 333.7401
15 TO 333.7461 AND SECTION 333.17766A OF THE MICHIGAN COMPILED LAWS,
16 OR A LOCAL ORDINANCE THAT PROHIBITS CONDUCT PROHIBITED UNDER PART
17 74 OR SECTION 17766A OF ACT NO. 368 OF THE PUBLIC ACTS OF 1978.

18 (iii) SECTION 33B(3) OF THE MICHIGAN LIQUOR CONTROL ACT, ACT
19 NO. 8 OF THE PUBLIC ACTS OF THE EXTRA SESSION OF 1933, BEING SEC-
20 TION 436.33B OF THE MICHIGAN COMPILED LAWS, OR A LOCAL ORDINANCE
21 THAT PROHIBITS CONDUCT PROHIBITED UNDER SECTION 33B(3) OF ACT
22 NO. 8 OF THE PUBLIC ACTS OF THE EXTRA SESSION OF 1933.

23 (B) AS PART OF THE SANCTION FOR A JUDGMENT ENTERED UNDER
24 SECTION 33B(1) OF ACT NO. 8 OF THE PUBLIC ACTS OF THE EXTRA
25 SESSION OF 1933, OR A LOCAL ORDINANCE THAT PROHIBITS CONDUCT PRO-
26 HIBITED UNDER SECTION 33B(1) OF ACT NO. 8 OF THE PUBLIC ACTS OF
27 THE EXTRA SESSION OF 1933.

1 (6) In reviewing a determination resulting in a denial or
2 revocation under section 303(1)(d) or (e) or 303(2)(c), (d), or
3 (e), the court shall confine its consideration to a review of the
4 record prepared pursuant to section 322 or the driving record
5 created under section 204a. The court shall set aside the deter-
6 mination of the secretary of state only if substantial rights of
7 the petitioner have been prejudiced because the determination is
8 any of the following:

9 (a) In violation of the Constitution of the United States,
10 of the state constitution of 1963, or of a statute.

11 (b) In excess of the statutory authority or jurisdiction of
12 the secretary of state.

13 (c) Made upon unlawful procedure resulting in material prej-
14 udice to the petitioner.

15 (d) Not supported by competent, material, and substantial
16 evidence on the whole record.

17 (e) Arbitrary, capricious, or clearly an abuse or unwar-
18 ranted exercise of discretion.

19 (f) Affected by other substantial and material error of
20 law.

21 (7) This section does not apply to a denial, revocation,
22 suspension, or restriction imposed pursuant to the financial
23 responsibility act contained in chapter V.

24 (8) This section does not apply to a suspension, revocation,
25 or denial of a class 1, 2, or 3 indorsement or a vehicle group
26 designation imposed pursuant to section 312f, 319a, or 319b.

1 (9) THIS SECTION DOES NOT APPLY TO A SUSPENSION OR DENIAL OF
2 A LICENSE IMPOSED PURSUANT TO SECTION 303(1)(M) OR (N), SECTION
3 319E, OR SECTION 319F.

4 Sec. 624a. (1) Except as provided in subsection (2), a
5 person shall not transport or possess alcoholic liquor in a con-
6 tainer that is open or uncapped or upon which the seal is broken
7 within the passenger compartment of a vehicle upon a highway, or
8 within the passenger compartment of a moving vehicle in any place
9 open to the general public or generally accessible to motor vehi-
10 cles, including an area designated for the parking of vehicles,
11 in this state.

12 (2) A person may transport or possess alcoholic liquor in a
13 container that is open or uncapped or upon which the seal is
14 broken within the passenger compartment of a vehicle upon a high-
15 way or other place open to the general public or generally acces-
16 sible to motor vehicles, including an area designated for the
17 parking of vehicles in this state, if the vehicle does not have a
18 trunk or compartment separate from the passenger compartment, the
19 container is enclosed or encased, and the container is not
20 readily accessible to the occupants of the vehicle.

21 (3) A person who violates this section is guilty of a
22 misdemeanor.

23 (4) IMMEDIATELY UPON ACCEPTANCE BY THE COURT OF A PLEA OF
24 GUILTY OR NOLO CONTENDERE OR UPON ENTRY OF A VERDICT OF GUILTY OR
25 A PROBATE COURT DISPOSITION FOR A VIOLATION OF THIS SECTION OR A
26 LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO THIS SECTION, THE
27 COURT SHALL CONSIDER ALL PRIOR CONVICTIONS CURRENTLY ENTERED UPON

1 THE CRIMINAL HISTORY RECORD AND MICHIGAN DRIVING RECORD OF THE
2 PERSON, EXCEPT THOSE CONVICTIONS WHICH, UPON MOTION OF THE
3 DEFENDANT, ARE DETERMINED BY THE COURT TO BE CONSTITUTIONALLY
4 INVALID, AND SHALL IMPOSE THE FOLLOWING LICENSING SANCTIONS IN
5 ADDITION TO ANY OTHER PENALTY OR SANCTION IMPOSED FOR THE
6 VIOLATION:

7 (A) IF THE COURT FINDS THAT THE PERSON DOES NOT HAVE A PRIOR
8 CONVICTION WITHIN 7 YEARS OF THE VIOLATION, 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 6 MONTHS. THE COURT MAY
11 ORDER THE SECRETARY OF STATE TO ISSUE TO THE PERSON A RESTRICTED
12 LICENSE DURING ALL OR A SPECIFIED PORTION OF THE PERIOD OF SUS-
13 PENSION, EXCEPT THAT A RESTRICTED LICENSE SHALL NOT BE ISSUED
14 DURING THE FIRST 30 DAYS OF THE PERIOD OF SUSPENSION.

15 (B) IF THE COURT FINDS THAT THE PERSON HAS 1 OR MORE PRIOR
16 CONVICTIONS WITHIN 7 YEARS OF THE VIOLATION, THE COURT SHALL
17 ORDER THE SECRETARY OF STATE TO SUSPEND THE OPERATOR'S OR
18 CHAUFFEUR'S LICENSE OF THE PERSON FOR A PERIOD OF 1 YEAR. THE
19 COURT MAY ORDER THE SECRETARY OF STATE TO ISSUE TO THE PERSON A
20 RESTRICTED LICENSE DURING ALL OR ANY PORTION OF THE PERIOD OF
21 SUSPENSION, EXCEPT THAT A RESTRICTED LICENSE SHALL NOT BE ISSUED
22 DURING THE FIRST 60 DAYS OF THE PERIOD OF SUSPENSION.

23 (5) THE PERSON WHOSE OPERATOR'S OR CHAUFFEUR'S LICENSE IS
24 ORDERED SUSPENDED UNDER THIS SECTION SHALL IMMEDIATELY SURRENDER
25 TO THE COURT HIS OR HER OPERATOR'S OR CHAUFFEUR'S LICENSE. THE
26 COURT SHALL IMMEDIATELY DESTROY THE LICENSE AND FORWARD AN
27 ABSTRACT OF CONVICTION, PROBATE COURT DISPOSITION, OR JUDGMENT OF

1 THE COURT WITH COURT-ORDERED LICENSE SANCTIONS TO THE SECRETARY
2 OF STATE. UPON RECEIPT OF, AND PURSUANT TO, THE ABSTRACT OF CON-
3 VICTION WITH COURT-ORDERED LICENSE SANCTIONS, THE SECRETARY OF
4 STATE SHALL SUSPEND THE PERSON'S LICENSE AND, IF ORDERED BY THE
5 COURT AND THE PERSON IS OTHERWISE ELIGIBLE FOR A LICENSE, ISSUE
6 TO THE PERSON A RESTRICTED LICENSE STATING THE LIMITED DRIVING
7 PRIVILEGES INDICATED ON THE ABSTRACT. IF THE JUDGMENT, PROBATE
8 COURT DISPOSITION, OR JUDGMENT AND SENTENCE IS APPEALED TO CIR-
9 CUIT COURT, THE COURT MAY, EX PARTE, ORDER THE SECRETARY OF STATE
10 TO STAY THE SUSPENSION OR RESTRICTED LICENSE ISSUED PURSUANT TO
11 THIS SECTION PENDING THE OUTCOME OF THE APPEAL.

12 (6) BEFORE IMPOSING SENTENCE OR ENTERING A PROBATE COURT
13 DISPOSITION, OTHER THAN COURT-ORDERED LICENSE SANCTIONS UNDER
14 THIS SECTION, FOR A VIOLATION OF THIS SECTION OR A LOCAL ORDI-
15 NANCE SUBSTANTIALLY CORRESPONDING TO THIS SECTION, THE COURT MAY
16 ORDER THE PERSON TO UNDERGO SCREENING AND ASSESSMENT BY A PERSON
17 OR AGENCY AS DESIGNATED BY THE OFFICE OF SUBSTANCE ABUSE SERV-
18 ICES, TO DETERMINE WHETHER THE PERSON IS LIKELY TO BENEFIT FROM
19 REHABILITATIVE SERVICES, INCLUDING ALCOHOL OR DRUG EDUCATION AND
20 ALCOHOL OR DRUG TREATMENT PROGRAMS. THE PERSON SHALL PAY FOR THE
21 COSTS OF THE SCREENING AND ASSESSMENT SERVICES.

22 (7) AS PART OF THE SENTENCE OR PROBATE COURT DISPOSITION FOR
23 A VIOLATION OF THIS SECTION OR A LOCAL ORDINANCE SUBSTANTIALLY
24 CORRESPONDING TO THIS SECTION, THE COURT MAY ORDER THE PERSON TO
25 DO 1 OR BOTH OF THE FOLLOWING:

26 (A) PERFORM SERVICE TO THE COMMUNITY FOR A PERIOD OF NOT
27 MORE THAN 90 DAYS. A PERSON ORDERED TO PERFORM SERVICE TO THE

1 COMMUNITY UNDER THIS SUBDIVISION SHALL NOT RECEIVE COMPENSATION,
2 AND SHALL REIMBURSE THE STATE OR APPROPRIATE LOCAL UNIT OF GOV-
3 ERNMENT FOR THE COST OF SUPERVISION INCURRED BY THE STATE OR
4 LOCAL UNIT OF GOVERNMENT AS A RESULT OF THE PERSON'S ACTIVITIES
5 IN THAT SERVICE.

6 (B) PARTICIPATE IN AND SUCCESSFULLY COMPLETE 1 OR MORE
7 APPROPRIATE REHABILITATIVE PROGRAMS. THE PERSON SHALL PAY FOR
8 THE COSTS OF THE REHABILITATIVE SERVICES.

9 (8) A SUSPENSION UNDER THIS SECTION SHALL BE IMPOSED TO
10 BEGIN UPON THE EXPIRATION OF ANY OTHER SUSPENSION OF THE
11 OPERATOR'S OR CHAUFFEUR'S LICENSE OF A PERSON THAT IS IN EFFECT
12 AT THE TIME OF THE SUSPENSION UNDER THIS SECTION.

13 (9) A RESTRICTED LICENSE ISSUED PURSUANT TO AN ORDER UNDER
14 THIS SECTION SHALL PERMIT THE PERSON TO WHOM IT IS ISSUED TO DO 1
15 OR MORE OF THE FOLLOWING:

16 (A) DRIVE TO AND FROM THE PERSON'S RESIDENCE AND WORK
17 LOCATION.

18 (B) DRIVE IN THE COURSE OF THE PERSON'S EMPLOYMENT OR
19 OCCUPATION.

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

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

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

1 (10) THE COURT MAY ORDER THAT THE RESTRICTED LICENSE ISSUED
2 PURSUANT TO THIS SECTION INCLUDE THE REQUIREMENT THAT THE PERSON
3 SHALL NOT OPERATE A MOTOR VEHICLE UNLESS THE VEHICLE IS EQUIPPED
4 WITH A FUNCTIONING IGNITION INTERLOCK DEVICE. THE DEVICE SHALL
5 BE SET TO RENDER THE MOTOR VEHICLE INOPERABLE IF THE DEVICE
6 DETECTS A BLOOD ALCOHOL CONTENT OF 0.02% OR MORE BY WEIGHT OF
7 ALCOHOL IN THE PERSON WHO OFFERS A BREATH SAMPLE. THE COURT MAY
8 ORDER INSTALLATION OF AN IGNITION INTERLOCK DEVICE ON ANY MOTOR
9 VEHICLE THAT THE PERSON OWNS OR OPERATES, THE COSTS OF WHICH
10 SHALL BE BORNE BY THE PERSON WHOSE LICENSE IS RESTRICTED.

11 (11) THE COURT SHALL NOT ORDER THE SECRETARY OF STATE UNDER
12 THIS SECTION TO ISSUE A RESTRICTED LICENSE THAT WOULD PERMIT A
13 PERSON TO OPERATE A TRUCK OR TRUCK TRACTOR, INCLUDING A TRAILER,
14 THAT HAULS HAZARDOUS MATERIALS.

15 (12) THE COURT SHALL NOT ORDER THE SECRETARY OF STATE TO
16 ISSUE A RESTRICTED LICENSE UNLESS THE PERSON STATES UNDER OATH,
17 AND THE COURT FINDS PURSUANT TO TESTIMONY TAKEN IN OPEN COURT OR
18 PURSUANT TO STATEMENTS CONTAINED IN A SWORN AFFIDAVIT ON A FORM
19 PRESCRIBED BY THE STATE COURT ADMINISTRATOR, THAT THE PERSON IS
20 UNABLE TO TAKE PUBLIC TRANSPORTATION TO AND FROM HIS OR HER WORK
21 LOCATION, PLACE OF ALCOHOL OR DRUG EDUCATION TREATMENT,
22 COURT-ORDERED COMMUNITY SERVICE PROGRAM, OR EDUCATIONAL INSTITU-
23 TION, AND DOES NOT HAVE ANY FAMILY MEMBERS OR OTHER INDIVIDUALS
24 ABLE TO PROVIDE TRANSPORTATION.

25 (13) THE COURT ORDER ISSUED UNDER THIS SECTION AND THE
26 RESTRICTED LICENSE SHALL INDICATE THE PERMITTED DESTINATION OF

1 THE PERSON, THE APPROVED ROUTE OR ROUTES IF SPECIFIED BY THE
2 COURT, AND PERMITTED TIMES OF TRAVEL.

3 (14) ~~-(4)-~~ This section does not apply to a passenger in ~~a~~
4 EITHER OF THE FOLLOWING:

5 (A) A chartered vehicle authorized to operate by the
6 Michigan department of transportation.

7 (B) A LIMOUSINE TRANSPORTING THE PERSON FOR HIRE AS AUTHO-
8 RIZED IN THE LIMOUSINE TRANSPORTATION ACT, ACT NO. 271 OF THE
9 PUBLIC ACTS OF 1990, BEING SECTIONS 257.1901 TO 257.1939 OF THE
10 MICHIGAN COMPILED LAWS.

11 (15) AS USED IN THIS SECTION:

12 (A) "CONVICTION" MEANS A FINAL CONVICTION, A PLEA OF GUILTY
13 OR NOLO CONTENDERE IF ACCEPTED BY THE COURT, A FINDING OF GUILT,
14 A PROBATE COURT DISPOSITION, OR A JUVENILE ADJUDICATION, REGARD-
15 LESS OF WHETHER THE PENALTY IS REBATED OR SUSPENDED.

16 (B) "FORMER SECTION 33A(1)" MEANS FORMER SECTION 33A(1) OF
17 THIS ACT AS AMENDED BY ACT NO. 123 OF THE PUBLIC ACTS OF 1985.

18 (C) "JUVENILE ADJUDICATION" MEANS THE ENTRY OF AN ORDER BY
19 THE COURT OF ANOTHER STATE THAT A MINOR VIOLATED A LAW OR LOCAL
20 ORDINANCE OF THAT STATE WHICH VIOLATION WOULD HAVE BEEN A CRIMI-
21 NAL OFFENSE IF COMMITTED BY AN ADULT IN THAT STATE.

22 (D) "OFFICE OF SUBSTANCE ABUSE SERVICES" MEANS THE AGENCY
23 CREATED BY SECTION 6201 OF THE PUBLIC HEALTH CODE, ACT NO. 368 OF
24 THE PUBLIC ACTS OF 1978, BEING SECTION 333.6201 OF THE MICHIGAN
25 COMPILED LAWS.

26 (E) "PRIOR CONVICTION" MEANS EITHER OF THE FOLLOWING:

1 (i) A CONVICTION FOR AN ATTEMPT TO VIOLATE, A CONSPIRACY TO
2 VIOLATE, OR A VIOLATION OF ANY OF THE FOLLOWING:

3 (A) SECTION 624A, SECTION 624B(1), SECTION 625(1), (3), (4),
4 OR (5), FORMER SECTION 625(1) OR (2), OR FORMER SECTION 625B, OR
5 A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 624A,
6 SECTION 624B(1), SECTION 625(1), (3), (4), OR (5), FORMER SECTION
7 625(1) OR (2), OR FORMER SECTION 625B, OR A LAW OF ANOTHER STATE
8 SUBSTANTIALLY CORRESPONDING TO SECTION 624A, SECTION 624B(1),
9 SECTION 625(1), (3), (4), OR (5), FORMER SECTION 625(1) OR (2),
10 OR FORMER SECTION 625B.

11 (B) SECTION 33B (3) OF ACT NO. 8 OF THE PUBLIC ACTS OF THE
12 EXTRA SESSION OF 1933, A LOCAL ORDINANCE THAT PROHIBITS CONDUCT
13 PROHIBITED UNDER SECTION 33B (3) OF ACT NO. 8 OF THE PUBLIC ACTS
14 OF THE EXTRA SESSION OF 1933, OR A LAW OF ANOTHER STATE THAT PRO-
15 HIBITS CONDUCT PROHIBITED UNDER SECTION 33B(3) OF ACT NO. 8 OF
16 THE PUBLIC ACTS OF THE EXTRA SESSION OF 1933.

17 (C) FORMER SECTION 33A(1) OF ACT NO. 8 OF THE PUBLIC ACTS OF
18 THE EXTRA SESSION OF 1933, A LOCAL ORDINANCE THAT PROHIBITED CON-
19 DUCT THAT WAS PROHIBITED UNDER FORMER SECTION 33A(1) OF ACT NO. 8
20 OF THE PUBLIC ACTS OF THE EXTRA SESSION OF 1933, OR A LAW OF
21 ANOTHER STATE THAT PROHIBITED CONDUCT THAT WAS PROHIBITED UNDER
22 FORMER SECTION 33A(1) OF ACT NO. 8 OF THE PUBLIC ACTS OF THE
23 EXTRA SESSION OF 1933.

24 (ii) A JUDGMENT ENTERED FOR A VIOLATION OF SECTION 33B(1) OF
25 ACT NO. 8 OF THE PUBLIC ACTS OF THE EXTRA SESSION OF 1933, A
26 LOCAL ORDINANCE THAT PROHIBITS CONDUCT PROHIBITED UNDER
27 SECTION 33B(1) OF ACT NO. 8 OF THE PUBLIC ACTS OF THE EXTRA

1 SESSION OF 1933, OR A LAW OF ANOTHER STATE THAT PROHIBITS CONDUCT
2 PROHIBITED UNDER SECTION 33B(1) OF ACT NO. 8 OF THE PUBLIC ACTS
3 OF THE EXTRA SESSION OF 1933.

4 (F) "WORK LOCATION" MEANS, AS APPLICABLE, EITHER THE SPE-
5 CIFIC PLACE OR PLACES OF EMPLOYMENT, OR THE TERRITORY OR TERRITO-
6 RIES REGULARLY VISITED BY THE PERSON IN PURSUANCE OF THE PERSON'S
7 OCCUPATION, OR BOTH.

8 SEC. 624B. (1) A PERSON LESS THAN 21 YEARS OF AGE SHALL NOT
9 KNOWINGLY TRANSPORT OR POSSESS, IN A MOTOR VEHICLE, ALCOHOLIC
10 LIQUOR UNLESS THE PERSON IS EMPLOYED BY A LICENSEE UNDER THE
11 MICHIGAN LIQUOR CONTROL ACT, ACT NO. 8 OF THE PUBLIC ACTS OF THE
12 EXTRA SESSION OF 1933, BEING SECTIONS 436.1 TO 436.58 OF THE
13 MICHIGAN COMPILED LAWS, A COMMON CARRIER DESIGNATED BY THE COM-
14 MISSION, THE LIQUOR CONTROL COMMISSION, OR AN AGENT OF THE LIQUOR
15 CONTROL COMMISSION AND IS TRANSPORTING OR HAVING THE ALCOHOLIC
16 LIQUOR IN A MOTOR VEHICLE UNDER THE PERSON'S CONTROL DURING REGU-
17 LAR WORKING HOURS AND IN THE COURSE OF THE PERSON'S EMPLOYMENT.
18 A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A
19 MISDEMEANOR.

20 (2) WITHIN 30 DAYS AFTER THE CONVICTION OF A PERSON FOR THE
21 VIOLATION OF SUBSECTION (1) HAS BECOME FINAL, COMPLAINT MAY BE
22 MADE BY THE ARRESTING OFFICER OR THE OFFICER'S SUPERIOR BEFORE
23 THE COURT FROM WHICH THE WARRANT WAS ISSUED. THE COMPLAINT SHALL
24 BE UNDER OATH AND SHALL CONTAIN A DESCRIPTION OF THE MOTOR VEHI-
25 CLE IN WHICH ALCOHOLIC LIQUOR WAS POSSESSED OR TRANSPORTED BY THE
26 PERSON LESS THAN 21 YEARS OF AGE IN COMMITTING THE OFFENSE AND
27 REQUESTING THAT THE MOTOR VEHICLE BE IMPOUNDED AS PROVIDED IN

1 THIS SECTION. UPON THE FILING OF THE COMPLAINT THE COURT SHALL
2 ISSUE AN ORDER TO THE OWNER OF THE MOTOR VEHICLE TO SHOW CAUSE
3 WHY THE MOTOR VEHICLE SHOULD NOT BE IMPOUNDED. THE ORDER TO SHOW
4 CAUSE SHALL HAVE A DATE AND TIME FIXED IN THE ORDER FOR A
5 HEARING. THE DATE SHALL NOT BE LESS THAN 10 DAYS AFTER THE ISSU-
6 ANCE OF THE ORDER. THE ORDER SHALL BE SERVED BY DELIVERING A
7 TRUE COPY TO THE OWNER NOT LESS THAN 3 FULL DAYS BEFORE THE DATE
8 OF HEARING OR, IF THE OWNER CANNOT BE LOCATED, BY SENDING A TRUE
9 COPY BY CERTIFIED MAIL TO THE LAST KNOWN ADDRESS OF THE OWNER.
10 IF THE OWNER IS A NONRESIDENT OF THE STATE, SERVICE MAY BE MADE
11 UPON THE SECRETARY OF STATE AS PROVIDED IN SECTION 403.

12 (3) IF THE COURT DETERMINES UPON THE HEARING OF THE ORDER TO
13 SHOW CAUSE, FROM COMPETENT AND RELEVANT EVIDENCE, THAT AT THE
14 TIME OF THE COMMISSION OF THE OFFENSE THE MOTOR VEHICLE WAS BEING
15 DRIVEN BY THE PERSON LESS THAN 21 YEARS OF AGE WITH THE EXPRESS
16 OR IMPLIED CONSENT OR KNOWLEDGE OF THE OWNER, AND THAT THE USE OF
17 THE MOTOR VEHICLE IS NOT NEEDED BY THE OWNER IN THE DIRECT PUR-
18 SUIT OF THE OWNER'S EMPLOYMENT OR THE ACTUAL OPERATION OF THE
19 OWNER'S BUSINESS, THE COURT SHALL AUTHORIZE THE IMPOUNDING OF THE
20 VEHICLE FOR A PERIOD TO BE DETERMINED BY THE COURT, OF NOT LESS
21 THAN 15 DAYS NOR MORE THAN 30 DAYS. THE COURT'S ORDER AUTHORIZ-
22 ING THE IMPOUNDING OF THE VEHICLE SHALL AUTHORIZE A LAW ENFORCE-
23 MENT OFFICER TO TAKE POSSESSION WITHOUT OTHER PROCESS OF THE
24 MOTOR VEHICLE WHEREVER THE VEHICLE IS LOCATED AND TO STORE THE
25 VEHICLE IN A PUBLIC OR PRIVATE GARAGE AT THE EXPENSE AND RISK OF
26 THE OWNER OF THE VEHICLE. APPEAL SHALL LIE FROM THE ORDER TO THE
27 CIRCUIT COURT OF THE COUNTY AND THE PROVISIONS GOVERNING THE

1 TAKING OF APPEALS FROM JUDGMENTS FOR DAMAGES SHALL BE APPLICABLE
2 TO THE APPEAL. THIS SECTION DOES NOT PREVENT A BONA FIDE LIEN-
3 HOLDER FROM EXERCISING RIGHTS UNDER A LIEN.

4 (4) A PERSON WHO KNOWINGLY TRANSFERS TITLE TO A MOTOR VEHI-
5 CLE FOR THE PURPOSE OF AVOIDING THIS SECTION IS GUILTY OF A
6 MISDEMEANOR.

7 (5) IMMEDIATELY UPON ACCEPTANCE BY THE COURT OF A PLEA OF
8 GUILTY OR NOLO CONTENDERE OR UPON ENTRY OF A VERDICT OF GUILTY OR
9 ENTRY OF A PROBATE COURT DISPOSITION FOR A PERSON LESS THAN 21
10 YEARS OF AGE WHO ATTEMPTS TO VIOLATE, CONSPIRES TO VIOLATE, OR
11 VIOLATES SUBSECTION (1), OR A LOCAL ORDINANCE SUBSTANTIALLY COR-
12 RESPONDING TO SUBSECTION (1), THE COURT SHALL CONSIDER ALL PRIOR
13 CONVICTIONS CURRENTLY ENTERED UPON THE CRIMINAL HISTORY RECORD
14 AND MICHIGAN DRIVING RECORD OF THE PERSON, EXCEPT THOSE CONVIC-
15 TIONS WHICH, UPON MOTION OF THE DEFENDANT, ARE DETERMINED BY THE
16 COURT TO BE CONSTITUTIONALLY INVALID, AND SHALL IMPOSE THE FOL-
17 LOWING LICENSING SANCTIONS:

18 (A) IF THE COURT FINDS THAT THE PERSON DOES NOT HAVE A PRIOR
19 CONVICTION WITHIN 7 YEARS OF THE VIOLATION, THE COURT SHALL ORDER
20 THE SECRETARY OF STATE TO SUSPEND THE OPERATOR'S OR CHAUFFEUR'S
21 LICENSE OF THE PERSON FOR A PERIOD OF 6 MONTHS. THE COURT MAY
22 ORDER THE SECRETARY OF STATE TO ISSUE TO THE PERSON A RESTRICTED
23 LICENSE DURING ALL OR A SPECIFIED PORTION OF THE PERIOD OF SUS-
24 PENSION, EXCEPT THAT A RESTRICTED LICENSE SHALL NOT BE ISSUED
25 DURING THE FIRST 30 DAYS OF THE PERIOD OF SUSPENSION.

26 (B) IF THE COURT FINDS THAT THE PERSON HAS 1 OR MORE PRIOR
27 CONVICTIONS WITHIN 7 YEARS OF THE VIOLATION, THE COURT SHALL

1 ORDER THE SECRETARY OF STATE TO SUSPEND THE OPERATOR'S LICENSE OR
2 CHAUFFEUR'S LICENSE OF THE PERSON FOR A PERIOD OF 1 YEAR. THE
3 COURT MAY ORDER THE SECRETARY OF STATE TO ISSUE TO THE PERSON A
4 RESTRICTED LICENSE DURING ALL OR ANY PORTION OF THE PERIOD OF
5 SUSPENSION, EXCEPT THAT A RESTRICTED LICENSE SHALL NOT BE ISSUED
6 DURING THE FIRST 60 DAYS OF THE PERIOD OF SUSPENSION.

7 (6) THE PERSON WHOSE OPERATOR'S LICENSE OR CHAUFFEUR'S
8 LICENSE IS ORDERED SUSPENDED UNDER THIS SECTION SHALL IMMEDIATELY
9 SURRENDER HIS OR HER OPERATOR'S OR CHAUFFEUR'S LICENSE TO THE
10 COURT. THE COURT SHALL IMMEDIATELY DESTROY THE LICENSE AND FOR-
11 WARD AN ABSTRACT OF CONVICTION OR PROBATE COURT ORDER OF DISPOSI-
12 TION WITH COURT-ORDERED LICENSED SANCTIONS TO THE SECRETARY OF
13 STATE. UPON RECEIPT OF, AND PURSUANT TO, THE ABSTRACT OF CONVIC-
14 TION WITH COURT-ORDERED LICENSE SANCTIONS, THE SECRETARY OF STATE
15 SHALL SUSPEND THE PERSON'S LICENSE AND, IF ORDERED BY THE COURT
16 AND THE PERSON IS OTHERWISE ELIGIBLE FOR A LICENSE, ISSUE TO THE
17 PERSON A RESTRICTED LICENSE STATING THE LIMITED DRIVING PRIVI-
18 LEGES INDICATED ON THE ABSTRACT. IF THE JUDGMENT, PROBATE COURT
19 DISPOSITION, OR JUDGMENT AND SENTENCE IS APPEALED TO CIRCUIT
20 COURT, THE COURT MAY, EX PARTE, ORDER THE SECRETARY OF STATE TO
21 STAY THE SUSPENSION OR RESTRICTED LICENSE ISSUED PURSUANT TO THIS
22 SECTION PENDING THE OUTCOME OF THE APPEAL.

23 (7) BEFORE IMPOSING SENTENCE OR ENTERING A PROBATE COURT
24 DISPOSITION, OTHER THAN COURT-ORDERED LICENSE SANCTIONS UNDER
25 THIS SECTION, FOR AN ATTEMPT TO VIOLATE, A CONSPIRACY TO VIOLATE,
26 OR A VIOLATION OF THIS SECTION OR OF A LOCAL ORDINANCE
27 SUBSTANTIALLY CORRESPONDING TO THIS SECTION, THE COURT SHALL

1 ORDER THE PERSON TO UNDERGO SCREENING AND ASSESSMENT BY A PERSON
2 OR AGENCY AS DESIGNATED BY THE OFFICE OF SUBSTANCE ABUSE SERV-
3 ICES, TO DETERMINE WHETHER THE PERSON IS LIKELY TO BENEFIT FROM
4 REHABILITATIVE SERVICES, INCLUDING ALCOHOL OR DRUG EDUCATION AND
5 ALCOHOL OR DRUG TREATMENT PROGRAMS. THE PERSON SHALL PAY FOR THE
6 COSTS OF THE SCREENING AND ASSESSMENT SERVICES.

7 (8) AS PART OF THE SENTENCE OR PROBATE COURT DISPOSITION FOR
8 AN ATTEMPT TO VIOLATE, A CONSPIRACY TO VIOLATE, OR A VIOLATION OF
9 THIS SECTION OR OF A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING
10 TO THIS SECTION, THE COURT MAY ORDER THE PERSON TO DO 1 OR BOTH
11 OF THE FOLLOWING:

12 (A) PERFORM COMMUNITY SERVICE. A PERSON ORDERED TO PERFORM
13 COMMUNITY SERVICE UNDER THIS SUBDIVISION SHALL NOT RECEIVE COM-
14 PENSATION, AND SHALL REIMBURSE THE STATE OR APPROPRIATE LOCAL
15 UNIT OF GOVERNMENT FOR THE COST OF SUPERVISION INCURRED BY THE
16 STATE OR LOCAL UNIT OF GOVERNMENT AS A RESULT OF THE PERSON'S
17 ACTIVITIES IN THAT SERVICE.

18 (B) PARTICIPATE IN AND SUCCESSFULLY COMPLETE 1 OR MORE
19 APPROPRIATE REHABILITATIVE PROGRAMS. THE PERSON SHALL PAY FOR
20 THE COSTS OF THE REHABILITATIVE SERVICES.

21 (9) A SUSPENSION UNDER THIS SECTION SHALL BE IMPOSED TO
22 BEGIN UPON THE EXPIRATION OF ANY OTHER SUSPENSION OF THE
23 OPERATOR'S OR CHAUFFEUR'S LICENSE OF A PERSON THAT IS IN EFFECT
24 AT THE TIME OF THE SUSPENSION UNDER THIS SECTION.

25 (10) A RESTRICTED LICENSE ISSUED PURSUANT TO AN ORDER UNDER
26 THIS SECTION SHALL PERMIT THE PERSON TO WHOM IT IS ISSUED TO DO 1
27 OR MORE OF THE FOLLOWING:

1 (A) DRIVE TO AND FROM THE PERSON'S RESIDENCE AND WORK
2 LOCATION.

3 (B) DRIVE IN THE COURSE OF THE PERSON'S EMPLOYMENT OR
4 OCCUPATION.

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

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

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

12 (11) THE COURT MAY ORDER THAT THE RESTRICTED LICENSE ISSUED
13 PURSUANT TO THIS SECTION INCLUDE THE REQUIREMENT THAT THE PERSON
14 SHALL NOT OPERATE A MOTOR VEHICLE UNLESS THE VEHICLE IS EQUIPPED
15 WITH A FUNCTIONING IGNITION INTERLOCK DEVICE. THE DEVICE SHALL
16 BE SET TO RENDER THE MOTOR VEHICLE INOPERABLE IF THE DEVICE
17 DETECTS A BLOOD ALCOHOL CONTENT OF 0.02% OR MORE BY WEIGHT OF
18 ALCOHOL IN THE PERSON WHO OFFERS A BREATH SAMPLE. THE COURT MAY
19 ORDER INSTALLATION OF AN IGNITION INTERLOCK DEVICE ON ANY MOTOR
20 VEHICLE THAT THE PERSON OWNS OR OPERATES, THE COSTS OF WHICH
21 SHALL BE BORNE BY THE PERSON WHOSE LICENSE IS RESTRICTED.

22 (12) THE COURT SHALL NOT ORDER THE SECRETARY OF STATE UNDER
23 THIS SECTION TO ISSUE A RESTRICTED LICENSE THAT WOULD PERMIT A
24 PERSON TO OPERATE A TRUCK OR TRUCK TRACTOR, INCLUDING A TRAILER,
25 THAT HAULS HAZARDOUS MATERIALS.

26 (13) 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 PURSUANT TO TESTIMONY TAKEN IN OPEN COURT OR
2 PURSUANT TO STATEMENTS CONTAINED IN A SWORN AFFIDAVIT ON A FORM
3 PRESCRIBED BY THE STATE COURT ADMINISTRATOR, THAT THE PERSON IS
4 UNABLE TO TAKE PUBLIC TRANSPORTATION TO AND FROM HIS OR HER WORK
5 LOCATION, PLACE OF ALCOHOL OR DRUG EDUCATION TREATMENT,
6 COURT-ORDERED COMMUNITY SERVICE PROGRAM, OR EDUCATIONAL INSTITU-
7 TION, AND DOES NOT HAVE ANY FAMILY MEMBERS OR OTHER INDIVIDUALS
8 ABLE TO PROVIDE TRANSPORTATION.

9 (14) THE COURT ORDER ISSUED UNDER THIS SECTION AND THE
10 RESTRICTED LICENSE SHALL INDICATE THE PERMITTED DESTINATION OF
11 THE PERSON, THE APPROVED ROUTE OR ROUTES IF SPECIFIED BY THE
12 COURT, AND PERMITTED TIMES OF TRAVEL.

13 (15) AS USED IN THIS SECTION:

14 (A) "CONVICTION" MEANS A FINAL CONVICTION, A PLEA OF GUILTY
15 OR NOLO CONTENDERE IF ACCEPTED BY THE COURT, A FINDING OF GUILT,
16 A PROBATE COURT DISPOSITION, OR A JUVENILE ADJUDICATION, REGARD-
17 LESS OF WHETHER THE PENALTY IS REBATED OR SUSPENDED.

18 (B) "FORMER SECTION 33A(1)" MEANS FORMER SECTION 33A(1) OF
19 ACT NO. 8 OF THE PUBLIC ACTS OF THE EXTRA SESSION OF 1933, AS
20 AMENDED BY ACT NO. 123 OF THE PUBLIC ACTS OF 1985.

21 (C) "JUVENILE ADJUDICATION" MEANS THE ENTRY OF AN ORDER BY
22 THE COURT OF ANOTHER STATE THAT A MINOR VIOLATED A LAW OR LOCAL
23 ORDINANCE OF THAT STATE WHICH VIOLATION WOULD HAVE BEEN A CRIMI-
24 NAL OFFENSE IF COMMITTED BY AN ADULT IN THAT STATE.

25 (D) "OFFICE OF SUBSTANCE ABUSE SERVICES" MEANS THE AGENCY
26 CREATED BY SECTION 6201 OF THE PUBLIC HEALTH CODE, ACT NO. 368 OF

1 THE PUBLIC ACTS OF 1978, BEING SECTION 333.6201 OF THE MICHIGAN
2 COMPILED LAWS.

3 (E) "PRIOR CONVICTION" MEANS EITHER OF THE FOLLOWING:

4 (i) A CONVICTION FOR AN ATTEMPT TO VIOLATE, A CONSPIRACY TO
5 VIOLATE, OR A VIOLATION OF ANY OF THE FOLLOWING:

6 (A) SECTION 624A, SECTION 624B(1), SECTION 625(1), (3), (4),
7 OR (5), FORMER SECTION 625(1) OR (2), OR FORMER SECTION 625B OR A
8 LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 624A, SEC-
9 TION 624B(1), SECTION 625(1), (3), (4), OR (5), FORMER SECTION
10 625(1) OR (2), OR FORMER SECTION 625B OR A LAW OF ANOTHER STATE
11 SUBSTANTIALLY CORRESPONDING TO SECTION 624A, SECTION 624B(1),
12 SECTION 625(1), (3), (4), OR (5), FORMER SECTION 625(1) OR (2),
13 OR FORMER SECTION 625B.

14 (B) SECTION 33B(3) OF ACT NO. 8 OF THE PUBLIC ACTS OF THE
15 EXTRA SESSION OF 1933, A LOCAL ORDINANCE SUBSTANTIALLY CORRE-
16 SPONDING TO SECTION 33B(3) OR (4) OF ACT NO. 8 OF THE PUBLIC ACTS
17 OF THE EXTRA SESSION OF 1933, OR A LAW OF ANOTHER STATE SUBSTAN-
18 Tially CORRESPONDING TO SECTION 33B(3) OF ACT NO. 8 OF THE PUBLIC
19 ACTS OF THE EXTRA SESSION OF 1933.

20 (C) FORMER SECTION 33A(1) OF ACT NO. 8 OF THE PUBLIC ACTS OF
21 THE EXTRA SESSION OF 1933, A LOCAL ORDINANCE SUBSTANTIALLY CORRE-
22 SPONDING TO FORMER SECTION 33A(1) OF ACT NO. 8 OF THE PUBLIC ACTS
23 OF THE EXTRA SESSION OF 1933, OR A LAW OF ANOTHER STATE SUBSTAN-
24 Tially CORRESPONDING TO FORMER SECTION 33A(1) OF ACT NO. 8 OF THE
25 PUBLIC ACTS OF THE EXTRA SESSION OF 1933.

26 (ii) A JUDGMENT ENTERED FOR A VIOLATION OF SECTION 33B(1) OF
27 ACT NO. 8 OF THE PUBLIC ACTS OF THE EXTRA SESSION OF 1933, A

1 LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 33B(1) OF
2 ACT NO. 8 OF THE PUBLIC ACTS OF THE EXTRA SESSION OF 1933, OR A
3 LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO
4 SECTION 33B(1) OF ACT NO. 8 OF THE PUBLIC ACTS OF THE EXTRA
5 SESSION OF 1933.

6 (F) "WORK LOCATION" MEANS, AS APPLICABLE, EITHER THE SPE-
7 CIFIC PLACE OR PLACES OF EMPLOYMENT, OR THE TERRITORY OR TERRITO-
8 RIES REGULARLY VISITED BY THE PERSON IN PURSUANCE OF THE PERSON'S
9 OCCUPATION, OR BOTH.

10 Sec. 625. (1) A person, whether licensed or not, shall not
11 operate a vehicle upon a highway or other place open to the gen-
12 eral public or generally accessible to motor vehicles, including
13 an area designated for the parking of vehicles, within this state
14 if either of the following applies:

15 (a) The person is under the influence of intoxicating liquor
16 or a controlled substance, or a combination of intoxicating
17 liquor and a controlled substance.

18 (b) The person has a blood alcohol content of 0.10% or more
19 by weight of alcohol.

20 (2) The owner of a vehicle or a person in charge or in con-
21 trol of a vehicle shall not authorize or knowingly permit the
22 vehicle to be operated upon a highway or other place open to the
23 general public or generally accessible to motor vehicles, includ-
24 ing an area designated for the parking of motor vehicles, within
25 this state by a person who is under the influence of intoxicating
26 liquor or a controlled substance, or a combination of

1 intoxicating liquor and a controlled substance, or who has a
2 blood alcohol content of 0.10% or more by weight of alcohol.

3 (3) A person, whether licensed or not, shall not operate a
4 vehicle upon a highway or other place open to the general public
5 or generally accessible to motor vehicles, including an area des-
6 ignated for the parking of vehicles within this state when, due
7 to the consumption of an intoxicating liquor, a controlled sub-
8 stance, or a combination of an intoxicating liquor and a con-
9 trolled substance, the person's ability to operate the vehicle is
10 visibly impaired. If a person is charged with violating subsec-
11 tion (1), a finding of guilty under this subsection may be
12 rendered.

13 (4) A person, whether licensed or not, who operates a motor
14 vehicle upon a highway or other place open to the general public
15 or generally accessible to motor vehicles, including an area des-
16 ignated for the parking of vehicles, within this state, under the
17 influence of intoxicating liquor or a controlled substance, or a
18 combination of intoxicating liquor and a controlled substance, or
19 with a blood alcohol content of 0.10% or more by weight of alco-
20 hol, and by the operation of that motor vehicle causes the death
21 of another person is guilty of a felony, punishable by imprison-
22 ment for not more than 15 years, or a fine of not less than
23 \$2,500.00 or more than \$10,000.00, or both.

24 (5) A person, whether licensed or not, who operates a motor
25 vehicle upon a highway or other place open to the general public
26 or generally accessible to motor vehicles, including an area
27 designated for the parking of vehicles, within this state, under

1 the influence of intoxicating liquor or a controlled substance,
2 or a combination of intoxicating liquor and a controlled sub-
3 stance, or with a blood alcohol content of 0.10% or more by
4 weight of alcohol, and by the operation of that motor vehicle
5 causes a long-term incapacitating injury to another person is
6 guilty of a felony, punishable by imprisonment for not more than
7 5 years, or a fine of not less than \$1,000.00 or more than
8 \$5,000.00, or both. As used in this subsection, "long-term inca-
9 pacitating injury" means an injury that has caused a person to be
10 in a comatose state, a quadriplegic state, a hemiplegic state, or
11 a paraplegic state, which state is likely to continue for 1 year
12 or more.

13 (6) If a person is convicted of violating subsection (1),
14 the following shall apply:

15 (a) Except as otherwise provided in subdivisions (b) and
16 (d), the person is guilty of a misdemeanor, and may be punished
17 by 1 or more of the following:

18 (i) Service to the community for a period of not more than
19 45 days.

20 (ii) Imprisonment for not more than 90 days.

21 (iii) A fine of not less than \$100.00 or more than \$500.00.

22 (b) If the violation occurs within 7 years of a prior con-
23 viction, the person shall be sentenced to both a fine of not less
24 than \$200.00 or more than \$1,000.00 and either of the following:

25 (i) Performing service to the community for a period of not
26 less than 10 days or more than 90 days and may be imprisoned for
27 not more than 1 year.

1 (ii) Imprisonment for not less than 48 consecutive hours or
2 more than 1 year, and may be sentenced to service to the commu-
3 nity for a period of not more than 90 days.

4 (c) A term of imprisonment imposed under subdivision (b)(ii)
5 shall not be suspended.

6 (d) If the violation occurs within 10 years of 2 or more
7 prior convictions, the person is guilty of a felony, and shall be
8 sentenced to imprisonment for not less than 1 year or more than 5
9 years, or a fine of not less than \$500.00 or more than \$5,000.00,
10 or both.

11 (e) A person sentenced to perform service to the community
12 under this subsection shall not receive compensation, and shall
13 reimburse the state or appropriate local unit of government for
14 the cost of supervision incurred by the state or local unit of
15 government as a result of the person's activities in that
16 service.

17 (f) As used in this subsection, "prior conviction" means a
18 conviction for a violation of section 625(1), (4), or (5), or
19 former section 625(1) or (2), a local ordinance substantially
20 corresponding to section 625(1), or former section 625(1) or (2),
21 or a law of another state substantially corresponding to section
22 625(1), (4), or (5), or former section 625(1) or (2).

23 (7) In addition to imposing the sanctions prescribed under
24 subsections (4), (5), and (6), the court may, pursuant to the
25 code of criminal procedure, Act No. 175 of the Public Acts of
26 1927, being sections 760.1 to 776.21 of the Michigan Compiled
27 Laws, order the person to pay the costs of the prosecution.

1 (8) The court shall impose license sanctions pursuant to
2 section 625b.

3 (9) A person who is convicted of violating subsection (2) is
4 guilty of a misdemeanor, punishable by imprisonment for not more
5 than 90 days, or a fine of not less than \$100.00 or more than
6 \$500.00, or both.

7 (10) If a person is convicted of violating subsection (3),
8 the following shall apply:

9 (a) Except as otherwise provided in subdivisions (b) and
10 (c), the person is guilty of a misdemeanor punishable by 1 or
11 more of the following:

12 (i) Service to the community for a period of not more than
13 45 days.

14 (ii) Imprisonment for not more than 90 days.

15 (iii) A fine of not more than \$300.00.

16 (b) If the violation occurs within 7 years of 1 prior con-
17 viction, the person shall be sentenced to both a fine of not less
18 than \$200.00 or more than \$1,000.00, and either of the
19 following:

20 (i) Performing service to the community for a period of not
21 less than 10 days or more than 90 days and may be sentenced to
22 imprisonment for not more than 1 year.

23 (ii) Imprisonment for not more than 1 year and may be sen-
24 tenced to community service for not more than 90 days.

25 (c) If the violation occurs within 10 years of 2 or more
26 prior convictions, the person shall be sentenced to both a fine

1 of not less than \$200.00 or more than \$1,000.00, and either of
2 the following:

3 (i) Performing service to the community for a period of not
4 less than 10 days or more than 90 days and may be sentenced to
5 imprisonment for not more than 1 year.

6 (ii) Imprisonment for not more than 1 year and may be sen-
7 tenced to community service for not more than 90 days.

8 (d) As used in subdivisions (b) and (c), "prior conviction"
9 means a conviction for a violation of section 625(1), (3), (4),
10 or (5), or former section 625(1) or (2), or former section 625b
11 or a local ordinance substantially corresponding to section
12 625(1), or former section 625(1) or (2), or former section 625b,
13 or a law of another state substantially corresponding to section
14 625(1), (3), (4), or (5), or former section 625(1) or (2), or
15 former section 625b.

16 (e) In addition to imposing the sanctions prescribed in sub-
17 division (a), (b), or (c), the court may, pursuant to the code of
18 criminal procedure, Act No. 175 of the Public Acts of 1927, order
19 the person to pay the costs of the prosecution.

20 (f) The court shall order the secretary of state to impose
21 license sanctions pursuant to section 625b.

22 (g) A person sentenced to perform service to the community
23 under this subsection shall not receive compensation, and shall
24 reimburse the state or appropriate local unit of government for
25 the cost of supervision incurred by the state or local unit of
26 government as a result of the person's activities in that
27 service.

1 (11) If the prosecuting attorney intends to seek an enhanced
2 sentence under subsection (6)(b) or (d) or (10)(b) or (c) based
3 upon the defendant having 1 or more prior convictions, the prose-
4 cuting attorney shall include on the complaint and information
5 filed in district court, circuit court, recorder's court, municipi-
6 pal court, or probate court a statement listing the defendant's
7 prior convictions.

8 (12) A prior conviction shall be established at sentencing
9 by 1 or more of the following:

10 (a) An abstract of conviction.

11 (b) A copy of the defendant's driving record.

12 (c) An admission by the defendant.

13 (13) A person who is convicted of an attempted violation of
14 subsection (1) or (3), or a local ordinance substantially corre-
15 sponding to subsection (1) or (3) shall be punished as if the
16 offense had been completed.

17 (14) When assessing points and taking licensing action under
18 this act, the secretary of state and the court shall treat a con-
19 viction of an attempted violation of subsection (1) or (3) or a
20 local ordinance substantially corresponding to subsection (1) or
21 (3), or a law of another state substantially corresponding to
22 subsection (1) or (3) the same as if the offense had been
23 completed.

24 (15) IN THE PROSECUTION OF A PERSON FOR A VIOLATION OF SUB-
25 SECTION (1) OR (3), OR A LOCAL ORDINANCE SUBSTANTIALLY CORRE-
26 SPONDING TO SUBSECTION (1) OR (3), THE TRIER OF FACT SHALL
27 DETERMINE BY SPECIAL VERDICT WHETHER THE VIOLATION OCCURRED WHEN

1 THE PERSON WAS UNDER THE INFLUENCE OF OR IMPAIRED BY A CONTROLLED
2 SUBSTANCE, INTOXICATING LIQUOR, OR A COMBINATION OF INTOXICATING
3 LIQUOR AND A CONTROLLED SUBSTANCE.

4 Sec. 625b. (1) A person arrested for a misdemeanor viola-
5 tion of section 625(1) or (3), or section 625m, or a local ordi-
6 nance substantially corresponding to section 625(1) or (3), or
7 section 625m, shall be arraigned on the citation, complaint, or
8 warrant not more than 14 days after the date of arrest or, if an
9 arrest warrant is reissued, not more than 14 days after the reis-
10 sued arrest warrant is served.

11 (2) The court shall schedule a pretrial conference between
12 the prosecuting attorney, the defendant, and the defendant's
13 attorney in each case in which the defendant is charged with a
14 misdemeanor violation of section 625(1) or (3), or section 625m,
15 or a local ordinance substantially corresponding to section
16 625(1) or (3), or section 625m. The pretrial conference shall be
17 held not more than 35 days after the date of the person's arrest
18 for the violation or, if an arrest warrant is reissued, not more
19 than 35 days after the date the reissued arrest warrant is
20 served, unless the court has only 1 judge who sits in more than 1
21 location in that district, in which case the pretrial conference
22 shall be held not more than 42 days after the date of the
23 person's arrest for the violation or, if an arrest warrant is
24 reissued, not more than 42 days after the date the reissued
25 arrest warrant is served. The court shall order the defendant to
26 attend the pretrial conference and may accept a plea by the
27 defendant at the conclusion of the pretrial conference. The

1 court may adjourn the pretrial conference upon the motion of a
2 party for good cause shown. Not more than 1 adjournment shall be
3 granted to a party, and the length of an adjournment shall not
4 exceed 14 days. The court shall, except for delay attributable
5 to the unavailability of the defendant, a witness, or material
6 evidence, or due to an interlocutory appeal or exceptional cir-
7 cumstances, but not a delay caused by docket congestion, finally
8 adjudicate, by a plea of guilty or nolo contendere, or the entry
9 of a verdict, or by other final disposition, a case in which the
10 defendant is charged with a misdemeanor violation of
11 section 625(1) or (3), or section 625m, or a local ordinance sub-
12 stantially corresponding to section 625(1) or (3), or
13 section 625m, within 77 days after the person is arrested for the
14 violation or, if an arrest warrant is reissued, not more than 77
15 days after the date the reissued arrest warrant is served.

16 (3) Before accepting a plea of guilty or nolo contendere
17 under section 625, or a local ordinance substantially correspond-
18 ing to section 625(1), (2), or (3), the court shall advise the
19 accused of the maximum possible term of imprisonment and the max-
20 imum possible fine that may be imposed for the violation, and
21 shall advise the defendant that the maximum possible license
22 sanctions that may be imposed will be based upon the master driv-
23 ing record maintained by the secretary of state pursuant to
24 section 204a.

25 (4) Before imposing sentence, other than court-ordered
26 license sanctions, for a violation of section 625(1), (3), (4),
27 or (5) or a local ordinance substantially corresponding to

1 section 625(1) or (3), the court shall order the person to
2 undergo screening and assessment by a person or agency designated
3 by the office of substance abuse services, to determine whether
4 the person is likely to benefit from rehabilitative services,
5 including alcohol or drug education and alcohol or drug treatment
6 programs. As part of the sentence, the court may order the
7 person to participate in and successfully complete 1 or more
8 appropriate rehabilitative programs. The person shall pay for
9 the costs of the screening, assessment, and rehabilitative
10 services.

11 (5) Immediately upon acceptance by the court of a plea of
12 guilty or nolo contendere or upon entry of a verdict of guilty
13 for a violation of section 625(1), (3), (4), or (5) or a local
14 ordinance substantially corresponding to section 625(1) or (3),
15 whether or not the person is eligible to be sentenced as a multi-
16 ple offender, the court shall consider all prior convictions cur-
17 rently entered upon the Michigan driving record of the person,
18 except those convictions which, upon motion by the defendant, are
19 determined by the court to be constitutionally invalid, and shall
20 impose the following licensing sanctions:

21 (a) For a conviction under section 625(4) or (5), the court
22 shall order the secretary of state to revoke the operator's or
23 chauffeur's license of the person and shall not order the secre-
24 tary of state to issue a restricted license to the person.

25 (b) For a conviction under section 625(1) or a local ordi-
26 nance substantially corresponding to section 625(1):

1 (i) If the court finds that the person has no prior
2 convictions within 7 years for a violation of section 625(1),
3 (3), (4), or (5), or former section 625(1) or (2), or former sec-
4 tion 625b, a local ordinance substantially corresponding to sec-
5 tion 625(1) or (3), or former section 625(1) or (2) or former
6 section 625b, or a law of another state substantially correspond-
7 ing to section 625(1), (3), (4), or (5), or former section 625(1)
8 or (2), or former section 625b, the court shall order the secre-
9 tary of state to suspend the operator's or chauffeur's license of
10 the person for a period of not less than 6 months or more than
11 2 years. The court may order the secretary of state to issue to
12 the person a restricted license during all or a specified portion
13 of the period of suspension, except that a restricted license
14 shall not be issued during the first 30 days of the period of
15 suspension.

16 (ii) If the court finds that the person has 1 prior convic-
17 tion within 7 years for a violation of section 625(3) or former
18 section 625b, a local ordinance substantially corresponding to
19 section 625(3) or former section 625b, or a law of another state
20 substantially corresponding to section 625(3) or former
21 section 625b, the court shall order the secretary of state to
22 suspend the operator's or chauffeur's license of the person for a
23 period of not less than 6 months or more than 2 years. The court
24 may order the secretary of state to issue to the person a
25 restricted license during all or any portion of the period of
26 suspension, except that a restricted license shall not be issued
27 during the first 60 days of the period of suspension.

1 (iii) If the court finds that the person has 1 or more prior
2 convictions within 7 years for a violation of section 625(1),
3 (4), or (5), or former section 625(1) or (2), a local ordinance
4 substantially corresponding to section 625(1) or former section
5 625(1) or (2), or a law of another state substantially corre-
6 sponding to section 625(1), (4), or (5), or former section 625(1)
7 or (2), or that the person has 2 or more prior convictions within
8 10 years for a violation of section 625(1), (3), (4), or (5), or
9 former section 625(1) or (2), or former section 625b, a local
10 ordinance substantially corresponding to section 625(1) or (3),
11 or former section 625(1) or (2), or former section 625b, or a law
12 of another state substantially corresponding to section 625(1),
13 (3), (4), or (5), or former section 625(1) or (2), or former sec-
14 tion 625b, the court shall order the secretary of state to revoke
15 the operator's or chauffeur's license of the person and shall not
16 order the secretary of state to issue a restricted license to the
17 person.

18 (c) For a conviction under section 625(3) or a local ordi-
19 nance substantially corresponding to section 625(3):

20 (i) If the court finds that the convicted person has no
21 prior conviction within 7 years for a violation of section
22 625(1), (3), (4), or (5), or former section 625(1) or (2), or
23 former section 625b, a local ordinance substantially correspond-
24 ing to section 625(1) or (3), or former section 625(1) or (2), or
25 former section 625b, or a law of another state substantially cor-
26 responding to section 625(1), (3), (4), or (5), or former section
27 625(1) or (2), or former section 625b, the court shall order the

1 secretary of state to suspend the operator's or chauffeur's
2 license of the person for a period of not less than 90 days or
3 more than 1 year. ~~The~~ HOWEVER, IF THE PERSON IS CONVICTED OF A
4 VIOLATION OF SECTION 625(3) OR A LOCAL ORDINANCE SUBSTANTIALLY
5 CORRESPONDING TO SECTION 625(3) FOR OPERATING A VEHICLE WHEN, DUE
6 TO CONSUMPTION OF A CONTROLLED SUBSTANCE OR A COMBINATION OF AN
7 INTOXICATING LIQUOR AND A CONTROLLED SUBSTANCE, THE PERSON'S
8 ABILITY TO OPERATE THE VEHICLE WAS VISIBLY IMPAIRED, THE COURT
9 SHALL ORDER THE SECRETARY OF STATE TO SUSPEND THE OPERATOR'S OR
10 CHAUFFEUR'S LICENSE OF THE PERSON FOR A PERIOD OF NOT LESS THAN 6
11 MONTHS OR MORE THAN 1 YEAR. THE court may order the secretary of
12 state to issue to the person a restricted license during all or a
13 specified portion of the period of suspension.

14 (ii) If the court finds that the person has 1 prior convic-
15 tion within 7 years for a violation of section 625(1), (3), (4),
16 or (5), or former section 625(1) or (2), or former section 625b,
17 a local ordinance substantially corresponding to section 625(1)
18 or (3), or former section 625(1) or (2), or former section 625b,
19 or a law of another state substantially corresponding to section
20 625(1), (3), (4), or (5), or former section 625(1) or (2), or
21 FORMER section 625b, the court shall order the secretary of state
22 to suspend the operator's or chauffeur's license of the person
23 for a period of not less than 6 months or more than 2 years. The
24 court may order the secretary of state to issue to the person a
25 restricted license during all or any portion of the suspension
26 period, except that a restricted license shall not be issued
27 during the first 60 days of the period of suspension.

1 (iii) If the court finds that the person has 2 or more prior
2 convictions within 10 years for a violation of section 625(1),
3 (3), (4), or (5), or former section 625(1) or (2), or former sec-
4 tion 625b, a local ordinance substantially corresponding to sec-
5 tion 625(1) or (3), or former section 625(1) or (2), or former
6 section 625b, or a law of another state substantially correspond-
7 ing to section 625(1), (3), (4), or (5), or former section 625(1)
8 or (2), or former section 625b, the court shall order the secre-
9 tary of state to revoke the operator's or chauffeur's license of
10 the person and shall not order the secretary of state to issue a
11 restricted license to the person.

12 (6) A restricted license issued pursuant to an order under
13 subsection (5) shall permit the person to whom it is issued to do
14 1 or more of the following:

15 (a) Drive to and from the person's residence and work
16 location.

17 (b) Drive in the course of the person's employment or
18 occupation.

19 (c) Drive to and from the person's residence and an alcohol
20 or drug education or treatment program as ordered by the court.

21 (d) Drive to and from the person's residence and the court
22 probation department, or a court-ordered community service pro-
23 gram, or both.

24 (e) Drive to and from the person's residence and an educa-
25 tional institution at which the person is enrolled as a student.

26 (7) The court may order that the restricted license issued
27 pursuant to subsection (5) include the requirement that the

1 person shall not operate a motor vehicle unless the vehicle is
2 equipped with a functioning ignition interlock device. The
3 device shall be set to render the motor vehicle inoperable if the
4 device detects a blood alcohol content of 0.02% or more by weight
5 of alcohol in the person who offers a breath sample. The court
6 may order installation of an ignition interlock device on any
7 motor vehicle that the person owns or operates, the costs of
8 which shall be borne by the person whose license is restricted.

9 (8) The court shall not order the secretary of state under
10 subsection (5) to issue a restricted license that would permit a
11 person to operate a truck or truck tractor, including a trailer,
12 that hauls hazardous materials.

13 (9) The court shall not order the secretary of state to
14 issue a restricted license unless the person states under oath,
15 and the court finds pursuant to testimony taken in open court or
16 pursuant to statements contained in a sworn affidavit on a form
17 prescribed by the state court administrator, that the person is
18 unable to take public transportation to and from his or her work
19 location, place of alcohol or drug education treatment,
20 court-ordered community service program, or educational institu-
21 tion, and does not have any family members or other individuals
22 able to provide transportation.

23 (10) The court order issued under subsection (5) and the
24 restricted license shall indicate the permitted destination of
25 the person, the approved route or routes if specified by the
26 court, and permitted times of travel.

1 (11) As used in this section, "work location" means, as
2 applicable, either the specific place or places of employment, or
3 the territory or territories regularly visited by the person in
4 pursuance of the person's occupation, or both.

5 (12) Immediately upon acceptance by the court of a plea of
6 guilty or nolo contendere or upon entry of a verdict of guilty
7 for a violation of section 625(1), (3), (4), or (5), or a local
8 ordinance substantially corresponding to section 625(1) or (3),
9 the person shall surrender to the court his or her operator's or
10 chauffeur's license or permit. The court shall immediately
11 destroy the license or permit and forward an abstract of convic-
12 tion with court-ordered license sanctions to the secretary of
13 state. Upon receipt of, and pursuant to, the abstract of convic-
14 tion with court-ordered license sanctions, the secretary of state
15 shall suspend or revoke the person's license and, if ordered by
16 the court and the person is otherwise eligible for a license,
17 issue to the person a restricted license stating the limited
18 driving privileges indicated on the abstract. If the judgment
19 and sentence is appealed to circuit court, the court may, ex
20 parte, order the secretary of state to stay the suspension, revo-
21 cation, or restricted license issued pursuant to this section
22 pending the outcome of the appeal.

23 (13) In addition to any other suspension or revocation
24 ordered under this section and as part of the sentence imposed
25 upon a person who violates section 625(1), (3), (4), or (5) or a
26 local ordinance substantially corresponding to section 625(1) or
27 (3) while operating a commercial motor vehicle, the court shall

1 order the secretary of state to suspend the vehicle group
2 designations on the person's operator's or chauffeur's license in
3 accordance with section 319b(1)(c), except that if the vehicle
4 was transporting hazardous material required to have a placard
5 pursuant to 49 C.F.R. parts 100 to 199, the court shall order the
6 secretary of state to suspend the vehicle group designations on
7 the person's operator's or chauffeur's license in accordance with
8 section 319b(1)(d). The court shall not order the secretary of
9 state to issue a restricted license that would permit the person
10 to operate a commercial motor vehicle.

11 (14) In addition to any other suspension or revocation
12 ordered under this section and as part of the sentence imposed
13 upon a person who is convicted of a violation of section 625(1),
14 (3), (4), or (5) or a local ordinance substantially corresponding
15 to section 625(1) or (3) while operating a commercial motor vehi-
16 cle within 10 years of a prior conviction, the court shall order
17 the secretary of state to revoke the vehicle group designations
18 on the person's operator's or chauffeur's license in accordance
19 with section 319b(1)(e). The court shall not order the secretary
20 of state to issue a restricted license that would permit the
21 person to operate a commercial motor vehicle. As used in this
22 ~~section~~ SUBSECTION, "prior conviction" means a conviction under
23 ~~subsection~~ SECTION 625(1), (3), (4), or (5), or former section
24 625(1) or (2), or former section 625b, a local ordinance substan-
25 tially corresponding to section 625(1) or (3) or former section
26 625(1) or (2), or former section 625b, or a law of another state
27 substantially corresponding to section 625(1), (3), (4), or (5),

1 or former section 625(1) or (2), or former section 625b involving
2 the operation of a commercial motor vehicle, or a conviction
3 under section 625m, a local ordinance substantially corresponding
4 to section 625m, or a law of another state substantially corre-
5 sponding to section 625m.

6 Sec. 732. (1) Each municipal judge and each clerk of a
7 court of record shall keep a full record of every case in which a
8 person is charged with or cited for a violation of this act or of
9 a law corresponding to this act regulating the operation of vehi-
10 cles on highways.

11 (2) Within 14 days after the conviction or forfeiture of
12 bail of a person, or entry of a civil infraction determination,
13 default judgment, or probate court order of disposition for a
14 child found to be within the provisions of chapter XIIA of Act
15 No. 288 of the Public Acts of 1939, being sections 712A.1 to
16 712A.28 of the Michigan Compiled Laws, upon a charge of, or
17 citation for, violating this act or a local ordinance correspond-
18 ing to this act regulating the operation of vehicles on highways,
19 and, for each case charging a violation of section 625(1), (3),
20 (4), or (5), or a local ordinance substantially corresponding to
21 section 625(1) or (3) in which the charge is dismissed or the
22 defendant is acquitted, except as provided in subsection (15),
23 the municipal judge or clerk of the court of record shall prepare
24 and immediately forward to the secretary of state an abstract of
25 the record of the court for the case. The abstract shall be cer-
26 tified by signature, stamp, or facsimile signature by the person
27 required to prepare the abstract to be true and correct. If a

1 city or village department, bureau, or person is authorized to
2 accept a payment of money as a settlement for a violation of a
3 local ordinance corresponding to this act, the city or village
4 department, bureau, or person shall send a full report of each
5 case in which a person pays any amount of money to the city or
6 village department, bureau, or person to the secretary of state
7 upon a form prescribed by the secretary of state.

8 (3) The abstract or report required under this section shall
9 be made upon a form furnished by the secretary of state and shall
10 include all of the following:

11 (a) The name, address, and date of birth of the person
12 charged or cited.

13 (b) The number of the person's operator's or chauffeur's
14 license, if any.

15 (c) The date and nature of the violation.

16 (d) The type of vehicle driven at the time of the violation .
17 and, if the vehicle is a commercial motor vehicle, that vehicle's
18 group designation and indorsement classification.

19 (e) The date of the conviction, finding, forfeiture, judg-
20 ment, or determination.

21 (f) Whether bail was forfeited.

22 (g) Any license revocation, restriction, suspension, or
23 denial ordered by the court pursuant to this act.

24 (h) Other information considered necessary to the secretary
25 of state.

26 (4) The clerk of the court also shall forward an abstract of
27 the record of the court to the secretary of state upon the

1 conviction of a person or entry of a probate court order of
2 disposition for a child found to be within the provisions of
3 chapter XIIIA of Act No. 288 of the Public Acts of 1939 involving
4 any of the following:

5 (a) A violation of section 324, 413, 414, or 479a of the
6 Michigan penal code, Act No. 328 of the Public Acts of 1931,
7 being sections 750.324, 750.413, 750.414, and 750.479a of the
8 Michigan Compiled Laws.

9 (b) A violation of section 1 of Act No. 214 of the Public
10 Acts of 1931, being section 752.191 of the Michigan Compiled
11 Laws.

12 (C) A VIOLATION OF PART 74 OR SECTION 17766A OF THE PUBLIC
13 HEALTH CODE, ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SEC-
14 TIONS 333.7401 TO 333.7461 AND 333.17766A OF THE MICHIGAN
15 COMPILED LAWS, OR A LOCAL ORDINANCE THAT PROHIBITS CONDUCT PRO-
16 HIBITED UNDER PART 74 OR SECTION 17766A OF ACT NO. 368 OF THE
17 PUBLIC ACTS OF 1978.

18 (D) A VIOLATION OF SECTION 33B(1) OR (3) OF THE MICHIGAN
19 LIQUOR CONTROL ACT, ACT NO. 8 OF THE PUBLIC ACTS OF THE EXTRA
20 SESSION OF 1933, BEING SECTION 436.33B OF THE MICHIGAN COMPILED
21 LAWS, OR A LOCAL ORDINANCE THAT PROHIBITS CONDUCT PROHIBITED
22 UNDER SECTION 33(B)(1) OR (3) OF ACT NO. 8 OF THE PUBLIC ACTS OF
23 THE EXTRA SESSION OF 1933.

24 (E) ~~-(e)-An~~ A CONSPIRACY TO COMMIT OR AN attempt to commit
25 any of the offenses described in ~~-subdivision-~~ SUBDIVISIONS (a)
26 ~~-or-(b)-~~ TO (D).

1 (5) As used in subsections (6) to (8), "felony in which a
2 motor vehicle was used" means a felony during the commission of
3 which the person operated a motor vehicle and while operating the
4 vehicle presented real or potential harm to persons or property
5 and 1 or more of the following circumstances existed:

6 (a) The vehicle was used as an instrument of the felony.

7 (b) The vehicle was used to transport a victim of the
8 felony.

9 (c) The vehicle was used to flee the scene of the felony.

10 (d) The vehicle was necessary for the commission of the
11 felony.

12 (6) If a person is charged with a felony in which a motor
13 vehicle was used, other than a felony specified in subsection (4)
14 or section 319(1)(a) to (e), the prosecuting attorney shall
15 include the following statement on the complaint and information
16 filed in district or circuit court:

17 "You are charged with the commission of a felony in which a
18 motor vehicle was used. If you are convicted and the judge finds
19 that the conviction is for a felony in which a motor vehicle was
20 used, as defined in section 319 of the Michigan vehicle code, Act
21 No. 300 of the Public Acts of 1949, being section 257.319 of the
22 Michigan Compiled Laws, your driver's license shall be suspended
23 by the secretary of state."

24 (7) If a child is accused of an act the nature of which con-
25 stitutes a felony in which a motor vehicle was used, other than a
26 felony specified in subsection (4) or section 319(1)(a) to (e),

1 the prosecuting attorney or juvenile court shall include on the
2 petition filed in the probate court:

3 "You are accused of an act the nature of which constitutes a
4 felony in which a motor vehicle was used. If the accusation is
5 found to be true and the judge or referee finds that the nature
6 of the act constitutes a felony in which a motor vehicle was
7 used, as defined in section 319 of the Michigan vehicle code, Act
8 No. 300 of the Public Acts of 1949, being section 257.319 of the
9 Michigan Compiled Laws, your driver's license shall be suspended
10 by the secretary of state."

11 (8) If the judge or juvenile court referee determines as
12 part of the sentence or disposition that the felony for which the
13 defendant was convicted or adjudicated and with respect to which
14 notice was given pursuant to subsection (6) or (7) is a felony in
15 which a motor vehicle was used, the clerk of the court shall for-
16 ward an abstract of the court record of that conviction or adju-
17 dication to the secretary of state.

18 (9) As used in subsections (10) and (11), "Felony in which a
19 commercial motor vehicle was used" means a felony during the com-
20 mission of which the person operated a commercial motor vehicle
21 and while the person was operating the vehicle 1 or more of the
22 following circumstances existed:

23 (a) The vehicle was used as an instrument of the felony.

24 (b) The vehicle was used to transport a victim of the
25 felony.

26 (c) The vehicle was used to flee the scene of the felony.

1 (d) The vehicle was necessary for the commission of the
2 felony.

3 (10) If a person is charged with a felony in which a commer-
4 cial motor vehicle was used and for which a vehicle group desig-
5 nation on a license is subject to suspension or revocation under
6 section 319b(1)(c)(iii), 319b(1)(d), or 319b(1)(e)(iii) or (vi),
7 the prosecuting attorney shall include the following statement on
8 the complaint and information filed in district or circuit
9 court:

10 "You are charged with the commission of a felony in which a
11 commercial motor vehicle was used. If you are convicted and the
12 judge finds that the conviction is for a felony in which a com-
13 mercial motor vehicle was used, as defined in section 319b of the
14 Michigan vehicle code, Act No. 300 of the Public Acts of 1949,
15 being section 257.319b of the Michigan Compiled Laws, all vehicle
16 group designations on your driver's license shall be suspended or
17 revoked by the secretary of state."

18 (11) If the judge determines as part of the sentence that
19 the felony for which the defendant was convicted and with respect
20 to which notice was given pursuant to subsection (10) is a felony
21 in which a commercial motor vehicle was used, the clerk of the
22 court shall forward an abstract of the court record of that con-
23 viction to the secretary of state.

24 (12) Every person required to forward abstracts to the sec-
25 retary of state under this section shall certify for the period
26 from January 1 through June 30 and for the period from July 1
27 through December 31 that all abstracts required to be forwarded

1 during the period have been forwarded. The certification shall
2 be filed with the secretary of state not later than 28 days after
3 the end of the period covered by the certification. The certifi-
4 cation shall be made upon a form furnished by the secretary of
5 state and shall include all of the following:

6 (a) The name and title of the person required to forward
7 abstracts.

8 (b) The court for which the certification is filed.

9 (c) The time period covered by the certification.

10 (d) The following statement:

11 "I certify that all abstracts required by section 732 of the
12 Michigan vehicle code, MCL 257.732; MSA 9.2432, for the period
13 _____ through _____ have been forwarded to the secre-
14 tary of state."

15 (e) Other information the secretary of state considers
16 necessary.

17 (f) The signature of the person required to forward
18 abstracts.

19 (13) The failure, refusal, or neglect of a person to comply
20 with this section shall constitute misconduct in office and shall
21 be grounds for removal from office.

22 (14) Except as provided in subsection (15), the secretary of
23 state shall keep all abstracts received under this section at the
24 secretary of state's main office and the abstracts shall be open
25 for public inspection during the office's usual business hours.
26 Each abstract shall be entered upon the master driving record of
27 the person to whom it pertains.

1 (15) The court shall not submit, and the secretary of state
2 shall discard and not enter on the master driving record, an
3 abstract for a conviction, civil infraction determination, or
4 probate court order of disposition for any of the following
5 offenses:

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

7 (b) A nonmoving violation that is not the basis for the sec-
8 retary of state's suspension, revocation, or denial of an
9 operator's or chauffeur's license.

10 (c) A violation of chapter II that is not the basis for the
11 secretary of state's suspension, revocation, or denial of an
12 operator's or chauffeur's license.

13 (d) A pedestrian, passenger, or bicycle violation WHICH IS
14 NOT THE BASIS FOR A SUSPENSION OR DENIAL OF AN OPERATOR'S OR
15 CHAUFFEUR'S LICENSE BY THE COURT OR SECRETARY OF STATE.

16 (e) A violation of section 710e.

17 (16) The secretary of state shall discard and not enter on
18 the master driving record an abstract for a bond forfeiture that
19 occurred outside this state. However, the secretary of state
20 shall retain and enter on the master driving record an abstract
21 of an out-of-state bond forfeiture for an offense that occurred
22 after January 1, 1990 in connection with the operation of a com-
23 mercial motor vehicle.

24 (17) The secretary of state shall inform the courts of this
25 state of the nonmoving violations and violations of chapter II
26 that are used by the secretary of state as the basis for the

1 suspension, restriction, revocation, or denial of an operator's
2 or chauffeur's license.

3 (18) If a conviction, civil infraction determination, or
4 probate court order of disposition is reversed upon appeal, the
5 person whose conviction, determination, or order of disposition
6 has been reversed may serve on the secretary of state a certified
7 copy of the order of reversal, and the secretary of state shall
8 enter the order in the proper book or index in connection with
9 the record of the conviction, civil infraction determination, or
10 probate court order of disposition.

11 (19) The secretary of state may permit a city or village
12 department, bureau, person, or court to modify the requirement as
13 to the time and manner of reporting a conviction, civil infrac-
14 tion determination, settlement, or probate court order of dispo-
15 sition to the secretary of state if the modification will
16 increase the economy and efficiency of collecting and utilizing
17 the records. If the permitted abstract of court record reporting
18 a conviction, civil infraction determination, settlement, or pro-
19 bate court order of disposition originates as a part of the writ-
20 ten notice to appear, authorized in section 728(1) or 742(1), the
21 form of the written notice and report shall be as prescribed by
22 the secretary of state.

23 Section 2. This amendatory act shall take effect October 1,
24 1993.

25 Section 3. This amendatory act shall not take effect unless
26 all of the following bills of the 87th Legislature are enacted
27 into law:

1 (a) Senate Bill No. 221.

2

3 (b) Senate Bill No. 267.

4

5 (c) Senate Bill No. 223.

6