

**SUBSTITUTE FOR  
SENATE BILL NO. 853**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303, 310d, 319, 319b, 625, 625a, and 625c (MCL 257.303, 257.310d, 257.319, 257.319b, 257.625, 257.625a, and 257.625c), sections 303 and 319 as amended by 1996 PA 587, section 310d as amended by 1991 PA 99, section 319b as amended by 1996 PA 404, sections 625 and 625a as amended by 1996 PA 491, and section 625c as amended by 1994 PA 450, and by adding section 5b.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**1** SEC. 5B. "CHEMICAL AGENT" MEANS A SUBSTANCE CONTAINING OR  
**2** CONSISTING OF A CHEMICAL, ANESTHETIC GAS, OR ORGANIC SOLVENT, OR  
**3** ANY COMBINATION OF A TOXIC CHEMICAL, ANESTHETIC GAS, OR ORGANIC  
**4** SOLVENT, THAT IS TOXIC OR RELEASES TOXIC VAPORS. CHEMICAL AGENT  
**5** INCLUDES, BUT IS NOT LIMITED TO, ACETONE, TOLUENE, CARBON

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1 TETRACHLORIDE, HYDROCARBONS, HYDROCARBON DERIVATIVES, GLUE, AND  
2 NITROUS OXIDE.

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

5       (a) A person, as an operator, who is less than 18 years of  
6 age, except as otherwise provided in this act.

7       (b) A person, as a chauffeur, who is less than 18 years of  
8 age, except as otherwise provided in this act.

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

11       (d) A person who has been convicted of or received a  
12 ~~probate court~~ JUVENILE disposition for a violation of section  
13 625(4), ~~or~~ (5), OR (7).

14       (e) A person who has been convicted of or received a  
15 ~~probate court~~ JUVENILE disposition for negligent homicide, man-  
16 slaughter, or murder resulting from the operation of a ~~motor~~  
17 vehicle.

18       (f) A person who is an habitual violator of the criminal  
19 laws relating to operating a vehicle while impaired by or under  
20 the influence of intoxicating liquor, a controlled substance, A  
21 CHEMICAL AGENT, or ~~a~~ ANY combination of intoxicating liquor,  
22 ~~and~~ a controlled substance, OR A CHEMICAL AGENT or with an  
23 alcohol content of 0.10 grams or more per 100 milliliters of  
24 blood, per 210 liters of breath, or per 67 milliliters of urine.  
25 Convictions of any of the following, whether under a law of this  
26 state, a local ordinance substantially corresponding to a law of  
27 this state, or a law of another state substantially corresponding

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1 to a law of this state, are prima facie evidence that the person  
2 is an habitual violator as described in this subdivision:

3 (i) Any combination of 2 convictions within 7 years for any  
4 of the following:

5 (A) A violation of section 625(1), (3), (4), ~~or~~ (5), OR  
6 (7).

7 (B) A violation of former section 625(1) or (2) OR FORMER  
8 SECTION 625B.

9 (C) A VIOLATION OF SECTION 625M.

10 (D) NEGLIGENT HOMICIDE, MANSLAUGHTER, OR MURDER RESULTING  
11 FROM THE OPERATION OF A VEHICLE.

12 (ii) Any combination of 3 convictions within 10 years for  
13 any of the following if any of the convictions resulted from an  
14 arrest on or after January 1, 1992:

15 (A) A violation of section 625(1), (3), (4), ~~or~~ (5), OR  
16 (7).

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

19 (C) A VIOLATION OF SECTION 625M.

20 (D) NEGLIGENT HOMICIDE, MANSLAUGHTER, OR MURDER RESULTING  
21 FROM THE OPERATION OF A VEHICLE.

22 (g) A person who in the opinion of the secretary of state is  
23 afflicted with or suffering from a physical or mental disability  
24 or disease preventing that person from exercising reasonable and  
25 ordinary control over a motor vehicle while operating the motor  
26 vehicle upon the highways.

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1 (h) A person who is unable to understand highway warning or  
2 direction signs in the English language.

3 (i) A person who is an habitually reckless driver. Two con-  
4 victions within 7 years of reckless driving under this act or any  
5 other law of this state relating to reckless driving or under a  
6 local ordinance of this state or a law of another state that  
7 defines the term "reckless driving" substantially similarly to  
8 the law of this state are prima facie evidence that the person is  
9 an habitually reckless driver.

10 (j) A person who is an habitual criminal. Two convictions  
11 of a felony in which a motor vehicle was used in this or another  
12 state are prima facie evidence that the person is an habitual  
13 criminal.

14 (k) A person who is unable to pass a knowledge, skill, or  
15 ability test administered by the secretary of state in connection  
16 with the issuance of an original operator's or chauffeur's  
17 license, original motorcycle indorsement, or an original or  
18 renewal of a vehicle group designation or vehicle indorsement.

19 (l) A person who has been convicted of, has received a  
20 ~~probate court~~ JUVENILE disposition for, or has been determined  
21 responsible for 2 or more moving violations under a law of this  
22 state, a local ordinance substantially corresponding to a law of  
23 this state, or a law of another state substantially corresponding  
24 to a law of this state within the preceding 3 years, if the vio-  
25 lations occurred before issuance of an original license to the  
26 person in this or another state.

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1 (m) A nonresident including a foreign exchange student.

2 (N) A PERSON WHO HAS FAILED TO ANSWER A CITATION OR NOTICE  
3 TO APPEAR IN COURT, OR FOR ANY MATTER PENDING OR FAILS TO COMPLY  
4 WITH AN ORDER OR JUDGMENT OF THE COURT, INCLUDING, BUT NOT  
5 LIMITED TO, PAYING ALL FINES, COSTS, FEES, AND ASSESSMENTS, IN  
6 VIOLATION OF SECTION 321A, UNTIL THAT PERSON ANSWERS THE CITATION  
7 OR NOTICE TO APPEAR IN COURT, OR FOR ANY MATTER PENDING OR FAILS  
8 TO COMPLY WITH AN ORDER OR JUDGMENT OF THE COURT, INCLUDING, BUT  
9 NOT LIMITED TO, PAYING ALL FINES, COSTS, FEES, AND ASSESSMENTS,  
10 AS PROVIDED UNDER SECTION 321A.

11 (O) ~~(n)~~ A person not licensed under this act who has been  
12 convicted of, has received a ~~probate court~~ JUVENILE disposition  
13 for, or has been determined responsible for a crime or civil  
14 infraction described in section 319, 324, or 904. A person shall  
15 be denied a license under this subdivision for the length of time  
16 corresponding to the period of the licensing sanction that would  
17 have been imposed under section 319, 324, or 904 if the person  
18 had been licensed at the time of the violation.

19 (P) ~~(o)~~ A person not licensed under this act who has been  
20 convicted of or received a ~~probate court~~ JUVENILE disposition  
21 for committing a crime described in section 319e. A person shall  
22 be denied a license under this subdivision for the length of time  
23 that corresponds to the period of the licensing sanction that  
24 would have been imposed under section 319e if the person had been  
25 licensed at the time of the violation.

26 (Q) ~~(p)~~ A person not licensed under this act who is  
27 determined to have violated section 33b(1) of the Michigan liquor

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1 control act, ~~Act No. 8 of the Public Acts of the Extra Session~~  
2 ~~of 1933, being section 436.33b of the Michigan Compiled Laws~~  
3 1933 (EX SESS) PA 8, MCL 436.33B, or section 624a or 624b OF THIS  
4 ACT. The person shall be denied a license under this subdivision  
5 for a period of time that corresponds to the period of the  
6 licensing sanction that would have been imposed under those sec-  
7 tions had the person been licensed at the time of the violation.

8 (R) ~~(g)~~ A person who has been convicted of a violation of  
9 section 602a(4) or (5) OF THIS ACT or a violation of section  
10 479a(4) or (5) of the Michigan penal code, ~~Act No. 328 of the~~  
11 ~~Public Acts of 1931, being section 750.479a of the Michigan~~  
12 ~~Compiled Laws~~ 1931 PA 328, MCL 750.479A.

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

19 (a) Two convictions of reckless driving in violation of sec-  
20 tion 626 within 7 years.

21 (b) Two convictions of a felony in which a motor vehicle was  
22 used within 7 years.

23 (c) ~~Any combination of 2 convictions~~ A CONVICTION FOR A  
24 VIOLATION OF SECTION 625(1) OR (3) within 7 years AFTER A  
25 CONVICTION for any of the following:

26 (i) A violation of section 625(1), (3), (4), (5), OR (7).

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1       (ii) A violation of former section 625(1) or (2) OR FORMER  
2 SECTION 625B.

3       (iii) A violation of section ~~625(4) or (5)~~ 625M.

4       (iv) Negligent homicide, manslaughter, or murder resulting  
5 from the operation of a ~~motor~~ vehicle.

6       (d) One conviction under section 625(4), ~~or~~ (5), OR (7).

7       (e) One conviction of negligent homicide, manslaughter, or  
8 murder resulting from the operation of a ~~motor~~ vehicle.

9       (f) Any combination of 3 convictions within 10 years for any  
10 of the following if any of the convictions resulted from an  
11 arrest on or after January 1, 1992:

12       (i) A violation of section 625(1), (3), (4), ~~or~~ (5), OR  
13 (7).

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

16       (iii) A VIOLATION OF SECTION 625M.

17       (iv) ~~(iii)~~ Negligent homicide, manslaughter, or murder  
18 resulting from the operation of a ~~motor~~ vehicle.

19       (g) A CONVICTION FOR A violation of section 602a(4) or (5)  
20 of this act or section 479a(4) or (5) of the Michigan penal code,  
21 ~~Act No. 328 of the Public Acts of 1931, being section 750.479a~~  
22 ~~of the Michigan Compiled Laws~~ 1931 PA 328, MCL 750.479A.

23       (3) The secretary of state shall revoke a license under sub-  
24 section (2) notwithstanding a court order. ~~issued under section~~  
25 ~~625, section 625b, former section 625(1) or (2), or former sec-~~  
26 ~~tion 625b or a local ordinance substantially corresponding to~~

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1 ~~section 625, section 625b, former section 625(1) or (2), or~~  
2 ~~former section 625b.~~

3 (4) The secretary of state shall not issue a license under  
4 this act to a person whose license has been revoked under this  
5 act or denied under subsection (1)(d), (e), (f), (i), ~~or~~ (j),  
6 OR (R) until ~~both~~ ALL of the following occur, AS APPLICABLE:

7 (a) ~~The~~ EXPIRATION OF THE later of the following:

8 (i) ~~The expiration of not~~ NOT less than 1 year after the  
9 license was revoked or denied.

10 (ii) ~~The expiration of not~~ NOT less than 5 years after the  
11 date of a subsequent revocation or denial occurring within 7  
12 years after the date of any prior revocation or denial.

13 (B) FOR A DENIAL UNDER SUBSECTION (1)(F), (I), OR (J) BASED  
14 ON PRIMA FACIE EVIDENCE, THE PERSON REBUTS THE PRESUMPTION  
15 RESULTING FROM THE PRIMA FACIE EVIDENCE BY CLEAR AND CONVINCING  
16 EVIDENCE.

17 (C) ~~(b)~~ The person meets the requirements of the  
18 department.

19 (5) Multiple convictions or civil infraction determinations  
20 resulting from the same incident shall be treated as a single  
21 violation for purposes of denial or revocation of a license under  
22 this section.

23 (6) As used in this section, "felony in which a motor vehi-  
24 cle was used" means a felony during the commission of which the  
25 person operated a motor vehicle and while operating the vehicle  
26 presented real or potential harm to persons or property and 1 or  
27 more of the following circumstances existed:



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

2 (b) The vehicle was used to transport a victim of the  
3 felony.

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

5 (d) The vehicle was necessary for the commission of the  
6 felony.

7 Sec. 310d. (1) A license issued under this act to a person  
8 not previously licensed in this or in another state shall be des-  
9 ignated as probationary for 3 years after the date of issuance.  
10 During the first 12 months of probation, the license may be sus-  
11 pended or probationary terms and conditions may be imposed upon  
12 THE LICENSEE'S failure ~~of the licensee~~ to appear before a mag-  
13 istrate, as provided in this chapter, or upon conviction of the  
14 licensee or determination of the licensee's responsibility for a  
15 moving violation in this state. The SUSPENSION period ~~of~~  
16 ~~suspension~~ or the probationary terms and conditions shall not be  
17 for more than 12 months and shall be determined by the secretary  
18 of state at an examination of the driver by the secretary of  
19 state.

20 (2) If a license is suspended or probationary terms and con-  
21 ditions are imposed by a ~~probate~~ judge OF THE PROBATE COURT OR  
22 FAMILY DIVISION OF CIRCUIT COURT, the period during which the  
23 suspension or probationary terms and conditions are in effect  
24 shall be deducted from the period of suspension or probationary  
25 terms and conditions imposed at an examination of the driver by  
26 the secretary of state pursuant to subsection (1). If a license  
27 is suspended or probationary terms and conditions are imposed by

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1 ~~the probate~~ A judge OF THE PROBATE COURT OR FAMILY DIVISION OF  
2 CIRCUIT COURT, the ~~probate~~ court shall include the suspension,  
3 probationary terms, and conditions, and the period during which  
4 the suspension, probationary terms, and conditions apply, on the  
5 abstract which the court forwards to the secretary of state.

6 (3) Upon completion of the first 12 months of probation, the  
7 secretary of state may require a licensee to be reexamined by the  
8 secretary of state if the licensee's driving record contains any  
9 of the following:

10 (a) A conviction ~~,~~ OR civil infraction determination ~~,~~ ~~or~~  
11 ~~probate court disposition of~~ FOR a moving violation FOR which  
12 ~~was assessed~~ 4 or more points ~~as provided in~~ WERE ASSESSED  
13 UNDER section 320a.

14 (b) Three convictions ~~,~~ OR 3 civil infraction determina-  
15 tions, ~~3 probate court dispositions,~~ or a combination of con-  
16 victions ~~,~~ AND civil infraction determinations ~~,~~ ~~and probate~~  
17 ~~court dispositions which~~ THAT equals 3, for moving violations.

18 (c) A total of 6 or more points as provided in section  
19 320a.

20 (d) A conviction ~~,~~ OR civil infraction determination ~~,~~ ~~or~~  
21 ~~probate court disposition of~~ FOR a moving violation and an acci-  
22 dent for which the official police report indicates the licensee  
23 had been drinking intoxicating liquor.

24 (e) A conviction ~~,~~ OR civil infraction determination ~~,~~ ~~or~~  
25 ~~probate court disposition of~~ FOR a moving violation and an acci-  
26 dent for which the official police report indicates a moving  
27 violation on the part of the licensee.

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1 (f) Three accidents for which the official police report  
2 indicates a moving violation on the part of the licensee.

3 (g) A suspension ~~pursuant to~~ UNDER section 625f.

4 (4) The probationary period shall be extended beyond 3 years  
5 and the secretary of state may reexamine a licensee as provided  
6 in subsection (3) ~~—~~ if any of the following occur and are  
7 recorded on the licensee's driving record during the last 10  
8 months of the probationary period:

9 (a) A moving violation resulting in a conviction or civil  
10 infraction determination.

11 (b) An accident for which the official police report indi-  
12 cates a moving violation on the part of the licensee.

13 (c) An accident for which the official police report indi-  
14 cates the licensee had been drinking intoxicating liquor.

15 (d) A license suspension for a reason other than a mental or  
16 physical disability.

17 (5) The probationary period shall be extended pursuant to  
18 subsection (4) until the licensee completes 10 consecutive months  
19 without a moving violation, accident, or suspension enumerated in  
20 subsection (4).

21 (6) ~~The secretary of state, upon~~ UPON completion of a  
22 reexamination, THE SECRETARY OF STATE may suspend or impose pro-  
23 bationary terms and conditions on the license of a probationary  
24 licensee, except that a reexamination for subsection (3)(d), (e),  
25 or (f) shall not result in a license suspension or the imposition  
26 of probationary terms or conditions.

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1 (7) For 24 months immediately after a licensee's  
2 probationary period, the secretary of state may require the  
3 licensee to be reexamined by the secretary of state if the  
4 licensee's driver record has a total of 9 or more points, as pro-  
5 vided in section 320a, imposed in a period of 2 years and if the  
6 licensee's record contains 1 or more of the following:

7 (a) A conviction ~~or probate court disposition,~~ for a vio-  
8 lation of section 625(1) OR (7) or former section 625(1) or (2),  
9 a local ordinance substantially corresponding to section 625(1)  
10 or former section 625(1) or (2), or a law of another state sub-  
11 stantially corresponding to section 625(1) OR (7) or former sec-  
12 tion 625(1) or (2).

13 (b) A conviction ~~or probate court disposition~~ for driving  
14 while visibly impaired due to consumption of intoxicating liquor,  
15 a controlled substance, A CHEMICAL AGENT, or ~~a~~ ANY combination  
16 of intoxicating liquor, ~~and~~ a controlled substance, AND A CHEM-  
17 ICAL AGENT.

18 (c) A suspension of the licensee's license ~~pursuant to~~  
19 UNDER section 625f.

20 (d) An accident for which the official police report indi-  
21 cates a moving violation on the part of the licensee.

22 (e) An accident for which the official police report indi-  
23 cates the licensee had been drinking intoxicating liquor.

24 (8) ~~The secretary of state, upon~~ UPON completion of a  
25 reexamination pursuant to subsection (7), THE SECRETARY OF STATE  
26 may suspend the license of the licensee, except that a

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1 reexamination for subsection (7)(d) or (e) shall not result in a  
2 license suspension or restriction.

3 (9) If a licensee fails to appear for a reexamination sched-  
4 uled by the secretary of state pursuant to this section, the  
5 licensee's license may be suspended immediately and remain sus-  
6 pended until the licensee appears for a reexamination by the sec-  
7 retary of state.

8 (10) Notice of a reexamination required under this section  
9 shall be given by first class mail to the last known address of  
10 the licensee.

11 (11) For purposes of this section:

12 (a) Upon conviction for a moving violation, the date of the  
13 arrest for the violation shall be used in determining whether the  
14 conviction occurred ~~within~~ DURING the probationary period.

15 (b) Upon entry of a civil infraction determination for a  
16 moving violation, the date of issuance of a citation for a civil  
17 infraction shall be used in determining whether the civil infrac-  
18 tion determination occurred ~~within~~ DURING the probationary  
19 period.

20 (c) Information of a reexamination shall not be placed on a  
21 driver's record unless the secretary of state suspends a license  
22 or imposes probationary terms and conditions.

23 (d) A suspension ~~shall be considered~~ IS part of a driving  
24 record from the date the suspension is imposed until the suspen-  
25 sion is terminated.

26 (e) The date of the official police report shall be used in  
27 determining whether a licensee was driving a motor vehicle DURING

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1 THE PROBATIONARY PERIOD THAT WAS involved in an accident for  
2 which the official police report indicates a moving violation on  
3 the part of the licensee or indicates the licensee had been  
4 drinking intoxicating liquor.

5       Sec. 319. (1) The secretary of state shall immediately sus-  
6 pend a person's license ~~for not less than 90 days or more than 2~~  
7 ~~years~~ AS PROVIDED IN THIS SECTION upon receiving a record of the  
8 person's conviction for ~~any of the following crimes or attempts~~  
9 ~~to commit any of the following crimes~~ A CRIME DESCRIBED IN THIS  
10 SECTION, whether the conviction is under a law of this state, a  
11 local ordinance substantially corresponding to a law of this  
12 state, or a law of another state substantially corresponding to a  
13 law of this state. ~~—~~

14       (2) THE SECRETARY OF STATE SHALL SUSPEND THE PERSON'S  
15 LICENSE FOR 1 YEAR FOR ANY OF THE FOLLOWING CRIMES:

16       (a) Fraudulently altering or forging documents pertaining to  
17 motor vehicles ~~—~~ in violation of section 257.

18       ~~(b) Perjury or making a false certification to the secre-~~  
19 ~~tary of state under any law requiring the registration of a motor~~  
20 ~~vehicle or regulating the operation of a motor vehicle on a~~  
21 ~~highway.—~~

22       (B) ~~(c)~~ A violation of section 413 ~~or 414~~ of the  
23 Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~  
24 ~~being sections 750.413 and 750.414 of the Michigan Compiled Laws,~~  
25 ~~or a~~ 1931 PA 328, MCL 750.413.

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1 (C) A violation of section 1 of ~~Act No. 214 of the Public~~  
2 ~~Acts of 1931, being section 752.191 of the Michigan Compiled~~  
3 ~~Laws~~ 1931 PA 214, MCL 752.191.

4 ~~(d) A conviction for reckless driving in violation of sec-~~  
5 ~~tion 626.~~

6 (D) ~~(e)~~ Failing to stop and disclose identity at the scene  
7 of an accident resulting in death or SERIOUS injury in violation  
8 of section 617. ~~or 617a.~~

9 (E) ~~(f)~~ A felony in which a motor vehicle was used. As  
10 used in this section, "felony in which a motor vehicle was used"  
11 means a felony during the commission of which the person con-  
12 victed operated a motor vehicle and while operating the vehicle  
13 presented real or potential harm to persons or property and 1 or  
14 more of the following circumstances existed:

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

16 (ii) The vehicle was used to transport a victim of the  
17 felony.

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

19 (iv) The vehicle was necessary for the commission of the  
20 felony.

21 (F) A VIOLATION OF SECTION 602A(2) OR (3) OF THIS ACT OR  
22 SECTION 479A(2) OR (3) OF THE MICHIGAN PENAL CODE, 1931 PA 328,  
23 MCL 750.479A. THE SECRETARY OF STATE MAY ISSUE THE PERSON A  
24 RESTRICTED LICENSE DURING ALL OR A SPECIFIED PORTION OF THE SUS-  
25 PENSION, EXCEPT THAT THE SECRETARY OF STATE SHALL NOT ISSUE A  
26 RESTRICTED LICENSE DURING THE FIRST 180 DAYS OF SUSPENSION. IF A  
27 TERM OF IMPRISONMENT IS SERVED AS PART OF THE PERSON'S SENTENCE,

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1 THE LICENSE SUSPENSION PERIOD SHALL BEGIN AFTER COMPLETION OF THE  
2 TERM OF IMPRISONMENT.

3 (3) THE SECRETARY OF STATE SHALL SUSPEND THE PERSON'S  
4 LICENSE FOR 90 DAYS FOR ANY OF THE FOLLOWING CRIMES:

5 (A) FAILING TO STOP AND DISCLOSE IDENTITY AT THE SCENE OF AN  
6 ACCIDENT RESULTING IN INJURY IN VIOLATION OF SECTION 617A.

7 (B) RECKLESS DRIVING IN VIOLATION OF SECTION 626.

8 (C) ~~(2) The secretary of state shall suspend the license of~~  
9 ~~a person convicted of malicious~~ MALICIOUS destruction resulting  
10 from the operation of a ~~motor~~ vehicle under section 382 of the  
11 Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~  
12 ~~being section 750.382 of the Michigan Compiled Laws, for not more~~  
13 ~~than 1 year as ordered by the court as part of the sentence~~ 1931  
14 PA 328, MCL 750.382.

15 (D) ~~(3) The secretary of state shall immediately suspend a~~  
16 ~~person's license for the period specified in the abstract of con-~~  
17 ~~viction upon receiving the person's license and abstract of con-~~  
18 ~~viction forwarded to the secretary of state pursuant to~~ A VIOLA-  
19 TION DESCRIBED IN section 367c of the Michigan penal code, ~~Act~~  
20 ~~No. 328 of the Public Acts of 1931, being section 750.367c of the~~  
21 ~~Michigan Compiled Laws~~ 1931 PA 328, MCL 750.367C.

22 (E) A VIOLATION OF SECTION 33B(2) OF THE MICHIGAN LIQUOR  
23 CONTROL ACT, 1933 (EX SESS) PA 8, MCL 436.33B.

24 (4) ~~Except as otherwise provided in subsection (9), if a~~  
25 ~~court has not ordered a suspension of a person's license under~~  
26 ~~this act for a violation described in subdivision (a), (b), (c),~~  
27 ~~or (d) for a period equal to or greater than the suspension~~



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1 ~~period prescribed under subdivision (a), (b), (c), or (d) for the~~  
2 ~~violation, the secretary of state shall suspend the license as~~  
3 ~~follows, notwithstanding a court order issued under~~  
4 ~~section 625(1), (3), or (6), section 625b, former section 625(1)~~  
5 ~~or (2), or former section 625b or a local ordinance substantially~~  
6 ~~corresponding to section 625(1), (3), or (6), section 625b,~~  
7 ~~former section 625(1) or (2), or former section 625b~~ FOR PERJURY  
8 OR MAKING A FALSE CERTIFICATION TO THE SECRETARY OF STATE UNDER  
9 ANY LAW REQUIRING THE REGISTRATION OF A MOTOR VEHICLE OR REGULAT-  
10 ING THE OPERATION OF A VEHICLE ON A HIGHWAY, THE SECRETARY SHALL  
11 SUSPEND THE PERSON'S LICENSE AS FOLLOWS:

12 (A) IF THE PERSON HAS NO PRIOR CONVICTION FOR AN OFFENSE  
13 DESCRIBED IN THIS SUBSECTION, FOR 90 DAYS.

14 (B) IF THE PERSON HAS 1 OR MORE PRIOR CONVICTIONS FOR AN  
15 OFFENSE DESCRIBED IN THIS SUBSECTION, FOR 1 YEAR.

16 (5) FOR A VIOLATION OF SECTION 414 OF THE MICHIGAN PENAL  
17 CODE, 1931 PA 328, MCL 750.414, THE SECRETARY OF STATE SHALL SUS-  
18 PEND THE PERSON'S LICENSE AS FOLLOWS:

19 (A) IF THE PERSON HAS NO PRIOR CONVICTION FOR THAT OFFENSE  
20 WITHIN 7 YEARS, FOR 90 DAYS.

21 (B) IF THE PERSON HAS 1 OR MORE PRIOR CONVICTIONS FOR THAT  
22 OFFENSE WITHIN 7 YEARS, FOR 1 YEAR.

23 (6) FOR A VIOLATION OF SECTION 624A OR 624B OF THIS ACT OR  
24 SECTION 33B(1) OF THE MICHIGAN LIQUOR CONTROL ACT, 1933 (EX SESS)  
25 PA 8, MCL 436.33B, THE SECRETARY OF STATE SHALL SUSPEND THE  
26 PERSON'S LICENSE AS FOLLOWS:

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1 (A) IF THE PERSON HAS 1 PRIOR CONVICTION FOR AN OFFENSE  
2 DESCRIBED IN THIS SUBSECTION, FOR 90 DAYS. THE SECRETARY OF  
3 STATE MAY ISSUE THE PERSON A RESTRICTED LICENSE AFTER THE FIRST  
4 30 DAYS OF SUSPENSION.

5 (B) IF THE PERSON HAS 2 OR MORE PRIOR CONVICTIONS FOR AN  
6 OFFENSE DESCRIBED IN THIS SUBSECTION, FOR 180 DAYS. THE SECRE-  
7 TARY OF STATE MAY ISSUE THE PERSON A RESTRICTED LICENSE AFTER THE  
8 FIRST 60 DAYS OF SUSPENSION.

9 (7) THE SECRETARY OF STATE SHALL SUSPEND THE PERSON'S  
10 LICENSE FOR A VIOLATION OF SECTION 625 AS FOLLOWS:

11 (A) FOR 180 DAYS FOR A VIOLATION OF SECTION 625(1) IF THE  
12 PERSON HAS NO PRIOR CONVICTIONS WITHIN 7 YEARS. THE SECRETARY OF  
13 STATE MAY ISSUE THE PERSON A RESTRICTED LICENSE DURING ALL OR A  
14 SPECIFIED PORTION OF THE SUSPENSION, EXCEPT THAT THE SECRETARY OF  
15 STATE SHALL NOT ISSUE A RESTRICTED LICENSE DURING THE FIRST 30  
16 DAYS OF SUSPENSION.

17 (B) ~~(a) For not less than 90 days or more than 1 year~~  
18 ~~upon receiving a record of the person's conviction for a viola-~~  
19 ~~tion of section 625(3) , a local ordinance substantially corre-~~  
20 ~~sponding to section 625(3), or a law of another state substan-~~  
21 ~~tially corresponding to section 625(3) if the person has no~~  
22 ~~prior convictions within 7 years. for a violation of section~~  
23 ~~625(1), (3), (4), or (5), former section 625(1) or (2), or former~~  
24 ~~section 625b, a local ordinance substantially corresponding to~~  
25 ~~section 625(1) or (3), former section 625(1) or (2), or former~~  
26 ~~section 625b, or a law of another state substantially~~  
27 ~~corresponding to section 625(1), (3), (4), or (5), former section~~

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1 ~~625(1) or (2), or former section 625b.~~ However, if the person is  
2 convicted of a violation of section 625(3), ~~a local ordinance~~  
3 ~~substantially corresponding to section 625(3), or a law of~~  
4 ~~another state substantially corresponding to section 625(3)~~ for  
5 operating a vehicle when, due to the consumption of a controlled  
6 substance or ~~a combination of intoxicating liquor and~~ a con-  
7 trolled substance IN COMBINATION WITH INTOXICATING LIQUOR OR A  
8 CHEMICAL AGENT, OR BOTH, the person's ability to operate the  
9 vehicle was visibly impaired, the secretary of state shall sus-  
10 pend the person's license under this subdivision for ~~not less~~  
11 ~~than~~ 6 months. ~~or more than 1 year.~~ THE SECRETARY OF STATE MAY  
12 ISSUE THE PERSON A RESTRICTED LICENSE DURING ALL OR A SPECIFIED  
13 PORTION OF THE SUSPENSION.

14 ~~(b) For not less than 6 months or more than 2 years upon~~  
15 ~~receiving a record of the person's conviction if the person has~~  
16 ~~the following convictions, whether under the law of this state, a~~  
17 ~~local ordinance substantially corresponding to a law of this~~  
18 ~~state, or a law of another state substantially corresponding to a~~  
19 ~~law of this state:~~

20 ~~(i) One conviction under section 625(1) or former section~~  
21 ~~625(1) or (2).~~

22 ~~(ii) Any combination of 2 convictions under section 625(3)~~  
23 ~~or former section 625b within a 7-year period.~~

24 ~~(iii) One conviction under section 625(1) or former section~~  
25 ~~625(1) or (2) and 1 conviction under section 625(3) or former~~  
26 ~~section 625b within a 7-year period.~~

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1 ~~(iv) One conviction under section 625(4) or (5) followed by~~  
2 ~~1 conviction under section 625(3) within a 7-year period.~~

3 (c) For ~~not less than 30 days or more than 90 days upon~~  
4 ~~receiving a record of the person's conviction~~ for a violation of  
5 section 625(6) ~~, a local ordinance substantially corresponding~~  
6 ~~to section 625(6), or a law of another state substantially corre-~~  
7 ~~sponding to section 625(6)~~ if the person has no prior convic-  
8 tions within 7 years. ~~for a violation of section 625(1), (3),~~  
9 ~~(4), (5), or (6), former section 625(1) or (2), or former section~~  
10 ~~625b, a local ordinance substantially corresponding to section~~  
11 ~~625(1), (3), or (6), former section 625(1) or (2), or former sec-~~  
12 ~~tion 625b, or a law of another state substantially corresponding~~  
13 ~~to section 625(1), (3), (4), (5), or (6), former section 625(1)~~  
14 ~~or (2), or former section 625b.~~ THE SECRETARY OF STATE MAY ISSUE  
15 THE PERSON A RESTRICTED LICENSE DURING ALL OR A SPECIFIED PORTION  
16 OF THE SUSPENSION.

17 (d) For ~~not less than 90 days or more than 1 year upon~~  
18 ~~receiving a record of the person's conviction~~ for a violation of  
19 section 625(6) ~~, a local ordinance substantially corresponding~~  
20 ~~to section 625(6), or a law of another state substantially corre-~~  
21 ~~sponding to section 625(6)~~ if the person has 1 or more prior  
22 convictions within 7 years. ~~for a violation of section 625(1),~~  
23 ~~(3), (4), (5), or (6), former section 625(1) or (2), or former~~  
24 ~~section 625b, a local ordinance substantially corresponding to~~  
25 ~~section 625(1), (3), or (6), former section 625(1) or (2), or~~  
26 ~~former section 625b, or a law of another state substantially~~  
27 ~~corresponding to section 625(1), (3), (4), (5), or (6), former~~

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1 ~~section 625(1) or (2), or former section 625b.~~ THE SECRETARY OF  
2 STATE MAY ISSUE THE PERSON A RESTRICTED LICENSE DURING ALL OR A  
3 SPECIFIED PORTION OF THE SUSPENSION.

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

14 ~~(6) Upon receiving the record of a person's conviction for a~~  
15 ~~violation of section 602a(2) or (3) of this act or section~~  
16 ~~479a(2) or (3) of Act No. 328 of the Public Acts of 1931, being~~  
17 ~~section 750.479a of the Michigan Compiled Laws, the secretary of~~  
18 ~~state immediately shall suspend the person's license for the~~  
19 ~~period ordered by the court as part of the sentence or~~  
20 ~~disposition.~~

21 ~~(7) Upon receiving an abstract of conviction for a violation~~  
22 ~~of section 33b(1) of Act No. 8 of the Public Acts of the Extra~~  
23 ~~Session of 1933, being section 436.33b of the Michigan Compiled~~  
24 ~~Laws, or section 624a or 624b or a local ordinance substantially~~  
25 ~~corresponding to those sections, the secretary of state shall~~  
26 ~~suspend the person's operator's or chauffeur's license for the~~  
27 ~~period of time described in section 33b(4) of Act No. 8 of the~~

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1 ~~Public Acts of the Extra Session of 1933 or section 624a or 624b~~  
2 ~~notwithstanding any court order to the contrary and, if applica-~~  
3 ~~ble, issue a restricted license as ordered by the court in the~~  
4 ~~manner provided for in section 33b of Act No. 8 of the Public~~  
5 ~~Acts of the Extra Session of 1933 or section 624a or 624b. If~~  
6 ~~the person does not possess an operator's or chauffeur's license,~~  
7 ~~the secretary of state shall deny the person's application for an~~  
8 ~~operator's or chauffeur's license for the applicable suspension~~  
9 ~~period.~~

10 (8) Except as provided in subsection (10), a suspension  
11 under this section shall be imposed notwithstanding a court  
12 order. ~~issued under section 625(1), (3), (4), (5), or (6) or~~  
13 ~~section 625b or a local ordinance substantially corresponding to~~  
14 ~~section 625(1), (3), or (6) or section 625b.~~

15 (9) If the secretary of state receives records of more than  
16 1 conviction of a person resulting from the same incident, a sus-  
17 pension shall be imposed only for the violation to which the  
18 longest period of suspension applies under this section.

19 (10) The secretary of state may waive a suspension of a  
20 person's license imposed under ~~subsection (4)(a), (b), (c), or~~  
21 ~~(d)~~ THIS ACT if the person submits proof that a court in another  
22 state revoked, suspended, or restricted his or her license for a  
23 period equal to or greater than the period of a suspension pre-  
24 scribed under ~~subsection (4)(a), (b), (c), or (d)~~ THIS ACT for  
25 the violation and that the revocation, suspension, or restriction  
26 was served for the violation, or may grant a restricted license.

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1           (11) THE SECRETARY OF STATE SHALL NOT ISSUE A RESTRICTED  
2 LICENSE TO A PERSON WHOSE LICENSE IS SUSPENDED UNDER THIS SECTION  
3 UNLESS A RESTRICTED LICENSE IS AUTHORIZED UNDER THIS SECTION AND  
4 THE PERSON IS OTHERWISE ELIGIBLE FOR A LICENSE.

5           (12) THE SECRETARY OF STATE SHALL NOT ISSUE A RESTRICTED  
6 LICENSE TO A PERSON UNDER SUBSECTION (7) THAT WOULD PERMIT THE  
7 PERSON TO OPERATE A COMMERCIAL MOTOR VEHICLE THAT HAULS HAZARDOUS  
8 MATERIAL.

9           (13) A RESTRICTED LICENSE ISSUED UNDER THIS SECTION SHALL  
10 PERMIT THE PERSON TO WHOM IT IS ISSUED TO DRIVE UNDER 1 OR MORE  
11 OF THE FOLLOWING CIRCUMSTANCES:

12           (A) TO AND FROM THE PERSON'S RESIDENCE AND WORK LOCATION.

13           (B) IN THE COURSE OF THE PERSON'S EMPLOYMENT OR OCCUPATION.

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

16           (D) TO AND FROM THE PERSON'S RESIDENCE AND THE COURT PROBA-  
17 TION DEPARTMENT OR A COURT-ORDERED COMMUNITY SERVICE PROGRAM, OR  
18 BOTH.

19           (E) TO AND FROM THE PERSON'S RESIDENCE AND AN EDUCATIONAL  
20 INSTITUTION AT WHICH THE PERSON IS ENROLLED AS A STUDENT.

21           (F) TO AND FROM THE PERSON'S RESIDENCE OR WORK LOCATION AND  
22 A PLACE OF REGULARLY OCCURRING MEDICAL TREATMENT FOR A SERIOUS  
23 CONDITION FOR THE PERSON OR A MEMBER OF THE PERSON'S HOUSEHOLD OR  
24 IMMEDIATE FAMILY.

25           (14) THE RESTRICTED LICENSE SHALL INDICATE THE PERMITTED  
26 DESTINATIONS OF THE PERSON OR THE PERMITTED PURPOSES FOR WHICH  
27 THE PERSON MAY OPERATE A VEHICLE, THE APPROVED ROUTE OR ROUTES IF

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1 SPECIFIED BY THE SECRETARY OF STATE, AND PERMITTED TIMES OF  
2 TRAVEL. WHILE DRIVING, THE PERSON SHALL CARRY PROOF OF HIS OR  
3 HER DESTINATION AND THE HOURS OF ANY EMPLOYMENT, CLASS, OR OTHER  
4 REASON FOR TRAVELING.

5 (15) AS USED IN SUBSECTION (7), "PRIOR CONVICTION" MEANS A  
6 CONVICTION FOR ANY OF THE FOLLOWING, WHETHER UNDER A LAW OF THIS  
7 STATE, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO A LAW OF  
8 THIS STATE, OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING  
9 TO A LAW OF THIS STATE:

10 (A) A VIOLATION OR ATTEMPTED VIOLATION OF SECTION 625(1),  
11 (3), (4), (5), OR (7), SECTION 625M, FORMER SECTION 625(1) OR  
12 (2), OR FORMER SECTION 625B.

13 (B) NEGLIGENT HOMICIDE, MANSLAUGHTER, OR MURDER RESULTING  
14 FROM THE OPERATION OF A VEHICLE OR AN ATTEMPT TO COMMIT 1 OF  
15 THOSE CRIMES.

16 (C) FOR PURPOSES OF THE SUSPENSIONS DESCRIBED IN SUBSECTION  
17 (7)(C) AND (D) ONLY, A VIOLATION OR ATTEMPTED VIOLATION OF SEC-  
18 TION 625(6).

19 (16) AS USED IN SUBSECTION (13), "WORK LOCATION" MEANS, AS  
20 APPLICABLE, THE SPECIFIC PLACE OR PLACES OF EMPLOYMENT OR THE  
21 TERRITORY OR TERRITORIES REGULARLY VISITED BY THE PERSON IN PUR-  
22 SUANCE OF THE PERSON'S OCCUPATION, OR BOTH.

23 Sec. 319b. (1) The secretary of state shall immediately  
24 suspend or revoke, as applicable, all vehicle group designations  
25 on the operator's or chauffeur's license of a person upon receiv-  
26 ing notice of a conviction, bond forfeiture, or civil infraction  
27 determination of the person, or notice that a court or



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1 administrative tribunal has found the person responsible, for a  
2 violation described in this subsection of a law of this state, a  
3 local ordinance substantially corresponding to a law of this  
4 state, or a law of another state substantially corresponding to a  
5 law of this state ~~—~~ or notice that the person has refused to  
6 submit to a chemical test of his or her blood, breath, or urine  
7 for the purpose of determining the amount OR PRESENCE of alcohol,  
8 ~~or presence of~~ a controlled substance, OR A CHEMICAL AGENT, or  
9 ~~both~~ ANY COMBINATION OF ALCOHOL, A CONTROLLED SUBSTANCE, OR A  
10 CHEMICAL AGENT in the person's blood, BREATH, OR URINE while the  
11 person was operating a commercial motor vehicle as required by a  
12 law or local ordinance of this or another state. The period of  
13 suspension or revocation is as follows:

14 (a) Suspension for 60 days if the licensee is convicted of  
15 or found responsible for 2 serious traffic violations while oper-  
16 ating a commercial motor vehicle arising from separate incidents  
17 within 36 months.

18 (b) Suspension for 120 days if the licensee is convicted of  
19 or found responsible for 3 serious traffic violations while oper-  
20 ating a commercial motor vehicle arising from separate incidents  
21 within 36 months.

22 (c) Suspension for 1 year if the licensee is convicted of or  
23 found responsible for 1 of the following:

24 (i) A violation of section 625(1), (3), ~~(4), or (5),~~ OR  
25 (7), section 625m, ~~or~~ former section 625(1) or (2), or former  
26 section 625b, ~~or~~ a local ordinance substantially corresponding  
27 to section 625(1) or (3), section 625m, ~~or~~ former section

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1 625(1) or (2), or former section 625b, or a law of another state  
2 substantially corresponding to section 625(1), (3), ~~(4), or~~  
3 ~~(5),~~ OR (7), section 625m, ~~or~~ former section 625(1) or (2), or  
4 former section 625b ~~,~~ while operating a commercial motor  
5 vehicle.

6 (ii) Leaving the scene of an accident involving a commercial  
7 motor vehicle operated by the licensee.

8 (iii) A felony in which a commercial motor vehicle was  
9 used.

10 (iv) A refusal OF A PEACE OFFICER'S REQUEST to submit to a  
11 chemical test of his or her blood, breath, or urine ~~for the pur-~~  
12 ~~pose of determining~~ TO DETERMINE the amount OR PRESENCE of  
13 alcohol, ~~or presence of~~ a controlled substance, OR A CHEMICAL  
14 AGENT, or ~~both~~ ANY COMBINATION OF ALCOHOL, A CONTROLLED SUB-  
15 STANCE, OR A CHEMICAL AGENT in his or her blood, BREATH, OR URINE  
16 while he or she was operating a commercial motor vehicle as  
17 required by a law or local ordinance of this state or another  
18 state.

19 (v) A 6-point violation as provided in section 320a while  
20 operating a commercial motor vehicle.

21 (d) Suspension for 3 years if the licensee is convicted of  
22 or found responsible for an offense enumerated in subdivision  
23 (c)(i) to (iv) in which a commercial motor vehicle was used if  
24 the vehicle was carrying hazardous material required to have a  
25 placard pursuant to 49 C.F.R. parts 100 to 199.

26 (e) Revocation for not less than 10 years and until the  
27 person is approved for the issuance of a vehicle group

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1 designation if a licensee is convicted of or found responsible  
2 for 1 of the following:

3       (i) A VIOLATION OF SECTION 625(4) OR (5) OR A LAW OF ANOTHER  
4 STATE SUBSTANTIALLY CORRESPONDING TO SECTION 625(4) OR (5) WHILE  
5 DRIVING A COMMERCIAL MOTOR VEHICLE.

6       (ii) NEGLIGENT HOMICIDE, MANSLAUGHTER, OR MURDER RESULTING  
7 FROM THE OPERATION OF A COMMERCIAL MOTOR VEHICLE, WHETHER UNDER A  
8 LAW OF THIS STATE OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRE-  
9 SPONDING TO A LAW OF THIS STATE.

10       (iii) ~~(i)~~ Any combination of 2 OR MORE violations ~~under~~  
11 ~~section~~ OR ATTEMPTED VIOLATIONS OF ANY OF THE FOLLOWING, WHETHER  
12 UNDER A LAW OF THIS STATE, A LOCAL ORDINANCE SUBSTANTIALLY CORRE-  
13 SPONDING TO A LAW OF THIS STATE, OR A LAW OF ANOTHER STATE SUB-  
14 STANTIALLY CORRESPONDING TO A LAW OF THIS STATE:

15       (A) SECTION 625(1), (3), (4), ~~or~~ (5), OR (7), section  
16 625m, ~~or~~ former section 625(1) or (2), or former section 625b  
17 ~~, a local ordinance substantially corresponding to section~~  
18 ~~625(1) or (3), section 625m, or former section 625(1) or (2), or~~  
19 ~~former section 625b, or a law of another state substantially cor-~~  
20 ~~responding to section 625(1), (3), (4), or (5), section 625m, or~~  
21 ~~former section 625(1) or (2), or former section 625b~~ while driv-  
22 ing a commercial motor vehicle.

23       (B) NEGLIGENT HOMICIDE, MANSLAUGHTER, OR MURDER RESULTING  
24 FROM THE OPERATION OF A COMMERCIAL MOTOR VEHICLE.

25       (iv) ~~(ii)~~ Two violations of leaving the scene of an acci-  
26 dent involving a commercial motor vehicle operated by the  
27 licensee.

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1       (v) ~~(iii)~~ Two violations of a felony in which a commercial  
2 motor vehicle was used.

3       (vi) ~~(iv)~~ Two refusals of a PEACE OFFICER'S request ~~of a~~  
4 ~~police officer~~ to submit to a chemical test of his or her blood,  
5 breath, or urine ~~for the purpose of determining~~ TO DETERMINE  
6 the amount OR PRESENCE of alcohol, ~~or presence of~~ a controlled  
7 substance, OR A CHEMICAL AGENT, or ~~both~~ ANY COMBINATION OF  
8 ALCOHOL, A CONTROLLED SUBSTANCE, OR A CHEMICAL AGENT in his or  
9 her blood, BREATH, OR URINE while he or she was operating a com-  
10 mercial motor vehicle in this state or another state ~~, which~~ IF  
11 THE refusals occurred in separate incidents.

12       (vii) ~~(v)~~ Two ANY COMBINATION OF 2 OR MORE ~~violations, in~~  
13 ~~any combination, of the~~ offenses enumerated ~~under~~ IN subpara-  
14 graph (i), (ii), (iii), ~~or~~ (iv), (v), OR (vi) arising from 2 or  
15 more separate incidents.

16       (viii) ~~(vi)~~ One violation of a felony in which a commer-  
17 cial motor vehicle was used and that involved the manufacture,  
18 ~~distribution, or dispensing~~ CREATION, OR DELIVERY of a con-  
19 trolled substance or possession with intent to manufacture,  
20 ~~distribute, or dispense~~ CREATE, OR DELIVER a controlled  
21 substance.

22       (ix) A VIOLATION OF SECTION 625M(1) PUNISHABLE UNDER  
23 SECTION 625M(5).

24       (2) The secretary of state shall immediately suspend all  
25 vehicle group designations on the operator's or chauffeur's  
26 license of a person upon receiving notice of a conviction, bond  
27 forfeiture, or civil infraction determination of the person, or

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1 notice that a court or administrative tribunal has found the  
2 person responsible, for a violation of section 319d(4) or 319f, a  
3 local ordinance substantially corresponding to section 319d(4) or  
4 319f, or a law or local ordinance of another state, the United  
5 States, Canada, Mexico, or a local jurisdiction of ~~either of~~  
6 ~~these countries~~ CANADA OR MEXICO substantially corresponding to  
7 section 319d(4) or 319f ~~—~~, while operating a commercial motor  
8 vehicle. ~~as defined in section 7a.~~ The period of suspension or  
9 revocation is as follows:

10 (a) Suspension for 90 days if the licensee is convicted of  
11 or found responsible for a violation of section 319d(4) or 319f  
12 while operating a commercial motor vehicle.

13 (b) Suspension for 180 days if the licensee is convicted of  
14 or found responsible for a violation of section 319d(4) or 319f  
15 while operating a commercial motor vehicle THAT IS either carry-  
16 ing hazardous material required to have a placard pursuant to 49  
17 C.F.R. parts 100 to 199 ~~—~~, or ~~that is~~ designed to carry 16 or  
18 more passengers, including the driver.

19 (c) Suspension for 1 year if the licensee is convicted of or  
20 found responsible for 2 violations, in any combination, of sec-  
21 tion 319d(4) or 319f while operating a commercial motor vehicle  
22 arising from 2 or more separate incidents during a 10-year  
23 period.

24 (d) Suspension for 3 years if the licensee is convicted of  
25 or found responsible for 3 or more violations, in any combina-  
26 tion, of section 319d(4) or 319f while operating a commercial

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1 motor vehicle arising from 3 or more separate incidents during a  
2 10-year period.

3 (e) Suspension for 3 years if the licensee is convicted of  
4 or found responsible for 2 or more violations, in any combina-  
5 tion, of section 319d(4) or 319f while operating a commercial  
6 motor vehicle carrying hazardous material required to have a  
7 placard pursuant to 49 C.F.R. parts 100 to 199, or designed to  
8 carry 16 or more passengers, including the driver, arising from 2  
9 or more separate incidents during a 10-year period.

10 (3) As used in this section:

11 (a) "Felony in which a commercial motor vehicle was used"  
12 means a felony during the commission of which the person con-  
13 victed operated a commercial motor vehicle and while the person  
14 was operating the vehicle 1 or more of the following circum-  
15 stances existed:

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

17 (ii) The vehicle was used to transport a victim of the  
18 felony.

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

20 (iv) The vehicle was necessary for the commission of the  
21 felony.

22 (b) "Serious traffic violation" means a traffic violation  
23 that occurs in connection with an accident in which a person  
24 ~~died~~ DIES, careless driving, excessive speeding as defined in  
25 the federal administrative regulations promulgated to implement  
26 the commercial motor vehicle safety act of 1986, title XII of  
27 Public Law 99-570, 100 Stat. 3207-170, improper lane use,

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1 following too closely, or any other serious traffic violation as  
2 defined in 49 C.F.R. 383.5 or as prescribed under this act.

3 (4) For the purpose of this section only, a bond forfeiture  
4 or a determination by a court of original jurisdiction or ~~by~~ an  
5 authorized administrative tribunal that a person has violated the  
6 law is considered a conviction.

7 (5) The secretary of state shall suspend or revoke a vehicle  
8 group designation under subsection (1) notwithstanding a suspen-  
9 sion, restriction, revocation, or denial of an operator's or  
10 chauffeur's license or vehicle group designation under another  
11 section of this act or a court order issued under another section  
12 of this act or a local ordinance substantially corresponding to  
13 another section of this act.

14 (6) ~~The secretary of state, when~~ WHEN determining the  
15 applicability of conditions listed in this section, THE SECRETARY  
16 OF STATE shall only consider violations that occurred after  
17 January 1, 1990.

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

23 (a) The person is under the influence of intoxicating  
24 liquor, a controlled substance, A CHEMICAL AGENT, or ~~a~~ ANY com-  
25 bination of intoxicating liquor, ~~and~~ a controlled substance, OR  
26 A CHEMICAL AGENT.

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1 (b) The person has an alcohol content of 0.10 grams or more  
2 per 100 milliliters of blood, per 210 liters of breath, or per 67  
3 milliliters of urine.

4 (2) The owner of a vehicle or a person in charge or in con-  
5 trol of a vehicle shall not authorize or knowingly permit the  
6 vehicle to be operated upon a highway or other place open to the  
7 general public or generally accessible to motor vehicles, includ-  
8 ing an area designated for the parking of motor vehicles, within  
9 this state by a person who is under the influence of intoxicating  
10 liquor, a controlled substance, A CHEMICAL AGENT, or ~~a~~ ANY com-  
11 bination of intoxicating liquor, ~~and~~ a controlled substance, OR  
12 A CHEMICAL AGENT or who has an alcohol content of 0.10 grams or  
13 more per 100 milliliters of blood, per 210 liters of breath, or  
14 per 67 milliliters of urine.

15 (3) A person, whether licensed or not, shall not operate a  
16 vehicle upon a highway or other place open to the general public  
17 or generally accessible to motor vehicles, including an area des-  
18 ignated for the parking of vehicles, within this state when, due  
19 to the consumption of ~~an~~ intoxicating liquor, a controlled sub-  
20 stance, A CHEMICAL AGENT, or ~~a~~ ANY combination of ~~an~~ intoxi-  
21 cating liquor, ~~and~~ a controlled substance, OR A CHEMICAL AGENT,  
22 the person's ability to operate the vehicle is visibly impaired.  
23 If a person is charged with violating subsection (1), a finding  
24 of guilty under this subsection may be rendered.

25 (4) A person, whether licensed or not, who operates a motor  
26 vehicle in violation of subsection (1) or (3) and by the  
27 operation of that motor vehicle causes the death of another



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1 person is guilty of a felony punishable by imprisonment for not  
2 more than 15 years or a fine of not less than \$2,500.00 or more  
3 than \$10,000.00, or both. ~~The~~ IF THE VIOLATION OCCURS WITHIN 7  
4 YEARS OF A PRIOR CONVICTION, THE COURT SHALL ORDER RESTRICTED  
5 REGISTRATION PLATES UNDER SECTION 904D OR VEHICLE IMMOBILIZATION  
6 UNDER SECTION 904E. IF THE VIOLATION OCCURS WITHIN 10 YEARS OF 2  
7 OR MORE PRIOR CONVICTIONS, THE judgment of sentence ~~may~~ SHALL  
8 impose the sanction ~~permitted~~ REQUIRED under section 625n.  
9 FOLLOWING NOTICE AND AN OPPORTUNITY FOR A HEARING, THE COURT MAY  
10 ORDER A PERSON CONVICTED OF VIOLATING THIS SUBSECTION TO PAY  
11 CHILD SUPPORT TO THE PARENT OR GUARDIAN OF THE MINOR CHILD OF ANY  
12 PERSON WHO DIED AS A RESULT OF THE VIOLATION. THE COURT SHALL  
13 DETERMINE THE AMOUNT OF CHILD SUPPORT BY APPLYING THE CHILD SUP-  
14 PORT FORMULA DEVELOPED UNDER SECTION 19 OF THE FRIEND OF THE  
15 COURT ACT, 1982 PA 294, MCL 552.519, CONSIDERING THE CONVICTED  
16 DEFENDANT AS IF HE OR SHE WERE A PARENT OF THE CHILD.

17 (5) A person, whether licensed or not, who operates a motor  
18 vehicle in violation of subsection (1) or (3) and by the opera-  
19 tion of that motor vehicle causes a serious impairment of a body  
20 function of another person is guilty of a felony punishable by  
21 imprisonment for not more than 5 years or a fine of not less than  
22 \$1,000.00 or more than \$5,000.00, or both. ~~The~~ IF THE VIOLA-  
23 TION OCCURS WITHIN 7 YEARS OF A PRIOR CONVICTION, THE COURT SHALL  
24 ORDER RESTRICTED REGISTRATION PLATES UNDER SECTION 904D OR VEHI-  
25 CLE IMMOBILIZATION UNDER SECTION 904E. IF THE VIOLATION OCCURS  
26 WITHIN 10 YEARS OF 2 OR MORE PRIOR CONVICTIONS, THE judgment of  
27 sentence ~~may~~ SHALL impose the sanction ~~permitted~~ REQUIRED

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1 under section 625n. FOLLOWING NOTICE AND AN OPPORTUNITY FOR A  
2 HEARING, THE COURT MAY ORDER A PERSON CONVICTED OF VIOLATING THIS  
3 SUBSECTION TO PAY CHILD SUPPORT TO THE PARENT OR GUARDIAN OF THE  
4 MINOR CHILD OF ANY PERSON WHO SUFFERED A LONG-TERM INCAPACITATING  
5 INJURY AS A RESULT OF THE VIOLATION. THE COURT SHALL DETERMINE  
6 THE AMOUNT OF CHILD SUPPORT BY APPLYING THE CHILD SUPPORT FORMULA  
7 DEVELOPED UNDER SECTION 19 OF THE FRIEND OF THE COURT ACT, 1982  
8 PA 294, MCL 552.519, CONSIDERING THE CONVICTED DEFENDANT AS IF HE  
9 OR SHE WERE A PARENT OF THE CHILD. As used in this subsection,  
10 "serious impairment of a body function" includes, but is not  
11 limited to, 1 or more of the following:

- 12 (a) Loss of a limb or use of a limb.
- 13 (b) Loss of a hand, foot, finger, or thumb or use of a hand,  
14 foot, finger, or thumb.
- 15 (c) Loss of an eye or ear or use of an eye or ear.
- 16 (d) Loss or substantial impairment of a bodily function.
- 17 (e) Serious visible disfigurement.
- 18 (f) A comatose state that lasts for more than 3 days.
- 19 (g) Measurable brain damage or mental impairment.
- 20 (h) A skull fracture or other serious bone fracture.
- 21 (i) Subdural hemorrhage or subdural hematoma.
- 22 (6) A person who is less than 21 years of age, whether  
23 licensed or not, shall not operate a vehicle upon a highway or  
24 other place open to the general public or generally accessible to  
25 motor vehicles, including an area designated for the parking of  
26 vehicles, within this state if the person has any bodily alcohol

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1 content. As used in this subsection, "any bodily alcohol  
2 content" means either of the following:

3 (a) An alcohol content of not less than 0.02 grams or more  
4 than 0.07 grams per 100 milliliters of blood, per 210 liters of  
5 breath, or per 67 milliliters of urine.

6 (b) Any presence of alcohol within a person's body resulting  
7 from the consumption of intoxicating liquor, other than consump-  
8 tion of intoxicating liquor as a part of a generally recognized  
9 religious service or ceremony.

10 (7) A PERSON WHO OPERATES OR ATTEMPTS TO OPERATE A VEHICLE  
11 IN VIOLATION OF SUBSECTION (1), (3), (4) (5), OR (6) WHILE  
12 ANOTHER PERSON WHO IS LESS THAN 16 YEARS OF AGE IS OCCUPYING THE  
13 VEHICLE IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR  
14 NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN \$1,000.00, OR  
15 BOTH. IF THE VIOLATION OCCURS WITHIN 7 YEARS OF A PRIOR CONVIC-  
16 TION, THE COURT SHALL ORDER RESTRICTED REGISTRATION PLATES PURSU-  
17 ANT TO SECTION 904D OR VEHICLE IMMOBILIZATION PURSUANT TO SECTION  
18 904E. IF THE VIOLATION OCCURS WITHIN 10 YEARS OR 2 OR MORE PRIOR  
19 CONVICTIONS, THE JUDGMENT OF SENTENCE SHALL IMPOSE THE SANCTION  
20 REQUIRED UNDER SECTION 625N. THIS SECTION DOES NOT PROHIBIT A  
21 PERSON FROM BEING CHARGED WITH, CONVICTED OF, OR PUNISHED FOR A  
22 VIOLATION OF SUBSECTION (1), (3), (4), (5), OR (6) THAT IS COM-  
23 MITTED BY THE PERSON WHILE VIOLATING THIS SUBSECTION. HOWEVER,  
24 POINTS SHALL NOT BE ASSESSED UNDER SECTION 320A FOR BOTH A VIOLA-  
25 TION OF SUBSECTION (1), (3), (4), (5), OR (6) AND A VIOLATION OF  
26 THIS SUBSECTION FOR CONDUCT ARISING OUT OF THE SAME TRANSACTION.

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1 (8) ~~(7)~~ If a person is convicted of violating subsection  
2 (1), all of the following apply:

3 (a) Except as otherwise provided in subdivisions (b) and  
4 ~~(d)~~ (C), the person is guilty of a misdemeanor punishable by 1  
5 or more of the following:

6 (i) Community service for not more than 45 days.

7 (ii) Imprisonment for not more than ~~90~~ 93 days.

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

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

12 (i) Community service for not less than 10 days or more than  
13 90 days and may be imprisoned for not more than 1 year.

14 (ii) Imprisonment for not less than 48 consecutive hours or  
15 more than 1 year and may be sentenced to community service for  
16 not more than 90 days.

17 ~~(c) A term of imprisonment imposed under subdivision~~  
18 ~~(b)(ii) shall not be suspended.~~

19 (C) ~~(d)~~ If the violation occurs within 10 years of 2 or  
20 more prior convictions, the person is guilty of a felony and  
21 shall be sentenced to pay a fine of not less than \$500.00 or more  
22 than \$5,000.00 and to either of the following:

23 (i) Imprisonment under the jurisdiction of the department of  
24 corrections for not less than 1 year or more than 5 years.

25 (ii) Probation with imprisonment in the county jail for not  
26 less than 30 days or more than 1 year. Not less than 48 hours of

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1 the imprisonment imposed under this subparagraph shall be served  
2 consecutively.

3       (D) ~~(e) The~~ A term of imprisonment imposed under subdivi-  
4 sion ~~(d)~~ (B)(ii) OR (C) shall not be suspended.

5       (E) FOR A VIOLATION DESCRIBED IN SUBDIVISION (B), THE COURT  
6 SHALL ORDER RESTRICTED REGISTRATION PLATES UNDER SECTION 904D OR  
7 VEHICLE IMMOBILIZATION UNDER SECTION 904E.

8       (f) The judgment of sentence under ~~this subsection may~~  
9 SUBDIVISION (C) SHALL impose the sanction ~~permitted~~ REQUIRED  
10 under section 625n.

11       ~~(g) As used in this subsection, "prior conviction" means a~~  
12 ~~conviction for a violation or attempted violation of subsection~~  
13 ~~(1), (4), or (5) or former section 625(1) or (2), a local ordi-~~  
14 ~~nance substantially corresponding to subsection (1) or former~~  
15 ~~section 625(1) or (2), or a law of another state substantially~~  
16 ~~corresponding to subsection (1), (4), or (5) or former section~~  
17 ~~625(1) or (2).~~

18       (9) ~~(8)~~ A person who is convicted of violating subsection  
19 (2) is guilty of a misdemeanor punishable by imprisonment for not  
20 more than ~~90~~ 93 days or a fine of not less than \$100.00 or more  
21 than \$500.00, or both.

22       (10) ~~(9)~~ If a person is convicted of violating subsection  
23 (3), all of the following apply:

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

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1 (i) Community service for not more than 45 days.

2 (ii) Imprisonment for not more than ~~90~~ 93 days.

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

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

8 (i) Community service for not less than 10 days or more than  
9 90 days and may be sentenced to imprisonment for not more than 1  
10 year.

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

13 (c) If the violation occurs within 10 years of 2 or more  
14 prior convictions, the person IS GUILTY OF A FELONY AND shall be  
15 sentenced to pay a fine of not less than ~~-\$200.00-~~ \$500.00 or  
16 more than ~~-\$1,000.00,-~~ \$5,000.00 and TO either of the following:

17 (i) ~~Community service for not less than 10 days or more~~  
18 ~~than 90 days and may be sentenced to imprisonment~~ IMPRISONMENT  
19 UNDER THE JURISDICTION OF THE DEPARTMENT OF CORRECTIONS for not  
20 ~~more~~ LESS than 1 year OR MORE THAN 5 YEARS.

21 (ii) ~~Imprisonment~~ PROBATION WITH IMPRISONMENT IN THE  
22 COUNTY JAIL for not LESS THAN 30 DAYS OR more than 1 year. ~~and~~  
23 ~~may be sentenced to community service for not more than 90 days.~~  
24 NOT LESS THAN 48 HOURS OF THE IMPRISONMENT IMPOSED UNDER THIS  
25 SUBPARAGRAPH SHALL BE SERVED CONSECUTIVELY.

26 (D) A TERM OF IMPRISONMENT IMPOSED UNDER SUBDIVISION (C)  
27 SHALL NOT BE SUSPENDED.

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1 (E) FOR A VIOLATION DESCRIBED IN SUBDIVISION (B), THE COURT  
2 SHALL ORDER RESTRICTED REGISTRATION PLATES UNDER SECTION 904D OR  
3 VEHICLE IMMOBILIZATION UNDER SECTION 904E.

4 (F) ~~(d)~~ The judgment of sentence under subdivision ~~(b)~~  
5 ~~or~~ (c) ~~may~~ SHALL impose the sanction ~~permitted~~ REQUIRED  
6 under section 625n.

7 ~~(e) As used in this subsection, "prior conviction" means a~~  
8 ~~conviction for a violation or attempted violation of subsection~~  
9 ~~(1), (3), (4), or (5), former section 625(1) or (2), or former~~  
10 ~~section 625b, a local ordinance substantially corresponding to~~  
11 ~~subsection (1) or (3), former section 625(1) or (2), or former~~  
12 ~~section 625b, or a law of another state substantially correspond-~~  
13 ~~ing to subsection (1), (3), (4), or (5), former section 625(1) or~~  
14 ~~(2), or former section 625b.~~

15 (11) ~~(10)~~ If a person is convicted of violating  
16 subsection (6), all of the following apply:

17 (a) Except as otherwise provided in subdivision (b), the  
18 person is guilty of a misdemeanor punishable by 1 or both of the  
19 following:

20 (i) Community service for not more than 45 days.

21 (ii) A fine of not more than \$250.00.

22 (b) If the violation occurs within 7 years of 1 or more  
23 prior convictions, the person may be sentenced to 1 or ~~both~~  
24 MORE of the following:

25 (i) Community service for not more than 60 days.

26 (ii) IMPRISONMENT FOR NOT MORE THAN 93 DAYS.

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1           (iii) ~~(ii)~~ A fine of not more than \$500.00.

2           ~~(c) As used in this subsection, "prior conviction" means a~~  
3 ~~conviction for a violation or attempted violation of subsection~~  
4 ~~(1), (3), (4), (5), or (6), former section 625(1) or (2), or~~  
5 ~~former section 625b, a local ordinance substantially correspond-~~  
6 ~~ing to subsection (1), (3), or (6), former section 625(1) or (2),~~  
7 ~~or former section 625b, or a law of another state substantially~~  
8 ~~corresponding to subsection (1), (3), (4), (5), or (6), former~~  
9 ~~section 625(1) or (2), or former section 625b.~~

10           (12) ~~(11)~~ In addition to imposing the sanctions prescribed  
11 under subsection (4), (5), (7), ~~(9), or~~ (8), (10), OR (11), the  
12 court may order the person to pay the costs of the prosecution  
13 under the code of criminal procedure, ~~Act No. 175 of the Public~~  
14 ~~Acts of 1927, being sections 760.1 to 776.22 of the Michigan~~  
15 ~~Compiled Laws 1927 PA 175, MCL 760.1 TO 776.22.~~

16           ~~(12) The court shall impose licensing sanctions pursuant to~~  
17 ~~section 625b.~~

18           (13) A person sentenced to perform community service under  
19 this section shall not receive compensation and shall reimburse  
20 the state or appropriate local unit of government for the cost of  
21 supervision incurred by the state or local unit of government as  
22 a result of the person's activities in that service.

23           (14) If the prosecuting attorney intends to seek an enhanced  
24 sentence under ~~subsection (7)(b) or (d), subsection (9)(b) or~~  
25 ~~(c), or subsection (10)(b)~~ THIS SECTION OR A SANCTION UNDER SEC-  
26 TION 625N, 904D, OR 904E based upon the defendant having 1 or  
27 more prior convictions, the prosecuting attorney shall include on



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1 the complaint and information, or an amended complaint and  
2 information, filed in district court, circuit court, recorder's  
3 court, municipal court, or ~~probate~~ FAMILY DIVISION OF CIRCUIT  
4 court, a statement listing the defendant's prior convictions.

5 (15) If a person is charged with a violation of subsection  
6 (1), ~~or~~ (3), (4), (5), OR (7), the court shall not permit the  
7 defendant to enter a plea of guilty or nolo contendere to a  
8 charge of violating subsection (6) in exchange for dismissal of  
9 the original charge. This subsection does not prohibit the court  
10 from dismissing the charge upon the prosecuting attorney's  
11 motion.

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

14 (a) An abstract of conviction.

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

16 (c) An admission by the defendant.

17 (17) A person who is convicted of an attempted violation of  
18 subsection (1), (3), (4), (5), ~~or~~ (6), OR (7) or a local ordi-  
19 nance substantially corresponding to subsection (1), (3), or (6)  
20 shall be punished as if the offense had been completed.

21 ~~(18) When assessing points and taking licensing action~~  
22 ~~under this act, the secretary of state and the court shall treat~~  
23 ~~a conviction of an attempted violation of subsection (1), (3),~~  
24 ~~(4), (5), or (6) or a local ordinance substantially corresponding~~  
25 ~~to subsection (1), (3), or (6) or a law of another state substan-~~  
26 ~~tially corresponding to subsection (1), (3), (4), (5), or (6) the~~  
27 ~~same as if the offense had been completed.~~

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1           (18) ~~(19)~~ Except as otherwise provided in subsection  
2 ~~(21)~~ (20), if a person is charged with operating a vehicle  
3 while under the influence of a controlled substance or ~~a combi-~~  
4 ~~nation of intoxicating liquor and~~ a controlled substance IN COM-  
5 BINATION WITH INTOXICATING LIQUOR OR A CHEMICAL AGENT, OR BOTH,  
6 in violation of subsection (1) or a local ordinance substantially  
7 corresponding to subsection (1), the court shall require the jury  
8 to return a special verdict in the form of a written finding or,  
9 if the court convicts the person without a jury or accepts a plea  
10 of guilty or nolo contendere, the court shall make a finding as  
11 to whether the person was under the influence of a controlled  
12 substance or ~~a combination of intoxicating liquor and~~ a con-  
13 trolled substance IN COMBINATION WITH INTOXICATING LIQUOR OR A  
14 CHEMICAL AGENT, OR BOTH, at the time of the violation.

15           (19) ~~(20)~~ Except as otherwise provided in subsection  
16 ~~(21)~~ (20), if a person is charged with operating a vehicle  
17 while his or her ability to operate the vehicle was visibly  
18 impaired due to his or her consumption of a controlled substance  
19 or ~~a combination of intoxicating liquor and~~ a controlled sub-  
20 stance IN COMBINATION WITH INTOXICATING LIQUOR OR A CHEMICAL  
21 AGENT, OR BOTH, in violation of subsection (3) or a local ordi-  
22 nance substantially corresponding to subsection (3), the court  
23 shall require the jury to return a special verdict in the form of  
24 a written finding or, if the court convicts the person without a  
25 jury or accepts a plea of guilty or nolo contendere, the court  
26 shall make a finding as to whether, due to the consumption of a  
27 controlled substance or ~~a combination of intoxicating liquor~~

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1 ~~and~~ a controlled substance IN COMBINATION WITH INTOXICATING  
2 LIQUOR OR A CHEMICAL AGENT, OR BOTH, the person's ability to  
3 operate a motor vehicle was visibly impaired at the time of the  
4 violation.

5 (20) ~~(21)~~ A special verdict described in subsections ~~(19)~~  
6 ~~and (20)~~ (18) AND (19) is not required if a jury is instructed  
7 to make a finding solely as to either of the following:

8 (a) Whether the defendant was under the influence of a con-  
9 trolled substance or ~~a combination of intoxicating liquor and~~ a  
10 controlled substance IN COMBINATION WITH INTOXICATING LIQUOR OR A  
11 CHEMICAL AGENT, OR BOTH, at the time of the violation.

12 (b) Whether the defendant was visibly impaired due to his or  
13 her consumption of a controlled substance or ~~a combination of~~  
14 ~~intoxicating liquor and~~ a controlled substance IN COMBINATION  
15 WITH INTOXICATING LIQUOR OR A CHEMICAL AGENT, OR BOTH, at the  
16 time of the violation.

17 (21) ~~(22)~~ If a jury or court ~~makes a finding~~ FINDS under  
18 subsection ~~(19), (20), or (21)~~ (18), (19), OR (20) that the  
19 defendant operated a motor vehicle under the influence of or  
20 while impaired due to the consumption of a controlled substance  
21 or ~~a combination of~~ a controlled substance ~~and an~~ IN COMBINA-  
22 TION WITH intoxicating liquor OR A CHEMICAL AGENT, OR BOTH, the  
23 court shall do both of the following:

24 (a) Report the finding to the secretary of state.

25 (b) On a form or forms prescribed by the state court admin-  
26 istrator, forward to the department of state police a record that  
27 specifies the penalties imposed by the court, including any term

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1 of imprisonment, ~~any licensing sanction imposed under~~  
2 ~~section 625b,~~ and any sanction imposed under section 625n, 904D,  
3 OR 904E.

4 (22) ~~-(23)-~~ Except as otherwise provided by law, a record  
5 described in subsection ~~-(22)(b)-~~ (21)(B) is a public record and  
6 the department of state police shall retain the information con-  
7 tained on that record for not less than 7 years.

8 (23) ~~-(24)-~~ In a prosecution for a violation of subsection  
9 (6), the defendant bears the burden of proving that the consump-  
10 tion of intoxicating liquor was a part of a generally recognized  
11 religious service or ceremony by a preponderance of the  
12 evidence.

13 (24) AS USED IN THIS SECTION, "PRIOR CONVICTION" MEANS A  
14 CONVICTION FOR ANY OF THE FOLLOWING, WHETHER UNDER A LAW OF THIS  
15 STATE, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO A LAW OF  
16 THIS STATE, OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING  
17 TO A LAW OF THIS STATE:

18 (A) A VIOLATION OR ATTEMPTED VIOLATION OF SUBSECTION (1),  
19 (3), (4), (5), OR (7), SECTION 625M, FORMER SECTION 625(1) OR  
20 (2), OR FORMER SECTION 625B.

21 (B) NEGLIGENT HOMICIDE, MANSLAUGHTER, OR MURDER RESULTING  
22 FROM THE OPERATION OF A VEHICLE OR AN ATTEMPT TO COMMIT 1 OF  
23 THOSE CRIMES.

24 (C) FOR PURPOSES OF THE ENHANCEMENT DESCRIBED IN SUBSECTION  
25 (11)(B) ONLY, A VIOLATION OR ATTEMPTED VIOLATION OF SUBSECTION  
26 (6).

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1           Sec. 625a. (1) A peace officer may arrest a person without  
2 a warrant under either of the following circumstances:

3           (a) The peace officer has reasonable cause to believe the  
4 person was, at the time of an accident in this state, the opera-  
5 tor of a vehicle involved in the accident and was operating the  
6 vehicle in violation of section ~~625(1), (3), or (6)~~ 625 or a  
7 local ordinance substantially corresponding to section ~~625(1),~~  
8 ~~(3), or (6)~~ 625.

9           (b) The person is found in the driver's seat of a vehicle  
10 parked or stopped on a highway or street within this state if any  
11 part of the vehicle intrudes into the roadway and the peace offi-  
12 cer has reasonable cause to believe the person was operating the  
13 vehicle in violation of section ~~625(1), (3), or (6)~~ 625 or a  
14 local ordinance substantially corresponding to section ~~625(1),~~  
15 ~~(3), or (6)~~ 625.

16           (2) A peace officer who has reasonable cause to believe that  
17 a person was operating a vehicle upon a public highway or other  
18 place open to the public or generally accessible to motor vehi-  
19 cles, including an area designated for the parking of vehicles,  
20 within this state and that the person by the consumption of  
21 intoxicating liquor may have affected his or her ability to oper-  
22 ate a vehicle, ~~or~~ reasonable cause to believe that a person was  
23 operating a commercial motor vehicle within the state while the  
24 person's blood, breath, or urine contained any measurable amount  
25 of alcohol or while the person had any detectable presence of  
26 intoxicating liquor, or reasonable cause to believe that a person  
27 who is less than 21 years of age was operating a vehicle upon a

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1 public highway or other place open to the public or generally  
2 accessible to motor vehicles, including an area designated for  
3 the parking of vehicles, within this state while the person had  
4 any bodily alcohol content as ~~that term is~~ defined in section  
5 625(6) ~~—~~ may require the person to submit to a preliminary  
6 chemical breath analysis. The following provisions apply with  
7 respect to a preliminary chemical breath analysis administered  
8 ~~pursuant to~~ UNDER this subsection:

9 (a) A peace officer may arrest a person based in whole or in  
10 part upon the results of a preliminary chemical breath analysis.

11 (b) The results of a preliminary chemical breath analysis  
12 are admissible in a criminal prosecution for a crime enumerated  
13 in section 625c(1) or in an administrative hearing for 1 or more  
14 of the following purposes:

15 (i) To assist the court or hearing officer in determining a  
16 challenge to the validity of an arrest. This subparagraph does  
17 not limit the introduction of other competent evidence offered to  
18 establish the validity of an arrest.

19 (ii) As evidence of the defendant's breath alcohol content,  
20 if offered by the defendant.

21 (iii) As evidence of the defendant's breath alcohol content,  
22 if offered by the prosecution to rebut testimony or other evi-  
23 dence, including but not limited to testimony elicited on  
24 cross-examination of a prosecution witness, that is offered or  
25 elicited to prove that the defendant's breath alcohol content was  
26 lower at the time of the charged offense than when a chemical  
27 test was administered ~~pursuant to~~ UNDER subsection (6).

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1 (c) A person who submits to a preliminary chemical breath  
2 analysis remains subject to the requirements of sections 625c,  
3 625d, 625e, and 625f for purposes of chemical tests described in  
4 those sections.

5 (d) Except as provided in subsection (5), a person who  
6 refuses to submit to a preliminary chemical breath analysis upon  
7 a PEACE OFFICER'S lawful request ~~by a peace officer~~ is respon-  
8 sible for a civil infraction.

9 (3) A peace officer shall use the results of a preliminary  
10 chemical breath analysis conducted pursuant to this section to  
11 determine whether to order a person out-of-service under  
12 section 319d. A peace officer shall order out-of-service as  
13 required under section 319d a person who was operating a commer-  
14 cial motor vehicle and who refuses to submit to a preliminary  
15 chemical breath analysis as provided in this section. This sec-  
16 tion does not limit use of other competent evidence by the peace  
17 officer to determine whether to order a person out-of-service  
18 under section 319d.

19 (4) A person who was operating a commercial motor vehicle  
20 and who is requested to submit to a preliminary chemical breath  
21 analysis under this section shall be advised that refusing a  
22 peace officer's request to take a test described in this section  
23 is a misdemeanor punishable by imprisonment for not more than 90  
24 days or a fine of not more than \$100.00, or both, and will result  
25 in the issuance of a 24-hour out-of-service order.

26 (5) A person who was operating a commercial motor vehicle  
27 and who refuses to submit to a preliminary chemical breath

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1 analysis upon a peace officer's lawful request is guilty of a  
2 misdemeanor punishable by imprisonment for not more than 90 days  
3 or a fine of not more than \$100.00, or both.

4 (6) The following provisions apply with respect to chemical  
5 tests and analysis of a person's blood, urine, or breath, other  
6 than preliminary chemical breath analysis:

7 (a) The amount OR PRESENCE of alcohol, ~~or presence of~~ a  
8 controlled substance, or ~~both~~ A CHEMICAL AGENT, OR ANY COMBINA-  
9 TION OF ALCOHOL, A CONTROLLED SUBSTANCE, OR A CHEMICAL AGENT in a  
10 ~~driver's~~ PERSON'S blood, BREATH, or urine ~~or the amount of~~  
11 ~~alcohol in a person's breath~~ at the time alleged as shown by  
12 chemical analysis of the person's blood, urine, or breath is  
13 admissible into evidence in any civil or criminal proceeding.

14 (b) A person arrested for a crime described in  
15 section 625c(1) shall be advised of all of the following:

16 (i) If he or she takes a chemical test of his or her blood,  
17 urine, or breath administered at the request of a peace officer,  
18 he or she has the right to demand that a person of his or her own  
19 choosing administer 1 of the chemical tests.

20 (ii) The results of the test are admissible in a judicial  
21 proceeding as provided under this act and will be considered with  
22 other ~~competent~~ RELEVANT evidence in determining the  
23 defendant's innocence or guilt.

24 (iii) He or she is responsible for obtaining a chemical  
25 analysis of a test sample obtained pursuant to his or her own  
26 request.



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1           (iv) If he or she refuses the request of a peace officer to  
2 take a test described in subparagraph (i), a test shall not be  
3 given without a court order, but the peace officer may seek to  
4 obtain ~~such~~ a court order.

5           (v) Refusing a peace officer's request to take a test  
6 described in subparagraph (i) will result in the suspension of  
7 his or her operator's or chauffeur's license and vehicle group  
8 designation or operating privilege and in the addition of 6  
9 points to his or her driver record.

10          (c) A sample or specimen of urine or breath shall be taken  
11 and collected in a reasonable manner. Only a licensed physician,  
12 or an individual operating under the delegation of a licensed  
13 physician under section 16215 of the public health code, ~~Act~~  
14 ~~No. 368 of the Public Acts of 1978, being section 333.16215 of~~  
15 ~~the Michigan Compiled Laws 1978 PA 368, MCL 333.16215, qualified~~  
16 to withdraw blood and acting in a medical environment, may with-  
17 draw blood at a peace officer's request to determine the amount  
18 ~~of alcohol~~ or presence of ALCOHOL, a controlled substance, or  
19 ~~both~~ A CHEMICAL AGENT, OR ANY COMBINATION OF ALCOHOL, A CON-  
20 TROLLED SUBSTANCE, OR A CHEMICAL AGENT in the person's blood, as  
21 provided in this subsection. Liability for a crime or civil dam-  
22 ages predicated on the act of withdrawing or analyzing blood and  
23 related procedures does not attach to a licensed physician or  
24 individual operating under the delegation of a licensed physician  
25 who withdraws or analyzes blood or assists in the withdrawal or  
26 analysis in accordance with this act unless the withdrawal or  
27 analysis is performed in a negligent manner.

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1 (d) A chemical test described in this subsection shall be  
2 administered at the request of a peace officer having reasonable  
3 grounds to believe the person has committed a crime described in  
4 section 625c(1). A person who takes a chemical test administered  
5 at a peace officer's request as provided in this section shall be  
6 given a reasonable opportunity to have a person of his or her own  
7 choosing administer 1 of the chemical tests described in this  
8 subsection within a reasonable time after his or her detention.  
9 The test results are admissible and shall be considered with  
10 other ~~competent~~ RELEVANT evidence in determining the  
11 defendant's innocence or guilt. If the person charged is admin-  
12 istered a chemical test by a person of his or her own choosing,  
13 the person charged is responsible for obtaining a chemical analy-  
14 sis of the test sample.

15 (e) If, after an accident, the driver of a vehicle involved  
16 in the accident is transported to a medical facility and a sample  
17 of the driver's blood is withdrawn at that time for medical  
18 treatment, the results of a chemical analysis of that sample are  
19 admissible in any civil or criminal proceeding to show the amount  
20 OR PRESENCE of alcohol, ~~or presence of~~ a controlled substance,  
21 or ~~both~~ A CHEMICAL AGENT, OR ANY COMBINATION OF ALCOHOL, A CON-  
22 TROLLED SUBSTANCE, OR A CHEMICAL AGENT in the person's blood at  
23 the time alleged, regardless of whether the person had been  
24 offered or had refused a chemical test. The medical facility or  
25 person performing the chemical analysis shall disclose the  
26 results of the analysis to a prosecuting attorney who requests  
27 the results for use in a criminal prosecution as provided in this

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1 subdivision. A medical facility or person disclosing information  
2 in compliance with this ~~subsection~~ SUBDIVISION is not civilly  
3 or criminally liable for making the disclosure.

4 (f) If, after an accident, the driver of a vehicle involved  
5 in the accident is deceased, a sample of the decedent's blood  
6 shall be withdrawn in a manner directed by the medical examiner  
7 to determine the amount OR PRESENCE of alcohol, ~~or the presence~~  
8 ~~of~~ a controlled substance, OR A CHEMICAL AGENT, or ~~both,~~ ANY  
9 COMBINATION OF ALCOHOL, A CONTROLLED SUBSTANCE, OR A CHEMICAL  
10 AGENT in the decedent's blood. The medical examiner shall give  
11 the results of the chemical analysis of the sample to the law  
12 enforcement agency investigating the accident and that agency  
13 shall forward the results to the department of state police.

14 (g) The department of state police shall promulgate uniform  
15 rules ~~pursuant to~~ IN COMPLIANCE WITH the administrative proce-  
16 dures act of 1969, ~~Act No. 306 of the Public Acts of 1969, being~~  
17 ~~sections 24.201 to 24.328 of the Michigan Compiled Laws 1969 PA~~  
18 306, MCL 24.201 TO 24.328, for the administration of chemical  
19 tests for the purposes of this section. An instrument used for a  
20 preliminary chemical breath analysis may be used for a chemical  
21 test described in this subsection if approved under rules promul-  
22 gated by the department of state police.

23 (7) The provisions of subsection (6) relating to chemical  
24 testing do not limit the introduction of any other ~~competent~~  
25 RELEVANT evidence bearing upon the question of whether a person  
26 was impaired by, or under the influence of, intoxicating liquor,  
27 ~~or~~ a controlled substance, A CHEMICAL AGENT, or ~~a~~ ANY

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1 combination of intoxicating liquor, ~~and~~ a controlled substance,  
2 OR A CHEMICAL AGENT, or whether the person had an alcohol content  
3 of 0.10 grams or more per 100 milliliters of blood, per 210  
4 liters of breath, or per 67 milliliters of urine, or if the  
5 person is less than 21 years of age, whether the person had any  
6 bodily alcohol content AS DEFINED IN SECTION 625(6). ~~within his~~  
7 ~~or her body. As used in this section, "any bodily alcohol~~  
8 ~~content" means either of the following:~~

9       ~~(a) An alcohol content of not less than 0.02 grams or more~~  
10 ~~than 0.07 grams per 100 milliliters of blood, per 210 liters of~~  
11 ~~breath, or per 67 milliliters of urine.~~

12       ~~(b) Any presence of alcohol within a person's body resulting~~  
13 ~~from the consumption of intoxicating liquor, other than consump-~~  
14 ~~tion of intoxicating liquor as a part of a generally recognized~~  
15 ~~religious service or ceremony.~~

16       (8) If a chemical test described in subsection (6) is admin-  
17 istered, the test results shall be made available to the person  
18 charged or the person's attorney upon written request to the  
19 prosecution, with a copy of the request filed with the court.  
20 The prosecution shall furnish the results at least 2 days before  
21 the day of the trial. The prosecution shall offer the test  
22 results as evidence in that trial. Failure to fully comply with  
23 the request bars the admission of the results into evidence by  
24 the prosecution.

25       (9) Except in a prosecution relating solely to a violation  
26 of section 625(1)(b) or (6), the amount of alcohol in the  
27 ~~driver's~~ DEFENDANT'S blood, breath, or urine at the time

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1 alleged as shown by chemical analysis of the ~~person's~~  
2 DEFENDANT'S blood, breath, or urine gives rise to the following  
3 presumptions:

4 (a) If there were at the time 0.07 grams or less of alcohol  
5 per 100 milliliters of the defendant's blood, per 210 liters of  
6 the defendant's breath, or per 67 milliliters of the defendant's  
7 urine, it is presumed that the defendant's ability to operate a  
8 motor vehicle was not impaired due to the consumption of intoxi-  
9 cating liquor and that the defendant was not under the influence  
10 of intoxicating liquor.

11 (b) If there were at the time more than 0.07 grams but less  
12 than 0.10 grams of alcohol per 100 milliliters of the defendant's  
13 blood, per 210 liters of the defendant's breath, or per 67 milli-  
14 liters of the defendant's urine, it is presumed that the  
15 defendant's ability to operate a vehicle was impaired within the  
16 provisions of section 625(3) due to the consumption of intoxicat-  
17 ing liquor.

18 (c) If there were at the time 0.10 grams or more of alcohol  
19 per 100 milliliters of the defendant's blood, per 210 liters of  
20 the breath, or per 67 milliliters of the defendant's urine, it is  
21 presumed that the defendant was under the influence of intoxicat-  
22 ing liquor.

23 (10) A person's refusal to submit to a chemical test as pro-  
24 vided in subsection (6) is admissible in a criminal prosecution  
25 for a crime described in section 625c(1) only to show that a test  
26 was offered to the defendant, but not as evidence in determining

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1 the defendant's innocence or guilt. The jury shall be instructed  
2 accordingly.

3 (11) IF A PERSON IS ARRESTED UNDER THIS SECTION AND HAS PRE-  
4 VIOUSLY BEEN CONVICTED OF OR RECEIVED A JUVENILE DISPOSITION FOR  
5 A VIOLATION OR ATTEMPTED VIOLATION DESCRIBED IN SUBSECTION (12)  
6 WITHIN THE PAST 7 YEARS, WHETHER THAT PRIOR CONVICTION WAS UNDER  
7 A LAW OF THIS STATE, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPOND-  
8 ING TO A LAW OF THIS STATE, OR A LAW OF ANOTHER STATE SUBSTAN-  
9 TIALY CORRESPONDING TO A LAW OF THIS STATE, THE ARRESTING OFFI-  
10 CER SHALL, ON BEHALF OF THE SECRETARY OF STATE, IMMEDIATELY CON-  
11 FISCATE THE REGISTRATION PLATE OF THE VEHICLE OPERATED BY THAT  
12 PERSON AND ISSUE A TEMPORARY VEHICLE REGISTRATION PLATE FOR THE  
13 VEHICLE. THE ARRESTING OFFICER SHALL PLACE THE TEMPORARY VEHICLE  
14 REGISTRATION PLATE ON THE VEHICLE IN THE MANNER REQUIRED BY THE  
15 SECRETARY OF STATE, AND SHALL NOTIFY THE SECRETARY OF STATE  
16 THROUGH THE LAW ENFORCEMENT INFORMATION NETWORK THAT THE REGIS-  
17 TRATION PLATE FOR THE VEHICLE WAS CONFISCATED AND DESTROYED AND  
18 THAT A TEMPORARY VEHICLE REGISTRATION PLATE WAS ISSUED. A TEMPO-  
19 RARY VEHICLE REGISTRATION PLATE ISSUED UNDER THIS SECTION IS  
20 VALID FOR 1 OF THE FOLLOWING TIME PERIODS:

21 (A) IF THE CASE IS NOT PROSECUTED, FOR 90 DAYS. THE PROSE-  
22 CUTING ATTORNEY SHALL NOTIFY THE SECRETARY OF STATE IF A CASE  
23 REFERRED TO THE PROSECUTING ATTORNEY IS NOT PROSECUTED. THE  
24 ARRESTING LAW ENFORCEMENT AGENCY SHALL NOTIFY THE SECRETARY OF  
25 STATE IF A CASE IS NOT REFERRED TO THE PROSECUTING ATTORNEY FOR  
26 PROSECUTION.

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1 (B) IF THE CASE IS PROSECUTED, UNTIL 5 DAYS AFTER THE  
2 CRIMINAL CHARGES AGAINST THE PERSON ARE DISMISSED, THE PERSON  
3 PLEADS GUILTY OR NOLO CONTENDERE TO OR IS FOUND GUILTY OF OR  
4 ACQUITTED OF THOSE CHARGES, OR THE PERSON'S VEHICLE REGISTRATION  
5 IS ORDERED CANCELED BY THE COURT, WHICHEVER OCCURS EARLIEST.

6 (12) SUBSECTION (11) APPLIES TO ALL OF THE FOLLOWING:

7 (A) A VIOLATION OF SECTION 625(1) OR (3) OR SECTION 625M OR  
8 A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 625(1)  
9 OR (3) OR SECTION 625M.

10 (B) A VIOLATION OF SECTION 625(4), (5), OR (7).

11 (C) NEGLIGENT HOMICIDE, MANSLAUGHTER, OR MURDER RESULTING  
12 FROM THE OPERATION OF A VEHICLE OR AN ATTEMPT TO COMMIT 1 OF  
13 THOSE CRIMES.

14 Sec. 625c. (1) A person who operates a vehicle upon a  
15 public highway or other place open to the general public or gen-  
16 erally accessible to motor vehicles, including an area designated  
17 for the parking of vehicles, within this state is considered to  
18 have given consent to chemical tests of his or her blood, breath,  
19 or urine ~~for the purpose of determining~~ TO DETERMINE the amount  
20 OR PRESENCE of alcohol, ~~or presence of~~ a controlled substance,  
21 OR A CHEMICAL AGENT, or ~~both~~ ANY COMBINATION OF ALCOHOL, A CON-  
22 TROLLED SUBSTANCE, OR A CHEMICAL AGENT, in his or her blood,  
23 BREATH, or urine ~~or the amount of alcohol in his or her breath~~  
24 in all of the following circumstances:

25 (a) ~~If the~~ THE person is arrested for a violation of sec-  
26 tion 625(1), (3), (4), (5), ~~or~~ (6), OR (7), section 625a(5), or  
27 section 625m ~~,~~ or a local ordinance substantially corresponding

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1 to section 625(1), (3), or (6), section 625a(5), or section  
2 625m.

3       (b) ~~If the~~ THE person is arrested for felonious driving,  
4 negligent homicide, manslaughter, or murder resulting from the  
5 operation of a ~~motor~~ vehicle, and the peace officer had reason-  
6 able grounds to believe the person was operating the vehicle  
7 while impaired by or under the influence of intoxicating liquor,  
8 ~~or~~ a controlled substance, A CHEMICAL AGENT, or ~~a~~ ANY combi-  
9 nation of intoxicating liquor, ~~and~~ a controlled substance, OR A  
10 CHEMICAL AGENT or while having an alcohol content of 0.10 grams  
11 or more per 100 milliliters of blood, per 210 liters of breath,  
12 or per 67 milliliters of urine ~~,~~ or, if the person is less than  
13 21 years of age while having any bodily alcohol content AS  
14 DEFINED IN SECTION 625(6). ~~As used in this subdivision, "any~~  
15 ~~bodily alcohol content" means either of the following:~~

16       (i) ~~An alcohol content of not less than 0.02 grams or more~~  
17 ~~than 0.07 grams per 100 milliliters of blood, per 210 liters of~~  
18 ~~breath, or per 67 milliliters of urine.~~

19       (ii) ~~Any presence of alcohol within a person's body result-~~  
20 ~~ing from the consumption of intoxicating liquor, other than con-~~  
21 ~~sumption of intoxicating liquor as part of a generally recognized~~  
22 ~~religious service or ceremony.~~

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



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1           (3) The tests shall be administered as provided in section  
2 625a(6).

3           Enacting section 1. This amendatory act takes effect May 1,  
4 1998.

5           Enacting section 2. This amendatory act does not take  
6 effect unless Senate Bill No. 852 of the 89th Legislature is  
7 enacted into law.