

REPRINT

**SUBSTITUTE FOR
SENATE BILL NO. 556**

(As amended June 3, 1999)

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 204a, 219, 233, 258, 303, 310d, 321a, 323, 602a, 605, [619,] 625, 625g, 625h, [727c,] 732, 904, 904c, and 904e (M.C.L. 257.204a, 257.219, 257.233, 257.258, 257.303, 257.310d, 257.321a, 257.323, 257.602a, 257.605, [257.619,] 257.625, 257.625g, 257.625h, [257.727c] 257.732, 257.904, 257.904c, and 257.904e), sections 204a, 219, 233, and 323 as amended by 1998 PA 346, sections 258 and 602a as amended by 1998 PA 347, section 303 as amended by 1998 PA 351, sections 310d and 321a as amended by 1998 PA 343, section 625 as amended by 1998 PA 350, section 625g as amended by 1994 PA 450, section 625h as amended by 1996 PA 59, [section 727c as amended by 1983 PA 172] section 732 as amended by 1999 PA 21, section 904 as amended by 1998 PA 342, section 904c as added by 1998 PA 359, and section 904e as added by 1998 PA 358.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 204a. (1) The secretary of state shall create and
2 maintain a computerized central file that provides an individual,
3 historical driving record for a person, including a nonresident,
4 with respect to all of the following:

5 (a) A license issued to the person under chapter 3.

6 (b) A conviction or civil infraction determination entered
7 against the person for a violation of this act or a local ordi-
8 nance substantially corresponding to a provision of this act.

9 (c) A failure of the person to comply with ~~an order or~~
10 ~~judgment~~— A SUSPENSION issued pursuant to section ~~907~~ 321A.

11 (d) A cancellation, denial, revocation, suspension, or
12 restriction of the person's operating privilege under this act.

13 (e) An accident in which the person is involved.

14 (f) A conviction of the person for an offense described in
15 section 319e.

16 ~~(g) A temporary registration plate, vehicle immobilization,~~
17 ~~or vehicle forfeiture.~~

18 (G) ~~(h)~~ Any other information received by the secretary of
19 state regarding the person that is required to be maintained as
20 part of the person's driving record as provided by law.

21 (2) A secretary of state certified computer-generated or
22 paper copy of an order, record, or paper maintained in the com-
23 puterized central file of the secretary of state is admissible in
24 evidence in the same manner as the original and is prima facie
25 proof of the contents of and the facts stated in the original.

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1 (3) An order, record, or paper generated by the computerized
2 central file of the secretary of state may be certified
3 electronically by the generating computer. The certification
4 shall be a certification of the order, record, or paper as it
5 appeared on a specific date.

6 (4) A court or the office of the clerk of a court of this
7 state which is electronically connected by a terminal device to
8 the computerized central file of the secretary of state may
9 receive into and use as evidence in any case the
10 computer-generated certified information obtained by the terminal
11 device from the file. A duly authorized employee of a court of
12 record of this state may order a record for an individual from a
13 secretary of state computer terminal device located in, and under
14 the control of, the court, and certify in writing that the docu-
15 ment was produced from the terminal and that the document was not
16 altered in any way.

17 Sec. 219. (1) The secretary of state shall refuse issuance
18 of a registration or a transfer of registration upon any of the
19 following grounds:

20 (a) The application contains a false or fraudulent state-
21 ment, the applicant has failed to furnish required information or
22 reasonable additional information requested by the secretary of
23 state, or the applicant is not entitled to the registration of
24 the vehicle under this act.

25 (b) The secretary of state has reasonable ground to believe
26 that the vehicle is a stolen or embezzled vehicle, or that the
27 granting of registration would constitute a fraud against the

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1 rightful owner or other person having a valid lien upon the
2 vehicle.

3 (c) The registration of the vehicle is suspended or revoked
4 for any reason provided in the motor vehicle laws of this state.

5 (d) The operator's or chauffeur's license of the owner OR
6 CO-OWNER or lessee OR CO-LESSEE is suspended, revoked, or denied
7 or the operator has never been licensed by this state at the time
8 of the application for a third or subsequent violation of
9 section 625 or 625m or a local ordinance substantially corre-
10 sponding to section 625 or 625m or a fourth or subsequent suspen-
11 sion or revocation under section 904. This subdivision takes
12 effect June 1, 2000.

13 (e) The required fee has not been paid.

14 (f) The applicant, at the time of applying for registration
15 or a transfer of registration other than a temporary registration
16 issued pursuant to section 226b, fails to present a certificate
17 of compliance or waiver for a motor vehicle as required under
18 either part 63 or part 65 of the natural resources and environ-
19 mental protection act, 1994 PA 451, MCL 324.6301 to 324.6321 and
20 324.6501 to 324.6539.

21 (g) The application for registration of a vehicle with an
22 elected gross weight of 55,000 pounds or more is not accompanied
23 with proof of payment of the federal highway use tax levied pur-
24 suant to the surface transportation assistance act of 1982,
25 Public Law 97-424, 96 Stat. 2097.

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1 (2) The secretary of state shall refuse issuance of a
2 certificate of title or a salvage certificate of title upon any
3 of the following grounds:

4 (a) The application contains a false or fraudulent state-
5 ment, the applicant has failed to furnish required information or
6 reasonable additional information requested by the secretary of
7 state, or the applicant is not entitled to the issuance of a cer-
8 tificate of title or salvage certificate of title under this
9 act.

10 (b) The secretary of state has reasonable ground to believe
11 that the vehicle is a stolen or embezzled vehicle or that the
12 issuance of a certificate of title or a salvage certificate of
13 title would constitute a fraud against the rightful owner or
14 other person having a valid security interest upon the vehicle.

15 (c) The required fee has not been paid.

16 (d) The operator's or chauffeur's license of the owner OR
17 CO-OWNER or lessee OR CO-LESSEE is suspended, revoked, or denied
18 or the operator has never been licensed by this state at the time
19 of the application for a third or subsequent violation of
20 section 625 or 625m or a local ordinance substantially corre-
21 sponding to section 625 or 625m or a fourth or subsequent suspen-
22 sion or revocation under section 904. This subdivision takes
23 effect June 1, 2000.

24 (3) THE SECRETARY OF STATE SHALL NOT ISSUE A REGISTRATION
25 FOR A VEHICLE FOR WHICH A TEMPORARY REGISTRATION PLATE WAS ISSUED
26 UNDER SECTION 904C UNTIL THE VIOLATION RESULTING IN THE ISSUANCE
27 OF THE PLATE IS ADJUDICATED OR THE VEHICLE IS TRANSFERRED TO A

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1 PERSON WHO IS SUBJECT TO PAYMENT OF A USE TAX UNDER SECTION 3 OF
2 THE USE TAX ACT, 1937 PA 94, MCL 205.93.

3 Sec. 233. (1) If the owner of a registered vehicle trans-
4 fers or assigns the title or interest in the vehicle, the regis-
5 tration plates issued for the vehicle shall be removed and trans-
6 ferred to the owner's spouse, mother, father, sister, brother, or
7 child to whom title or interest in the vehicle is transferred, or
8 retained and preserved by the owner for transfer to another vehi-
9 cle upon application and payment of the required fees. A person
10 shall not transfer the plates to a vehicle without applying for a
11 proper certificate of registration describing the vehicle to
12 which the plates are being transferred except as provided in sec-
13 tion ~~217(2)~~ 217(4). If the owner of a registered vehicle
14 acquires another vehicle without transferring or assigning the
15 title or interest in the vehicle for which the plates were
16 issued, the owner may have the plates transferred to the subse-
17 quently acquired vehicle upon application and payment of the
18 required fees.

19 (2) A person shall not purchase or lease another vehicle or
20 an interest in another vehicle with the intent to circumvent the
21 restrictions created by immobilization of a vehicle under this
22 act.

23 (3) A person shall not transfer or attempt to transfer
24 ownership or right of possession of a vehicle subject to forfei-
25 ture or ordered forfeited under this act with the intent to avoid
26 the forfeiture of that vehicle.

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1 (4) During the time a vehicle is subject to a temporary
2 registration plate, vehicle forfeiture, ~~or~~ immobilization,
3 REGISTRATION DENIAL, OR THE PERIOD FROM ADJUDICATION TO IMMOBILI-
4 ZATION OR FORFEITURE under this act, a person shall not without a
5 court order transfer or assign the title or an interest in the
6 vehicle to a person who is not subject to payment of a use tax
7 under section 3 of the use tax act, 1937 PA 94, MCL 205.93.

8 (5) A person who violates subsection (2), (3), or (4) is
9 guilty of a misdemeanor punishable by imprisonment for not more
10 than 1 year or a fine of not more than \$1,000.00, or both.

11 (6) If the assigned holder of registration plates applies
12 for a new registration certificate, the application shall be
13 accompanied either by the old registration certificate or by a
14 certificate of title showing the person to be the assigned holder
15 of the registration plates for which the old registration certif-
16 icate had been issued.

17 (7) A person who fails or neglects to fulfill the provisions
18 of subsection (6) is guilty of a misdemeanor punishable by
19 imprisonment for not more than 93 days or a fine of not more than
20 \$100.00, or both.

21 (8) The owner shall indorse on the back of the certificate
22 of title an assignment of the title with warranty of title in the
23 form printed on the certificate with a statement of all security
24 interests in the vehicle or in accessories on the vehicle and
25 deliver or cause the certificate to be mailed or delivered to the
26 purchaser or transferee at the time of the delivery to the
27 purchaser or transferee of the vehicle. The certificate shall

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1 show the payment or satisfaction of any security interest as
2 shown on the original title.

3 (9) Upon the delivery of a motor vehicle and the transfer,
4 sale, or assignment of the title or interest in a motor vehicle
5 by a person, including a dealer, the effective date of the trans-
6 fer of title or interest in the vehicle shall be the date of exe-
7 cution of either the application for title or the certificate of
8 title.

9 Sec. 258. (1) The secretary of state may cancel, revoke, or
10 suspend the registration of a vehicle, a certificate of title,
11 registration certificate, or registration plate if any of the
12 following apply:

13 (a) The secretary of state determines that the registration,
14 certificate of title, or plate was fraudulently or erroneously
15 issued.

16 (b) The secretary of state determines that the licensee has
17 made or is making an unlawful use of his or her registration cer-
18 tificate, plate, or certificate of title.

19 (c) A registered vehicle has been dismantled or wrecked.

20 (d) The secretary of state determines that the required fee
21 has not been paid and it is not paid upon reasonable notice or
22 demand.

23 (e) A registration certificate or registration plate is
24 knowingly displayed upon a vehicle other than the one for which
25 it was issued.

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1 (f) The secretary of state determines that the owner has
2 committed an offense under this act involving the registration or
3 certificate of title.

4 (g) The secretary of state is authorized to do so under this
5 act.

6 ~~(h) A court orders the secretary of state to do so as pro-~~
7 ~~vided in section 233(4).~~

8 (H) ~~(i)~~ Upon receiving notification from another state or
9 foreign country that a certificate of title issued by the secre-
10 tary of state has been surrendered by the owner in conformity
11 with the laws of that state or foreign country.

12 (I) ~~(j)~~ It is shown by satisfactory evidence that delivery
13 of a motor vehicle in the possession of a dealer was not made to
14 the applicant registered under this act. The money paid for reg-
15 istration and license fees may be refunded to the party who
16 applies for the refund.

17 (2) If the licensee's offense consists of hauling on the
18 registered vehicle a gross weight more than 1,000 pounds in
19 excess of the elected gross weight specified on the owners' reg-
20 istration certificate, the registration shall be canceled and the
21 vehicle shall not again be operated on the highways, roads, or
22 streets until it is registered again and new plates are issued.
23 The new registration fee shall be computed on the basis of twice
24 the difference between the original registration fee and the reg-
25 istration fee applicable to the gross weight constituting the
26 violation of the elected gross weight. One-half of the new
27 registration fee shall be a penalty. The period of the new

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1 registration fee shall not extend beyond the termination date of
2 the canceled registration certificate. The new registration fee
3 shall not exceed the maximum gross weight of the vehicle or com-
4 bination of vehicles as determined by the number of axles and the
5 legal weight applicable to those axles as specified by section
6 722. The gross weight of a vehicle or combination of vehicles
7 may be determined by weighing the individual axles or group of
8 axles, and the total weight on all axles is the gross vehicle
9 weight.

10 (3) Before the secretary of state makes a cancellation under
11 subsection (1)(a), (b), (e), (f), or (g), the person affected by
12 the cancellation shall be given notice and an opportunity to be
13 heard.

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

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

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

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

22 (d) A person who has been convicted of or received a juve-
23 nile disposition for a violation of section 625(4) ~~OR~~ (5) ~~OR~~
24 ~~OR (7)~~ OR SECTION 904(4) OR (5).

25 (e) A person who has been convicted of or received a juve-
26 nile disposition for negligent homicide, manslaughter, or murder
27 resulting from the operation of a vehicle.

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1 (f) A person who is an habitual violator of the criminal
2 laws relating to operating a vehicle while impaired by or under
3 the influence of intoxicating liquor, a controlled substance, or
4 a combination of intoxicating liquor and a controlled substance
5 or with an alcohol content of 0.10 grams or more per 100 millili-
6 ters of blood, per 210 liters of breath, or per 67 milliliters of
7 urine. Convictions of any of the following, whether under a law
8 of this state, a local ordinance substantially corresponding to a
9 law of this state, or a law of another state substantially corre-
10 sponding to a law of this state, are prima facie evidence that
11 the person is an habitual violator as described in this
12 subdivision:

13 (i) Any combination of 2 convictions within 7 years for any
14 of the following or a combination of 1 conviction for a violation
15 or attempted violation of section 625(6) and 1 conviction for any
16 of the following within 7 years:

17 (A) A violation or attempted violation of section 625(1),
18 (3), (4), (5), or (7) OR SECTION 904(4) OR (5).

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

21 (C) A violation or attempted violation of section 625m.

22 (D) Negligent homicide, manslaughter, or murder resulting
23 from the operation of a vehicle or an attempt to commit any of
24 those crimes.

25 (ii) Any combination of 3 convictions within 10 years for
26 any of the following or 1 conviction for a violation or attempted
27 violation of section 625(6) and any combination of 2 convictions

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1 for any of the following within 10 years, if any of the
2 convictions resulted from an arrest on or after January 1, 1992:

3 (A) A violation or attempted violation of section 625(1),
4 (3), (4), (5), or (7) OR SECTION 904(4) OR (5).

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

7 (C) A violation or attempted violation of section 625m.

8 (D) Negligent homicide, manslaughter, or murder resulting
9 from the operation of a vehicle or an attempt to commit any of
10 those crimes.

11 (g) A person who in the opinion of the secretary of state is
12 afflicted with or suffering from a physical or mental disability
13 or disease preventing that person from exercising reasonable and
14 ordinary control over a motor vehicle while operating the motor
15 vehicle upon the highways.

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

18 (i) A person who is an habitually reckless driver. Two con-
19 victions within 7 years of reckless driving under this act or any
20 other law of this state relating to reckless driving or under a
21 local ordinance of this state or a law of another state that
22 defines the term "reckless driving" substantially similarly to
23 the law of this state are prima facie evidence that the person is
24 an habitually reckless driver.

25 (j) A person who is an habitual criminal. Two convictions
26 of a felony in which a motor vehicle was used in this or another

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1 state are prima facie evidence that the person is an habitual
2 criminal.

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

8 (l) A person who has been convicted of, has received a juve-
9 nile disposition for, or has been determined responsible for 2 or
10 more moving violations under a law of this state, a local ordi-
11 nance substantially corresponding to a law of this state, or a
12 law of another state substantially corresponding to a law of this
13 state within the preceding 3 years, if the violations occurred
14 before issuance of an original license to the person in this or
15 another state.

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

17 (n) A person who has failed to answer a citation or notice
18 to appear in court or for any matter pending or fails to comply
19 with an order or judgment of the court, including, but not
20 limited to, paying all fines, costs, fees, and assessments, in
21 violation of section 321a, until that person answers the citation
22 or notice to appear in court or for any matter pending or com-
23 plies with an order or judgment of the court, including, but not
24 limited to, paying all fines, costs, fees, and assessments, as
25 provided under section 321a.

26 (o) A person not licensed under this act who has been
27 convicted of, has received a juvenile disposition for, or has

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1 been determined responsible for a crime or civil infraction
2 described in section 319, 324, or 904. A person shall be denied
3 a license under this subdivision for the length of time corre-
4 sponding to the period of the licensing sanction that would have
5 been imposed under section 319, 324, or 904 if the person had
6 been licensed at the time of the violation.

7 (p) A person not licensed under this act who has been con-
8 victed of or received a juvenile disposition for committing a
9 crime described in section 319e. A person shall be denied a
10 license under this subdivision for the length of time that corre-
11 sponds to the period of the licensing sanction that would have
12 been imposed under section 319e if the person had been licensed
13 at the time of the violation.

14 (q) A person not licensed under this act who is determined
15 to have violated section 33b(1) of former 1933 (Ex Sess) PA 8,
16 section 703(1) of the Michigan liquor control code of 1998, 1998
17 PA 58, MCL 436.1703, or section 624a or 624b of this act. The
18 person shall be denied a license under this subdivision for a
19 period of time that corresponds to the period of the licensing
20 sanction that would have been imposed under those sections had
21 the person been licensed at the time of the violation.

22 (r) A person who has been convicted of a violation of sec-
23 tion 602a(4) or (5) of this act or a violation of section 479a(4)
24 or (5) of the Michigan penal code, 1931 PA 328, MCL 750.479a.

25 (2) Upon receiving the appropriate records of conviction,
26 the secretary of state shall revoke the operator's or chauffeur's
27 license of a person having any of the following, whether under a

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1 law of this state, a local ordinance substantially corresponding
2 to a law of this state, or a law of another state substantially
3 corresponding to a law of this state:

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

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

8 (c) Any combination of 2 convictions within 7 years for any
9 of the following or a combination of 1 conviction for a violation
10 or attempted violation of section 625(6) and 1 conviction for any
11 of the following within 7 years:

12 (i) A violation or attempted violation of section 625(1),
13 (3), (4), (5), or (7) OR SECTION 904(4) OR (5).

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

16 (iii) A violation or attempted violation of section 625m.

17 (iv) Negligent homicide, manslaughter, or murder resulting
18 from the operation of a vehicle or an attempt to commit any of
19 those crimes.

20 (d) One conviction for a violation or attempted violation of
21 section 625(4) or (5) OR SECTION 904(4) OR (5).

22 (e) One conviction of negligent homicide, manslaughter, or
23 murder resulting from the operation of a vehicle or an attempt to
24 commit any of those crimes.

25 (f) Any combination of 3 convictions within 10 years for any
26 of the following or 1 conviction for a violation or attempted
27 violation of section 625(6) and any combination of 2 convictions

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1 for any of the following within 10 years, if any of the
2 convictions resulted from an arrest on or after January 1, 1992:

3 (i) A violation or attempted violation of section 625(1),
4 (3), (4), (5), or (7) OR SECTION 904(4) OR (5).

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

7 (iii) A violation or attempted violation of section 625m.

8 (iv) Negligent homicide, manslaughter, or murder resulting
9 from the operation of a vehicle or an attempt to commit any of
10 those crimes.

11 (g) A violation of section 602a(4) or (5) of this act or
12 section 479a(4) or (5) of the Michigan penal code, 1931 PA 328,
13 MCL 750.479a.

14 (3) The secretary of state shall revoke a license under sub-
15 section (2) notwithstanding a court order.

16 (4) The secretary of state shall not issue a license under
17 this act to a person whose license has been revoked under this
18 act or denied under subsection (1)(d), (e), (f), (i), (j), or (r)
19 until all of the following occur, as applicable:

20 (a) The later of the following:

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

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

26 (b) For a denial under subsection (1)(f), (i), or (j) based
27 on prima facie evidence, the person rebuts the presumption

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1 resulting from the prima facie evidence by clear and convincing
2 evidence.

3 (c) The person meets the requirements of the department.

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

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

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

14 (b) The vehicle was used to transport a victim of the
15 felony.

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

17 (d) The vehicle was necessary for the commission of the
18 felony.

19 Sec. 310d. (1) A license issued under this act to a person
20 not previously licensed in this or in another state shall be des-
21 ignated as probationary for 3 years after the date of issuance.
22 During the first 12 months of probation, the license may be sus-
23 pended or probationary terms and conditions may be imposed upon
24 failure of the licensee to appear before a magistrate, as pro-
25 vided in this chapter, or upon conviction of the licensee or
26 determination of the licensee's responsibility for a moving
27 violation in this state. The period of suspension or the

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1 probationary terms and conditions shall not be for more than 12
2 months and shall be determined by the secretary of state at an
3 examination of the driver by the secretary of state.

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

8 (a) A conviction or civil infraction determination for a
9 moving violation that was assessed 4 or more points as provided
10 in section 320a.

11 (b) Three convictions or 3 civil infraction determinations,
12 or a combination of convictions and civil infraction determina-
13 tions that equals 3, for moving violations.

14 (c) A total of 6 or more points as provided in section
15 320a.

16 (d) A conviction or civil infraction determination for a
17 moving violation and an accident for which the official police
18 report indicates the licensee had been drinking intoxicating
19 liquor.

20 (e) A conviction or civil infraction determination for a
21 moving violation and an accident for which the official police
22 report indicates a moving violation on the part of the licensee.

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

25 (g) A suspension pursuant to section 625f.

26 (3) The probationary period shall be extended beyond 3 years
27 and the secretary of state may reexamine a licensee as provided

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1 in subsection (2) if any of the following occur and are recorded
2 on the licensee's driving record during the last 10 months of the
3 probationary period:

4 (a) A moving violation resulting in a conviction or civil
5 infraction determination.

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

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

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

12 (4) The probationary period shall be extended pursuant to
13 subsection (3) until the licensee completes 10 consecutive months
14 without a moving violation, accident, or suspension enumerated in
15 subsection (3).

16 (5) Upon completion of a reexamination, the secretary of
17 state may suspend or impose probationary terms and conditions on
18 the license of a probationary licensee, except that a reexamina-
19 tion for subsection ~~(4)(d)~~ (2)(D), (e), or (f) shall not result
20 in a license suspension or the imposition of probationary terms
21 or conditions.

22 (6) For 24 months immediately after a licensee's probation-
23 ary period, the secretary of state may require the licensee to be
24 reexamined by the secretary of state if the licensee's driver
25 record has a total of 9 or more points, as provided in section
26 320a, imposed in a period of 2 years and if the licensee's record
27 contains 1 or more of the following:

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1 (a) A conviction for a violation of section 625(1), (3),
2 (4), (5), (6), or (7), SECTION 625M, former section 625(1) or
3 (2), or former section 625b, a local ordinance substantially cor-
4 responding to section 625(1), (3), or (6), SECTION 625M, former
5 section 625(1) or (2), or former section 625b, or a law of
6 another state substantially corresponding to section 625(1), (3),
7 (4), (5), (6), or (7), SECTION 625M, former section 625(1) or
8 (2), or former section 625b.

9 (b) A conviction for driving while visibly impaired due to
10 consumption of intoxicating liquor, a controlled substance, or a
11 combination of intoxicating liquor and a controlled substance.

12 (c) A suspension of the licensee's license pursuant to sec-
13 tion 625f.

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

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

18 (7) Upon completion of a reexamination under subsection (6),
19 the secretary of state may suspend the license of the licensee,
20 except that a reexamination for subsection (6)(d) or (e) shall
21 not result in a license suspension or restriction.

22 (8) If a licensee fails to appear for a reexamination sched-
23 uled by the secretary of state pursuant to this section, the
24 licensee's license may be suspended immediately and remain sus-
25 pended until the licensee appears for a reexamination by the sec-
26 retary of state.

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

4 (10) For purposes of this section:

5 (a) Upon conviction for a moving violation, the date of the
6 ~~arrest for the~~ violation shall be used in determining whether
7 the conviction occurred within the probationary period.

8 (b) Upon entry of a civil infraction determination for a
9 moving violation, the date of ~~issuance of a citation for a civil~~
10 ~~infraction~~ THE VIOLATION shall be used in determining whether
11 the civil infraction determination occurred within the probation-
12 ary period.

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

16 (d) A suspension shall be considered part of a driving
17 record from the date the suspension is imposed until the suspen-
18 sion is terminated.

19 (e) The date of the official police report shall be used in
20 determining whether a licensee was driving a motor vehicle
21 involved in an accident for which the official police report
22 indicates a moving violation on the part of the licensee or indi-
23 cates the licensee had been drinking intoxicating liquor.

24 Sec. 321a. (1) A person who fails to answer a citation, or
25 a notice to appear in court for a violation reportable to the
26 secretary of state under section 732 or a local ordinance
27 substantially corresponding to a violation of a law of this state

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1 reportable to the secretary of state under section 732, or for
2 any matter pending, or who fails to comply with an order or judg-
3 ment of the court, including, but not limited to, paying all
4 fines, costs, fees, and assessments, is guilty of a misdemeanor
5 punishable by imprisonment for not more than 93 days or a fine of
6 not more than \$100.00, or both. A violation of this subsection
7 or failure to answer a citation or notice to appear for a viola-
8 tion of section 33b(1) of former 1933 (Ex Sess) PA 8,
9 section 703(1) of the Michigan liquor control code of 1998, 1998
10 PA 58, MCL 436.1703, or a local ordinance substantially corre-
11 sponding to either of those sections shall not be considered a
12 violation for any purpose under section 320a.

13 (2) Except as provided in subsection (3), 28 days or more
14 after a person fails to answer a citation, or A notice to appear
15 in court FOR A VIOLATION REPORTABLE TO THE SECRETARY OF STATE
16 UNDER SECTION 732 OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPOND-
17 ING TO A VIOLATION OF A LAW OF THIS STATE REPORTABLE TO THE SEC-
18 RETARY OF STATE UNDER SECTION 732, or for any matter pending, or
19 fails to comply with an order or judgment of the court, includ-
20 ing, but not limited to, paying all fines, costs, fees, and
21 assessments, the court shall give notice by mail at the last
22 known address of the person that if the person fails to appear or
23 fails to comply with the order or judgment within 14 days after
24 the notice is issued, the secretary of state shall suspend the
25 person's operator's or chauffeur's license. If the person fails
26 to appear or fails to comply with the order or judgment within
27 the 14-day period, the court shall, within 14 days, inform the

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1 secretary of state, who shall immediately suspend the license of
2 the person. The secretary of state shall immediately notify the
3 person of the suspension by regular mail at the person's last
4 known address.

5 (3) If the person is charged with, or convicted of, a viola-
6 tion of section 625 or a local ordinance substantially corre-
7 sponding to section 625(1), (2), (3), or (6) and the person fails
8 to answer a citation or a notice to appear in court, or for any
9 matter pending, or fails to comply with an order or judgment of
10 the court, including, but not limited to, paying all fines,
11 costs, and crime victim rights assessments, the court shall imme-
12 diately give notice by first-class mail sent to the person's last
13 known address that if the person fails to appear within 7 days
14 after the notice is issued, or fails to comply with the order or
15 judgment of the court, including, but not limited to, paying all
16 fines, costs, and crime victim rights assessments, within 14 days
17 after the notice is issued, the secretary of state shall suspend
18 the person's operator's or chauffeur's license. If the person
19 fails to appear within the 7-day period, or fails to comply with
20 the order or judgment of the court, including, but not limited
21 to, paying all fines, costs, and crime victim rights assessments,
22 within the 14-day period, the court shall immediately inform the
23 secretary of state who shall immediately suspend the person's
24 operator's or chauffeur's license and notify the person of the
25 suspension by first-class mail sent to the person's last known
26 address.

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1 (4) If the person is charged with, or convicted of, a
2 violation of section 33b(1) of former 1933 (Ex Sess) PA 8,
3 section 703(1) of the Michigan liquor control code of 1998, 1998
4 PA 58, MCL 436.1703, section 624a, section 624b, or a local ordi-
5 nance substantially corresponding to those sections and the
6 person fails to answer a citation or a notice to appear in court
7 issued pursuant to section 33b of former 1933 (Ex Sess) PA 8,
8 section 703 of the Michigan liquor control code of 1998, 1998
9 PA 58, MCL 436.1703, section 624a, section 624b, or a local ordi-
10 nance substantially corresponding to those sections or fails to
11 comply with an order or judgment of the court issued pursuant to
12 section 33b of former 1933 (Ex Sess) PA 8, section 703 of the
13 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703,
14 section 624a, section 624b, or a local ordinance substantially
15 corresponding to those sections including, but not limited to,
16 paying all fines and costs, the court shall immediately give
17 notice by first-class mail sent to the person's last known
18 address that if the person fails to appear within 7 days after
19 the notice is issued, or fails to comply with the order or judg-
20 ment of the court, including, but not limited to, paying all
21 fines and costs, within 14 days after the notice is issued, the
22 secretary of state shall suspend the person's operator's or
23 chauffeur's license. If the person fails to appear within the
24 7-day period, or fails to comply with the order or judgment of
25 the court, including, but not limited to, paying all fines and
26 costs, within the 14-day period, the court shall immediately
27 inform the secretary of state who shall immediately suspend the

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1 person's operator's or chauffeur's license and notify the person
2 of the suspension by first-class mail sent to the person's last
3 known address.

4 (5) A suspension imposed under subsection (2) or (3) remains
5 in effect until both of the following occur:

6 (a) The secretary of state is notified by each court in
7 which the person failed to answer a citation or notice to appear
8 or failed to pay a fine or cost that the person has answered that
9 citation or notice to appear or paid that fine or cost.

10 (b) The person has paid to the court a \$25.00 driver license
11 clearance fee for each failure to answer a citation or failure to
12 pay a fine or cost.

13 (6) The court shall not notify the secretary of state, and
14 the secretary of state shall not suspend the person's license, if
15 the person fails to appear in response to a citation issued for,
16 or fails to comply with an order or judgment involving 1 or more
17 of the following infractions:

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

19 (b) A pedestrian, passenger, or bicycle violation, other
20 than a violation of section 33b(1) or (2) of former 1933 (Ex
21 Sess) PA 8, section 703(1) or (2) of the Michigan liquor control
22 code of 1998, 1998 PA 58, MCL 436.1703, section 624a or 624b, or
23 a local ordinance substantially corresponding to section 33b(1)
24 or (2) of former 1933 (Ex Sess) PA 8, section 703(1) or (2) of
25 the Michigan liquor control code of 1998, 1998 PA 58,
26 MCL 436.1703, or section 624a or 624b.

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1 (7) The court may notify a person who has done either of the
2 following, that if the person does not appear within 10 days
3 after the notice is issued, the court will inform the secretary
4 of state of the person's failure to appear:

5 (a) Failed to answer 2 or more parking violation notices or
6 citations for violating a provision of this act or an ordinance
7 substantially corresponding to a provision of this act pertaining
8 to parking for persons with disabilities.

9 (b) Failed to answer 6 or more parking violation notices or
10 citations regarding illegal parking.

11 (8) The secretary of state, upon being informed of the fail-
12 ure of a person to appear or comply as provided in subsection
13 (7), shall not issue a license to the person or renew a license
14 for the person until both of the following occur:

15 (a) The court informs the secretary of state that the person
16 has resolved all outstanding matters regarding the notices or
17 citations.

18 (b) The person has paid to the court a \$25.00 driver license
19 clearance fee. If the court determines that the person is
20 responsible for only 1 parking violation under subsection (7)(a)
21 or less than 6 parking violations under subsection (7)(b) for
22 which the person's license was not issued or renewed under this
23 subsection, the court may waive payment of the fee.

24 (9) Not less than 28 days after a person fails to appear in
25 response to a citation issued for, or fails to comply with an
26 order or judgment involving, a state civil infraction described
27 in chapter 88 of the revised judicature act of 1961, 1961 PA 236,

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1 MCL 600.8801 to 600.8835, the court shall give notice by ordinary
2 mail, addressed to the person's last known address, that if the
3 person fails to appear or fails to comply with the order or judg-
4 ment described in this subsection within 14 days after the notice
5 is issued, the court will give to the secretary of state notice
6 of that failure. Upon receiving notice of that failure, the sec-
7 retary of state shall not issue or renew an operator's or
8 chauffeur's license for the person until both of the following
9 occur:

10 (a) The court informs the secretary of state that the person
11 has resolved all outstanding matters regarding each notice or
12 citation.

13 (b) The person has paid to the court a \$25.00 driver license
14 clearance fee. If the court determines that the person is not
15 responsible for any violation for which the person's license was
16 not issued or renewed under this subsection, the court shall
17 waive the fee.

18 (10) For the purposes of subsections (5)(a), (8)(a), and
19 (9)(a), the court shall give to the person a copy of the informa-
20 tion being transmitted to the secretary of state. Upon showing
21 that copy, the person shall not be arrested or issued a citation
22 for driving on a suspended license, on an expired license, or
23 without a license on the basis of any matter resolved under sub-
24 section (5)(a), (8)(a), or (9)(a), even if the information being
25 sent to the secretary of state has not yet been received or
26 recorded by the department.

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1 (11) ~~Six dollars~~ THE COURT SHALL TRANSFER 60% of each fee
2 received under subsection (5)(b), (8)(b), or (9)(b) ~~shall be~~
3 ~~transmitted by the court~~ to the secretary of state on a monthly
4 basis. The funds received by the secretary of state under this
5 subsection shall be deposited in the state general fund and shall
6 be used to defray the expenses of the secretary of state in pro-
7 cessing the suspension and reinstatement of driver licenses under
8 this section.

9 (12) Section 819 does not apply to a reinstatement fee col-
10 lected for an operator's or chauffeur's license that is not
11 issued or renewed under section 8827 of the revised judicature
12 act of 1961, 1961 PA 236, MCL 600.8827.

13 Sec. 323. (1) A person aggrieved by a final determination
14 of the secretary of state denying the person an operator's or
15 chauffeur's license, a vehicle group designation, or an indorse-
16 ment on a license or revoking, suspending, or restricting an
17 operator's or chauffeur's license, vehicle group designation, or
18 an indorsement may petition for a review of the determination in
19 the circuit court in the county where the person was arrested if
20 the denial or suspension was imposed pursuant to section 625f or
21 pursuant to the order of a trial court under section 328 or, in
22 all other cases, in the circuit court in the person's county of
23 residence. The person shall file the petition within 63 days
24 after the determination is made except that for good cause shown
25 the court may allow the person to file petition within 182 days
26 after the determination is made. As provided in section 625f, a
27 peace officer aggrieved by a determination of a hearing officer

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1 in favor of a person who requested a hearing under section 625f
2 may, with the prosecuting attorney's consent, petition for review
3 of the determination in the circuit court in the county where the
4 arrest was made. The peace officer shall file the petition
5 within 63 days after the determination is made except that for
6 good cause shown the court may allow the peace officer to file
7 the petition within 182 days after the determination is made.

8 (2) Except as otherwise provided in this section, the cir-
9 cuit court shall enter an order setting the cause for hearing for
10 a day certain not more than 63 days after the order's date. The
11 order, a copy of the petition that includes the person's full
12 name, current address, birth date, and driver's license number,
13 and all supporting affidavits shall be served on the secretary of
14 state's office in Lansing not less than 20 days before the date
15 set for the hearing. If the person is seeking a review of the
16 record prepared pursuant to section 322 or section 625f, the
17 service upon the secretary of state shall be made not less than
18 50 days before the date set for the hearing.

19 (3) The court may take testimony and examine all the facts
20 and circumstances relating to the denial, suspension, OR restric-
21 tion ~~—, or revocation~~ of the person's license under
22 sections 303(1)(g), 320, or ~~904(8) or (9)~~ 904(10) OR (11), a
23 licensing action
24 under section 310d, or a suspension for a first violation under
25 section 625f. The court may affirm, modify, or set aside the
26 restriction, suspension, ~~—revocation,~~ or denial, except the
27 court shall not order the secretary of state to issue a
restricted or unrestricted chauffeur's license that would permit

1 the person to drive a commercial motor vehicle that hauls a
2 hazardous material. The court shall duly enter the order and the
3 petitioner shall file a certified copy of the order with the sec-
4 retary of state's office in Lansing within 7 days after entry of
5 the order.

6 (4) Except as otherwise provided in this section, in review-
7 ing a determination resulting in a denial, suspension, restric-
8 tion, or revocation under this act, the court shall confine its
9 consideration to a review of the record prepared pursuant to sec-
10 tion 322 or 625f or the driving record created under section 204a
11 for a statutory legal issue, and shall not grant restricted driv-
12 ing privileges. The court shall set aside the secretary of
13 state's determination only if the petitioner's substantial rights
14 have been prejudiced because the determination is any of the
15 following:

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

18 (b) In excess of the secretary of state's statutory author-
19 ity or jurisdiction.

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

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

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

26 (f) Affected by other substantial and material error of
27 law.

1 Sec. 602a. (1) A driver of a motor vehicle who is given by
2 hand, voice, emergency light, or siren a visual or audible signal
3 by a police or conservation officer, acting in the lawful per-
4 formance of his or her duty, directing the driver to bring his or
5 her motor vehicle to a stop shall not willfully fail to obey that
6 direction by increasing the speed of the motor vehicle, extin-
7 guishing the lights of the motor vehicle, or otherwise attempting
8 to flee or elude the officer. This subsection does not apply
9 unless the police or conservation officer giving the signal is in
10 uniform and the officer's vehicle is identified as an official
11 police or department of natural resources vehicle.

12 (2) Except as provided in subsection (3), (4), or (5), an
13 individual who violates subsection (1) is guilty of fourth-degree
14 fleeing and eluding, a felony punishable by imprisonment for not
15 more than 2 years or a fine of not more than \$500.00, or both.

16 (3) Except as provided in subsection (4) or (5), an individ-
17 ual who violates subsection (1) is guilty of third-degree fleeing
18 and eluding, a felony punishable by imprisonment for not more
19 than 5 years or a fine of not more than \$1,000.00, or both, if 1
20 or more of the following circumstances apply:

21 (a) The violation results in a collision or accident.

22 (b) A portion of the violation occurred in an area where the
23 speed limit is 35 miles an hour or less, whether that speed limit
24 is posted or imposed as a matter of law.

25 (c) The individual has a prior conviction for fourth-degree
26 fleeing and eluding, attempted fourth-degree fleeing and eluding,

1 or fleeing and eluding under a current or former law of this
2 state prohibiting substantially similar conduct.

3 (4) Except as provided in subsection (5), an individual who
4 violates subsection (1) is guilty of second-degree fleeing and
5 eluding, a felony punishable by imprisonment for not more than 10
6 years or a fine of not more than \$5,000.00, or both, if 1 or more
7 of the following circumstances apply:

8 (a) The violation results in serious injury to an
9 individual.

10 (b) The individual has 1 or more prior convictions for
11 first-, second-, or third-degree fleeing and eluding, attempted
12 first-, second-, or third-degree fleeing and eluding, or fleeing
13 and eluding under a current or former law of this state prohibit-
14 ing substantially similar conduct.

15 (c) The individual has any combination of 2 or more prior
16 convictions for fourth-degree fleeing and eluding, attempted
17 fourth-degree fleeing and eluding, or fleeing and eluding under a
18 current or former law of this state prohibiting substantially
19 similar conduct.

20 (5) If the violation results in the death of another indi-
21 vidual, an individual who violates subsection (1) is guilty of
22 first-degree fleeing and eluding, a felony punishable by impris-
23 onment for not more than 15 years or a fine of not more than
24 \$10,000.00, or both.

25 ~~-(6) The individual shall not be eligible to receive a~~
26 ~~restricted license pursuant to section 323 during the first 6~~
27 ~~months of the period of suspension.~~

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1 (6) ~~-(7)-~~ A conviction under this section does not prohibit
2 a conviction and sentence under any other applicable provision,
3 except section 479a(2), (3), (4), or (5) of the Michigan penal
4 code, 1931 PA 328, MCL 750.479a, for conduct arising out of the
5 same transaction.

6 (7) ~~-(8)-~~ As used in this section, "serious injury" means a
7 physical injury that is not necessarily permanent, but that con-
8 stitutes serious bodily disfigurement or that seriously impairs
9 the functioning of a body organ or limb. Serious injury
10 includes, but is not limited to, 1 or more of the following:

- 11 (a) Loss of a limb or use of a limb.
- 12 (b) Loss of a hand, foot, finger, or thumb or use of a hand,
13 foot, finger, or thumb.
- 14 (c) Loss of an eye or ear or use of an eye or ear.
- 15 (d) Loss or substantial impairment of a bodily function.
- 16 (e) Serious visible disfigurement.
- 17 (f) A comatose state that lasts for more than 3 days.
- 18 (g) Measurable brain damage or mental impairment.
- 19 (h) A skull fracture or other serious bone fracture.
- 20 (i) Subdural hemorrhage or hematoma.

21 Sec. 605. (1) This chapter AND CHAPTER VIII shall ~~be~~
22 ~~applicable and uniform~~ APPLY UNIFORMLY throughout this state and
23 in all political subdivisions and municipalities in the state. A
24 local authority shall not adopt, enact, or enforce a local law,
25 charter provision, ordinance, rule, or regulation in conflict
26 with this chapter OR CHAPTER VIII.

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1 (2) A local law, charter provision, ordinance, rule, or
2 regulation or portion ~~thereof which imposes~~ OF A LOCAL LAW,
3 CHAPTER PROVISION, ORDINANCE, RULE, OR REGULATION IMPOSING a
4 criminal penalty for an act or omission ~~which~~ THAT is a civil
5 infraction under this act, or ~~which imposes~~ IMPOSING a criminal
6 penalty or civil sanction in excess of that prescribed in this
7 act, is in conflict with this act and is void to the extent of
8 the conflict.

[Sec. 619. The driver of any vehicle who knows or who has reason to believe that he OR SHE has been involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his OR HER name, address, and the registration number of the vehicle he OR SHE is driving, also the name and address of the owner, and exhibit his OR HER operator's or chauffeur's license to A POLICE OFFICER OR the person struck or the driver or occupants of any vehicle collided with and shall render to any person injured in such accident reasonable assistance in securing medical aid or transportation of injured person or persons.]

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

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

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

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

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1 content of 0.10 grams or more per 100 milliliters of blood, per
2 210 liters of breath, or per 67 milliliters of urine, OR WHOSE
3 ABILITY TO OPERATE THE MOTOR VEHICLE IS VISIBLY IMPAIRED DUE TO
4 THE CONSUMPTION OF INTOXICATING LIQUOR, A CONTROLLED SUBSTANCE,
5 OR A COMBINATION OF INTOXICATING LIQUOR AND A CONTROLLED
6 SUBSTANCE.

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

16 (4) A person, whether licensed or not, who operates a motor
17 vehicle in violation of subsection (1) or (3) and by the opera-
18 tion of that motor vehicle causes the death of another person is
19 guilty of a felony punishable by imprisonment for not more than
20 15 years or a fine of not less than \$2,500.00 or more than
21 \$10,000.00, or both. The judgment of sentence may impose the
22 sanction permitted under section 625n. ~~or 904d.~~ If ~~the viola-~~
23 ~~tion occurs within 7 years of a prior conviction or within 10~~
24 ~~years of 2 or more prior convictions, the court shall, unless~~
25 the vehicle is NOT ordered forfeited under section 625n, THE
26 COURT SHALL order vehicle immobilization under section 904d in
27 the judgment of sentence.

1 (5) A person, whether licensed or not, who operates a motor
2 vehicle in violation of subsection (1) or (3) and by the opera-
3 tion of that motor vehicle causes a serious impairment of a body
4 function of another person is guilty of a felony punishable by
5 imprisonment for not more than 5 years or a fine of not less than
6 \$1,000.00 or more than \$5,000.00, or both. The judgment of sen-
7 tence may impose the sanction permitted under section 625n. ~~or~~
8 ~~904d. If the violation occurs within 7 years of a prior convic-~~
9 ~~tion or within 10 years of 2 or more prior convictions, the court~~
10 ~~shall, unless~~ the vehicle is NOT ordered forfeited under section
11 625n, THE COURT SHALL order vehicle immobilization under
12 section 904d in the judgment of sentence. As used in this sub-
13 section, "serious impairment of a body function" includes, but is
14 not limited to, 1 or more of the following:

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

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1 motor vehicles, including an area designated for the parking of
2 vehicles, within this state if the person has any bodily alcohol
3 content. As used in this subsection, "any bodily alcohol
4 content" means either of the following:

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

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

12 ~~(7) A person who operates a vehicle in violation of subsec-~~
13 ~~tion (1), (3), (4), (5), or (6) while another person who is less~~
14 ~~than 16 years of age is occupying the vehicle is guilty of a mis-~~
15 ~~demeanor punishable by imprisonment for not more than 1 year or a~~
16 ~~fine of not more than \$1,000.00, or both. The judgment of sen-~~
17 ~~tence may impose the sanction permitted under section 625n. If~~
18 ~~the violation occurs within 7 years of a prior conviction or~~
19 ~~within 10 years of 2 or more prior convictions, the court shall,~~
20 ~~unless the vehicle is ordered forfeited under section 625n, order~~
21 ~~vehicle immobilization under section 904d in the judgment of~~
22 ~~sentence. This section does not prohibit a person from being~~
23 ~~charged with, convicted of, or punished for a violation of sub-~~
24 ~~section (1), (3), (4), (5), or (6) that is committed by the~~
25 ~~person while violating this subsection. However, points shall~~
26 ~~not be assessed under section 320a for both a violation of~~
27 ~~subsection (1), (3), (4), (5), or (6) and a violation of this~~

~~1 subsection for conduct arising out of the same transaction~~ A
2 PERSON, WHETHER LICENSED OR NOT, IS SUBJECT TO THE FOLLOWING
3 REQUIREMENTS:

4 (A) HE OR SHE SHALL NOT OPERATE A VEHICLE IN VIOLATION OF
5 SUBSECTION (1), (3), (4), OR (5) WHILE ANOTHER PERSON WHO IS LESS
6 THAN 16 YEARS OF AGE IS OCCUPYING THE VEHICLE. A PERSON WHO VIO-
7 LATES THIS SUBDIVISION IS GUILTY OF A CRIME PUNISHABLE AS
8 FOLLOWS:

9 (i) EXCEPT AS PROVIDED IN SUBPARAGRAPH (ii), A PERSON WHO
10 VIOLATES THIS SUBDIVISION IS GUILTY OF A MISDEMEANOR AND SHALL BE
11 SENTENCED TO PAY A FINE OF NOT LESS THAN \$200.00 OR MORE THAN
12 \$1,000.00 AND TO 1 OR MORE OF THE FOLLOWING:

13 (A) IMPRISONMENT FOR NOT LESS THAN 5 DAYS OR MORE THAN 1
14 YEAR. NOT LESS THAN 48 HOURS OF THIS IMPRISONMENT SHALL BE
15 SERVED CONSECUTIVELY. THIS TERM OF IMPRISONMENT SHALL NOT BE
16 SUSPENDED.

17 (B) COMMUNITY SERVICE FOR NOT LESS THAN 30 DAYS OR MORE THAN
18 90 DAYS.

19 (ii) IF THE VIOLATION OCCURS WITHIN 7 YEARS OF A PRIOR CON-
20 VICTION OR WITHIN 10 YEARS OF 2 OR MORE PRIOR CONVICTIONS, A
21 PERSON WHO VIOLATES THIS SUBDIVISION IS GUILTY OF A FELONY AND
22 SHALL BE SENTENCED TO PAY A FINE OF NOT LESS THAN \$500.00 OR MORE
23 THAN \$5,000.00 AND TO EITHER OF THE FOLLOWING:

24 (A) IMPRISONMENT UNDER THE JURISDICTION OF THE DEPARTMENT OF
25 CORRECTIONS FOR NOT LESS THAN 1 YEAR OR MORE THAN 5 YEARS.

26 (B) PROBATION WITH IMPRISONMENT IN THE COUNTY JAIL FOR NOT
27 LESS THAN 30 DAYS OR MORE THAN 1 YEAR AND COMMUNITY SERVICE FOR

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1 NOT LESS THAN 60 DAYS OR MORE THAN 180 DAYS. NOT LESS THAN 48
2 HOURS OF THIS IMPRISONMENT SHALL BE SERVED CONSECUTIVELY. THIS
3 TERM OF IMPRISONMENT SHALL NOT BE SUSPENDED.

4 (B) HE OR SHE SHALL NOT OPERATE A VEHICLE IN VIOLATION OF
5 SUBSECTION (6) WHILE ANOTHER PERSON WHO IS LESS THAN 16 YEARS OF
6 AGE IS OCCUPYING THE VEHICLE. A PERSON WHO VIOLATES THIS SUBDI-
7 VISION IS GUILTY OF A MISDEMEANOR PUNISHABLE AS FOLLOWS:

8 (i) EXCEPT AS PROVIDED IN SUBPARAGRAPH (ii), A PERSON WHO
9 VIOLATES THIS SUBDIVISION MAY BE SENTENCED TO 1 OR MORE OF THE
10 FOLLOWING:

11 (A) COMMUNITY SERVICE FOR NOT MORE THAN 60 DAYS.

12 (B) A FINE OF NOT MORE THAN \$500.00.

13 (C) IMPRISONMENT FOR NOT MORE THAN 93 DAYS.

14 (ii) IF THE VIOLATION OCCURS WITHIN 7 YEARS OF A PRIOR CON-
15 VICTION OR WITHIN 10 YEARS OF 2 OR MORE PRIOR CONVICTIONS, A
16 PERSON WHO VIOLATES THIS SUBDIVISION SHALL BE SENTENCED TO PAY A
17 FINE OF NOT LESS THAN \$200.00 OR MORE THAN \$1,000.00 AND TO 1 OR
18 MORE OF THE FOLLOWING:

19 (A) IMPRISONMENT FOR NOT LESS THAN 5 DAYS OR MORE THAN 1
20 YEAR. NOT LESS THAN 48 HOURS OF THIS IMPRISONMENT SHALL BE
21 SERVED CONSECUTIVELY. THIS TERM OF IMPRISONMENT SHALL NOT BE
22 SUSPENDED.

23 (B) COMMUNITY SERVICE FOR NOT LESS THAN 30 DAYS OR MORE THAN
24 90 DAYS.

25 (C) IN THE JUDGMENT OF SENTENCE UNDER SUBDIVISION (A)(i) OR
26 (B)(i), THE COURT MAY, UNLESS THE VEHICLE IS ORDERED FORFEITED
27 UNDER SECTION 625N, ORDER VEHICLE IMMOBILIZATION AS PROVIDED IN

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1 SECTION 904D. IN THE JUDGMENT OF SENTENCE UNDER SUBDIVISION
2 (A)(*ii*) OR (B)(*ii*), THE COURT SHALL, UNLESS THE VEHICLE IS
3 ORDERED FORFEITED UNDER SECTION 625N, ORDER VEHICLE IMMOBILIZA-
4 TION AS PROVIDED IN SECTION 904D.

5 (D) THIS SUBSECTION DOES NOT PROHIBIT A PERSON FROM BEING
6 CHARGED WITH, CONVICTED OF, OR PUNISHED FOR A VIOLATION OF SUB-
7 SECTION (4) OR (5) THAT IS COMMITTED BY THE PERSON WHILE VIOLAT-
8 ING THIS SUBSECTION. HOWEVER, POINTS SHALL NOT BE ASSESSED UNDER
9 SECTION 320A FOR BOTH A VIOLATION OF SUBSECTION (4) OR (5) AND A
10 VIOLATION OF THIS SUBSECTION FOR CONDUCT ARISING OUT OF THE SAME
11 TRANSACTION.

12 (8) If a person is convicted of violating subsection (1),
13 all of the following apply:

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

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

18 (*ii*) Imprisonment for not more than 93 days.

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

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

24 (*i*) Imprisonment for not less than 5 days or more than 1
25 year. Not less than 48 hours of the term of imprisonment imposed
26 under this subparagraph shall be served consecutively.

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1 (ii) Community service for not less than 30 days or more
2 than 90 days.

3 (c) If the violation occurs within 10 years of 2 or more
4 prior convictions, the person is guilty of a felony and shall be
5 sentenced to pay a fine of not less than \$500.00 or more than
6 \$5,000.00 and to either of the following:

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

9 (ii) Probation with imprisonment in the county jail for not
10 less than 30 days or more than 1 year and community service for
11 not less than 60 days or more than 180 days. Not less than 48
12 hours of the imprisonment imposed under this subparagraph shall
13 be served consecutively.

14 (d) A term of imprisonment imposed under subdivision
15 ~~(b)(ii)~~ (B) or (c) shall not be suspended.

16 (e) In the judgment of sentence under subdivision (a), the
17 court may order vehicle immobilization as provided in
18 section 904d. In the judgment of sentence under subdivision (b)
19 or (c), the court shall, unless the vehicle is ordered forfeited
20 under section 625n, order vehicle immobilization as provided in
21 section 904d.

22 (f) In the judgment of sentence under subdivision (b) or
23 (c), the court may impose the sanction permitted under
24 section 625n.

25 (9) A person who is convicted of violating subsection (2) is
26 guilty of a crime as follows:

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1 (a) Except as provided in subdivisions (b) and (c), a
2 misdemeanor punishable by imprisonment for not more than 93 days
3 or a fine of not less than \$100.00 or more than \$500.00, or
4 both.

5 (b) If the person operating the motor vehicle violated sub-
6 section (4), a felony punishable by imprisonment for not more
7 than 5 years or a fine of not less than \$1,500.00 or more than
8 \$10,000.00, or both.

9 (c) If the person operating the motor vehicle violated sub-
10 section (5), a felony punishable by imprisonment for not more
11 than 2 years or a fine of not less than \$1,000.00 or more than
12 \$5,000.00, or both.

13 (10) If a person is convicted of violating subsection (3),
14 all of the following apply:

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

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

19 (ii) Imprisonment for not more than 93 days.

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

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

25 (i) Imprisonment for not less than 5 days or more than 1
26 year. Not less than 48 hours of the term of imprisonment imposed
27 under this subparagraph shall be served consecutively.

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1 (ii) Community service for not less than 30 days or more
2 than 90 days.

3 (c) If the violation occurs within 10 years of 2 or more
4 prior convictions, the person is guilty of a felony and shall be
5 sentenced to pay a fine of not less than \$500.00 or more than
6 \$5,000.00 and either of the following:

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

9 (ii) Probation with imprisonment in the county jail for not
10 less than 30 days or more than 1 year and community service for
11 not less than 60 days or more than 180 days. Not less than 48
12 hours of the imprisonment imposed under this subparagraph shall
13 be served consecutively.

14 (d) A term of imprisonment imposed under subdivision (b) or
15 (c) shall not be suspended.

16 (e) In the judgment of sentence under subdivision (a), the
17 court may order vehicle immobilization as provided in
18 section 904d. In the judgment of sentence under subdivision (b)
19 or (c), the court shall, unless the vehicle is ordered forfeited
20 under section 625n, order vehicle immobilization as provided in
21 section 904d.

22 (f) In the judgment of sentence under subdivision (b) or
23 (c), the court may impose the sanction permitted under
24 section 625n.

25 (11) If a person is convicted of violating subsection (6),
26 all of the following apply:

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

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

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

6 (b) If the violation occurs within 7 years of 1 or more
7 prior convictions, the person may be sentenced to 1 or more of
8 the following:

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

10 (ii) A fine of not more than \$500.00.

11 (iii) Imprisonment for not more than 93 days.

12 (12) In addition to imposing the sanctions prescribed under
13 this section, the court may order the person to pay the costs of
14 the prosecution under the code of criminal procedure, 1927
15 PA 175, MCL 760.1 to 776.22.

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

21 (14) If the prosecuting attorney intends to seek an enhanced
22 sentence under this section or a sanction under section 625n or
23 904d based upon the defendant having 1 or more prior convictions,
24 the prosecuting attorney shall include on the complaint and
25 information, or an amended complaint and information, filed in
26 district court, circuit court, municipal court, or family

1 division of circuit court, a statement listing the defendant's
2 prior convictions.

3 (15) If a person is charged with a violation of subsection
4 (1), (3), (4), (5), or (7) or section 625m, the court shall not
5 permit the defendant to enter a plea of guilty or nolo contendere
6 to a charge of violating subsection (6) in exchange for dismissal
7 of the original charge. This subsection does not prohibit the
8 court from dismissing the charge upon the prosecuting attorney's
9 motion.

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

12 (a) An abstract of conviction.

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

14 (c) An admission by the defendant.

15 (17) Except as otherwise provided in subsection (19), if a
16 person is charged with operating a vehicle while under the influ-
17 ence of a controlled substance or a combination of intoxicating
18 liquor and a controlled substance in violation of subsection (1)
19 or a local ordinance substantially corresponding to
20 subsection (1), the court shall require the jury to return a spe-
21 cial verdict in the form of a written finding or, if the court
22 convicts the person without a jury or accepts a plea of guilty or
23 nolo contendere, the court shall make a finding as to whether the
24 person was under the influence of a controlled substance or a
25 combination of intoxicating liquor and a controlled substance at
26 the time of the violation.

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1 (18) Except as otherwise provided in subsection (19), if a
2 person is charged with operating a vehicle while his or her
3 ability to operate the vehicle was visibly impaired due to his or
4 her consumption of a controlled substance or a combination of
5 intoxicating liquor and a controlled substance in violation of
6 subsection (3) or a local ordinance substantially corresponding
7 to subsection (3), the court shall require the jury to return a
8 special verdict in the form of a written finding or, if the court
9 convicts the person without a jury or accepts a plea of guilty or
10 nolo contendere, the court shall make a finding as to whether,
11 due to the consumption of a controlled substance or a combination
12 of intoxicating liquor and a controlled substance, the person's
13 ability to operate a motor vehicle was visibly impaired at the
14 time of the violation.

15 (19) A special verdict described in subsections (17) and
16 (18) is not required if a jury is instructed to make a finding
17 solely as to either of the following:

18 (a) Whether the defendant was under the influence of a con-
19 trolled substance or a combination of intoxicating liquor and a
20 controlled substance at the time of the violation.

21 (b) Whether the defendant was visibly impaired due to his or
22 her consumption of a controlled substance or a combination of
23 intoxicating liquor and a controlled substance at the time of the
24 violation.

25 (20) If a jury or court finds under subsection (17), (18),
26 or (19) that the defendant operated a motor vehicle under the
27 influence of or while impaired due to the consumption of a

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1 controlled substance or a combination of a controlled substance
2 and an intoxicating liquor, the court shall do both of the
3 following:

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

5 (b) On a form or forms prescribed by the state court admin-
6 istrator, forward to the department of state police a record that
7 specifies the penalties imposed by the court, including any term
8 of imprisonment, and any sanction imposed under section 625n or
9 904d.

10 (21) Except as otherwise provided by law, a record described
11 in subsection (20)(b) is a public record and the department of
12 state police shall retain the information contained on that
13 record for not less than 7 years.

14 (22) In a prosecution for a violation of subsection (6), the
15 defendant bears the burden of proving that the consumption of
16 intoxicating liquor was a part of a generally recognized reli-
17 gious service or ceremony by a preponderance of the evidence.

18 (23) Subject to subsection (25), as used in this section,
19 "prior conviction" means a conviction for any of the following,
20 whether under a law of this state, a local ordinance substan-
21 tially corresponding to a law of this state, or a law of another
22 state substantially corresponding to a law of this state:

23 (a) Except as provided in subsection (24), a violation or
24 attempted violation of subsection (1), (3), (4), (5), (6), or
25 (7), section 625m, former section 625(1) or (2), or former sec-
26 tion 625b.

1 (b) Negligent homicide, manslaughter, or murder resulting
2 from the operation of a vehicle or an attempt to commit any of
3 those crimes.

4 (24) Except for purposes of the enhancement described in
5 subsection (11)(b), only 1 violation or attempted violation of
6 subsection (6), a local ordinance substantially corresponding to
7 subsection (6), or a law of another state substantially corre-
8 sponding to subsection (6) may be used as a prior conviction.

9 (25) If 2 or more convictions described in subsection (23)
10 are convictions for violations arising out of the same transac-
11 tion, only 1 conviction shall be used to determine whether the
12 person has a prior conviction.

13 Sec. 625g. (1) If a person refuses a chemical test offered
14 pursuant to section 625a(6), or submits to the chemical test or
15 a chemical test is performed pursuant to a court order and the
16 test reveals an unlawful alcohol content, the peace officer who
17 requested the person to submit to the test shall do all of the
18 following:

19 (a) On behalf of the secretary of state, immediately confis-
20 cate the person's license or permit to operate a motor vehicle
21 and, if the person is otherwise eligible for a license or permit,
22 issue a temporary license or permit to the person. The temporary
23 license or permit shall be on a form provided by the secretary of
24 state.

25 (b) Except as provided in subsection (2), immediately do all
26 of the following:

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1 (i) Forward a copy of the written report of the person's
2 refusal to submit to a chemical test required under section 625d
3 to the secretary of state.

4 (ii) Notify the secretary of state by means of the law
5 enforcement information network that a temporary license or
6 permit was issued to the person.

7 (iii) Destroy the person's driver's license or permit.

8 (2) If a person submits to a chemical test offered pursuant
9 to section 625a(6) that requires an analysis of blood or urine
10 and a report of the results of that chemical test is not immedi-
11 ately available, the peace officer who requested the person to
12 submit to the test shall comply with subsection (1)(a) pending
13 receipt of the test report. If the report reveals an unlawful
14 alcohol content, the peace officer who requested the person to
15 submit to the test shall immediately comply with
16 subsection (1)(b). If the report does not reveal an unlawful
17 alcohol content, the peace officer who requested the person to
18 submit to the test shall immediately notify the person of the
19 test results and immediately return the person's license or
20 permit by first-class mail to the address given at the time of
21 arrest.

22 (3) A temporary license or permit issued under this section
23 is valid for 1 of the following time periods:

24 (a) If the case is not prosecuted, for 90 days after issu-
25 ance or until the person's license or permit is suspended pursu-
26 ant to section 625f, whichever occurs earlier. The prosecuting
27 attorney shall notify the secretary of state if a case referred

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1 to the prosecuting attorney is not prosecuted. The arresting law
2 enforcement agency shall notify the secretary of state if a case
3 is not referred to the prosecuting attorney for prosecution.

4 (b) If the case is prosecuted, until the criminal charges
5 against the person are dismissed, the person ~~pleads guilty or~~
6 ~~nolo contendere to or is found guilty of or~~ IS acquitted of
7 those charges, or the person's license or permit is suspended,
8 ~~pursuant to section 625f, whichever occurs earlier~~ RESTRICTED,
9 OR REVOKED.

10 (4) As used in this section, "unlawful alcohol content"
11 means any of the following, as applicable:

12 (a) If the person tested is less than 21 years of age, 0.02
13 grams or more of alcohol per 100 milliliters of blood, per 210
14 liters of breath, or per 67 milliliters of urine.

15 (b) If the person tested was operating a commercial motor
16 vehicle within this state, 0.04 grams or more of alcohol per 100
17 milliliters of blood, per 210 liters of breath, or per 67 milli-
18 liters of urine.

19 (c) If the person tested is not a person described in
20 subdivision (a) or (b), 0.10 grams or more of alcohol per 100
21 milliliters of blood, per 210 liters of breath, or per 67 milli-
22 liters of urine.

23 Sec. 625h. (1) The drunk driving prevention equipment and
24 training fund is created as a separate fund in the state
25 treasury. Money in the fund shall be expended only as provided
26 in subsection (2). The state treasurer shall credit to the fund
27 all money received for that purpose under section 320e, and as

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1 otherwise provided by law. The state treasurer shall invest
2 money in the fund in the same manner as surplus funds are
3 invested under section 143 of ~~Act No. 105 of the Public Acts of~~
4 ~~1855, being section 21.143 of the Michigan Compiled Laws~~ 1855 PA
5 105, MCL 21.143. Earnings from the fund shall be credited to the
6 fund. Money in the fund at the end of the fiscal year shall
7 remain in the fund, and shall not revert to the general fund.

8 (2) The department of state police shall administer the
9 fund. Money in the fund shall be used only to administer the
10 fund, to purchase and maintain breath alcohol testing equipment,
11 and to provide training to law enforcement personnel of this
12 state in the use of that breath alcohol testing equipment.

13 (3) The department of treasury shall, before November 1 of
14 each year, notify the department of state police of the balance
15 in the fund at the close of the preceding fiscal year.

16 (4) The department of state police shall promulgate rules to
17 implement subsection (2).

18 (5) The drunk driving caseflow assistance fund is created as
19 a separate fund in the state treasury. The purpose of the fund
20 is to promote the timely disposition of cases in which the
21 defendant is charged with a violation of ~~section 625(1) or (3)~~
22 ~~of this act, section 82127(1) or (3) of part 821 (snowmobiles)~~
23 ANY OF THE FOLLOWING OR A LOCAL ORDINANCE SUBSTANTIALLY CORRE-
24 SPONDING TO ANY OF THE FOLLOWING:

25 (A) SECTION 625 OR 625M.

26 (B) SECTION 80176, 81134, 81135, OR 82127 of the natural
27 resources and environmental protection act, ~~Act No. 451 of the~~

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1 ~~Public Acts of 1994, being section 324.82127 of the Michigan~~
2 ~~Compiled Laws, or section 80176(1) or (3) of part 801 (marine~~
3 ~~safety) of Act No. 451 of the Public Acts of 1994, being section~~
4 ~~324.80176 of the Michigan Compiled Laws, or a local ordinance~~
5 ~~substantially corresponding to section 625(1) or (3) of this act,~~
6 ~~section 82127(1) or (3) of part 821 of Act No. 451 of the Public~~
7 ~~Acts of 1994, or section 80176(1) or (3) of part 801 of Act~~
8 ~~No. 451 of the Public Acts of 1994~~ 1994 PA 451, MCL 324.80176,
9 324.81134, 324.81135, AND 324.82127.

10 (6) Money in the fund shall be expended only as provided in
11 subsection ~~(7)~~ (8).

12 (7) ~~(6)~~ The state treasurer shall credit the drunk driving
13 caseflow assistance fund with deposits of proceeds from the col-
14 lection of revenue from license reinstatement fees as provided
15 for in section 320e, and all income from investment credited to
16 the fund by the state treasurer. The state treasurer may invest
17 money contained in the drunk driving caseflow assistance fund in
18 any manner authorized by law for the investment of state money.
19 However, an investment shall not interfere with any apportion-
20 ment, allocation, or payment of money as required by this
21 section. The state treasurer shall credit to the fund all income
22 earned as a result of an investment. Money in the fund at the
23 end of the fiscal year shall remain in the fund and shall not
24 revert to the general fund.

25 (8) ~~(7)~~ The state court administrator, at the direction of
26 the supreme court and upon confirmation of the amount by the
27 state treasurer, shall distribute from the drunk driving caseflow

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1 assistance fund the total amount available in a fiscal year to
2 each district of the district court and each municipal court as
3 provided in this section. The state court administrator, after
4 reimbursement of costs as provided in this subsection, shall dis-
5 tribute the balance of the drunk driving caseflow assistance fund
6 annually to each district of the district court and each municipi-
7 pal court in an amount determined by multiplying the amount
8 available for distribution by a fraction, the numerator of which
9 is the number of cases in which the defendant was charged with a
10 violation ~~of section 625(1) or (3) of this act, section 82127(1)~~
11 ~~or (3) of part 821 of Act No. 451 of the Public Acts of 1994, or~~
12 ~~section 80176(1) or (3) of part 801 of Act No. 451 of the Public~~
13 ~~Acts of 1994 or a local ordinance substantially corresponding to~~
14 ~~section 625(1) or (3) of this act, section 82127(1) or (3) of~~
15 ~~part 821 of Act No. 451 of the Public Acts of 1994, or section~~
16 ~~80176(1) or (3) of part 801 of Act No. 451 of the Public Acts of~~
17 ~~1994~~ ENUMERATED IN SUBSECTION (5) in the prior calendar year in
18 that district of the district court or that municipal court as
19 certified by the state court administrator and the denominator of
20 which is the total number of cases in all districts of the dis-
21 trict court and all municipal courts in which the defendant was
22 charged with a violation ~~of section 625(1) or (3) of this act,~~
23 ~~section 82127(1) or (3) of part 821 of Act No. 451 of the Public~~
24 ~~Acts of 1994, or section 80176(1) or (3) of part 801 of Act~~
25 ~~No. 451 of the Public Acts of 1994 or a local ordinance substan-~~
26 ~~tially corresponding to section 625(1) or (3) of this act,~~
27 ~~section 82127(1) or (3) of part 821 of Act No. 451 of the Public~~

1 ~~Acts of 1994, or section 80176(1) or (3) of part 801 of Act~~
 2 ~~No. 451 of the Public Acts of 1994~~ ENUMERATED IN SUBSECTION (5)
 3 in the calendar year. The state court administrative office
 4 shall be reimbursed annually from the drunk driving caseflow
 5 assistance fund for all reasonable costs associated with the
 6 administration of this section, including judicial and staff
 7 training, on-site management assistance, and software development
 8 and conversion.

[Sec. 727c. (1) As used in this act, "citation" means a complaint or notice upon which a police officer shall record an occurrence involving 1 or more vehicle law violations by the person cited. Each citation shall be numbered consecutively, be in a form as determined by the secretary of state, the attorney general, the state court administrator, and the director of the department of state police and shall consist of the following parts:

(a) The original which shall be a complaint or notice to appear by the officer and shall be filed with the court in which the appearance is to be made.

(b) The first copy which shall be retained by the local traffic enforcement agency.

(c) The second copy which shall be delivered to the alleged violator if the violation is a misdemeanor.

(d) The third copy which shall be delivered to the alleged violator if the violation is a civil infraction.

(2) With the prior approval of the state officials enumerated in subsection (1), the citation may be appropriately modified as to content or number of copies to accommodate law enforcement and local court procedures and practices. Use of this citation for other than moving violations is optional.

(3) For purposes of this act, a complaint signed by a police officer shall be treated as made under oath if the violation alleged in the complaint is either a civil infraction or a ~~minor offense as defined in section 1 of chapter I of Act No. 175 of the Public Acts of 1927, being section 761.1 of the Michigan Compiled Laws~~ MISDEMEANOR OR ORDINANCE VIOLATION FOR WHICH THE MAXIMUM PERMISSIBLE PENALTY DOES NOT EXCEED 93 DAYS IN JAIL OR A FINE, OR BOTH, and occurred or was committed in the signing officer's presence or under circumstances permitting the officer's issuance of a citation under section ~~625~~ 625A or 728(8), and if the complaint contains the following statement immediately above the date and signature of the officer:

"I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief."

9 Sec. 732. (1) Each municipal judge and each clerk of a
 10 court of record shall keep a full record of every case in which a
 11 person is charged with or cited for a violation of this act or a
 12 local ordinance substantially corresponding to this act regulat-
 13 ing the operation of vehicles on highways and, BEGINNING OCTOBER
 14 1, 2000, with those offenses pertaining to the operation of ORVs
 15 or snowmobiles for which points are assessed under section
 16 320a(1)(b) or (f). Except as provided in subsection (15), the
 17 municipal judge or clerk of the court of record shall prepare and
 18 forward to the secretary of state an abstract of the court record
 19 as follows:

20 (a) Within 14 days after a conviction, forfeiture of bail,
 21 or entry of a civil infraction determination or default judgment
 22 upon a charge of or citation for violating or attempting to vio-

23 late this act or a local ordinance substantially corresponding to
 24 this act regulating the operation of vehicles on highways.

25 (b) Immediately for each case charging a violation of
 26 section 625(1), (3), (4), (5), (6), or (7) or section 625m or a
 27 local ordinance substantially corresponding to section 625(1),

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1 (3), or (6) or section 625m in which the charge is dismissed or
2 the defendant is acquitted.

3 (c) ~~Immediately~~ BEGINNING OCTOBER 1, 2000, IMMEDIATELY for
4 each case charging a violation of section 82127(1) or (3), 81134,
5 or 81135 of the natural resources and environmental protection
6 act, 1994 PA 451, MCL 324.82127, 324.81134, and 324.81135, or a
7 local ordinance substantially corresponding to those sections.

8 (2) If a city or village department, bureau, or person is
9 authorized to accept a payment of money as a settlement for a
10 violation of a local ordinance substantially corresponding to
11 this act, the city or village department, bureau, or person shall
12 send a full report of each case in which a person pays any amount
13 of money to the city or village department, bureau, or person to
14 the secretary of state upon a form prescribed by the secretary of
15 state.

16 (3) The abstract or report required under this section shall
17 be made upon a form furnished by the secretary of state. An
18 abstract shall be certified by signature, stamp, or facsimile
19 signature of the person required to prepare the abstract as
20 correct. An abstract or report shall include all of the
21 following:

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

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

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

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

4 (e) The date of the conviction, finding, forfeiture, judg-
5 ment, or civil infraction determination.

6 (f) Whether bail was forfeited.

7 (g) Any license restriction, suspension, or denial ordered
8 by the court as provided by law.

9 (h) The vehicle identification number and registration plate
10 number of all vehicles that are ordered immobilized or
11 forfeited.

12 (i) Other information considered necessary to the secretary
13 of state.

14 (4) The clerk of the court also shall forward an abstract of
15 the court record to the secretary of state upon a person's con-
16 viction involving any of the following:

17 (a) A violation of section 413, 414, or 479a of the Michigan
18 penal code, 1931 PA 328, MCL 750.413, 750.414, and 750.479a.

19 (b) A violation of section 1 of 1931 PA 214, MCL 752.191.

20 (c) Negligent homicide, manslaughter, or murder resulting
21 from the operation of a vehicle.

22 (d) A violation of section 703 of the Michigan liquor con-
23 trol code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance
24 substantially corresponding to that section.

25 (e) An attempt to violate, a conspiracy to violate, or a
26 violation of part 74 or section 17766a of the public health code,
27 1978 PA 368, MCL 333.7401 to 333.7461 and 333.17766a, or a local

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1 ordinance that prohibits conduct prohibited under part 74 or
2 section 17766a of the public health code, 1978 PA 368,
3 MCL 333.7401 to 333.7461 and 333.17766a, unless the convicted
4 person is sentenced to life imprisonment or a minimum term of
5 imprisonment that exceeds 1 year for the offense.

6 (f) An attempt to commit an offense described in subdivi-
7 sions (a) to (d).

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

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

14 (b) The vehicle was used to transport a victim of the
15 felony.

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

17 (d) The vehicle was necessary for the commission of the
18 felony.

19 (6) If a person is charged with a felony in which a motor
20 vehicle was used, other than a felony specified in subsection (4)
21 or section 319, the prosecuting attorney shall include the fol-
22 lowing statement on the complaint and information filed in dis-
23 trict or circuit court:

24 "You are charged with the commission of a felony in which a
25 motor vehicle was used. If you are convicted and the judge finds
26 that the conviction is for a felony in which a motor vehicle was
27 used, as defined in section 319 of the Michigan vehicle code,

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1 1949 PA 300, MCL 257.319, your driver's license shall be
2 suspended by the secretary of state.".

3 (7) If a juvenile is accused of an act, the nature of which
4 constitutes a felony in which a motor vehicle was used, other
5 than a felony specified in subsection (4) or section 319, the
6 prosecuting attorney or family division of circuit court shall
7 include the following statement on the petition filed in the
8 court:

9 "You are accused of an act the nature of which constitutes a
10 felony in which a motor vehicle was used. If the accusation is
11 found to be true and the judge or referee finds that the nature
12 of the act constitutes a felony in which a motor vehicle was
13 used, as defined in section 319 of the Michigan vehicle code,
14 1949 PA 300, MCL 257.319, your driver's license shall be sus-
15 pended by the secretary of state.".

16 (8) If the court determines as part of the sentence or dis-
17 position that the felony for which the person was convicted or
18 adjudicated and with respect to which notice was given under sub-
19 section (6) or (7) is a felony in which a motor vehicle was used,
20 the clerk of the court shall forward an abstract of the court
21 record of that conviction to the secretary of state.

22 (9) As used in subsections (10) and (11), "felony in which a
23 commercial motor vehicle was used" means a felony during the com-
24 mission of which the person operated a commercial motor vehicle
25 and while the person was operating the vehicle 1 or more of the
26 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 (10) If a person is charged with a felony in which a commer-
8 cial motor vehicle was used and for which a vehicle group desig-
9 nation on a license is subject to suspension or revocation under
10 section 319b(1)(c)(iii), 319b(1)(d), or ~~319b(1)(e)(v) or (viii)~~
11 319B(1)(E)(iii), OR 319B(1)(F)(i), the prosecuting attorney shall
12 include the following statement on the complaint and information
13 filed in district or circuit court:

14 "You are charged with the commission of a felony in which a
15 commercial motor vehicle was used. If you are convicted and the
16 judge finds that the conviction is for a felony in which a com-
17 mercial motor vehicle was used, as defined in section 319b of the
18 Michigan vehicle code, 1949 PA 300, MCL 257.319b, all vehicle
19 group designations on your driver's license shall be suspended or
20 revoked by the secretary of state."

21 (11) If the judge determines as part of the sentence that
22 the felony for which the defendant was convicted and with respect
23 to which notice was given under subsection (10) is a felony in
24 which a commercial motor vehicle was used, the clerk of the court
25 shall forward an abstract of the court record of that conviction
26 to the secretary of state.

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1 (12) Every person required to forward abstracts to the
2 secretary of state under this section shall certify for the
3 period from January 1 through June 30 and for the period from
4 July 1 through December 31 that all abstracts required to be for-
5 warded during the period have been forwarded. The certification
6 shall be filed with the secretary of state not later than 28 days
7 after the end of the period covered by the certification. The
8 certification shall be made upon a form furnished by the secre-
9 tary of state and shall include all of the following:

10 (a) The name and title of the person required to forward
11 abstracts.

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

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

14 (d) The following statement:

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

19 (e) Other information the secretary of state considers
20 necessary.

21 (f) The signature of the person required to forward
22 abstracts.

23 (13) The failure, refusal, or neglect of a person to comply
24 with this section constitutes misconduct in office and is grounds
25 for removal from office.

26 (14) Except as provided in subsection (15), the secretary of
27 state shall keep all abstracts received under this section at the

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1 secretary of state's main office and the abstracts shall be open
2 for public inspection during the office's usual business hours.
3 Each abstract shall be entered upon the master driving record of
4 the person to whom it pertains.

5 (15) Except for controlled substance offenses described in
6 subsection (4), the court shall not submit, and the secretary of
7 state shall discard and not enter on the master driving record,
8 an abstract for a conviction or civil infraction determination
9 for any of the following violations:

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

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

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

17 (d) A pedestrian, passenger, or bicycle violation, other
18 than a violation of section 703(1) or (2) of the Michigan liquor
19 control code of 1998, 1998 PA 58, MCL 436.1703, or a local ordi-
20 nance substantially corresponding to section 703(1) or (2) of the
21 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703,
22 or section 624a or 624b or a local ordinance substantially corre-
23 sponding to section 624a or 624b.

24 (e) A violation of section 710e or a local ordinance sub-
25 stantially corresponding to section 710e.

26 (16) The secretary of state shall discard and not enter on
27 the master driving record an abstract for a bond forfeiture that

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1 occurred outside this state. However, the secretary of state
2 shall retain and enter on the master driving record an abstract
3 of an out-of-state bond forfeiture for an offense that occurred
4 after January 1, 1990 in connection with the operation of a com-
5 mercial motor vehicle.

6 (17) The secretary of state shall inform the courts of this
7 state of the nonmoving violations and violations of chapter II
8 that are used by the secretary of state as the basis for the sus-
9 pension, restriction, revocation, or denial of an operator's or
10 chauffeur's license.

11 (18) If a conviction or civil infraction determination is
12 reversed upon appeal, the person whose conviction or determina-
13 tion has been reversed may serve on the secretary of state a cer-
14 tified copy of the order of reversal. The secretary of state
15 shall enter the order in the proper book or index in connection
16 with the record of the conviction or civil infraction
17 determination.

18 (19) The secretary of state may permit a city or village
19 department, bureau, person, or court to modify the requirement as
20 to the time and manner of reporting a conviction, civil infrac-
21 tion determination, or settlement to the secretary of state if
22 the modification will increase the economy and efficiency of col-
23 lecting and utilizing the records. If the permitted abstract of
24 court record reporting a conviction, civil infraction determina-
25 tion, or settlement originates as a part of the written notice as
appear, authorized in section 728(1) or 742(1), the form of the
written notice and report shall be as prescribed by the secretary
of state.

(20) Except as provided in this act and notwithstanding any other
provision of law, a court shall not order expunction of any vio-
lation reportable to the secretary of state under this section.

26 Sec. 904. (1) A person whose operator's or chauffeur's
27 license or registration certificate has been suspended or revoked

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1 and who has been notified as provided in section 212 of that
2 suspension or revocation, whose application for license has been
3 denied, or who has never applied for a license, shall not operate
4 a motor vehicle upon a highway or other place open to the general
5 public or generally accessible to motor vehicles, including an
6 area designated for the parking of motor vehicles, within this
7 state.

8 (2) A person shall not knowingly permit a motor vehicle
9 owned by the person to be operated upon a highway or other place
10 open to the general public or generally accessible to motor vehi-
11 cles, including an area designated for the parking of vehicles,
12 within this state by a person whose license or registration cer-
13 tificate is suspended or revoked, whose application for license
14 has been denied, or who has never applied for a license, except
15 as permitted under this act.

16 (3) Except as otherwise provided in this section, a person
17 who violates subsection (1) or (2) is guilty of a misdemeanor
18 punishable as follows:

19 (a) For a first violation, by imprisonment for not more than
20 93 days or a fine of not more than \$500.00, or both. Unless the
21 vehicle was stolen or used with the permission of a person who
22 did not knowingly permit an unlicensed driver to operate the
23 vehicle, the registration plates of the vehicle shall be canceled
24 by the secretary of state upon notification by a peace officer.

25 (b) For a ~~second or subsequent~~ violation THAT OCCURS AFTER
26 A PRIOR CONVICTION, by imprisonment for not more than 1 year or a
27 fine of not more than \$1,000.00, or both. Unless the vehicle was

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1 stolen, the registration plates of the vehicle shall be canceled
2 by the secretary of state upon notification by a peace officer.

3 (4) A person who operates a motor vehicle in violation of
4 subsection (1) and who, by operation of that motor vehicle,
5 causes the death of another person is guilty of a felony punish-
6 able by imprisonment for not more than 15 years or a fine of not
7 less than \$2,500.00 or more than \$10,000.00, or both. This sub-
8 section does not apply to a person whose operator's or
9 chauffeur's license was suspended because that person failed to
10 answer a citation or comply with an order or judgment pursuant to
11 section 321a.

12 (5) A person who operates a motor vehicle in violation of
13 subsection (1) and who, by operation of that motor vehicle,
14 causes the serious impairment of a body function of another
15 person is guilty of a felony punishable by imprisonment for not
16 more than 5 years or a fine of not less than \$1,000.00 or more
17 than \$5,000.00, or both. This subsection does not apply to a
18 person whose operator's or chauffeur's license was suspended
19 because that person failed to answer a citation or comply with an
20 order or judgment pursuant to section 321a. As used in this sub-
21 section and subsection (7), "serious impairment of a body
22 function" includes, but is not limited to, 1 or more of the
23 following:

24 (a) Loss of a limb or loss of use of a limb.

25 (b) Loss of a foot, hand, finger, or thumb or loss of use of
26 a foot, hand, finger, or thumb.

1 (c) Loss of an eye or ear or loss of use of an eye or ear.

2 (d) Loss or substantial impairment of a bodily function.

3 (e) Serious visible disfigurement.

4 (f) A comatose state that lasts for more than 3 days.

5 (g) Measurable brain or mental impairment.

6 (h) A skull fracture or other serious bone fracture.

7 (i) Subdural hemorrhage or subdural hematoma.

8 (6) In addition to being subject to any other penalty pro-
9 vided for in this act, if a person is convicted under subsection
10 (4) or (5), the court may impose the sanction permitted under
11 section 625n. ~~or 904d.~~ If the ~~violation occurs within 7 years~~
12 ~~of a prior conviction or within 10 years of 2 or more prior~~
13 ~~convictions~~ VEHICLE IS NOT ORDERED FORFEITED UNDER SECTION 625N,
14 the court shall order vehicle immobilization under section 904d
15 in the judgment of sentence.

16 (7) A person shall not knowingly permit a motor vehicle
17 owned by the person to be operated upon a highway or other place
18 open to the general public or generally accessible to motor vehi-
19 cles, including an area designated for the parking of vehicles,
20 within this state, by a person whose license or registration cer-
21 tificate is suspended or revoked, whose application for license
22 has been denied, or who has never been licensed except as permit-
23 ted by this act. If a person permitted to operate a motor vehi-
24 cle in violation of this subsection causes the serious impairment
25 of a body function of another person by operation of that motor
26 vehicle, the person knowingly permitting the operation of that
27 motor vehicle is guilty of a felony punishable by imprisonment

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1 for not more than 2 years, or a fine of not less than \$1,000.00
2 or more than \$5,000.00, or both. If a person permitted to oper-
3 ate a motor vehicle in violation of this subsection causes the
4 death of another person by operation of that motor vehicle, the
5 person knowingly permitting the operation of that motor vehicle
6 is guilty of a felony punishable by imprisonment for not more
7 than 5 years, or a fine of not less than \$1,000.00 or more than
8 \$5,000.00, or both.

9 (8) IF THE PROSECUTING ATTORNEY INTENDS TO SEEK AN ENHANCED
10 SENTENCE UNDER THIS SECTION OR A SANCTION UNDER SECTION 904D
11 BASED UPON THE DEFENDANT HAVING 1 OR MORE PRIOR CONVICTIONS, OR
12 SUSPENSIONS OR REVOCATIONS UNDER THIS SECTION, THE PROSECUTING
13 ATTORNEY SHALL INCLUDE ON THE COMPLAINT AND INFORMATION, OR AN
14 AMENDED COMPLAINT AND INFORMATION, FILED IN DISTRICT COURT, CIR-
15 CUIT COURT, MUNICIPAL COURT, OR FAMILY DIVISION OF CIRCUIT COURT,
16 A STATEMENT LISTING THE DEFENDANT'S PRIOR CONVICTIONS, SUSPEN-
17 SIONS, OR REVOCATIONS.

18 (9) A PRIOR CONVICTION, A SUSPENSION, OR A REVOCATION UNDER
19 THIS SECTION SHALL BE ESTABLISHED AT OR BEFORE SENTENCING BY 1 OR
20 MORE OF THE FOLLOWING:

21 (A) AN ABSTRACT OF CONVICTION.

22 (B) A COPY OF THE DEFENDANT'S DRIVING RECORD.

23 (C) AN ADMISSION BY THE DEFENDANT.

24 (10) ~~(8)~~ Upon receiving a record of a person's conviction
25 or civil infraction determination for the unlawful operation of a
26 motor vehicle or a moving violation ~~of this act or a local~~
27 ~~ordinance substantially corresponding to this act~~ REPORTABLE

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1 UNDER SECTION 732 while the person's operator's or chauffeur's
2 license is suspended or revoked, the secretary of state immedi-
3 ately shall impose an additional like period of suspension or
4 revocation. This subsection applies only if the violation occurs
5 during a suspension of definite length or if the violation occurs
6 before the person is approved for a license following a
7 revocation.

8 (11) ~~(9)~~ Upon receiving a record of a person's conviction
9 or civil infraction determination for the unlawful operation of a
10 motor vehicle or a moving violation ~~of this act or a local ordi-~~
11 ~~nance substantially corresponding to this act~~ REPORTABLE UNDER
12 SECTION 732 while the person's operator's or chauffeur's license
13 is ~~expired for 60 days or more,~~ indefinitely suspended ~~,~~ or
14 whose application for a license has been denied, the secretary of
15 state immediately shall impose ~~an additional~~ A 30-day period of
16 suspension or denial.

17 (12) ~~(10)~~ Upon receiving a record of the conviction, bond
18 forfeiture, or a civil infraction determination of a person for
19 unlawful operation of a motor vehicle requiring a vehicle group
20 designation while the designation is suspended pursuant to sec-
21 tion 319a or 319b, or revoked, the secretary of state immediately
22 shall impose an additional like period of suspension or
23 revocation. ~~A prior conviction shall be established as provided~~
24 ~~in section 625(16).~~ This subsection applies only if the viola-
25 tion occurs during a suspension of definite length, if the viola-
26 tion occurs before the person is approved for a license following
27 a revocation, or if the person operates a commercial vehicle

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1 while disqualified under the commercial motor vehicle safety act
2 of 1986, title XII of Public Law 99-570, 100 Stat. 3207-170.

3 (13) ~~-(11)-~~ If the secretary of state receives records of
4 more than 1 conviction or civil infraction determination result-
5 ing from the same incident, all of the convictions or civil
6 infraction determinations shall be treated as a single violation
7 for purposes of imposing an additional period of suspension or
8 revocation under subsection ~~-(8), (9), or (10)-~~ (10), (11), OR
9 (12).

10 (14) ~~-(12)-~~ Before a person is arraigned before a district
11 court magistrate or judge on a charge of violating this section,
12 the arresting officer shall obtain the person's driving record
13 from the secretary of state and shall furnish the record to the
14 court. The driving record of the person may be obtained from the
15 secretary of state's computer information network.

16 (15) ~~-(13)-~~ This section does not apply to a person who
17 operates a vehicle solely for the purpose of protecting human
18 life or property if the life or property is endangered and sum-
19 moning prompt aid is essential.

20 (16) ~~-(14)-~~ A person whose vehicle group designation is sus-
21 pended or revoked and who has been notified as provided in sec-
22 tion 212 of that suspension or revocation, or whose application
23 for a vehicle group designation has been denied as provided in
24 this act, or who has never applied for a vehicle group designa-
25 tion and who operates a commercial motor vehicle within this
26 state, except as permitted under this act, while any of those
27 conditions exist is guilty of a misdemeanor punishable, except as

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1 otherwise provided in this section, by imprisonment for not less
2 than 3 days or more than 93 days or a fine of not more than
3 \$100.00, or both.

4 (17) ~~-(15)-~~ If a person has a second or subsequent suspen-
5 sion or revocation under this section within 7 years as indicated
6 on the person's Michigan driving record, the court shall proceed
7 as provided in section 904d.

8 (18) ~~-(16)- This section~~ ANY PERIOD OF SUSPENSION OR REVOCATION
9 TION REQUIRED UNDER SUBSECTION (10), (11), OR (12) does not apply
10 to a person who has ONLY 1 currently effective suspension or
11 denial on his or her Michigan driving record under section 321a
12 and ~~has never been~~ WAS convicted of or received a civil infrac-
13 tion determination for a violation that occurred during that sus-
14 pension or denial. THIS SUBSECTION MAY ONLY BE APPLIED ONCE
15 DURING THE PERSON'S LIFETIME.

16 (19) ~~-(17)-~~ For purposes of this section, a person who never
17 applied for a license includes a person who applied for a
18 license, was denied, and never applied again.

19 Sec. 904c. (1) When a peace officer detains the driver of a
20 motor vehicle for a violation of a law of this state or local
21 ordinance for which vehicle immobilization is required, the peace
22 officer shall do all of the following:

23 (a) Immediately confiscate the vehicle's registration plate
24 and destroy it.

25 (b) Issue a temporary vehicle registration plate for the
26 vehicle in the same form prescribed by the secretary of state for
27 temporary registration plates issued under section 226a OR 226B.

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1 (c) Place the temporary vehicle registration plate on the
2 vehicle in the manner required by the secretary of state.

3 (d) Notify the secretary of state through the law enforce-
4 ment information network in a form prescribed by the secretary of
5 state that the registration plate was confiscated and destroyed,
6 and a temporary plate was issued.

7 (2) A temporary vehicle registration plate issued under this
8 section is valid ~~for 100 days unless extended by the court~~
9 UNTIL THE CHARGES AGAINST THE PERSON ARE DISMISSED, THE PERSON
10 PLEADS GUILTY OR NOLO CONTENDERE TO THOSE CHARGES, OR THE PERSON
11 IS FOUND GUILTY OF OR IS ACQUITTED OF THOSE CHARGES.

12 [~~Sec. 904d. (1) For a violation of section 625, the follow-~~
13 ~~ing apply~~

14 ~~(a) For a violation of~~ section 625(1),
15 ~~(3), (4), (5), or (7) or a local ordinance substantially corre-~~
16 ~~sponding to section 625(1) or (3)~~, the
17 court may order vehicle immobilization for not more than 180
18 days.

19

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21

22 ~~(b) For a second violation of~~ sec=
23 ~~tion 625(1), (3), (4), (5), or (7) in any combination arising~~
24 ~~out of separate incidents~~

25 ~~the court shall order vehicle immobilization for not~~
26 ~~less than 24~~ days or more than 180 days.

1 ~~(4) The court shall not order vehicle immobilization~~
2 ~~under this section if the~~
3
4 ~~defendant is not the owner, or lessee,~~
5 ~~of the vehicle operated during the violation.~~
6 ~~unless the~~
7 ~~owner, or lessee, knowingly~~
8 ~~permitted the vehicle to be operated in violation of section~~
9 ~~625(2) or section 904(1) regardless of whether a conviction~~
10 ~~resulted.~~

11 ~~(5) An order required to be issued under this section shall~~
12 ~~not be suspended.~~

13 ~~(6) If a defendant is ordered imprisoned for the violation~~
14 ~~for which immobilization is ordered, the period of immobilization~~
15 ~~shall begin at the end of the period of imprisonment.~~

16 ~~(7) This section does not apply to any of the following:~~

17 ~~(a) A suspension, revocation, or denial based on a violation~~
18 ~~of the support and parenting time enforcement act, 1982 PA 295,~~
19 ~~MCL 552.601 to 552.650.~~

20 ~~(b) For a suspension, revocation, or denial under section~~
21 ~~904, an individual who has no currently effective suspension or~~
22 ~~denial under section 321a or who has 1 currently effective sus-~~
23 ~~pension or denial under section 321a but has never violated a~~
24 ~~condition of that suspension or denial, and who has no other sus-~~
25 ~~pensions or revocations or denials under this act.~~

26 ~~(c) A vehicle that is registered in another state or~~
27 ~~that is a rental vehicle.~~

- 1 ~~-(d) Any of the following:~~
- 2 ~~(i) A violation of chapter II.~~
- 3 ~~(ii) A violation of chapter V.~~
- 4 ~~(iii) A violation for failure to change address.~~
- 5 ~~(iv) A parking violation.~~
- 6 ~~(v) A bad check violation.~~
- 7 ~~(vi) An equipment violation.~~
- 8 ~~(vii) A pedestrian, passenger, or bicycle violation, other~~
- 9 ~~than a violation of section 703(1) or (2) of the Michigan liquor~~
- 10 ~~control code of 1998, 1998 PA 58, MCL 436.1703, or a local ordi-~~
- 11 ~~nance substantially corresponding to section 703(1) or (2) of the~~
- 12 ~~Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703,~~
- 13 ~~or section 624a or 624b or a local ordinance substantially corre-~~
- 14 ~~sponding to section 624a or 624b.~~
- 15 ~~(viii) A violation of a local ordinance substantially corre-~~
- 16 ~~sponding to a violation described in subparagraphs (i) to (vii).~~
- 17 ~~(8) As used in this section: , "vehicle"~~

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~~immobilization" means requiring the motor vehi-
cle involved in the violation immobilized in a manner provided in
section 904e.~~

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14 Sec. 904e. (1) A court shall order a vehicle immobilized
15 under section 904d by the use of any available technology
16 APPROVED BY THE COURT that locks the ignition, wheels, or steer-
17 ing of the vehicle or otherwise prevents any person from operat-
18 ing the vehicle or that prevents the defendant from operating the
19 vehicle. If a vehicle is immobilized under this section, the
20 court may order the vehicle stored at a location and in a manner
21 considered appropriate by the court. The court may order the
22 person convicted of violating section 625 or a suspension, revo-
23 cation, or denial under section 904 to pay the cost of immobiliz-
24 ing and storing the vehicle.

25 (2) A vehicle subject to immobilization under this section
26 may be sold during the period of immobilization, but shall not be
27 sold to a person who is exempt from paying a use tax under

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1 section 3(3)(a) of the use tax act, 1937 PA 94, MCL 205.93,
2 without a court order.

3 (3) A defendant who is prohibited from operating a motor
4 vehicle by vehicle immobilization shall not purchase, lease, or
5 otherwise obtain a motor vehicle during the immobilization
6 period.

7 (4) A person shall not remove, tamper with, or bypass or
8 attempt to remove, tamper with, or bypass a device that he or she
9 knows or has reason to know has been installed on a vehicle by
10 court order for vehicle immobilization or operate or attempt to
11 operate a vehicle that he or she knows or has reason to know has
12 been ordered immobilized.

13 (5) A person who violates this section is guilty of a misde-
14 meanor punishable by imprisonment for not more than 93 days or a
15 fine of not more than \$100.00, or both.

16 (6) To the extent that a local ordinance regarding the stor-
17 age or removal of vehicles conflicts with an order of immobiliza-
18 tion issued by the court, the local ordinance is preempted.

19 (7) IF A PEACE OFFICER STOPS A VEHICLE THAT IS BEING OPER-
20 ATED IN VIOLATION OF AN IMMOBILIZATION ORDER, THE VEHICLE SHALL
21 BE IMPOUNDED PENDING AN ORDER OF A COURT OF COMPETENT
22 JURISDICTION.

(8) THE COURT SHALL REQUIRE THE DEFENDANT OR A PERSON WHO
PROVIDES IMMOBILIZATION SERVICES TO THE COURT UNDER THIS SECTION
TO CERTIFY THAT A VEHICLE ORDERED IMMOBILIZED BY THE COURT IS
IMMOBILIZED AS REQUIRED.

23 Enacting section 1. This amendatory act takes effect
24 October 1, 1999.

25 Enacting section 2. This amendatory act does not take
26 effect unless all of the following bills of the 90th Legislature
27 are enacted into law:

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Sub. S.B. 556 (S-1) as amended May 27, 1999

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- 1 (a) Senate Bill No. 557.
- 2 (b) Senate Bill No. 558
- 3 (c) Senate Bill No. 559.
- 4 (d) Senate Bill No. 560.
- 5 (e) House Bill No. 4580.
- 6 (f) House Bill No. 4581.
- 7 (g) House Bill No. 4582.
- 8 (h) House Bill No. 4583.
- 9 (i) House Bill No. 4584.
- 10 (j) House Bill No. 4585.
- [(k) House Bill No. 4648.]