

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 104

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303, 319, 319b, 320a, 625, 625c, 625m, 625n, 626, 727, 732a, 904d, and 907 (MCL 257.303, 257.319, 257.319b, 257.320a, 257.625, 257.625c, 257.625m, 257.625n, 257.626, 257.727, 257.732a, 257.904d, and 257.907), section 303 as amended by 2008 PA 7, section 319 as amended by 2004 PA 362, sections 319b and 907 as amended by 2006 PA 298, section 320a as amended by 2004 PA 495, section 625 as amended by 2006 PA 564, sections 625c, 625m, and 904d as amended by 2003 PA 61, section 625n as amended by 1998 PA 349, section 626 as amended by 2004 PA 331,

section 727 as amended by 2004 PA 62, and section 732a as amended by 2004 PA 52, and by adding section 601d; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

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

7 (c) A person whose license is suspended, revoked, denied, or
8 canceled in any state. If the suspension, revocation, denial, or
9 cancellation is not from the jurisdiction that issued the last
10 license to the person, the secretary of state may issue a license
11 after the expiration of 5 years from the effective date of the
12 most recent suspension, revocation, denial, or cancellation.

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

18 (e) A person who is unable to understand highway warning or
19 direction signs in the English language.

20 (f) A person who is unable to pass a knowledge, skill, or
21 ability test administered by the secretary of state in connection
22 with the issuance of an original operator's or chauffeur's
23 license, original motorcycle indorsement, or an original or

1 renewal of a vehicle group designation or vehicle indorsement.

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

10 (h) A nonresident, including, but not limited to, a foreign
11 exchange student.

12 (i) A person who has failed to answer a citation or notice
13 to appear in court or for any matter pending or fails to comply
14 with an order or judgment of the court, including, but not
15 limited to, paying all fines, costs, fees, and assessments, in
16 violation of section 321a, until that person answers the citation
17 or notice to appear in court or for any matter pending or
18 complies with an order or judgment of the court, including, but
19 not limited to, paying all fines, costs, fees, and assessments,
20 as provided under section 321a.

21 (j) A person not licensed under this act who has been
22 convicted of, has received a juvenile disposition for, or has
23 been determined responsible for a crime or civil infraction
24 described in section 319, 324, or 904. A person shall be denied a
25 license under this subdivision for the length of time
26 corresponding to the period of the licensing sanction that would
27 have been imposed under section 319, 324, or 904 if the person

1 had been licensed at the time of the violation.

2 (k) A person not licensed under this act who has been
3 convicted of or received a juvenile disposition for committing a
4 crime described in section 319e. A person shall be denied a
5 license under this subdivision for the length of time that
6 corresponds to the period of the licensing sanction that would
7 have been imposed under section 319e if the person had been
8 licensed at the time of the violation.

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

17 (m) A person whose commercial driver license application is
18 canceled under section 324(2).

19 (n) Unless otherwise eligible under section 307(1), a person
20 who is not a citizen of the United States.

21 (2) Upon receiving the appropriate records of conviction,
22 the secretary of state shall revoke the operator's or chauffeur's
23 license of a person and deny issuance of an operator's or
24 chauffeur's license to a person having any of the following,
25 whether under a law of this state, a local ordinance
26 substantially corresponding to a law of this state, ~~or~~ a law of
27 another state substantially corresponding to a law of this state,

1 OR A LAW OF THE UNITED STATES SUBSTANTIALLY CORRESPONDING TO A
2 LAW OF THIS STATE:

3 (a) Any combination of 2 convictions within 7 years for
4 reckless driving in violation of section ~~626~~626(2).

5 (b) Any combination of 2 or more convictions within 7 years
6 for any of the following:

7 (i) A felony in which a motor vehicle was used.

8 (ii) A violation or attempted violation of section 601b(2) or
9 (3), section 601c(1) or (2), section 602a(4) or (5), section 617,
10 section 653a(3) or (4), or section 904(4) or (5).

11 (iii) Negligent homicide, manslaughter, or murder resulting
12 from the operation of a vehicle or an attempt to commit any of
13 those crimes.

14 (iv) A violation or attempted violation of section 479a(4) or
15 (5) of the Michigan penal code, 1931 PA 328, MCL 750.479a.

16 (c) Any combination of 2 convictions within 7 years for any
17 of the following or a combination of 1 conviction for a violation
18 or attempted violation of section 625(6) and 1 conviction for any
19 of the following within 7 years:

20 (i) A violation or attempted violation of section 625, except
21 a violation of section 625(2), or a violation of any prior
22 enactment of section 625 in which the defendant operated a
23 vehicle while under the influence of intoxicating or alcoholic
24 liquor or a controlled substance, or a combination of
25 intoxicating or alcoholic liquor and a controlled substance, or
26 while visibly impaired, or with an unlawful bodily alcohol
27 content.

1 (ii) A violation or attempted violation of section 625m.

2 (iii) ~~Former~~ **A VIOLATION OR ATTEMPTED VIOLATION OF FORMER**
3 section 625b.

4 (d) One conviction for a violation or attempted violation of
5 section 315(5), section 601b(3), section 601c(2), section 602a(4)
6 or (5), section 617, section 625(4) or (5), **SECTION 626(3) OR**
7 **(4)**, section 653a(4), or section 904(4) or (5).

8 (e) One conviction of negligent homicide, manslaughter, or \pm
9 murder resulting from the operation of a vehicle or an attempt to
10 commit any of those crimes.

11 (f) One conviction for a violation or attempted violation of
12 section 479a(4) or (5) of the Michigan penal code, 1931 PA 328,
13 MCL 750.479a.

14 (g) Any combination of 3 convictions within 10 years for any
15 of the following or 1 conviction for a violation or attempted
16 violation of section 625(6) and any combination of 2 convictions
17 for any of the following within 10 years, if any of the
18 convictions resulted from an arrest on or after January 1, 1992:

19 (i) A violation or attempted violation of section 625, except
20 a violation of section 625(2), or a violation of any prior
21 enactment of section 625 in which the defendant operated a
22 vehicle while under the influence of intoxicating or alcoholic
23 liquor or a controlled substance, or a combination of
24 intoxicating or alcoholic liquor and a controlled substance, or
25 while visibly impaired, or with an unlawful bodily alcohol
26 content.

27 (ii) A violation or attempted violation of section 625m.

1 (iii) ~~Former~~ **A VIOLATION OR ATTEMPTED VIOLATION OF FORMER**
2 section 625b.

3 (3) The secretary of state shall revoke a license under
4 subsection (2) notwithstanding a court order unless the court
5 order complies with section 323.

6 (4) The secretary of state shall not issue a license under
7 this act to a person whose license has been revoked under this
8 act or revoked and denied under subsection (2) until all of the
9 following occur, as applicable:

10 (a) The later of the following:

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

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

16 (b) For a denial under subsection (2)(a), (b), (c), and (g),
17 the person rebuts by clear and convincing evidence the
18 presumption resulting from the prima facie evidence that he or
19 she is a habitual offender. The convictions that resulted in the
20 revocation and denial constitute prima facie evidence that he or
21 she is a habitual offender.

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

23 (5) The secretary of state may deny issuance of an
24 operator's license as follows:

25 (a) Until the age of 17, to a person not licensed under this
26 act who was convicted of or received a juvenile disposition for
27 violating or attempting to violate section 411a(2) of the

1 Michigan penal code, 1931 PA 328, MCL 750.411a, involving a
2 school when he or she was less than 14 years of age. A person not
3 issued a license under this subdivision is not eligible to begin
4 graduated licensing training until he or she attains 16 years of
5 age.

6 (b) To a person less than 21 years of age not licensed under
7 this act who was convicted of or received a juvenile disposition
8 for violating or attempting to violate section 411a(2) of the
9 Michigan penal code, 1931 PA 328, MCL 750.411a, involving a
10 school when he or she was ~~less than~~ 14 years of age or older,
11 until 3 years after the date of the conviction or juvenile
12 disposition. A person not issued a license under this subdivision
13 is not eligible to begin graduated licensing training or
14 otherwise obtain an original operator's or chauffeur's license
15 until 3 years after the date of the conviction or juvenile
16 disposition.

17 (6) The secretary of state shall deny issuance of a vehicle
18 group designation to a person if the person has been disqualified
19 by the United States secretary of transportation from operating a
20 commercial motor vehicle.

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

25 (8) As used in this section, "felony in which a motor
26 vehicle was used" means a felony during the commission of which
27 the person operated a motor vehicle and while operating the

1 vehicle presented real or potential harm to persons or property
2 and 1 or more of the following circumstances existed:

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

4 (b) The vehicle was used to transport a victim of the
5 felony.

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

7 (d) The vehicle was necessary for the commission of the
8 felony.

9 Sec. 319. (1) The secretary of state shall immediately
10 suspend a person's license as provided in this section upon
11 receiving a record of the person's conviction for a crime
12 described in this section, whether the conviction is under a law
13 of this state, a local ordinance substantially corresponding to a
14 law of this state, ~~or~~a law of another state substantially
15 corresponding to a law of this state, **OR A LAW OF THE UNITED**
16 **STATES SUBSTANTIALLY CORRESPONDING TO A LAW OF THIS STATE.**

17 (2) The secretary of state shall suspend the person's
18 license for 1 year for any of the following crimes:

19 (a) Fraudulently altering or forging documents pertaining to
20 motor vehicles in violation of section 257.

21 (b) A violation of section 413 of the Michigan penal code,
22 1931 PA 328, MCL 750.413.

23 (c) A violation of section 1 of former 1931 PA 214, MCL
24 752.191, or section 626c.

25 (d) A felony in which a motor vehicle was used. As used in
26 this section, "felony in which a motor vehicle was used" means a
27 felony during the commission of which the person convicted

1 operated a motor vehicle and while operating the vehicle
2 presented real or potential harm to persons or property and 1 or
3 more of the following circumstances existed:

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

5 (ii) The vehicle was used to transport a victim of the
6 felony.

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

8 (iv) The vehicle was necessary for the commission of the
9 felony.

10 (e) A violation of section 602a(2) or (3) of this act or
11 section 479a(2) or (3) of the Michigan penal code, 1931 PA 328,
12 MCL 750.479a.

13 **(F) A VIOLATION OF SECTION 601D.**

14 (3) The secretary of state shall suspend the person's
15 license for 90 days for any of the following crimes:

16 (a) Failing to stop and disclose identity at the scene of an
17 accident resulting in injury in violation of section 617a.

18 (b) A violation of section 601b(2), section 601c(1), section
19 ~~626-626~~(2), or section 653a(3).

20 (c) Malicious destruction resulting from the operation of a
21 vehicle under section 382(1)(b), (c), or (d) of the Michigan
22 penal code, 1931 PA 328, MCL 750.382.

23 (d) A violation of section 703(2) of the Michigan liquor
24 control code of 1998, 1998 PA 58, MCL 436.1703.

25 (4) The secretary of state shall suspend the person's
26 license for 30 days for malicious destruction resulting from the
27 operation of a vehicle under section 382(1)(a) of the Michigan

1 penal code, 1931 PA 328, MCL 750.382.

2 (5) For perjury or making a false certification to the
3 secretary of state under any law requiring the registration of a
4 motor vehicle or regulating the operation of a vehicle on a
5 highway, or for conduct prohibited under section 324(1) or a
6 local ordinance substantially corresponding to section 324(1),
7 the secretary shall suspend the person's license as follows:

8 (a) If the person has no prior conviction for an offense
9 described in this subsection within 7 years, for 90 days.

10 (b) If the person has 1 or more prior convictions for an
11 offense described in this subsection within 7 years, for 1 year.

12 (6) For a violation of section 414 of the Michigan penal
13 code, 1931 PA 328, MCL 750.414, the secretary of state shall
14 suspend the person's license as follows:

15 (a) If the person has no prior conviction for that offense
16 within 7 years, for 90 days.

17 (b) If the person has 1 or more prior convictions for that
18 offense within 7 years, for 1 year.

19 (7) For a violation of section 624a or 624b of this act or
20 section 703(1) of the Michigan liquor control code of 1998, 1998
21 PA 58, MCL 436.1703, the secretary of state shall suspend the
22 person's license as follows:

23 (a) If the person has 1 prior conviction for an offense
24 described in this subsection or section 33b(1) of former 1933 (Ex
25 Sess) PA 8, for 90 days. The secretary of state may issue the
26 person a restricted license after the first 30 days of
27 suspension.

1 (b) If the person has 2 or more prior convictions for an
2 offense described in this subsection or section 33b(1) of former
3 1933 (Ex Sess) PA 8, for 1 year. The secretary of state may issue
4 the person a restricted license after the first 60 days of
5 suspension.

6 (8) The secretary of state shall suspend the person's
7 license for a violation of section 625 or 625m as follows:

8 (a) For 180 days for a violation of section ~~625(1)~~**625(1)(A)**
9 **OR (B)** or (8) if the person has no prior convictions within 7
10 years. The secretary of state may issue the person a restricted
11 license during a specified portion of the suspension, except that
12 the secretary of state shall not issue a restricted license
13 during the first 30 days of suspension.

14 (b) For 90 days for a violation of section 625(3) if the
15 person has no prior convictions within 7 years. However, if the
16 person is convicted of a violation of section 625(3), for
17 operating a vehicle when, due to the consumption of a controlled
18 substance or a combination of alcoholic liquor and a controlled
19 substance, the person's ability to operate the vehicle was
20 visibly impaired, the secretary of state shall suspend the
21 person's license under this subdivision for 180 days. The
22 secretary of state may issue the person a restricted license
23 during all or a specified portion of the suspension.

24 (c) For 30 days for a violation of section 625(6) if the
25 person has no prior convictions within 7 years. The secretary of
26 state may issue the person a restricted license during all or a
27 specified portion of the suspension.

1 (d) For 90 days for a violation of section 625(6) if the
2 person has 1 or more prior convictions for that offense within 7
3 years.

4 (e) For 180 days for a violation of section 625(7) if the
5 person has no prior convictions within 7 years. The secretary of
6 state may issue the person a restricted license after the first
7 90 days of suspension.

8 (f) For 90 days for a violation of section 625m if the
9 person has no prior convictions within 7 years. The secretary of
10 state may issue the person a restricted license during all or a
11 specified portion of the suspension.

12 (G) FOR 1 YEAR FOR A VIOLATION OF SECTION 625(1)(C) IF THE
13 PERSON HAS NO PRIOR CONVICTIONS WITHIN 7 YEARS OR NOT MORE THAN 2
14 CONVICTIONS WITHIN 10 YEARS. THE SECRETARY OF STATE MAY ISSUE THE
15 PERSON A RESTRICTED LICENSE, EXCEPT THAT THE SECRETARY OF STATE
16 SHALL NOT ISSUE A RESTRICTED LICENSE DURING THE FIRST 45 DAYS OF
17 SUSPENSION.

18 (H) THE DEPARTMENT SHALL ORDER A PERSON CONVICTED OF
19 VIOLATING SECTION 625(1)(C) NOT TO OPERATE A MOTOR VEHICLE UNDER
20 A RESTRICTED LICENSE ISSUED UNDER SUBDIVISION (G) UNLESS THE
21 VEHICLE IS EQUIPPED WITH AN IGNITION INTERLOCK DEVICE APPROVED,
22 CERTIFIED, AND INSTALLED AS REQUIRED UNDER SECTIONS 625K AND 625L.
23 THE IGNITION INTERLOCK DEVICE MAY BE REMOVED AFTER THE INTERLOCK
24 DEVICE PROVIDER PROVIDES THE DEPARTMENT WITH VERIFICATION THAT
25 THE PERSON HAS OPERATED THE VEHICLE WITH NO INSTANCES OF REACHING
26 OR EXCEEDING A BLOOD ALCOHOL LEVEL OF 0.025 GRAMS PER 210 LITERS
27 OF BREATH.

1 (I) IF AN INDIVIDUAL VIOLATES THE CONDITIONS OF THE
2 RESTRICTED LICENSE ISSUED UNDER SUBDIVISION (G) OR OPERATES OR
3 ATTEMPTS TO OPERATE A MOTOR VEHICLE WITH A BLOOD ALCOHOL LEVEL OF
4 0.025 GRAMS PER 210 LITERS OF BREATH, THE SECRETARY OF STATE
5 SHALL IMPOSE AN ADDITIONAL LIKE PERIOD OF SUSPENSION AND
6 RESTRICTION AS PRESCRIBED UNDER SUBDIVISION (G). THIS SUBDIVISION
7 DOES NOT APPLY TO A START-UP TEST FAILURE WITHIN THE FIRST 2
8 MONTHS AFTER INSTALLATION OF THE IGNITION INTERLOCK DEVICE. AS
9 USED IN THIS SUBDIVISION, "START-UP TEST FAILURE" MEANS THAT TERM
10 AS DEFINED IN R 257.313A OF THE MICHIGAN ADMINISTRATIVE CODE.

11 (9) For a violation of section 367c of the Michigan penal
12 code, 1931 PA 328, MCL 750.367c, the secretary of state shall
13 suspend the person's license as follows:

14 (a) If the person has no prior conviction for an offense
15 described in this subsection within 7 years, for 6 months.

16 (b) If the person has 1 or more convictions for an offense
17 described in this subsection within 7 years, for 1 year.

18 (10) For a violation of section 315(4), the secretary of
19 state may suspend the person's license for 6 months.

20 (11) For a violation or attempted violation of section
21 411a(2) of the Michigan penal code, 1931 PA 328, MCL 750.411a,
22 involving a school, the secretary of state shall suspend the
23 license of a person 14 years of age or over but less than 21
24 years of age until 3 years after the date of the conviction or
25 juvenile disposition for the violation. The secretary of state
26 may issue the person a restricted license after the first 365
27 days of suspension.

1 (12) Except as provided in subsection (14), a suspension
2 under this section shall be imposed notwithstanding a court order
3 unless the court order complies with section 323.

4 (13) If the secretary of state receives records of more than
5 1 conviction of a person resulting from the same incident, a
6 suspension shall be imposed only for the violation to which the
7 longest period of suspension applies under this section.

8 (14) The secretary of state may waive a restriction,
9 suspension, or revocation of a person's license imposed under
10 this act if the person submits proof that a court in another
11 state revoked, suspended, or restricted his or her license for a
12 period equal to or greater than the period of a restriction,
13 suspension, or revocation prescribed under this act for the
14 violation and that the revocation, suspension, or restriction was
15 served for the violation, or may grant a restricted license.

16 (15) The secretary of state shall not issue a restricted
17 license to a person whose license is suspended under this section
18 unless a restricted license is authorized under this section and
19 the person is otherwise eligible for a license.

20 (16) The secretary of state shall not issue a restricted
21 license to a person under subsection (8) that would permit the
22 person to operate a commercial motor vehicle.

23 (17) ~~A-EXCEPT AS PROVIDED IN SUBSECTION (16), A~~ restricted
24 license issued under this section shall permit the person to whom
25 it is issued to take any driving skills test required by the
26 secretary of state and to ~~drive-OPERATE A VEHICLE~~ under 1 or more
27 of the following circumstances:

1 (a) In the course of the person's employment or occupation.

2 (b) To and from any combination of the following:

3 (i) The person's residence.

4 (ii) The person's work location.

5 (iii) An alcohol or drug education or treatment program as
6 ordered by the court.

7 (iv) The court probation department.

8 (v) A court-ordered community service program.

9 (vi) An educational institution at which the person is
10 enrolled as a student.

11 (vii) A place of regularly occurring medical treatment for a
12 serious condition for the person or a member of the person's
13 household or immediate family.

14 (18) While driving with a restricted license, the person
15 shall carry proof of his or her destination and the hours of any
16 employment, class, or other reason for traveling and shall
17 display that proof upon a peace officer's request.

18 (19) Subject to subsection (21), as used in subsection (8),
19 "prior conviction" means a conviction for any of the following,
20 whether under a law of this state, a local ordinance
21 substantially corresponding to a law of this state, or a law of
22 another state substantially corresponding to a law of this state:

23 (a) Except as provided in subsection (20), a violation or
24 attempted violation of any of the following:

25 (i) Section 625, except a violation of section 625(2), or a
26 violation of any prior enactment of section 625 in which the
27 defendant operated a vehicle while under the influence of

1 intoxicating or alcoholic liquor or a controlled substance, or a
2 combination of intoxicating or alcoholic liquor and a controlled
3 substance, or while visibly impaired, or with an unlawful bodily
4 alcohol content.

5 (ii) Section 625m.

6 (iii) Former section 625b.

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

10 (C) A VIOLATION OF SECTION 601D OR SECTION 626(3) OR (4).

11 (20) Except for purposes of the suspensions described in
12 subsection (8)(c) and (d), only 1 violation or attempted
13 violation of section 625(6), a local ordinance substantially
14 corresponding to section 625(6), or a law of another state
15 substantially corresponding to section 625(6) may be used as a
16 prior conviction.

17 (21) If 2 or more convictions described in subsection (19)
18 are convictions for violations arising out of the same
19 transaction, only 1 conviction shall be used to determine whether
20 the person has a prior conviction.

21 Sec. 319b. (1) The secretary of state shall immediately
22 suspend or revoke, as applicable, all vehicle group designations
23 on the operator's or chauffeur's license of a person upon
24 receiving notice of a conviction, bond forfeiture, or civil
25 infraction determination of the person, or notice that a court or
26 administrative tribunal has found the person responsible, for a
27 violation described in this subsection of a law of this state, a

1 local ordinance substantially corresponding to a law of this
2 state while the person was operating a commercial motor vehicle,
3 or a law of another state substantially corresponding to a law of
4 this state, or notice that the person has refused to submit to a
5 chemical test of his or her blood, breath, or urine for the
6 purpose of determining the amount of alcohol or presence of a
7 controlled substance or both in the person's blood, breath, or
8 urine while the person was operating a commercial motor vehicle
9 as required by a law or local ordinance of this or another state.

10 The period of suspension or revocation is as follows:

11 (a) Suspension for 60 days if the person is convicted of or
12 found responsible for 1 of the following while operating a
13 commercial motor vehicle:

14 (i) Two serious traffic violations arising from separate
15 incidents within 36 months.

16 (ii) A violation of section 667, 668, 669, or 669a.

17 (iii) A violation of motor carrier safety regulations 49 CFR
18 392.10 or 392.11, as adopted by section 1a of the motor carrier
19 safety act of 1963, 1963 PA 181, MCL 480.11a.

20 (iv) A violation of section 57 of the pupil transportation
21 act, 1990 PA 187, MCL 257.1857.

22 (v) A violation of motor carrier safety regulations 49 CFR
23 392.10 or 392.11, as adopted by section 31 of the motor bus
24 transportation act, 1982 PA 432, MCL 474.131.

25 (vi) A violation of motor carrier safety regulations 49 CFR
26 392.10 or 392.11 while operating a commercial motor vehicle other
27 than a vehicle covered under subparagraph (iii), (iv), or (v).

1 (b) Suspension for 120 days if the person is convicted of or
2 found responsible for 1 of the following arising from separate
3 incidents within 36 months while operating a commercial motor
4 vehicle:

5 (i) Three serious traffic violations.

6 (ii) Any combination of 2 violations described in subdivision
7 (a) (ii).

8 (c) Suspension for 1 year if the person is convicted of or
9 found responsible for 1 of the following:

10 (i) A violation of section 625(1), (3), (4), (5), (6), (7),
11 or (8), section 625m, or former section 625(1) or (2), or former
12 section 625b, while operating a commercial or noncommercial motor
13 vehicle.

14 (ii) Leaving the scene of an accident involving a commercial
15 or noncommercial motor vehicle operated by the person.

16 (iii) Except for a felony described in 49 CFR 383.51(b)(9), a
17 felony in which a commercial or noncommercial motor vehicle was
18 used.

19 (iv) A refusal of a peace officer's request to submit to a
20 chemical test of his or her blood, breath, or urine to determine
21 the amount of alcohol or presence of a controlled substance or
22 both in his or her blood, breath, or urine while he or she was
23 operating a commercial or noncommercial motor vehicle as required
24 by a law or local ordinance of this state or another state.

25 (v) Effective October 1, 2005, operating a commercial motor
26 vehicle in violation of a suspension, revocation, denial, or
27 cancellation that was imposed for previous violations committed

1 while operating a commercial motor vehicle.

2 (vi) Effective October 1, 2005, causing a fatality through
3 the negligent or criminal operation of a commercial motor
4 vehicle, including, but not limited to, the crimes of motor
5 vehicle manslaughter, motor vehicle homicide, and negligent
6 homicide.

7 (vii) A 6-point violation as provided in section 320a while
8 operating a commercial motor vehicle.

9 (viii) Any combination of 3 violations described in
10 subdivision (a) (ii) arising from separate incidents within 36
11 months while operating a commercial motor vehicle.

12 (d) Suspension for 3 years if the person is convicted of or
13 found responsible for an offense enumerated in subdivision (c) (i)
14 to (vii) in which a commercial motor vehicle was used if the
15 vehicle was carrying hazardous material required to have a
16 placard under 49 CFR parts 100 to 199.

17 (e) Revocation for life, but with eligibility for reissue of
18 a group vehicle designation after not less than 10 years and
19 after approval by the secretary of state, if the person is
20 convicted of or found responsible for 2 violations or a
21 combination of any 2 violations arising from 2 or more separate
22 incidents involving any of the following:

23 (i) Section 625(1), (3), (4), (5), (6), (7), or (8), section
24 625m, or former section 625(1) or (2), or former section 625b,
25 while operating a commercial or noncommercial motor vehicle.

26 (ii) Leaving the scene of an accident involving a commercial
27 or noncommercial motor vehicle operated by the licensee.

1 (iii) Except for a felony described in 49 CFR 383.51(b)(9), a
2 felony in which a commercial or noncommercial motor vehicle was
3 used.

4 (iv) A refusal of a request of a police officer to submit to
5 a chemical test of his or her blood, breath, or urine for the
6 purpose of determining the amount of alcohol or presence of a
7 controlled substance or both in his or her blood while he or she
8 was operating a commercial or noncommercial motor vehicle in this
9 state or another state.

10 (v) Effective October 1, 2005, operating a commercial motor
11 vehicle in violation of a suspension, revocation, denial, or
12 cancellation that was imposed for previous violations committed
13 while operating a commercial motor vehicle.

14 (vi) Effective October 1, 2005, causing a fatality through
15 the negligent or criminal operation of a commercial motor
16 vehicle, including, but not limited to, the crimes of motor
17 vehicle manslaughter, motor vehicle homicide, and negligent
18 homicide.

19 (vii) Six-point violations as provided in section 320a while
20 operating a commercial motor vehicle.

21 (f) Revocation for life if a person is convicted of or found
22 responsible for any of the following:

23 (i) One violation of a felony in which a commercial motor
24 vehicle was used and that involved the manufacture, distribution,
25 or dispensing of a controlled substance or possession with intent
26 to manufacture, distribute, or dispense a controlled substance.

27 (ii) A conviction of any offense described in subdivision (c)

1 or (d) after having been approved for the reissuance of a vehicle
2 group designation under subdivision (e).

3 (iii) A conviction of a violation of chapter LXXXIII-A of the
4 Michigan penal code, 1931 PA 328, MCL 750.543a to 750.543z.

5 (2) The secretary of state shall immediately deny, cancel,
6 or revoke a hazardous material indorsement on the operator's or
7 chauffeur's license of a person with a vehicle group designation
8 upon receiving notice from a federal government agency that the
9 person poses a security risk warranting denial, cancellation, or
10 revocation under the uniting and strengthening America by
11 providing appropriate tools required to intercept and obstruct
12 terrorism (USA PATRIOT ACT) act of 2001, Public Law 107-56. The
13 denial, cancellation, or revocation cannot be appealed under
14 section 322 or 323 and remains in effect until the secretary of
15 state receives a federal government notice that the person does
16 not pose a security risk in the transportation of hazardous
17 materials.

18 (3) The secretary of state shall immediately suspend all
19 vehicle group designations on a person's operator's or
20 chauffeur's license upon receiving notice of a conviction, bond
21 forfeiture, or civil infraction determination of the person, or
22 notice that a court or administrative tribunal has found the
23 person responsible, for a violation of section 319d(4) or 319f, a
24 local ordinance substantially corresponding to section 319d(4) or
25 319f, or a law or local ordinance of another state, the United
26 States, Canada, Mexico, or a local jurisdiction of either of
27 these countries substantially corresponding to section 319d(4) or

1 319f, while operating a commercial motor vehicle. The period of
2 suspension or revocation is as follows:

3 (a) Suspension for 90 days if the person is convicted of or
4 found responsible for a violation of section 319d(4) or 319f
5 while operating a commercial motor vehicle.

6 (b) Suspension for 180 days if the person is convicted of or
7 found responsible for a violation of section 319d(4) or 319f
8 while operating a commercial motor vehicle that is either
9 carrying hazardous material required to have a placard under 49
10 CFR parts 100 to 199 or designed to carry 16 or more passengers,
11 including the driver.

12 (c) Suspension for 1 year if the person is convicted of or
13 found responsible for 2 violations, in any combination, of
14 section 319d(4) or 319f while operating a commercial motor
15 vehicle arising from 2 or more separate incidents during a 10-
16 year period.

17 (d) Suspension for 3 years if the person is convicted of or
18 found responsible for 3 or more violations, in any combination,
19 of section 319d(4) or 319f while operating a commercial motor
20 vehicle arising from 3 or more separate incidents during a 10-
21 year period.

22 (e) Suspension for 3 years if the person is convicted of or
23 found responsible for 2 or more violations, in any combination,
24 of section 319d(4) or 319f while operating a commercial motor
25 vehicle carrying hazardous material required to have a placard
26 under 49 CFR parts 100 to 199, or designed to carry 16 or more
27 passengers, including the driver, arising from 2 or more separate

1 incidents during a 10-year period.

2 (4) The secretary of state shall suspend or revoke, as
3 applicable, any privilege to operate a commercial motor vehicle
4 as directed by the federal government or its designee.

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

9 (6) The secretary of state shall suspend or revoke a vehicle
10 group designation under subsection (1) or deny, cancel, or revoke
11 a hazardous material indorsement under subsection (2)
12 notwithstanding a suspension, restriction, revocation, or denial
13 of an operator's or chauffeur's license or vehicle group
14 designation under another section of this act or a court order
15 issued under another section of this act or a local ordinance
16 substantially corresponding to another section of this act.

17 (7) A conviction, bond forfeiture, or civil infraction
18 determination, or notice that a court or administrative tribunal
19 has found a person responsible for a violation described in this
20 subsection while the person was operating a noncommercial motor
21 vehicle counts against the person who holds a license to operate
22 a commercial motor vehicle the same as if the person had been
23 operating a commercial motor vehicle at the time of the
24 violation. For the purpose of this subsection, a noncommercial
25 motor vehicle does not include a recreational vehicle used off-
26 road. This subsection applies to the following state law
27 violations or a local ordinance substantially corresponding to

1 any of those violations or a law of another state or out-of-state
2 jurisdiction substantially corresponding to any of those
3 violations:

4 (a) Operating a vehicle in violation of section 625.

5 (b) Refusing to submit to a chemical test of his or her
6 blood, breath, or urine for the purpose of determining the amount
7 of alcohol or the presence of a controlled substance or both in
8 the person's blood, breath, or urine as required by a law or
9 local ordinance of this or another state.

10 (c) Leaving the scene of an accident.

11 (d) Using a vehicle to commit a felony.

12 (8) When determining the applicability of conditions listed
13 in this section, the secretary of state shall consider only
14 violations that occurred after January 1, 1990.

15 (9) When determining the applicability of conditions listed
16 in subsection (1)(a) or (b), the secretary of state shall count
17 only from incident date to incident date.

18 (10) As used in this section:

19 (a) "Felony in which a commercial motor vehicle was used"
20 means a felony during the commission of which the person
21 convicted operated a commercial motor vehicle and while the
22 person was operating the vehicle 1 or more of the following
23 circumstances existed:

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

25 (ii) The vehicle was used to transport a victim of the
26 felony.

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

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

3 (b) "Serious traffic violation" means any of the following:

4 (i) A traffic violation that occurs in connection with an
5 accident in which a person died.

6 (ii) Careless driving.

7 (iii) Excessive speeding as defined in regulations promulgated
8 under 49 USC 31301 to 31317.

9 (iv) Improper lane use.

10 (v) Following too closely.

11 (vi) Effective October 1, 2005, driving a commercial motor
12 vehicle without obtaining any vehicle group designation on the
13 person's license.

14 (vii) Effective October 1, 2005, driving a commercial motor
15 vehicle without either having an operator's or chauffeur's
16 license in the person's possession or providing proof to the
17 court, not later than the date by which the person must appear in
18 court or pay a fine for the violation, that the person held a
19 valid vehicle group designation and indorsement on the date that
20 the citation was issued.

21 (viii) Effective October 1, 2005, driving a commercial motor
22 vehicle while in possession of an operator's or chauffeur's
23 license that has a vehicle group designation but does not have
24 the appropriate vehicle group designation or indorsement required
25 for the specific vehicle group being operated or the passengers
26 or type of cargo being transported.

27 (ix) Any other serious traffic violation as defined in 49 CFR

1 383.5 or as prescribed under this act.

2 Sec. 320a. (1) Until October 1, 2005, within 10 days after
3 the receipt of a properly prepared abstract from this state or
4 another state, or, beginning October 1, 2005, within 5 days after
5 the receipt of a properly prepared abstract from this state or
6 another state, the secretary of state shall record the date of
7 conviction, civil infraction determination, or probate court
8 disposition, and the number of points for each, based on the
9 following formula, except as otherwise provided in this section
10 and section 629c:

11 (a) Manslaughter, negligent homicide, or a
12 felony resulting from the operation of a motor
13 vehicle, ORV, or snowmobile.....6 points

14 (b) A violation of section 601b(2) or (3),
15 601c(1) or (2), **601D**, or 653a(3) or (4).....6 points

16 (c) A violation of section 625(1), (4), (5),
17 (7), or (8), section 81134 or 82127(1) of the
18 natural resources and environmental protection act,
19 1994 PA 451, MCL 324.81134 and 324.82127, or a law or
20 ordinance substantially corresponding to section
21 625(1), (4), (5), (7), or (8) or section 81134
22 or 82127(1) of the natural resources and
23 environmental protection act, 1994 PA 451,
24 MCL 324.81134 and 324.82127.....6 points

25 (d) Failing to stop and disclose identity
26 at the scene of an accident when required by law.....6 points

27 (e) Operating a motor vehicle in violation
28 of section 626.....6 points

29 (f) Fleeing or eluding an officer.....6 points

1 (g) A violation of section 627(9) pertaining
2 to speed in a work zone described in that section
3 by exceeding the lawful maximum by more than
4 15 miles per hour.....5 points

5 (h) A violation of any law other than the
6 law described in subdivision (g) or ordinance
7 pertaining to speed by exceeding the lawful
8 maximum by more than 15 miles per hour.....4 points

9 (i) A violation of section 625(3) or (6),
10 section 81135 or 82127(3) of the natural
11 resources and environmental protection act,
12 1994 PA 451, MCL 324.81135 and 324.82127,
13 or a law or ordinance substantially corresponding
14 to section 625(3) or (6) or section 81135
15 or 82127(3) of the natural resources and
16 environmental protection act, 1994 PA 451,
17 MCL 324.81135 and 324.82127.....4 points

18 (j) A violation of section 626a or a law
19 or ordinance substantially corresponding to
20 section 626a.....4 points

21 (k) A violation of section 653a(2).....4 points

22 (l) A violation of section 627(9) pertaining
23 to speed in a work zone described in that section
24 by exceeding the lawful maximum by more than 10
25 but not more than 15 miles per hour.....4 points

26 **(M) A MOVING VIOLATION RESULTING IN AN**
27 **AT-FAULT COLLISION WITH ANOTHER VEHICLE, A PERSON,**
28 **OR ANY OTHER OBJECT.....4 POINTS**

29 **(N) ~~(m)~~**A violation of any law other than the
30 law described in subdivision (l) or ordinance
31 pertaining to speed by exceeding the lawful

1 maximum by more than 10 but not more than 15
2 miles per hour or careless driving in violation
3 of section 626b or a law or ordinance substantially
4 corresponding to section 626b.....3 points

5 (O) ~~(n)~~—A violation of section 627(9) pertaining
6 to speed in a work zone described in that section
7 by exceeding the lawful maximum by 10 miles per
8 hour or less.....3 points

9 (P) ~~(o)~~—A violation of any law other than the law
10 described in subdivision ~~(n)~~—(O) or ordinance
11 pertaining to speed by exceeding the lawful maximum
12 by 10 miles per hour or less.....2 points

13 (Q) ~~(p)~~—Disobeying a traffic signal or stop sign,
14 or improper passing.....3 points

15 (R) ~~(q)~~—A violation of section 624a, 624b, or
16 a law or ordinance substantially corresponding to
17 section 624a or 624b.....2 points

18 (S) ~~(r)~~—A violation of section 310e(4) or (6) or
19 a law or ordinance substantially corresponding to
20 section 310e(4) or (6).....2 points

21 (T) ~~(s)~~—All other moving violations pertaining to
22 the operation of motor vehicles reported under
23 this section.....2 points

24 (U) ~~(t)~~—A refusal by a person less than 21 years of
25 age to submit to a preliminary breath test required
26 by a peace officer under section 625a.....2 points

27 (2) Points shall not be entered for a violation of section
28 310e(14), 311, 625m, 658, 717, 719, 719a, or 723.

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

30 (4) Points shall not be entered for overweight loads or for

1 defective equipment.

2 (5) If more than 1 conviction, civil infraction
3 determination, or probate court disposition results from the same
4 incident, points shall be entered only for the violation that
5 receives the highest number of points under this section.

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

12 (7) If a person violates a speed restriction established by
13 an executive order issued during a state of energy emergency as
14 provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of
15 state shall enter points for the violation pursuant to subsection
16 (1).

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

23 (9) If a Michigan driver commits a violation in another
24 state that would be a civil infraction if committed in Michigan,
25 and a conviction results solely because of the failure of the
26 Michigan driver to appear in that state to contest the violation,
27 upon receipt of the abstract of conviction by the secretary of

1 state, the violation shall be noted on the driver's record, but
2 no points shall be assessed against his or her driver's license.

3 SEC. 601D. (1) A PERSON WHO COMMITS A MOVING VIOLATION THAT
4 CAUSES THE DEATH OF ANOTHER PERSON IS GUILTY OF A MISDEMEANOR
5 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF
6 NOT MORE THAN \$2,000.00, OR BOTH.

7 (2) A PERSON WHO COMMITS A MOVING VIOLATION THAT CAUSES
8 SERIOUS IMPAIRMENT OF A BODY FUNCTION TO ANOTHER PERSON IS GUILTY
9 OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93
10 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

11 (3) THIS SECTION DOES NOT PROHIBIT THE PERSON FROM BEING
12 CHARGED WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION
13 OF LAW.

14 (4) AS USED IN THIS SECTION, "MOVING VIOLATION" MEANS AN ACT
15 OR OMISSION PROHIBITED UNDER THIS ACT OR A LOCAL ORDINANCE
16 SUBSTANTIALLY CORRESPONDING TO THIS ACT THAT INVOLVES THE
17 OPERATION OF A MOTOR VEHICLE, AND FOR WHICH A FINE MAY BE
18 ASSESSED.

19 Sec. 625. (1) A person, whether licensed or not, shall not
20 operate a vehicle upon a highway or other place open to the
21 general public or generally accessible to motor vehicles,
22 including an area designated for the parking of vehicles, within
23 this state if the person is operating while intoxicated. As used
24 in this section, "operating while intoxicated" means ~~either~~ **ANY**
25 of the following: ~~applies+~~

26 (a) The person is under the influence of alcoholic liquor, a
27 controlled substance, or a combination of alcoholic liquor and a

1 controlled substance.

2 (b) The person has an alcohol content of 0.08 grams or more
3 per 100 milliliters of blood, per 210 liters of breath, or per 67
4 milliliters of urine, or, beginning October 1, 2013, the person
5 has an alcohol content of 0.10 grams or more per 100 milliliters
6 of blood, per 210 liters of breath, or per 67 milliliters of
7 urine.

8 (C) THE PERSON HAS AN ALCOHOL CONTENT OF 0.17 GRAMS OR MORE
9 PER 100 MILLILITERS OF BLOOD, PER 210 LITERS OF BREATH, OR PER 67
10 MILLILITERS OF URINE.

11 (2) The owner of a vehicle or a person in charge or in
12 control of a vehicle shall not authorize or knowingly permit the
13 vehicle to be operated upon a highway or other place open to the
14 general public or generally accessible to motor vehicles,
15 including an area designated for the parking of motor vehicles,
16 within this state by a person if any of the following apply:

17 (a) The person is under the influence of alcoholic liquor, a
18 controlled substance, or a combination of alcoholic liquor and a
19 controlled substance.

20 (b) The person has an alcohol content of 0.08 grams or more
21 per 100 milliliters of blood, per 210 liters of breath, or per 67
22 milliliters of urine or, beginning October 1, 2013, the person
23 has an alcohol content of 0.10 grams or more per 100 milliliters
24 of blood, per 210 liters of breath, or per 67 milliliters of
25 urine.

26 (c) The person's ability to operate the motor vehicle is
27 visibly impaired due to the consumption of alcoholic liquor, a

1 controlled substance, or a combination of alcoholic liquor and a
2 controlled substance.

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

12 (4) A person, whether licensed or not, who operates a motor
13 vehicle in violation of subsection (1), (3), or (8) and by the
14 operation of that motor vehicle causes the death of another
15 person is guilty of a crime as follows:

16 (a) Except as provided in subdivision (b), the person is
17 guilty of a felony punishable by imprisonment for not more than
18 15 years or a fine of not less than \$2,500.00 or more than
19 \$10,000.00, or both. The judgment of sentence may impose the
20 sanction permitted under section 625n. If the vehicle is not
21 ordered forfeited under section 625n, the court shall order
22 vehicle immobilization under section 904d in the judgment of
23 sentence.

24 (b) If, at the time of the violation, the person is
25 operating a motor vehicle in a manner proscribed under section
26 653a and causes the death of a police officer, firefighter, or
27 other emergency response personnel, the person is guilty of a

1 felony punishable by imprisonment for not more than 20 years or a
2 fine of not less than \$2,500.00 or more than \$10,000.00, or both.
3 This subdivision applies regardless of whether the person is
4 charged with the violation of section 653a. The judgment of
5 sentence may impose the sanction permitted under section 625n. If
6 the vehicle is not ordered forfeited under section 625n, the
7 court shall order vehicle immobilization under section 904d in
8 the judgment of sentence.

9 (5) A person, whether licensed or not, who operates a motor
10 vehicle in violation of subsection (1), (3), or (8) and by the
11 operation of that motor vehicle causes a serious impairment of a
12 body function of another person is guilty of a felony punishable
13 by imprisonment for not more than 5 years or a fine of not less
14 than \$1,000.00 or more than \$5,000.00, or both. The judgment of
15 sentence may impose the sanction permitted under section 625n. If
16 the vehicle is not ordered forfeited under section 625n, the
17 court shall order vehicle immobilization under section 904d in
18 the judgment of sentence.

19 (6) A person who is less than 21 years of age, whether
20 licensed or not, shall not operate a vehicle upon a highway or
21 other place open to the general public or generally accessible to
22 motor vehicles, including an area designated for the parking of
23 vehicles, within this state if the person has any bodily alcohol
24 content. As used in this subsection, "any bodily alcohol content"
25 means either of the following:

26 (a) An alcohol content of 0.02 grams or more but less than
27 0.08 grams per 100 milliliters of blood, per 210 liters of

1 breath, or per 67 milliliters of urine, or, beginning October 1,
2 2013, the person has an alcohol content of 0.02 grams or more but
3 less than 0.10 grams per 100 milliliters of blood, per 210 liters
4 of breath, or per 67 milliliters of urine.

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

9 (7) A person, whether licensed or not, is subject to the
10 following requirements:

11 (a) He or she shall not operate a vehicle in violation of
12 subsection (1), (3), (4), (5), or (8) while another person who is
13 less than 16 years of age is occupying the vehicle. A person who
14 violates this subdivision is guilty of a crime punishable as
15 follows:

16 (i) Except as provided in subparagraph (ii), a person who
17 violates this subdivision is guilty of a misdemeanor and shall be
18 sentenced to pay a fine of not less than \$200.00 or more than
19 \$1,000.00 and to 1 or more of the following:

20 (A) Imprisonment for not less than 5 days or more than 1
21 year. Not less than 48 hours of this imprisonment shall be served
22 consecutively. This term of imprisonment shall not be suspended.

23 (B) Community service for not less than 30 days or more than
24 90 days.

25 (ii) If the violation occurs within 7 years of a prior
26 conviction or after 2 or more prior convictions, regardless of
27 the number of years that have elapsed since any prior conviction,

1 a person who violates this subdivision is guilty of a felony and
2 shall be sentenced to pay a fine of not less than \$500.00 or more
3 than \$5,000.00 and to either of the following:

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

6 (B) Probation with imprisonment in the county jail for not
7 less than 30 days or more than 1 year and community service for
8 not less than 60 days or more than 180 days. Not less than 48
9 hours of this imprisonment shall be served consecutively. This
10 term of imprisonment shall not be suspended.

11 (b) He or she shall not operate a vehicle in violation of
12 subsection (6) while another person who is less than 16 years of
13 age is occupying the vehicle. A person who violates this
14 subdivision is guilty of a misdemeanor punishable as follows:

15 (i) Except as provided in subparagraph (ii), a person who
16 violates this subdivision may be sentenced to 1 or more of the
17 following:

18 (A) Community service for not more than 60 days.

19 (B) A fine of not more than \$500.00.

20 (C) Imprisonment for not more than 93 days.

21 (ii) If the violation occurs within 7 years of a prior
22 conviction or after 2 or more prior convictions, regardless of
23 the number of years that have elapsed since any prior conviction,
24 a person who violates this subdivision shall be sentenced to pay
25 a fine of not less than \$200.00 or more than \$1,000.00 and to 1
26 or more of the following:

27 (A) Imprisonment for not less than 5 days or more than 1

1 year. Not less than 48 hours of this imprisonment shall be served
2 consecutively. This term of imprisonment shall not be suspended.

3 (B) Community service for not less than 30 days or more than
4 90 days.

5 (c) In the judgment of sentence under subdivision (a) (i) or
6 (b) (i), the court may, unless the vehicle is ordered forfeited
7 under section 625n, order vehicle immobilization as provided in
8 section 904d. In the judgment of sentence under subdivision
9 (a) (ii) or (b) (ii), the court shall, unless the vehicle is ordered
10 forfeited under section 625n, order vehicle immobilization as
11 provided in section 904d.

12 (d) This subsection does not prohibit a person from being
13 charged with, convicted of, or punished for a violation of
14 subsection (4) or (5) that is committed by the person while
15 violating this subsection. However, points shall not be assessed
16 under section 320a for both a violation of subsection (4) or (5)
17 and a violation of this subsection for conduct arising out of the
18 same transaction.

19 (8) A person, whether licensed or not, shall not operate a
20 vehicle upon a highway or other place open to the general public
21 or generally accessible to motor vehicles, including an area
22 designated for the parking of vehicles, within this state if the
23 person has in his or her body any amount of a controlled
24 substance listed in schedule 1 under section 7212 of the public
25 health code, 1978 PA 368, MCL 333.7212, or a rule promulgated
26 under that section, or of a controlled substance described in
27 section 7214(a) (iv) of the public health code, 1978 PA 368, MCL

1 333.7214.

2 (9) If a person is convicted of violating subsection (1) or
3 (8), all of the following apply:

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

7 (i) Community service for not more than 360 hours.

8 (ii) Imprisonment for not more than 93 days, **OR, IF THE**
9 **PERSON IS CONVICTED OF VIOLATING SUBSECTION (1) (C), IMPRISONMENT**
10 **FOR NOT MORE THAN 180 DAYS.**

11 (iii) A fine of not less than \$100.00 or more than \$500.00,
12 **OR, IF THE PERSON IS GUILTY OF VIOLATING SUBSECTION (1) (C), A**
13 **FINE OF NOT LESS THAN \$200.00 OR MORE THAN \$700.00.**

14 (b) If the violation occurs within 7 years of a prior
15 conviction, the person shall be sentenced to pay a fine of not
16 less than \$200.00 or more than \$1,000.00 and 1 or more of the
17 following:

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

21 (ii) Community service for not less than 30 days or more than
22 90 days.

23 (c) If the violation occurs after 2 or more prior
24 convictions, regardless of the number of years that have elapsed
25 since any prior conviction, the person is guilty of a felony and
26 shall be sentenced to pay a fine of not less than \$500.00 or more
27 than \$5,000.00 and to either of the following:

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

3 (ii) Probation with imprisonment in the county jail for not
4 less than 30 days or more than 1 year and community service for
5 not less than 60 days or more than 180 days. Not less than 48
6 hours of the imprisonment imposed under this subparagraph shall
7 be served consecutively.

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

10 (e) In the judgment of sentence under subdivision (a), the
11 court may order vehicle immobilization as provided in section
12 904d. In the judgment of sentence under subdivision (b) or (c),
13 the court shall, unless the vehicle is ordered forfeited under
14 section 625n, order vehicle immobilization as provided in section
15 904d.

16 (f) In the judgment of sentence under subdivision (b) or
17 (c), the court may impose the sanction permitted under section
18 625n.

19 (10) A person who is convicted of violating subsection (2)
20 is guilty of a crime as follows:

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

24 (b) If the person operating the motor vehicle violated
25 subsection (4), a felony punishable by imprisonment for not more
26 than 5 years or a fine of not less than \$1,500.00 or more than
27 \$10,000.00, or both.

1 (c) If the person operating the motor vehicle violated
2 subsection (5), a felony punishable by imprisonment for not more
3 than 2 years or a fine of not less than \$1,000.00 or more than
4 \$5,000.00, or both.

5 (11) If a person is convicted of violating subsection (3),
6 all of the following apply:

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

10 (i) Community service for not more than 360 hours.

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

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

13 (b) If the violation occurs within 7 years of 1 prior
14 conviction, the person shall be sentenced to pay a fine of not
15 less than \$200.00 or more than \$1,000.00, and 1 or more of the
16 following:

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

20 (ii) Community service for not less than 30 days or more than
21 90 days.

22 (c) If the violation occurs after 2 or more prior
23 convictions, regardless of the number of years that have elapsed
24 since any prior conviction, the person is guilty of a felony and
25 shall be sentenced to pay a fine of not less than \$500.00 or more
26 than \$5,000.00 and either of the following:

27 (i) Imprisonment under the jurisdiction of the department of

1 corrections for not less than 1 year or more than 5 years.

2 (ii) Probation with imprisonment in the county jail for not
3 less than 30 days or more than 1 year and community service for
4 not less than 60 days or more than 180 days. Not less than 48
5 hours of the imprisonment imposed under this subparagraph shall
6 be served consecutively.

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

9 (e) In the judgment of sentence under subdivision (a), the
10 court may order vehicle immobilization as provided in section
11 904d. In the judgment of sentence under subdivision (b) or (c),
12 the court shall, unless the vehicle is ordered forfeited under
13 section 625n, order vehicle immobilization as provided in section
14 904d.

15 (f) In the judgment of sentence under subdivision (b) or
16 (c), the court may impose the sanction permitted under section
17 625n.

18 (12) If a person is convicted of violating subsection (6),
19 all of the following apply:

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

23 (i) Community service for not more than 360 hours.

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

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

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

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

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

4 (13) In addition to imposing the sanctions prescribed under
5 this section, the court may order the person to pay the costs of
6 the prosecution under the code of criminal procedure, 1927 PA
7 175, MCL 760.1 to 777.69.

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

13 (15) If the prosecuting attorney intends to seek an enhanced
14 sentence under this section or a sanction under section 625n
15 based upon the defendant having 1 or more prior convictions, the
16 prosecuting attorney shall include on the complaint and
17 information, or an amended complaint and information, filed in
18 district court, circuit court, municipal court, or family
19 division of circuit court, a statement listing the defendant's
20 prior convictions.

21 (16) If a person is charged with a violation of subsection
22 (1), (3), (4), (5), (7), or (8) or section 625m, the court shall
23 not permit the defendant to enter a plea of guilty or nolo
24 contendere to a charge of violating subsection (6) in exchange
25 for dismissal of the original charge. This subsection does not
26 prohibit the court from dismissing the charge upon the
27 prosecuting attorney's motion.

1 (17) A prior conviction shall be established at sentencing
2 by 1 or more of the following:

3 (a) A copy of a judgment of conviction.

4 (b) An abstract of conviction.

5 (c) A transcript of a prior trial or a plea-taking or
6 sentencing proceeding.

7 (d) A copy of a court register of actions.

8 (e) A copy of the defendant's driving record.

9 (f) Information contained in a presentence report.

10 (g) An admission by the defendant.

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

23 (19) Except as otherwise provided in subsection (20), if a
24 person is charged with operating a vehicle while his or her
25 ability to operate the vehicle was visibly impaired due to his or
26 her consumption of a controlled substance or a combination of
27 alcoholic liquor and a controlled substance in violation of

1 subsection (3) or a local ordinance substantially corresponding
2 to subsection (3), the court shall require the jury to return a
3 special verdict in the form of a written finding or, if the court
4 convicts the person without a jury or accepts a plea of guilty or
5 nolo contendere, the court shall make a finding as to whether,
6 due to the consumption of a controlled substance or a combination
7 of alcoholic liquor and a controlled substance, the person's
8 ability to operate a motor vehicle was visibly impaired at the
9 time of the violation.

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

13 (a) Whether the defendant was under the influence of a
14 controlled substance or a combination of alcoholic liquor and a
15 controlled substance at the time of the violation.

16 (b) Whether the defendant was visibly impaired due to his or
17 her consumption of a controlled substance or a combination of
18 alcoholic liquor and a controlled substance at the time of the
19 violation.

20 (21) If a jury or court finds under subsection (18), (19),
21 or (20) that the defendant operated a motor vehicle under the
22 influence of or while impaired due to the consumption of a
23 controlled substance or a combination of a controlled substance
24 and an alcoholic liquor, the court shall do both of the
25 following:

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

27 (b) On a form or forms prescribed by the state court

1 administrator, forward to the department of state police a record
2 that specifies the penalties imposed by the court, including any
3 term of imprisonment, and any sanction imposed under section 625n
4 or 904d.

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

9 (23) In a prosecution for a violation of subsection (6), the
10 defendant bears the burden of proving that the consumption of
11 alcoholic liquor was a part of a generally recognized religious
12 service or ceremony by a preponderance of the evidence.

13 (24) The court may order as a condition of probation that a
14 person convicted of violating subsection (1) or (8), or a local
15 ordinance substantially corresponding to subsection (1) or (8),
16 shall not operate a motor vehicle unless that vehicle is equipped
17 with an ignition interlock device approved, certified, and
18 installed as required under sections 625k and 625l.

19 (25) Subject to subsection (27), as used in this section,
20 "prior conviction" means a conviction for any of the following,
21 whether under a law of this state, a local ordinance
22 substantially corresponding to a law of this state, **A LAW OF THE**
23 **UNITED STATES SUBSTANTIALLY CORRESPONDING TO A LAW OF THIS STATE,**
24 or a law of another state substantially corresponding to a law of
25 this state:

26 (a) Except as provided in subsection (26), a violation or
27 attempted violation of any of the following:

1 (i) This section, except a violation of ~~section 625(2)~~
2 **SUBSECTION (2)**, or a violation of any prior enactment of this
3 section in which the defendant operated a vehicle while under the
4 influence of intoxicating or alcoholic liquor or a controlled
5 substance, or a combination of intoxicating or alcoholic liquor
6 and a controlled substance, or while visibly impaired, or with an
7 unlawful bodily alcohol content.

8 (ii) Section 625m.

9 (iii) Former section 625b.

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

13 **(C) SECTION 601D OR 626(3) OR (4).**

14 (26) Except for purposes of the enhancement described in
15 subsection (12)(b), only 1 violation or attempted violation of
16 subsection (6), a local ordinance substantially corresponding to
17 subsection (6), or a law of another state substantially
18 corresponding to subsection (6) may be used as a prior
19 conviction.

20 (27) If 2 or more convictions described in subsection (25)
21 are convictions for violations arising out of the same
22 transaction, only 1 conviction shall be used to determine whether
23 the person has a prior conviction.

24 Sec. 625c. (1) A person who operates a vehicle upon a public
25 highway or other place open to the general public or generally
26 accessible to motor vehicles, including an area designated for
27 the parking of vehicles, within this state is considered to have

1 given consent to chemical tests of his or her blood, breath, or
2 urine for the purpose of determining the amount of alcohol or
3 presence of a controlled substance or both in his or her blood or
4 urine or the amount of alcohol in his or her breath in all of the
5 following circumstances:

6 (a) If the person is arrested for a violation of section
7 625(1), (3), (4), (5), (6), (7), or (8), section 625a(5), or
8 section 625m or a local ordinance substantially corresponding to
9 section 625(1), (3), (6), or (8), section 625a(5), or section
10 625m.

11 (b) If the person is arrested for ~~felonious driving,~~
12 ~~negligent homicide,~~ **A VIOLATION OF SECTION 601D, SECTION 626(3)**
13 **OR (4), OR** manslaughter, or murder resulting from the operation
14 of a motor vehicle, and the peace officer had reasonable grounds
15 to believe the person was operating the vehicle in violation of
16 section 625.

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

21 (3) The tests shall be administered as provided in section
22 625a(6).

23 Sec. 625m. (1) A person, whether licensed or not, who has an
24 alcohol content of 0.04 grams or more but less than 0.08 grams
25 per 100 milliliters of blood, per 210 liters of breath, or per 67
26 milliliters of urine, or, beginning October 1, 2013, an alcohol
27 content of 0.04 grams or more but less than 0.10 grams per 100

1 milliliters of blood, per 210 liters of breath, or per 67
2 milliliters of urine, shall not operate a commercial motor
3 vehicle within this state.

4 (2) A peace officer may arrest a person without a warrant
5 under either of the following circumstances:

6 (a) The peace officer has reasonable cause to believe that
7 the person was, at the time of an accident, the driver of a
8 commercial motor vehicle involved in the accident and was
9 operating the vehicle in violation of this section or a local
10 ordinance substantially corresponding to this section.

11 (b) The person is found in the driver's seat of a commercial
12 motor vehicle parked or stopped on a highway or street within
13 this state if any part of the vehicle intrudes into the roadway
14 and the peace officer has reasonable cause to believe the person
15 was operating the vehicle in violation of this section or a local
16 ordinance substantially corresponding to this section.

17 (3) Except as otherwise provided in subsections (4) and (5),
18 a person who is convicted of a violation of this section or a
19 local ordinance substantially corresponding to this section is
20 guilty of a misdemeanor punishable by imprisonment for not more
21 than 93 days or a fine of not more than \$300.00, or both,
22 together with costs of the prosecution.

23 (4) A person who violates this section or a local ordinance
24 substantially corresponding to this section within 7 years of 1
25 prior conviction may be sentenced to imprisonment for not more
26 than 1 year or a fine of not more than \$1,000.00, or both.

27 (5) A person who violates this section or a local ordinance

1 substantially corresponding to this section within 10 years of 2
2 or more prior convictions is guilty of a felony and shall be
3 sentenced to pay a fine of not less than \$500.00 or more than
4 \$5,000.00 and to either of the following:

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

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

12 (6) A term of imprisonment imposed under subsection (4) or
13 (5) shall not be suspended.

14 (7) Subject to subsection (9), as used in this section,
15 "prior conviction" means a conviction for any of the following,
16 whether under a law of this state, a local ordinance
17 substantially corresponding to a law of this state, or a law of
18 another state substantially corresponding to a law of this state:

19 (a) Except as provided in subsection (8), a violation or
20 attempted violation of any of the following:

21 (i) This section.

22 (ii) Section 625, except a violation of section 625(2), or a
23 violation of any prior enactment of section 625 in which the
24 defendant operated a vehicle while under the influence of
25 intoxicating or alcoholic liquor or a controlled substance, or a
26 combination of intoxicating or alcoholic liquor and a controlled
27 substance, or while visibly impaired, or with an unlawful bodily

1 alcohol content.

2 (iii) Former section 625b.

3 (iv) **SECTION 601D OR SECTION 626(3) OR (4)**.

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

7 (8) Only 1 violation or attempted violation of section
8 625(6), a local ordinance substantially corresponding to section
9 625(6), or a law of another state substantially corresponding to
10 section 625(6) may be used as a prior conviction.

11 (9) If 2 or more convictions described in subsection (7) are
12 convictions for violations arising out of the same transaction,
13 only 1 conviction shall be used to determine whether the person
14 has a prior conviction.

15 Sec. 625n. (1) Except as otherwise provided in this section
16 and in addition to any other penalty provided for in this act,
17 the judgment of sentence for a conviction for a violation of
18 section 625(1) described in section ~~625(8)(b) or (e)~~ **625(9)(B) OR**
19 **(C)**, a violation of section 625(3) described in section
20 ~~625(10)(b) or (e)~~ **625(11)(B) OR (C)**, a violation of section
21 625(4), (5), or (7), **A VIOLATION OF SECTION 626(3) OR (4)**, or a
22 violation of section 904(4) or (5) may require 1 of the following
23 with regard to the vehicle used in the offense if the defendant
24 owns the vehicle in whole or in part or leases the vehicle:

25 (a) Forfeiture of the vehicle if the defendant owns the
26 vehicle in whole or in part.

27 (b) Return of the vehicle to the lessor if the defendant

1 leases the vehicle.

2 (2) The vehicle may be seized pursuant to an order of
3 seizure issued by the court having jurisdiction upon a showing of
4 probable cause that the vehicle is subject to forfeiture or
5 return to the lessor.

6 (3) The forfeiture of a vehicle is subject to the interest
7 of the holder of a security interest who did not have prior
8 knowledge of or consent to the violation.

9 (4) Within 14 days after the defendant's conviction for a
10 violation described in subsection (1), the prosecuting attorney
11 may file a petition with the court for the forfeiture of the
12 vehicle or to have the court order return of a leased vehicle to
13 the lessor. The prosecuting attorney shall give notice by first-
14 class mail or other process to the defendant and his or her
15 attorney, to all owners of the vehicle, and to any person holding
16 a security interest in the vehicle that the court may require
17 forfeiture or return of the vehicle.

18 (5) If a vehicle is seized before disposition of the
19 criminal proceedings, a defendant who is an owner or lessee of
20 the vehicle may move the court having jurisdiction over the
21 proceedings to require the seizing agency to file a lien against
22 the vehicle and to return the vehicle to the owner or lessee
23 pending disposition of the criminal proceedings. The court shall
24 hear the motion within 7 days after the motion is filed. If the
25 defendant establishes at the hearing that he or she holds the
26 legal title to the vehicle or that he or she has a leasehold
27 interest and that it is necessary for him or her or a member of

1 his or her family to use the vehicle pending the outcome of the
2 forfeiture action, the court may order the seizing agency to
3 return the vehicle to the owner or lessee. If the court orders
4 the return of the vehicle to the owner or lessee, the court shall
5 order the defendant to post a bond in an amount equal to the
6 retail value of the vehicle, and shall also order the seizing
7 agency to file a lien against the vehicle.

8 (6) Within 14 days after notice by the prosecuting attorney
9 is given under subsection (4), the defendant, an owner, lessee,
10 or holder of a security interest may file a claim of interest in
11 the vehicle with the court. Within 21 days after the expiration
12 of the period for filing claims, but before or at sentencing, the
13 court shall hold a hearing to determine the legitimacy of any
14 claim, the extent of any co-owner's equity interest, the
15 liability of the defendant to any co-lessee, and whether to order
16 the vehicle forfeited or returned to the lessor. In considering
17 whether to order forfeiture, the court shall review the
18 defendant's driving record to determine whether the defendant has
19 multiple convictions under section 625 or a local ordinance
20 substantially corresponding to section 625, or multiple
21 suspensions, restrictions, or denials under section 904, or both.
22 If the defendant has multiple convictions under section 625 or
23 multiple suspensions, restrictions, or denials under section 904,
24 or both, that factor shall weigh heavily in favor of forfeiture.

25 (7) If a vehicle is forfeited under this section, the unit
26 of government that seized the vehicle shall sell the vehicle and
27 dispose of the proceeds in the following order of priority:

1 (a) Pay any outstanding security interest of a secured party
2 who did not have prior knowledge of or consent to the commission
3 of the violation.

4 (b) Pay the equity interest of a co-owner who did not have
5 prior knowledge of or consent to the commission of the violation.

6 (c) Satisfy any order of restitution entered in the
7 prosecution for the violation.

8 (d) Pay the claim of each person who shows that he or she is
9 a victim of the violation to the extent that the claim is not
10 covered by an order of restitution.

11 (e) Pay any outstanding lien against the property that has
12 been imposed by a governmental unit.

13 (f) Pay the proper expenses of the proceedings for
14 forfeiture and sale, including, but not limited to, expenses
15 incurred during the seizure process and expenses for maintaining
16 custody of the property, advertising, and court costs.

17 (g) The balance remaining after the payment of items (a)
18 through (f) shall be distributed by the court having jurisdiction
19 over the forfeiture proceedings to the unit or units of
20 government substantially involved in effecting the forfeiture.
21 Seventy-five percent of the money received by a unit of
22 government under this subdivision shall be used to enhance
23 enforcement of the criminal laws and 25% of the money shall be
24 used to implement the crime victim's rights act, 1985 PA 87, MCL
25 780.751 to 780.834. A unit of government receiving money under
26 this subdivision shall report annually to the department of
27 management and budget the amount of money received under this

1 subdivision that was used to enhance enforcement of the criminal
2 laws and the amount that was used to implement the crime victim's
3 rights act, 1985 PA 87, MCL 780.751 to 780.834.

4 (8) The court may order the defendant to pay to a co-lessee
5 any liability determined under subsection (6). The order may be
6 enforced in the same manner as a civil judgment.

7 (9) The return of a vehicle to the lessor under this section
8 does not affect or impair the lessor's rights or the defendant's
9 obligations under the lease.

10 (10) A person who knowingly conceals, sells, gives away, or
11 otherwise transfers or disposes of a vehicle with the intent to
12 avoid forfeiture or return of the vehicle to the lessor under
13 this section is guilty of a misdemeanor punishable by
14 imprisonment for not more than 1 year or a fine of not more than
15 \$1,000.00, or both.

16 (11) The failure of the court or prosecutor to comply with
17 any time limit specified in this section does not preclude the
18 court from ordering forfeiture of a vehicle or its return to a
19 lessor, unless the court finds that the owner or claimant
20 suffered substantial prejudice as a result of that failure.

21 (12) The forfeiture provisions of this section do not
22 preclude the prosecuting attorney from pursuing a forfeiture
23 proceeding under any other law of this state or a local ordinance
24 substantially corresponding to this section.

25 Sec. 626. (1) A person who ~~drives~~**OPERATES** a vehicle upon a
26 highway or a frozen public lake, stream, or pond or other place
27 open to the general public, including, but not limited to, an

1 area designated for the parking of motor vehicles, in willful or
2 wanton disregard for the safety of persons or property is guilty
3 of reckless driving.

4 (2) ~~A~~ EXCEPT AS PROVIDED IN SUBSECTIONS (3) AND (4), A
5 person who ~~violates~~ OPERATES A VEHICLE IN VIOLATION OF subsection
6 (1) is guilty of a misdemeanor punishable by imprisonment for not
7 more than 93 days or a fine of not more than \$500.00, or both.

8 (3) A PERSON WHO OPERATES A VEHICLE IN VIOLATION OF
9 SUBSECTION (1) AND BY THE OPERATION OF THAT VEHICLE CAUSES
10 SERIOUS IMPAIRMENT OF A BODY FUNCTION TO ANOTHER PERSON IS GUILTY
11 OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS
12 OR A FINE OF NOT LESS THAN \$1,000.00 OR MORE THAN \$5,000.00, OR
13 BOTH. THE JUDGMENT OF SENTENCE MAY IMPOSE THE SANCTION PERMITTED
14 UNDER SECTION 625N. IF THE VEHICLE IS NOT ORDERED FORFEITED UNDER
15 SECTION 625N, THE COURT SHALL ORDER VEHICLE IMMOBILIZATION UNDER
16 SECTION 904D IN THE JUDGMENT OF SENTENCE.

17 (4) A PERSON WHO OPERATES A VEHICLE IN VIOLATION OF
18 SUBSECTION (1) AND BY THE OPERATION OF THAT VEHICLE CAUSES THE
19 DEATH OF ANOTHER PERSON IS GUILTY OF A FELONY PUNISHABLE BY
20 IMPRISONMENT FOR NOT MORE THAN 15 YEARS OR A FINE OF NOT LESS
21 THAN \$2,500.00 OR MORE THAN \$10,000.00, OR BOTH. THE JUDGMENT OF
22 SENTENCE MAY IMPOSE THE SANCTION PERMITTED UNDER SECTION 625N. IF
23 THE VEHICLE IS NOT ORDERED FORFEITED UNDER SECTION 625N, THE
24 COURT SHALL ORDER VEHICLE IMMOBILIZATION UNDER SECTION 904D IN
25 THE JUDGMENT OF SENTENCE.

26 (5) IN A PROSECUTION UNDER SUBSECTION (4), THE JURY SHALL
27 NOT BE INSTRUCTED REGARDING THE CRIME OF MOVING VIOLATION CAUSING

1 **DEATH.**

2 Sec. 727. If a person is arrested without a warrant in any
3 of the following cases, the arrested person shall, without
4 unreasonable delay, be arraigned by the magistrate who is nearest
5 or most accessible within the judicial district as provided in
6 section 13 of chapter IV of the code of criminal procedure, 1927
7 PA 175, MCL 764.13, or, if a minor, taken before the family
8 division of circuit court within the county in which the offense
9 charged is alleged to have been committed:

10 (a) The person is arrested ~~upon a charge of negligent~~
11 ~~homicide~~ **UNDER SECTION 601D.**

12 (b) The person is arrested under section 625(1), (3), (4),
13 (5), (6), (7), or (8), or an ordinance substantially
14 corresponding to section 625(1), (3), (6), or (8).

15 (c) A person is arrested under section 626 or an ordinance
16 substantially corresponding to that section. If under the
17 existing circumstances it does not appear that releasing the
18 person pending the issuance of a warrant will constitute a public
19 menace, the arresting officer may proceed as provided by section
20 728.

21 (d) A person arrested does not have in his or her immediate
22 possession a valid operator's or chauffeur's license or the
23 receipt described in section 311a. If the arresting officer
24 otherwise satisfactorily determines the identity of the person
25 and the practicability of subsequent apprehension if the person
26 fails to voluntarily appear before a designated magistrate or the
27 family division of circuit court as directed, the officer may

1 release the person from custody with instructions to appear in
2 court, given in the form of a citation as prescribed by section
3 728.

4 Sec. 732a. (1) An individual, whether licensed or not, who
5 accumulates 7 or more points on his or her driving record
6 pursuant to sections 320a and 629c within a 2-year period for any
7 violation not listed under subsection (2) shall be assessed a
8 \$100.00 driver responsibility fee. For each additional point
9 accumulated above 7 points not listed under subsection (2), an
10 additional fee of \$50.00 shall be assessed. The secretary of
11 state shall collect the fees described in this subsection once
12 each year that the point total on an individual driving record is
13 7 points or more.

14 (2) An individual, whether licensed or not, who violates any
15 of the following sections or another law or local ordinance that
16 substantially corresponds to those sections shall be assessed a
17 driver responsibility fee as follows:

18 (a) Upon posting ~~of~~ an abstract **INDICATING** that an
19 individual has been found guilty for a violation of law listed or
20 described in this subdivision, the secretary of state shall
21 assess a \$1,000.00 driver responsibility fee each year for 2
22 consecutive years:

23 (i) Manslaughter, negligent homicide, or a felony resulting
24 from the operation of a motor vehicle, ORV, or snowmobile.

25 (ii) Section 601b(2) or (3), 601c(1) or (2), **601D, 626(3) OR**
26 **(4)**, or 653a(3) or (4).

27 (iii) Section 625(1), (4), or (5), section 625m, or section

1 81134 of the natural resources and environmental protection act,
2 1994 PA 451, MCL 324.81134, or a law or ordinance substantially
3 corresponding to section 625(1), (4), or (5), section 625m, or
4 section 81134 of the natural resources and environmental
5 protection act, 1994 PA 451, MCL 324.81134.

6 (iv) Failing to stop and disclose identity at the scene of an
7 accident when required by law.

8 (v) Fleeing or eluding an officer.

9 (b) Upon posting ~~of~~ an abstract **INDICATING** that an
10 individual has been found guilty for a violation of law listed in
11 this subdivision, the secretary of state shall assess a \$500.00
12 driver responsibility fee each year for 2 consecutive years:

13 (i) Section 625(3), (6), (7), or (8).

14 (ii) Section ~~626-626~~ **(2)**.

15 (iii) Section 904.

16 (iv) Section 3101, 3102(1), or 3103 of the insurance code of
17 1956, 1956 PA 218, MCL 500.3101, 500.3102, and 500.3103.

18 (c) Upon posting ~~of~~ an abstract **INDICATING** that an
19 individual has been found guilty for a violation of section 301,
20 the secretary of state shall assess a \$150.00 driver
21 responsibility fee each year for 2 consecutive years.

22 (d) ~~Subject to subsection (8), upon~~ **UPON** posting ~~of~~ an
23 abstract **INDICATING** that an individual has been found guilty or
24 determined responsible for a violation listed in section 328, the
25 secretary of state shall assess a \$200.00 driver responsibility
26 fee each year for 2 consecutive years.

27 (3) The secretary of state shall send a notice of the driver

1 responsibility assessment, as prescribed under subsection (1) or
2 (2), to the individual by regular mail to the address on the
3 records of the secretary of state. If payment is not received
4 within 30 days after the notice is mailed, the secretary of state
5 shall send a second notice that indicates that if payment is not
6 received within the next 30 days, the driver's driving privileges
7 will be suspended.

8 (4) The secretary of state may authorize payment by
9 installment ~~for an amount of \$500.00 or more~~ for a period not to
10 exceed ~~12-24~~ months.

11 (5) ~~IF~~ **EXCEPT AS OTHERWISE PROVIDED UNDER THIS SUBSECTION,**
12 **IF** payment is not received or an installment plan is not
13 established after the time limit required by the second notice
14 prescribed under subsection (3) expires, the secretary of state
15 shall suspend the driving privileges until the assessment and any
16 other fees prescribed under this act are paid. **HOWEVER, IF THE**
17 **INDIVIDUAL'S LICENSE TO OPERATE A MOTOR VEHICLE IS NOT OTHERWISE**
18 **REQUIRED UNDER THIS ACT TO BE DENIED, SUSPENDED, OR REVOKED, THE**
19 **SECRETARY OF STATE SHALL REINSTATE THE INDIVIDUAL'S OPERATOR'S**
20 **DRIVING PRIVILEGES IF THE INDIVIDUAL REQUESTS AN INSTALLMENT PLAN**
21 **UNDER SUBSECTION (4) AND MAKES PROPER PAYMENT UNDER THAT PLAN.**
22 **FEEES REQUIRED TO BE PAID FOR THE REINSTATEMENT OF AN INDIVIDUAL'S**
23 **OPERATOR'S DRIVING PRIVILEGES AS DESCRIBED UNDER THIS SUBSECTION**
24 **SHALL, AT THE INDIVIDUAL'S REQUEST, BE INCLUDED IN THE AMOUNT TO**
25 **BE PAID UNDER THE INSTALLMENT PLAN. IF THE INDIVIDUAL ESTABLISHES**
26 **A PAYMENT PLAN AS DESCRIBED IN THIS SUBSECTION AND SUBSECTION (4)**
27 **BUT FAILS TO MAKE FULL OR TIMELY PAYMENTS UNDER THAT PLAN, THE**

1 SECRETARY OF STATE SHALL SUSPEND THE INDIVIDUAL'S DRIVING
2 PRIVILEGES. THE SECRETARY OF STATE SHALL ONLY REINSTATE A LICENSE
3 UNDER THIS SUBSECTION ONCE.

4 (6) A fee shall not be assessed under this section for 7
5 points or more on a driving record on October 1, 2003. Points
6 assigned after October 1, 2003 shall be assessed as prescribed
7 under subsections (1) and (2).

8 (7) A driver responsibility fee shall be assessed under this
9 section in the same manner for a conviction or determination of
10 responsibility for a violation or an attempted violation of a law
11 of this state, of a local ordinance substantially corresponding
12 to a law of this state, or of a law of another state
13 substantially corresponding to a law of this state.

14 ~~—— (8) Not more than 60 days after the effective date of the~~
15 ~~amendatory act that added this subsection, if an individual who~~
16 ~~was issued a citation for a violation of section 328(1) for~~
17 ~~failing to produce a certificate of insurance from October 1,~~
18 ~~2003 until the date the amendatory act that added this subsection~~
19 ~~takes effect presents a certificate of insurance that was in~~
20 ~~effect at the time the individual was issued the citation to the~~
21 ~~court that forwarded the abstract, the court shall rescind the~~
22 ~~abstract. After the court rescinds the abstract as described in~~
23 ~~this subsection, the court shall notify the secretary of state,~~
24 ~~which shall refund, waive, or both refund and waive the driver~~
25 ~~responsibility fee corresponding to the violation, as~~
26 ~~appropriate.~~

27 (8) ~~(9)~~—The fire protection fund is created within the state

1 treasury. The state treasurer may receive money or other assets
2 from any source for deposit into the fund. The state treasurer
3 shall direct the investment of the fund. The state treasurer
4 shall credit to the fund interest and earnings from fund
5 investments. Money in the fund at the close of the fiscal year
6 shall remain in the fund and shall not lapse to the general fund.
7 The department of ~~consumer and industry services~~ **ENERGY, LABOR,**
8 **AND ECONOMIC GROWTH** shall expend money from the fund, upon
9 appropriation, only for fire protection grants to cities,
10 villages, and townships with state owned facilities for fire
11 services, as provided in 1977 PA 289, MCL 141.951 to 141.956.

12 (9) ~~(10)~~—The secretary of state shall transmit the fees
13 collected under this section to the state treasurer. The state
14 treasurer shall credit fee money received under this section in
15 each fiscal year as follows:

16 (a) The first \$65,000,000.00 shall be credited to the
17 general fund.

18 (b) If more than \$65,000,000.00 is collected under this
19 section, the next amount collected in excess of \$65,000,000.00 up
20 to \$68,500,000.00 shall be credited to the fire protection fund
21 created in this section.

22 (c) If more than \$100,000,000.00 is collected under this
23 section, the next amount collected in excess of \$100,000,000.00
24 up to \$105,000,000.00 shall be credited to the fire protection
25 fund created in this section.

26 (d) Any amount collected after crediting the amounts under
27 subdivisions (a), (b), and (c) shall be credited to the general

1 fund.

2 ~~—— (11) For fiscal year 2003-2004, \$3,500,000.00 is~~
 3 ~~appropriated from the fire protection fund described in~~
 4 ~~subsection (9) to the department of consumer and industry~~
 5 ~~services for the purposes described under subsection (9).~~

6 Sec. 904d. (1) Vehicle immobilization applies as follows:

7 (a) For a conviction under section 625(1), (3), (7), or (8)
 8 or a local ordinance substantially corresponding to section
 9 625(1) or (3) with no prior convictions, **OR UNDER SECTION 626(3)**
 10 **OR (4)**, the court may order vehicle immobilization for not more
 11 than 180 days.

12 (b) For a conviction under section 625(4) or (5) with no
 13 prior convictions, the court shall order vehicle immobilization
 14 for not more than 180 days.

15 (c) For a conviction under section 625(1), (3), (4), (5),
 16 (7), or (8) within 7 years after a prior conviction, **OR FOR A**
 17 **CONVICTION UNDER SECTION 625(2)**, the court shall order vehicle
 18 immobilization for not less than 90 days or more than 180 days.

19 (d) For a conviction under section 625(1), (3), (4), (5),
 20 (7), or (8) ~~within 10 years~~ after 2 or more prior convictions,
 21 the court shall order vehicle immobilization for not less than 1
 22 year or more than 3 years.

23 (2) For a conviction or civil infraction determination
 24 resulting from a violation that occurred during a period of
 25 suspension, revocation, or denial, the following apply:

26 (a) Except as provided in subdivision (b), for 1 prior
 27 suspension, revocation, or denial under section 904(10), (11), or

1 (12) or former section 904(2) or (4) within the past 7 years, the
2 court may order vehicle immobilization for not more than 180
3 days.

4 (b) Except as provided in subdivisions (c) and (d), if the
5 person is convicted under section 904(4) or (5), the court shall
6 order vehicle immobilization for not more than 180 days.

7 (c) For any combination of 2 or 3 prior suspensions,
8 revocations, or denials under section 904(10), (11), or (12) or
9 former section 904(2) or (4) within the past 7 years, the court
10 shall order vehicle immobilization for not less than 90 days or
11 more than 180 days.

12 (d) For any combination of 4 or more prior suspensions,
13 revocations, or denials under section 904(10), (11), or (12) or
14 former section 904(2) or (4) within the past 7 years, the court
15 shall order vehicle immobilization for not less than 1 year or
16 more than 3 years.

17 (3) The defendant shall provide to the court the vehicle
18 identification number and registration plate number of the
19 vehicle involved in the violation.

20 (4) The court may order vehicle immobilization under this
21 section under either of the following circumstances:

22 (a) The defendant is the owner, co-owner, lessee, or co-
23 lessee of the vehicle operated during the violation.

24 (b) The owner, co-owner, lessee, or co-lessee knowingly
25 permitted the vehicle to be operated in violation of section
26 625(2) or section 904(2) regardless of whether a conviction
27 resulted.

1 (5) ~~An~~ **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (11), AN**
2 order required to be issued under this section shall not be
3 suspended.

4 (6) If a defendant is ordered imprisoned for the violation
5 for which immobilization is ordered, the period of immobilization
6 shall begin at the end of the period of imprisonment.

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

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

11 (b) A vehicle that is registered in another state or that is
12 a rental vehicle.

13 (c) A vehicle owned by the federal government, this state,
14 or a local unit of government of this state.

15 (d) A vehicle not subject to registration under section 216.

16 (e) Any of the following:

17 (i) A violation of chapter II.

18 (ii) A violation of chapter V.

19 (iii) A violation for failure to change address.

20 (iv) A parking violation.

21 (v) A bad check violation.

22 (vi) An equipment violation.

23 (vii) A pedestrian, passenger, or bicycle violation, other
24 than a violation of section 703(1) or (2) of the Michigan liquor
25 control code of 1998, 1998 PA 58, MCL 436.1703, or a local
26 ordinance substantially corresponding to section 703(1) or (2) of
27 the Michigan liquor control code of 1998, 1998 PA 58, MCL

1 436.1703, or section 624a or 624b or a local ordinance
2 substantially corresponding to section 624a or 624b.

3 (viii) A violation of a local ordinance substantially
4 corresponding to a violation described in subparagraphs (i) to
5 (vii).

6 (8) As used in this section:

7 (a) Subject to subsections (9) and (10), "prior conviction"
8 means a conviction for any of the following, whether under a law
9 of this state, a local ordinance substantially corresponding to a
10 law of this state, or a law of another state substantially
11 corresponding to a law of this state:

12 (i) Except as otherwise provided in subsection (10), a
13 violation or attempted violation of any of the following:

14 (A) Section 625, except a violation of section 625(2), or a
15 violation of any prior enactment of section 625 in which the
16 defendant operated a vehicle while under the influence of
17 intoxicating or alcoholic liquor or a controlled substance, or a
18 combination of intoxicating or alcoholic liquor and a controlled
19 substance, or while visibly impaired, or with an unlawful bodily
20 alcohol content.

21 (B) Section 625m.

22 (C) Former section 625b.

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

26 **(iii) A VIOLATION OF SECTION 601D OR SECTION 626(3) OR (4).**

27 (b) "Vehicle immobilization" means requiring the motor

1 vehicle involved in the violation immobilized in a manner
2 provided in section 904e.

3 (9) If 2 or more convictions described in subsection (8)(a)
4 are convictions for violations arising out of the same incident,
5 only 1 conviction shall be used to determine whether the person
6 has a prior conviction.

7 (10) Only 1 violation or attempted violation of section
8 625(6), a local ordinance substantially corresponding to section
9 625(6), or a law of another state substantially corresponding to
10 section 625(6) may be used as a prior conviction.

11 (11) IF THE PERSON OBTAINS A RESTRICTED OPERATOR'S OR
12 CHAUFFEUR'S LICENSE FROM THE SECRETARY OF STATE AND AN IGNITION
13 INTERLOCK DEVICE IS PROPERLY INSTALLED IN THE VEHICLE, THE COURT
14 SHALL SUSPEND THE IMMOBILIZATION ORDER ISSUED UNDER SUBSECTION
15 (1)(C) FOR A CONVICTION UNDER SECTION 625(2).

16 (12) THE COURT MAY REINSTATE VEHICLE IMMOBILIZATION ISSUED
17 UNDER SUBSECTION (1)(C) FOR A CONVICTION UNDER SECTION 625(2) IF
18 AN IGNITION INTERLOCK DEVICE IS TAMPERED WITH, CIRCUMVENTED, OR
19 DISABLED, OR IF THE PERSON'S RESTRICTED OPERATOR'S OR CHAUFFEUR'S
20 LICENSE IS SUSPENDED OR REVOKED.

21 Sec. 907. (1) A violation of this act, or a local ordinance
22 substantially corresponding to a provision of this act, that is
23 designated a civil infraction shall not be considered a lesser
24 included offense of a criminal offense.

25 (2) If a person is determined pursuant to sections 741 to
26 750 to be responsible or responsible "with explanation" for a
27 civil infraction under this act or a local ordinance

1 substantially corresponding to a provision of this act, the judge
2 or district court magistrate may order the person to pay a civil
3 fine of not more than \$100.00 and costs as provided in subsection
4 (4). **HOWEVER, IF THE CIVIL INFRACTION WAS A MOVING VIOLATION THAT**
5 **RESULTED IN AN AT-FAULT COLLISION WITH ANOTHER VEHICLE, A PERSON,**
6 **OR ANY OTHER OBJECT, THE CIVIL FINE ORDERED UNDER THIS SECTION**
7 **SHALL BE INCREASED BY \$25.00 BUT THE TOTAL CIVIL FINE SHALL NOT**
8 **EXCEED \$100.00.** However, for a violation of section 674(1)(s) or
9 a local ordinance substantially corresponding to section
10 674(1)(s), the person shall be ordered to pay costs as provided
11 in subsection (4) and a civil fine of not less than \$100.00 or
12 more than \$250.00. For a violation of section 328, the civil fine
13 ordered under this subsection shall be not more than \$50.00. For
14 a violation of section 710d, the civil fine ordered under this
15 subsection shall not exceed \$10.00. For a violation of section
16 710e, the civil fine and court costs ordered under this
17 subsection shall be \$25.00. For a violation of section 682 or a
18 local ordinance substantially corresponding to section 682, the
19 person shall be ordered to pay costs as provided in subsection
20 (4) and a civil fine of not less than \$100.00 or more than
21 \$500.00. For a violation of section 240, the civil fine ordered
22 under this subsection shall be \$15.00. For a violation of section
23 252a(1), the civil fine ordered under this subsection shall be
24 \$50.00. For a violation of section 676a(3), the civil fine
25 ordered under this section shall be not more than \$10.00. For a
26 violation of section 319f(1), the civil fine ordered under this
27 section shall be not less than \$1,100.00 or more than \$2,750.00.

1 For a violation of section 319g(1) (a), the civil fine ordered
2 under this section shall be not more than \$10,000.00. For a
3 violation of section 319g(1) (b), the civil fine ordered under
4 this section shall be not less than \$2,750.00 or more than
5 \$11,000.00. Permission may be granted for payment of a civil fine
6 and costs to be made within a specified period of time or in
7 specified installments, but unless permission is included in the
8 order or judgment, the civil fine and costs shall be payable
9 immediately.

10 (3) Except as provided in this subsection, if a person is
11 determined to be responsible or responsible "with explanation"
12 for a civil infraction under this act or a local ordinance
13 substantially corresponding to a provision of this act while
14 driving a commercial motor vehicle, he or she shall be ordered to
15 pay costs as provided in subsection (4) and a civil fine of not
16 more than \$250.00. If a person is determined to be responsible or
17 responsible "with explanation" for a civil infraction under
18 section 319g or a local ordinance substantially corresponding to
19 section 319g, that person shall be ordered to pay costs as
20 provided in subsection (4) and a civil fine of not more than
21 \$10,000.00.

22 (4) If a civil fine is ordered under subsection (2) or (3),
23 the judge or district court magistrate shall summarily tax and
24 determine the costs of the action, which are not limited to the
25 costs taxable in ordinary civil actions, and may include all
26 expenses, direct and indirect, to which the plaintiff has been
27 put in connection with the civil infraction, up to the entry of

1 judgment. Costs shall not be ordered in excess of \$100.00. A
2 civil fine ordered under subsection (2) or (3) shall not be
3 waived unless costs ordered under this subsection are waived.
4 Except as otherwise provided by law, costs are payable to the
5 general fund of the plaintiff.

6 (5) In addition to a civil fine and costs ordered under
7 subsection (2) or (3) and subsection (4) and the justice system
8 assessment ordered under subsection (14), the judge or district
9 court magistrate may order the person to attend and complete a
10 program of treatment, education, or rehabilitation.

11 (6) A district court magistrate shall impose the sanctions
12 permitted under subsections (2), (3), and (5) only to the extent
13 expressly authorized by the chief judge or only judge of the
14 district court district.

15 (7) Each district of the district court and each municipal
16 court may establish a schedule of civil fines, costs, and
17 assessments to be imposed for civil infractions that occur within
18 the respective district or city. If a schedule is established, it
19 shall be prominently posted and readily available for public
20 inspection. A schedule need not include all violations that are
21 designated by law or ordinance as civil infractions. A schedule
22 may exclude cases on the basis of a defendant's prior record of
23 civil infractions or traffic offenses, or a combination of civil
24 infractions and traffic offenses.

25 (8) The state court administrator shall annually publish and
26 distribute to each district and court a recommended range of
27 civil fines and costs for first-time civil infractions. This

1 recommendation is not binding upon the courts having jurisdiction
2 over civil infractions but is intended to act as a normative
3 guide for judges and district court magistrates and a basis for
4 public evaluation of disparities in the imposition of civil fines
5 and costs throughout the state.

6 (9) If a person has received a civil infraction citation for
7 defective safety equipment on a vehicle under section 683, the
8 court shall waive a civil fine, costs, and assessments upon
9 receipt of certification by a law enforcement agency that repair
10 of the defective equipment was made before the appearance date on
11 the citation.

12 (10) A default in the payment of a civil fine or costs
13 ordered under subsection (2), (3), or (4) or a justice system
14 assessment ordered under subsection (14), or an installment of
15 the fine, costs, or assessment, may be collected by a means
16 authorized for the enforcement of a judgment under chapter 40 of
17 the revised judicature act of 1961, 1961 PA 236, MCL 600.4001 to
18 600.4065, or under chapter 60 of the revised judicature act of
19 1961, 1961 PA 236, MCL 600.6001 to 600.6098.

20 (11) If a person fails to comply with an order or judgment
21 issued pursuant to this section within the time prescribed by the
22 court, the driver's license of that person shall be suspended
23 pursuant to section 321a until full compliance with that order or
24 judgment occurs. In addition to this suspension, the court may
25 also proceed under section 908.

26 (12) The court shall waive any civil fine, cost, or
27 assessment against a person who received a civil infraction

1 citation for a violation of section 710d if the person, before
2 the appearance date on the citation, supplies the court with
3 evidence of acquisition, purchase, or rental of a child seating
4 system meeting the requirements of section 710d.

5 (13) Until October 1, 2003, in addition to any civil fines
6 and costs ordered to be paid under this section, the judge or
7 district court magistrate shall levy an assessment of \$5.00 for
8 each civil infraction determination, except for a parking
9 violation or a violation for which the total fine and costs
10 imposed are \$10.00 or less. An assessment paid before October 1,
11 2003 shall be transmitted by the clerk of the court to the state
12 treasurer to be deposited into the Michigan justice training
13 fund. An assessment ordered before October 1, 2003 but collected
14 on or after October 1, 2003 shall be transmitted by the clerk of
15 the court to the state treasurer for deposit in the justice
16 system fund created in section 181 of the revised judicature act
17 of 1961, 1961 PA 236, MCL 600.181. An assessment levied under
18 this subsection is not a civil fine for purposes of section 909.

19 (14) Effective October 1, 2003, in addition to any civil
20 fines or costs ordered to be paid under this section, the judge
21 or district court magistrate shall order the defendant to pay a
22 justice system assessment of \$40.00 for each civil infraction
23 determination, except for a parking violation or a violation for
24 which the total fine and costs imposed are \$10.00 or less. Upon
25 payment of the assessment, the clerk of the court shall transmit
26 the assessment collected to the state treasury to be deposited
27 into the justice system fund created in section 181 of the

1 revised judicature act of 1961, 1961 PA 236, MCL 600.181. An
2 assessment levied under this subsection is not a civil fine for
3 purposes of section 909.

4 (15) If a person has received a citation for a violation of
5 section 223, the court shall waive any civil fine, costs, and
6 assessment, upon receipt of certification by a law enforcement
7 agency that the person, before the appearance date on the
8 citation, produced a valid registration certificate that was
9 valid on the date the violation of section 223 occurred.

10 (16) If a person has received a citation for a violation of
11 section 328(1) for failing to produce a certificate of insurance
12 pursuant to section 328(2), the court may waive the fee described
13 in section 328(3)(c) and shall waive any fine, costs, and any
14 other fee or assessment otherwise authorized under this act upon
15 receipt of verification by the court that the person, before the
16 appearance date on the citation, produced valid proof of
17 insurance that was in effect at the time the violation of section
18 328(1) occurred. Insurance obtained subsequent to the time of the
19 violation does not make the person eligible for a waiver under
20 this subsection.

21 **(17) AS USED IN THIS SECTION, "MOVING VIOLATION" MEANS AN**
22 **ACT OR OMISSION PROHIBITED UNDER THIS ACT OR A LOCAL ORDINANCE**
23 **SUBSTANTIALLY CORRESPONDING TO THIS ACT THAT INVOLVES THE**
24 **OPERATION OF A MOTOR VEHICLE AND FOR WHICH A FINE MAY BE**
25 **ASSESSED.**

26 Enacting section 1. Section 626c of the Michigan vehicle
27 code, 1949 PA 300, MCL 257.626c, is repealed.

1 Enacting section 2. Sections 324 and 325 of the Michigan
2 penal code, 1931 PA 328, MCL 750.324 and 750.325, are repealed.

3 Enacting section 3. This amendatory act takes effect October
4 31, 2010.