

**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), sections 303, 319b, and 907 as amended by 2006 PA 298, section 319 as amended by 2004 PA 362, 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
24 renewal of a vehicle group designation or vehicle indorsement.

25 (g) A person who has been convicted of, has received a
26 juvenile disposition for, or has been determined responsible for

1 2 or more moving violations under a law of this state, a local
2 ordinance substantially corresponding to a law of this state, or
3 a law of another state substantially corresponding to a law of
4 this state within the preceding 3 years, if the violations
5 occurred before issuance of an original license to the person in
6 this state, another state, or another country.

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

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

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

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

1 crime described in section 319e. A person shall be denied a
2 license under this subdivision for the length of time that
3 corresponds to the period of the licensing sanction that would
4 have been imposed under section 319e if the person had been
5 licensed at the time of the violation.

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

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

16 (2) Upon receiving the appropriate records of conviction,
17 the secretary of state shall revoke the operator's or chauffeur's
18 license of a person and deny issuance of an operator's or
19 chauffeur's license to a person having 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) Any combination of 2 convictions within 7 years for
24 reckless driving in violation of section ~~626~~**626(2)**.

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

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

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

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

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

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

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

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

22 (iii) Former section 625b.

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

27 (e) One conviction of negligent homicide, manslaughter, or

1 murder resulting from the operation of a vehicle or an attempt to
2 commit any of those crimes.

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

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

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

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

20 (iii) Former section 625b.

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

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

1 (a) The later of the following:

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

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

7 (b) For a denial under subsection (2)(a), (b), (c), and (g),
8 the person rebuts by clear and convincing evidence the
9 presumption resulting from the prima facie evidence that he or
10 she is a habitual offender. The convictions that resulted in the
11 revocation and denial constitute prima facie evidence that he or
12 she is a habitual offender.

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

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

16 (a) Until the age of 17, to a person not licensed under this
17 act who was convicted of or received a juvenile disposition for
18 violating or attempting to violate section 411a(2) of the
19 Michigan penal code, 1931 PA 328, MCL 750.411a, involving a
20 school when he or she was less than 14 years of age. A person not
21 issued a license under this subdivision is not eligible to begin
22 graduated licensing training until he or she attains 16 years of
23 age.

24 (b) To a person less than 21 years of age not licensed under
25 this act who was convicted of or received a juvenile disposition
26 for violating or attempting to violate section 411a(2) of the
27 Michigan penal code, 1931 PA 328, MCL 750.411a, involving a

1 school when he or she was less than 14 years of age or older,
2 until 3 years after the date of the conviction or juvenile
3 disposition. A person not issued a license under this subdivision
4 is not eligible to begin graduated licensing training or
5 otherwise obtain an original operator's or chauffeur's license
6 until 3 years after the date of the conviction or juvenile
7 disposition.

8 (6) The secretary of state shall deny issuance of a vehicle
9 group designation to a person if the person has been disqualified
10 by the United States secretary of transportation from operating a
11 commercial motor vehicle.

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

16 (8) As used in this section, "felony in which a motor
17 vehicle was used" means a felony during the commission of which
18 the person operated a motor vehicle and while operating the
19 vehicle presented real or potential harm to persons or property
20 and 1 or more of the following circumstances existed:

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

22 (b) The vehicle was used to transport a victim of the
23 felony.

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

25 (d) The vehicle was necessary for the commission of the
26 felony.

27 Sec. 319. (1) The secretary of state shall immediately

1 suspend a person's license as provided in this section upon
2 receiving a record of the person's conviction for a crime
3 described in this section, whether the conviction is under a law
4 of this state, a local ordinance substantially corresponding to a
5 law of this state, or a law of another state substantially
6 corresponding to a law of this state.

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

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

11 (b) A violation of section 413 of the Michigan penal code,
12 1931 PA 328, MCL 750.413.

13 (c) A violation of section 1 of former 1931 PA 214, MCL
14 752.191, or section 626c.

15 (d) A felony in which a motor vehicle was used. As used in
16 this section, "felony in which a motor vehicle was used" means a
17 felony during the commission of which the person convicted
18 operated a motor vehicle and while operating the vehicle
19 presented real or potential harm to persons or property and 1 or
20 more of the following circumstances existed:

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

22 (ii) The vehicle was used to transport a victim of the
23 felony.

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

25 (iv) The vehicle was necessary for the commission of the
26 felony.

27 (e) A violation of section 602a(2) or (3) of this act or

1 section 479a(2) or (3) of the Michigan penal code, 1931 PA 328,
2 MCL 750.479a.

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

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

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

8 (b) A violation of section 601b(2), section 601c(1), section
9 ~~626-626(2)~~, or section 653a(3).

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

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

15 (4) The secretary of state shall suspend the person's
16 license for 30 days for malicious destruction resulting from the
17 operation of a vehicle under section 382(1)(a) of the Michigan
18 penal code, 1931 PA 328, MCL 750.382.

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

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

27 (b) If the person has 1 or more prior convictions for an

1 offense described in this subsection within 7 years, for 1 year.

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

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

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

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

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

18 (b) If the person has 2 or more prior convictions for an
19 offense described in this subsection or section 33b(1) of former
20 1933 (Ex Sess) PA 8, for 1 year. The secretary of state may issue
21 the person a restricted license after the first 60 days of
22 suspension.

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

25 (a) For 180 days for a violation of section 625(1) or (8) if
26 the person has no prior convictions within 7 years. The secretary
27 of state may issue the person a restricted license during a

1 specified portion of the suspension, except that the secretary of
2 state shall not issue a restricted license during the first 30
3 days of suspension.

4 (b) For 90 days for a violation of section 625(3) if the
5 person has no prior convictions within 7 years. However, if the
6 person is convicted of a violation of section 625(3), for
7 operating a vehicle when, due to the consumption of a controlled
8 substance or a combination of alcoholic liquor and a controlled
9 substance, the person's ability to operate the vehicle was
10 visibly impaired, the secretary of state shall suspend the
11 person's license under this subdivision for 180 days. The
12 secretary of state may issue the person a restricted license
13 during all or a specified portion of the suspension.

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

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

21 (e) For 180 days for a violation of section 625(7) if the
22 person has no prior convictions within 7 years. The secretary of
23 state may issue the person a restricted license after the first
24 90 days of suspension.

25 (f) For 90 days for a violation of section 625m if the
26 person has no prior convictions within 7 years. The secretary of
27 state may issue the person a restricted license during all or a

1 specified portion of the suspension.

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

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

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

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

11 (11) For a violation or attempted violation of section
12 411a(2) of the Michigan penal code, 1931 PA 328, MCL 750.411a,
13 involving a school, the secretary of state shall suspend the
14 license of a person 14 years of age or over but less than 21
15 years of age until 3 years after the date of the conviction or
16 juvenile disposition for the violation. The secretary of state
17 may issue the person a restricted license after the first 365
18 days of suspension.

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

22 (13) If the secretary of state receives records of more than
23 1 conviction of a person resulting from the same incident, a
24 suspension shall be imposed only for the violation to which the
25 longest period of suspension applies under this section.

26 (14) The secretary of state may waive a restriction,
27 suspension, or revocation of a person's license imposed under

1 this act if the person submits proof that a court in another
2 state revoked, suspended, or restricted his or her license for a
3 period equal to or greater than the period of a restriction,
4 suspension, or revocation prescribed under this act for the
5 violation and that the revocation, suspension, or restriction was
6 served for the violation, or may grant a restricted license.

7 (15) The secretary of state shall not issue a restricted
8 license to a person whose license is suspended under this section
9 unless a restricted license is authorized under this section and
10 the person is otherwise eligible for a license.

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

14 (17) A restricted license issued under this section shall
15 permit the person to whom it is issued to take any driving skills
16 test required by the secretary of state and to drive under 1 or
17 more of the following circumstances:

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

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

20 (i) The person's residence.

21 (ii) The person's work location.

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

24 (iv) The court probation department.

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

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

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

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

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

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

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

22 (ii) Section 625m.

23 (iii) Former section 625b.

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

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

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

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

11 Sec. 319b. (1) The secretary of state shall immediately
12 suspend or revoke, as applicable, all vehicle group designations
13 on the operator's or chauffeur's license of a person upon
14 receiving notice of a conviction, bond forfeiture, or civil
15 infraction determination of the person, or notice that a court or
16 administrative tribunal has found the person responsible, for a
17 violation described in this subsection of a law of this state, a
18 local ordinance substantially corresponding to a law of this
19 state while the person was operating a commercial motor vehicle,
20 or a law of another state substantially corresponding to a law of
21 this state, or notice that the person has refused to submit to a
22 chemical test of his or her blood, breath, or urine for the
23 purpose of determining the amount of alcohol or presence of a
24 controlled substance or both in the person's blood, breath, or
25 urine while the person was operating a commercial motor vehicle
26 as required by a law or local ordinance of this or another state.
27 The period of suspension or revocation is as follows:

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

4 (i) Two serious traffic violations arising from separate
5 incidents within 36 months.

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

7 (iii) A violation of motor carrier safety regulations 49 CFR
8 392.10 or 392.11, as adopted by section 1a of the motor carrier
9 safety act of 1963, 1963 PA 181, MCL 480.11a.

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

12 (v) A violation of motor carrier safety regulations 49 CFR
13 392.10 or 392.11, as adopted by section 31 of the motor bus
14 transportation act, 1982 PA 432, MCL 474.131.

15 (vi) A violation of motor carrier safety regulations 49 CFR
16 392.10 or 392.11 while operating a commercial motor vehicle other
17 than a vehicle covered under subparagraph (iii), (iv), or (v).

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

22 (i) Three serious traffic violations.

23 (ii) Any combination of 2 violations described in subdivision
24 (a) (ii).

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

27 (i) A violation of section 625(1), (3), (4), (5), (6), (7),

1 or (8), section 625m, or former section 625(1) or (2), or former
2 section 625b, while operating a commercial or noncommercial motor
3 vehicle.

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

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

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

15 (v) Effective October 1, 2005, operating a commercial motor
16 vehicle in violation of a suspension, revocation, denial, or
17 cancellation that was imposed for previous violations committed
18 while operating a commercial motor vehicle.

19 (vi) Effective October 1, 2005, causing a fatality through
20 the negligent or criminal operation of a commercial motor
21 vehicle, including, but not limited to, the crimes of motor
22 vehicle manslaughter, motor vehicle homicide, and negligent
23 homicide.

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

26 (viii) Any combination of 3 violations described in
27 subdivision (a)(ii) arising from separate incidents within 36

1 months while operating a commercial motor vehicle.

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

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

13 (i) Section 625(1), (3), (4), (5), (6), (7), or (8), section
14 625m, or former section 625(1) or (2), or former section 625b,
15 while operating a commercial or noncommercial motor vehicle.

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

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

21 (iv) A refusal of a request of a police officer to submit to
22 a chemical test of his or her blood, breath, or urine for the
23 purpose of determining the amount of alcohol or presence of a
24 controlled substance or both in his or her blood while he or she
25 was operating a commercial or noncommercial motor vehicle in this
26 state or another state.

27 (v) Effective October 1, 2005, operating a commercial motor

1 vehicle in violation of a suspension, revocation, denial, or
2 cancellation that was imposed for previous violations committed
3 while operating a commercial motor vehicle.

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

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

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

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

17 (ii) A conviction of any offense described in subdivision (c)
18 or (d) after having been approved for the reissuance of a vehicle
19 group designation under subdivision (e).

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

22 (2) The secretary of state shall immediately deny, cancel,
23 or revoke a hazardous material indorsement on the operator's or
24 chauffeur's license of a person with a vehicle group designation
25 upon receiving notice from a federal government agency that the
26 person poses a security risk warranting denial, cancellation, or
27 revocation under the uniting and strengthening America by

1 providing appropriate tools required to intercept and obstruct
2 terrorism (USA PATRIOT ACT) act of 2001, Public Law 107-56. The
3 denial, cancellation, or revocation cannot be appealed under
4 section 322 or 323 and remains in effect until the secretary of
5 state receives a federal government notice that the person does
6 not pose a security risk in the transportation of hazardous
7 materials.

8 (3) The secretary of state shall immediately suspend all
9 vehicle group designations on a person's operator's or
10 chauffeur's license upon receiving notice of a conviction, bond
11 forfeiture, or civil infraction determination of the person, or
12 notice that a court or administrative tribunal has found the
13 person responsible, for a violation of section 319d(4) or 319f, a
14 local ordinance substantially corresponding to section 319d(4) or
15 319f, or a law or local ordinance of another state, the United
16 States, Canada, Mexico, or a local jurisdiction of either of
17 these countries substantially corresponding to section 319d(4) or
18 319f, while operating a commercial motor vehicle. The period of
19 suspension or revocation is as follows:

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

23 (b) Suspension for 180 days if the person is convicted of or
24 found responsible for a violation of section 319d(4) or 319f
25 while operating a commercial motor vehicle that is either
26 carrying hazardous material required to have a placard under 49
27 CFR parts 100 to 199 or designed to carry 16 or more passengers,

1 including the driver.

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

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

12 (e) Suspension for 3 years if the person is convicted of or
13 found responsible for 2 or more violations, in any combination,
14 of section 319d(4) or 319f while operating a commercial motor
15 vehicle carrying hazardous material required to have a placard
16 under 49 CFR parts 100 to 199, or designed to carry 16 or more
17 passengers, including the driver, arising from 2 or more separate
18 incidents during a 10-year period.

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

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

26 (6) The secretary of state shall suspend or revoke a vehicle
27 group designation under subsection (1) or deny, cancel, or revoke

1 a hazardous material indorsement under subsection (2)
2 notwithstanding a suspension, restriction, revocation, or denial
3 of an operator's or chauffeur's license or vehicle group
4 designation under another section of this act or a court order
5 issued under another section of this act or a local ordinance
6 substantially corresponding to another section of this act.

7 (7) A conviction, bond forfeiture, or civil infraction
8 determination, or notice that a court or administrative tribunal
9 has found a person responsible for a violation described in this
10 subsection while the person was operating a noncommercial motor
11 vehicle counts against the person who holds a license to operate
12 a commercial motor vehicle the same as if the person had been
13 operating a commercial motor vehicle at the time of the
14 violation. For the purpose of this subsection, a noncommercial
15 motor vehicle does not include a recreational vehicle used off-
16 road. This subsection applies to the following state law
17 violations or a local ordinance substantially corresponding to
18 any of those violations or a law of another state or out-of-state
19 jurisdiction substantially corresponding to any of those
20 violations:

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

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

27 (c) Leaving the scene of an accident.

- 1 (d) Using a vehicle to commit a felony.
- 2 (8) When determining the applicability of conditions listed
3 in this section, the secretary of state shall consider only
4 violations that occurred after January 1, 1990.
- 5 (9) When determining the applicability of conditions listed
6 in subsection (1)(a) or (b), the secretary of state shall count
7 only from incident date to incident date.
- 8 (10) As used in this section:
- 9 (a) "Felony in which a commercial motor vehicle was used"
10 means a felony during the commission of which the person
11 convicted operated a commercial motor vehicle and while the
12 person was operating the vehicle 1 or more of the following
13 circumstances existed:
- 14 (i) The vehicle was used as an instrument of the felony.
- 15 (ii) The vehicle was used to transport a victim of the
16 felony.
- 17 (iii) The vehicle was used to flee the scene of the felony.
- 18 (iv) The vehicle was necessary for the commission of the
19 felony.
- 20 (b) "Serious traffic violation" means any of the following:
- 21 (i) A traffic violation that occurs in connection with an
22 accident in which a person died.
- 23 (ii) Careless driving.
- 24 (iii) Excessive speeding as defined in regulations promulgated
25 under 49 USC 31301 to 31317.
- 26 (iv) Improper lane use.
- 27 (v) Following too closely.

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

4 (vii) Effective October 1, 2005, driving a commercial motor
5 vehicle without either having an operator's or chauffeur's
6 license in the person's possession or providing proof to the
7 court, not later than the date by which the person must appear in
8 court or pay a fine for the violation, that the person held a
9 valid vehicle group designation and indorsement on the date that
10 the citation was issued.

11 (viii) Effective October 1, 2005, driving a commercial motor
12 vehicle while in possession of an operator's or chauffeur's
13 license that has a vehicle group designation but does not have
14 the appropriate vehicle group designation or indorsement required
15 for the specific vehicle group being operated or the passengers
16 or type of cargo being transported.

17 (ix) Any other serious traffic violation as defined in 49 CFR
18 383.5 or as prescribed under this act.

19 Sec. 320a. (1) Until October 1, 2005, within 10 days after
20 the receipt of a properly prepared abstract from this state or
21 another state, or, beginning October 1, 2005, within 5 days after
22 the receipt of a properly prepared abstract from this state or
23 another state, the secretary of state shall record the date of
24 conviction, civil infraction determination, or probate court
25 disposition, and the number of points for each, based on the
26 following formula, except as otherwise provided in this section
27 and section 629c:

- 1 (a) Manslaughter, negligent homicide, or a
- 2 felony resulting from the operation of a motor
- 3 vehicle, ORV, or snowmobile.....6 points
- 4 (b) A violation of section 601b(2) or (3),
- 5 601c(1) or (2), **601D**, or 653a(3) or (4).....6 points
- 6 (c) A violation of section 625(1), (4), (5),
- 7 (7), or (8), section 81134 or 82127(1) of the
- 8 natural resources and environmental protection act,
- 9 1994 PA 451, MCL 324.81134 and 324.82127, or a law or
- 10 ordinance substantially corresponding to section
- 11 625(1), (4), (5), (7), or (8) or section 81134
- 12 or 82127(1) of the natural resources and
- 13 environmental protection act, 1994 PA 451,
- 14 MCL 324.81134 and 324.82127.....6 points
- 15 (d) Failing to stop and disclose identity
- 16 at the scene of an accident when required by law.....6 points
- 17 (e) Operating a motor vehicle in violation
- 18 of section 626.....6 points
- 19 (f) Fleeing or eluding an officer.....6 points
- 20 (g) A violation of section 627(9) pertaining
- 21 to speed in a work zone described in that section
- 22 by exceeding the lawful maximum by more than
- 23 15 miles per hour.....5 points
- 24 (h) A violation of any law other than the
- 25 law described in subdivision (g) or ordinance
- 26 pertaining to speed by exceeding the lawful
- 27 maximum by more than 15 miles per hour.....4 points
- 28 (i) A violation of section 625(3) or (6),
- 29 section 81135 or 82127(3) of the natural
- 30 resources and environmental protection act,
- 31 1994 PA 451, MCL 324.81135 and 324.82127,

- 1 or a law or ordinance substantially corresponding
- 2 to section 625(3) or (6) or section 81135
- 3 or 82127(3) of the natural resources and
- 4 environmental protection act, 1994 PA 451,
- 5 MCL 324.81135 and 324.82127.....4 points
- 6 (j) A violation of section 626a or a law
- 7 or ordinance substantially corresponding to
- 8 section 626a.....4 points
- 9 (k) A violation of section 653a(2).....4 points
- 10 (l) A violation of section 627(9) pertaining
- 11 to speed in a work zone described in that section
- 12 by exceeding the lawful maximum by more than 10
- 13 but not more than 15 miles per hour.....4 points
- 14 **(M) A MOVING VIOLATION RESULTING IN AN**
- 15 **AT-FAULT COLLISION WITH ANOTHER VEHICLE, A PERSON,**
- 16 **OR ANY OTHER OBJECT.....4 POINTS**
- 17 **(N) ~~(m)~~**A violation of any law other than the
- 18 law described in subdivision (l) or ordinance
- 19 pertaining to speed by exceeding the lawful
- 20 maximum by more than 10 but not more than 15
- 21 miles per hour or careless driving in violation
- 22 of section 626b or a law or ordinance substantially
- 23 corresponding to section 626b.....3 points
- 24 **(O) ~~(n)~~**A violation of section 627(9) pertaining
- 25 to speed in a work zone described in that section
- 26 by exceeding the lawful maximum by 10 miles per
- 27 hour or less.....3 points
- 28 **(P) ~~(o)~~**A violation of any law other than the law
- 29 described in subdivision ~~(n)~~ **(O)** or ordinance
- 30 pertaining to speed by exceeding the lawful maximum
- 31 by 10 miles per hour or less.....2 points

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

3 (R) ~~(q)~~—A violation of section 624a, 624b, or
4 a law or ordinance substantially corresponding to
5 section 624a or 624b.....2 points

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

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

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

15 (2) Points shall not be entered for a violation of section
16 310e(14), 311, 625m, 658, 717, 719, 719a, or 723.

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

18 (4) Points shall not be entered for overweight loads or for
19 defective equipment.

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

24 (6) If a person has accumulated 9 points as provided in this
25 section, the secretary of state may call the person in for an
26 interview as to the person's driving ability and record after due
27 notice as to time and place of the interview. If the person fails
28 to appear as provided in this subsection, the secretary of state

1 shall add 3 points to the person's record.

2 (7) If a person violates a speed restriction established by
3 an executive order issued during a state of energy emergency as
4 provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of
5 state shall enter points for the violation pursuant to subsection
6 (1).

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

13 (9) If a Michigan driver commits a violation in another
14 state that would be a civil infraction if committed in Michigan,
15 and a conviction results solely because of the failure of the
16 Michigan driver to appear in that state to contest the violation,
17 upon receipt of the abstract of conviction by the secretary of
18 state, the violation shall be noted on the driver's record, but
19 no points shall be assessed against his or her driver's license.

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

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

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

4 (4) AS USED IN THIS SECTION, "MOVING VIOLATION" MEANS AN ACT
5 OR OMISSION PROHIBITED UNDER THIS ACT OR A LOCAL ORDINANCE
6 SUBSTANTIALLY CORRESPONDING TO THIS ACT THAT OCCURS WHILE A
7 PERSON IS OPERATING A MOTOR VEHICLE, AND FOR WHICH THE PERSON IS
8 SUBJECT TO A FINE.

9 Sec. 625. (1) A person, whether licensed or not, shall not
10 operate a vehicle upon a highway or other place open to the
11 general public or generally accessible to motor vehicles,
12 including an area designated for the parking of vehicles, within
13 this state if the person is operating while intoxicated. As used
14 in this section, "operating while intoxicated" means either of
15 the following applies:

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

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

25 (2) The owner of a vehicle or a person in charge or in
26 control of a vehicle shall not authorize or knowingly permit the
27 vehicle to be operated upon a highway or other place open to the

1 general public or generally accessible to motor vehicles,
2 including an area designated for the parking of motor vehicles,
3 within this state by a person if any of the following apply:

4 (a) The person is under the influence of alcoholic liquor, a
5 controlled substance, or a combination of alcoholic liquor and a
6 controlled substance.

7 (b) The person has an alcohol content of 0.08 grams or more
8 per 100 milliliters of blood, per 210 liters of breath, or per 67
9 milliliters of urine or, beginning October 1, 2013, the person
10 has an alcohol content of 0.10 grams or more per 100 milliliters
11 of blood, per 210 liters of breath, or per 67 milliliters of
12 urine.

13 (c) The person's ability to operate the motor vehicle is
14 visibly impaired due to the consumption of alcoholic liquor, a
15 controlled substance, or a combination of alcoholic liquor and a
16 controlled substance.

17 (3) A person, whether licensed or not, shall not operate a
18 vehicle upon a highway or other place open to the general public
19 or generally accessible to motor vehicles, including an area
20 designated for the parking of vehicles, within this state when,
21 due to the consumption of alcoholic liquor, a controlled
22 substance, or a combination of alcoholic liquor and a controlled
23 substance, the person's ability to operate the vehicle is visibly
24 impaired. If a person is charged with violating subsection (1), a
25 finding of guilty under this subsection may be rendered.

26 (4) A person, whether licensed or not, who operates a motor
27 vehicle in violation of subsection (1), (3), or (8) and by the

1 operation of that motor vehicle causes the death of another
2 person is guilty of a crime as follows:

3 (a) Except as provided in subdivision (b), the person is
4 guilty of a felony punishable by imprisonment for not more than
5 15 years or a fine of not less than \$2,500.00 or more than
6 \$10,000.00, or both. The judgment of sentence may impose the
7 sanction permitted under section 625n. If the vehicle is not
8 ordered forfeited under section 625n, the court shall order
9 vehicle immobilization under section 904d in the judgment of
10 sentence.

11 (b) If, at the time of the violation, the person is
12 operating a motor vehicle in a manner proscribed under section
13 653a and causes the death of a police officer, firefighter, or
14 other emergency response personnel, the person is guilty of a
15 felony punishable by imprisonment for not more than 20 years or a
16 fine of not less than \$2,500.00 or more than \$10,000.00, or both.
17 This subdivision applies regardless of whether the person is
18 charged with the violation of section 653a. The judgment of
19 sentence may impose the sanction permitted under section 625n. If
20 the vehicle is not ordered forfeited under section 625n, the
21 court shall order vehicle immobilization under section 904d in
22 the judgment of sentence.

23 (5) A person, whether licensed or not, who operates a motor
24 vehicle in violation of subsection (1), (3), or (8) and by the
25 operation of that motor vehicle causes a serious impairment of a
26 body function of another person is guilty of a felony punishable
27 by imprisonment for not more than 5 years or a fine of not less

1 than \$1,000.00 or more than \$5,000.00, or both. The judgment of
2 sentence may impose the sanction permitted under section 625n. If
3 the vehicle is not ordered forfeited under section 625n, the
4 court shall order vehicle immobilization under section 904d in
5 the judgment of sentence.

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

13 (a) An alcohol content of 0.02 grams or more but less than
14 0.08 grams per 100 milliliters of blood, per 210 liters of
15 breath, or per 67 milliliters of urine, or, beginning October 1,
16 2013, the person has an alcohol content of 0.02 grams or more but
17 less than 0.10 grams per 100 milliliters of blood, per 210 liters
18 of breath, or per 67 milliliters of urine.

19 (b) Any presence of alcohol within a person's body resulting
20 from the consumption of alcoholic liquor, other than consumption
21 of alcoholic liquor as a part of a generally recognized religious
22 service or ceremony.

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

25 (a) He or she shall not operate a vehicle in violation of
26 subsection (1), (3), (4), (5), or (8) while another person who is
27 less than 16 years of age is occupying the vehicle. A person who

1 violates this subdivision is guilty of a crime punishable as
2 follows:

3 (i) Except as provided in subparagraph (ii), a person who
4 violates this subdivision is guilty of a misdemeanor and shall be
5 sentenced to pay a fine of not less than \$200.00 or more than
6 \$1,000.00 and to 1 or more of the following:

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

10 (B) Community service for not less than 30 days or more than
11 90 days.

12 (ii) If the violation occurs within 7 years of a prior
13 conviction or after 2 or more prior convictions, regardless of
14 the number of years that have elapsed since any prior conviction,
15 a person who violates this subdivision is guilty of a felony and
16 shall be sentenced to pay a fine of not less than \$500.00 or more
17 than \$5,000.00 and to either of the following:

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

20 (B) Probation with imprisonment in the county jail for not
21 less than 30 days or more than 1 year and community service for
22 not less than 60 days or more than 180 days. Not less than 48
23 hours of this imprisonment shall be served consecutively. This
24 term of imprisonment shall not be suspended.

25 (b) He or she shall not operate a vehicle in violation of
26 subsection (6) while another person who is less than 16 years of
27 age is occupying the vehicle. A person who violates this

1 subdivision is guilty of a misdemeanor punishable as follows:

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

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

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

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

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

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

17 (B) Community service for not less than 30 days or more than
18 90 days.

19 (c) In the judgment of sentence under subdivision (a) (i) or
20 (b) (i), the court may, unless the vehicle is ordered forfeited
21 under section 625n, order vehicle immobilization as provided in
22 section 904d. In the judgment of sentence under subdivision
23 (a) (ii) or (b) (ii), the court shall, unless the vehicle is ordered
24 forfeited under section 625n, order vehicle immobilization as
25 provided in section 904d.

26 (d) This subsection does not prohibit a person from being
27 charged with, convicted of, or punished for a violation of

1 subsection (4) or (5) that is committed by the person while
2 violating this subsection. However, points shall not be assessed
3 under section 320a for both a violation of subsection (4) or (5)
4 and a violation of this subsection for conduct arising out of the
5 same transaction.

6 (8) A person, whether licensed or not, shall not operate a
7 vehicle upon a highway or other place open to the general public
8 or generally accessible to motor vehicles, including an area
9 designated for the parking of vehicles, within this state if the
10 person has in his or her body any amount of a controlled
11 substance listed in schedule 1 under section 7212 of the public
12 health code, 1978 PA 368, MCL 333.7212, or a rule promulgated
13 under that section, or of a controlled substance described in
14 section 7214(a) (iv) of the public health code, 1978 PA 368, MCL
15 333.7214.

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

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

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

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

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

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

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

4 (ii) Community service for not less than 30 days or more than
5 90 days.

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

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

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

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

20 (e) In the judgment of sentence under subdivision (a), the
21 court may order vehicle immobilization as provided in section
22 904d. In the judgment of sentence under subdivision (b) or (c),
23 the court shall, unless the vehicle is ordered forfeited under
24 section 625n, order vehicle immobilization as provided in section
25 904d.

26 (f) In the judgment of sentence under subdivision (b) or
27 (c), the court may impose the sanction permitted under section

1 625n.

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

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

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

11 (c) If the person operating the motor vehicle violated
12 subsection (5), a felony punishable by imprisonment for not more
13 than 2 years or a fine of not less than \$1,000.00 or more than
14 \$5,000.00, or both.

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

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

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

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

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

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

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

1 year. Not less than 48 hours of the term of imprisonment imposed
2 under this subparagraph shall be served consecutively.

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

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

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

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

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

19 (e) In the judgment of sentence under subdivision (a), the
20 court may order vehicle immobilization as provided in section
21 904d. In the judgment of sentence under subdivision (b) or (c),
22 the court shall, unless the vehicle is ordered forfeited under
23 section 625n, order vehicle immobilization as provided in section
24 904d.

25 (f) In the judgment of sentence under subdivision (b) or
26 (c), the court may impose the sanction permitted under section
27 625n.

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

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

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

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

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

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

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

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

14 (13) In addition to imposing the sanctions prescribed under
15 this section, the court may order the person to pay the costs of
16 the prosecution under the code of criminal procedure, 1927 PA
17 175, MCL 760.1 to 777.69.

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

23 (15) If the prosecuting attorney intends to seek an enhanced
24 sentence under this section or a sanction under section 625n
25 based upon the defendant having 1 or more prior convictions, the
26 prosecuting attorney shall include on the complaint and
27 information, or an amended complaint and information, filed in

1 district court, circuit court, municipal court, or family
2 division of circuit court, a statement listing the defendant's
3 prior convictions.

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

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

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

14 (b) An abstract of conviction.

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

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

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

19 (f) Information contained in a presentence report.

20 (g) An admission by the defendant.

21 (18) Except as otherwise provided in subsection (20), if a
22 person is charged with operating a vehicle while under the
23 influence of a controlled substance or a combination of alcoholic
24 liquor and a controlled substance in violation of subsection (1)
25 or a local ordinance substantially corresponding to subsection
26 (1), the court shall require the jury to return a special verdict
27 in the form of a written finding or, if the court convicts the

1 person without a jury or accepts a plea of guilty or nolo
2 contendere, the court shall make a finding as to whether the
3 person was under the influence of a controlled substance or a
4 combination of alcoholic liquor and a controlled substance at the
5 time of the violation.

6 (19) Except as otherwise provided in subsection (20), if a
7 person is charged with operating a vehicle while his or her
8 ability to operate the vehicle was visibly impaired due to his or
9 her consumption of a controlled substance or a combination of
10 alcoholic liquor and a controlled substance in violation of
11 subsection (3) or a local ordinance substantially corresponding
12 to subsection (3), the court shall require the jury to return a
13 special verdict in the form of a written finding or, if the court
14 convicts the person without a jury or accepts a plea of guilty or
15 nolo contendere, the court shall make a finding as to whether,
16 due to the consumption of a controlled substance or a combination
17 of alcoholic liquor and a controlled substance, the person's
18 ability to operate a motor vehicle was visibly impaired at the
19 time of the violation.

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

23 (a) Whether the defendant was under the influence of a
24 controlled substance or a combination of alcoholic liquor and a
25 controlled substance at the time of the violation.

26 (b) Whether the defendant was visibly impaired due to his or
27 her consumption of a controlled substance or a combination of

1 alcoholic liquor and a controlled substance at the time of the
2 violation.

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

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

10 (b) On a form or forms prescribed by the state court
11 administrator, forward to the department of state police a record
12 that specifies the penalties imposed by the court, including any
13 term of imprisonment, and any sanction imposed under section 625n
14 or 904d.

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

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

23 (24) The court may order as a condition of probation that a
24 person convicted of violating subsection (1) or (8), or a local
25 ordinance substantially corresponding to subsection (1) or (8),
26 shall not operate a motor vehicle unless that vehicle is equipped
27 with an ignition interlock device approved, certified, and

1 installed as required under sections 625k and 625l.

2 (25) Subject to subsection (27), as used in this section,
3 "prior conviction" means a conviction for any of the following,
4 whether under a law of this state, a local ordinance
5 substantially corresponding to a law of this state, or a law of
6 another state substantially corresponding to a law of this state:

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

9 (i) This section, except a violation of section 625(2), or a
10 violation of any prior enactment of this section in which the
11 defendant operated a vehicle while under the influence of
12 intoxicating or alcoholic liquor or a controlled substance, or a
13 combination of intoxicating or alcoholic liquor and a controlled
14 substance, or while visibly impaired, or with an unlawful bodily
15 alcohol content.

16 (ii) Section 625m.

17 (iii) Former section 625b.

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

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

22 (26) Except for purposes of the enhancement described in
23 subsection (12)(b), only 1 violation or attempted violation of
24 subsection (6), a local ordinance substantially corresponding to
25 subsection (6), or a law of another state substantially
26 corresponding to subsection (6) may be used as a prior
27 conviction.

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

5 Sec. 625c. (1) A person who operates a vehicle upon a public
6 highway or other place open to the general public or generally
7 accessible to motor vehicles, including an area designated for
8 the parking of vehicles, within this state is considered to have
9 given consent to chemical tests of his or her blood, breath, or
10 urine for the purpose of determining the amount of alcohol or
11 presence of a controlled substance or both in his or her blood or
12 urine or the amount of alcohol in his or her breath in all of the
13 following circumstances:

14 (a) If the person is arrested for a violation of section
15 625(1), (3), (4), (5), (6), (7), or (8), section 625a(5), or
16 section 625m or a local ordinance substantially corresponding to
17 section 625(1), (3), (6), or (8), section 625a(5), or section
18 625m.

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

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

1 to the withdrawal of blood.

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

4 Sec. 625m. (1) A person, whether licensed or not, who has an
5 alcohol content of 0.04 grams or more but less than 0.08 grams
6 per 100 milliliters of blood, per 210 liters of breath, or per 67
7 milliliters of urine, or, beginning October 1, 2013, an alcohol
8 content of 0.04 grams or more but less than 0.10 grams per 100
9 milliliters of blood, per 210 liters of breath, or per 67
10 milliliters of urine, shall not operate a commercial motor
11 vehicle within this state.

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

14 (a) The peace officer has reasonable cause to believe that
15 the person was, at the time of an accident, the driver of a
16 commercial motor vehicle involved in the accident and was
17 operating the vehicle in violation of this section or a local
18 ordinance substantially corresponding to this section.

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

25 (3) Except as otherwise provided in subsections (4) and (5),
26 a person who is convicted of a violation of this section or a
27 local ordinance substantially corresponding to this section is

1 guilty of a misdemeanor punishable by imprisonment for not more
2 than 93 days or a fine of not more than \$300.00, or both,
3 together with costs of the prosecution.

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

8 (5) A person who violates this section or a local ordinance
9 substantially corresponding to this section within 10 years of 2
10 or more prior convictions is guilty of a felony and shall be
11 sentenced to pay a fine of not less than \$500.00 or more than
12 \$5,000.00 and to either of the following:

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

15 (b) Probation with imprisonment in the county jail for not
16 less than 30 days or more than 1 year and community service for
17 not less than 60 days or more than 180 days. Not less than 48
18 hours of the imprisonment imposed under this subdivision shall be
19 served consecutively.

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

22 (7) Subject to subsection (9), as used in this section,
23 "prior conviction" means a conviction for any of the following,
24 whether under a law of this state, a local ordinance
25 substantially corresponding to a law of this state, or a law of
26 another state substantially corresponding to a law of this state:

27 (a) Except as provided in subsection (8), a violation or

1 attempted violation of any of the following:

2 (i) This section.

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

10 (iii) Former section 625b.

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

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

15 (8) Only 1 violation or attempted violation of section
16 625(6), a local ordinance substantially corresponding to section
17 625(6), or a law of another state substantially corresponding to
18 section 625(6) may be used as a prior conviction.

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

23 Sec. 625n. (1) Except as otherwise provided in this section
24 and in addition to any other penalty provided for in this act,
25 the judgment of sentence for a conviction for a violation of
26 section 625(1) described in section ~~625(8)(b) or (c)~~ **625(9)(B) OR**
27 **(C)**, a violation of section 625(3) described in section

1 ~~625(10)(b) or (c)~~ **625(11)(B) OR (C)**, a violation of section
2 625(4), (5), or (7), **A VIOLATION OF SECTION 626(3) OR (4)**, or a
3 violation of section 904(4) or (5) may require 1 of the following
4 with regard to the vehicle used in the offense if the defendant
5 owns the vehicle in whole or in part or leases the vehicle:

6 (a) Forfeiture of the vehicle if the defendant owns the
7 vehicle in whole or in part.

8 (b) Return of the vehicle to the lessor if the defendant
9 leases the vehicle.

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

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

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

26 (5) If a vehicle is seized before disposition of the
27 criminal proceedings, a defendant who is an owner or lessee of

1 the vehicle may move the court having jurisdiction over the
2 proceedings to require the seizing agency to file a lien against
3 the vehicle and to return the vehicle to the owner or lessee
4 pending disposition of the criminal proceedings. The court shall
5 hear the motion within 7 days after the motion is filed. If the
6 defendant establishes at the hearing that he or she holds the
7 legal title to the vehicle or that he or she has a leasehold
8 interest and that it is necessary for him or her or a member of
9 his or her family to use the vehicle pending the outcome of the
10 forfeiture action, the court may order the seizing agency to
11 return the vehicle to the owner or lessee. If the court orders
12 the return of the vehicle to the owner or lessee, the court shall
13 order the defendant to post a bond in an amount equal to the
14 retail value of the vehicle, and shall also order the seizing
15 agency to file a lien against the vehicle.

16 (6) Within 14 days after notice by the prosecuting attorney
17 is given under subsection (4), the defendant, an owner, lessee,
18 or holder of a security interest may file a claim of interest in
19 the vehicle with the court. Within 21 days after the expiration
20 of the period for filing claims, but before or at sentencing, the
21 court shall hold a hearing to determine the legitimacy of any
22 claim, the extent of any co-owner's equity interest, the
23 liability of the defendant to any co-lessee, and whether to order
24 the vehicle forfeited or returned to the lessor. In considering
25 whether to order forfeiture, the court shall review the
26 defendant's driving record to determine whether the defendant has
27 multiple convictions under section 625 or a local ordinance

1 substantially corresponding to section 625, or multiple
2 suspensions, restrictions, or denials under section 904, or both.
3 If the defendant has multiple convictions under section 625 or
4 multiple suspensions, restrictions, or denials under section 904,
5 or both, that factor shall weigh heavily in favor of forfeiture.

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

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

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

14 (c) Satisfy any order of restitution entered in the
15 prosecution for the violation.

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

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

21 (f) Pay the proper expenses of the proceedings for
22 forfeiture and sale, including, but not limited to, expenses
23 incurred during the seizure process and expenses for maintaining
24 custody of the property, advertising, and court costs.

25 (g) The balance remaining after the payment of items (a)
26 through (f) shall be distributed by the court having jurisdiction
27 over the forfeiture proceedings to the unit or units of

1 government substantially involved in effecting the forfeiture.
2 Seventy-five percent of the money received by a unit of
3 government under this subdivision shall be used to enhance
4 enforcement of the criminal laws and 25% of the money shall be
5 used to implement the crime victim's rights act, 1985 PA 87, MCL
6 780.751 to 780.834. A unit of government receiving money under
7 this subdivision shall report annually to the department of
8 management and budget the amount of money received under this
9 subdivision that was used to enhance enforcement of the criminal
10 laws and the amount that was used to implement the crime victim's
11 rights act, 1985 PA 87, MCL 780.751 to 780.834.

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

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

18 (10) A person who knowingly conceals, sells, gives away, or
19 otherwise transfers or disposes of a vehicle with the intent to
20 avoid forfeiture or return of the vehicle to the lessor under
21 this section is guilty of a misdemeanor punishable by
22 imprisonment for not more than 1 year or a fine of not more than
23 \$1,000.00, or both.

24 (11) The failure of the court or prosecutor to comply with
25 any time limit specified in this section does not preclude the
26 court from ordering forfeiture of a vehicle or its return to a
27 lessor, unless the court finds that the owner or claimant

1 suffered substantial prejudice as a result of that failure.

2 (12) The forfeiture provisions of this section do not
3 preclude the prosecuting attorney from pursuing a forfeiture
4 proceeding under any other law of this state or a local ordinance
5 substantially corresponding to this section.

6 Sec. 626. (1) A person who ~~drives~~**OPERATES** a vehicle upon a
7 highway or a frozen public lake, stream, or pond or other place
8 open to the general public, including, but not limited to, an
9 area designated for the parking of motor vehicles, in willful or
10 wanton disregard for the safety of persons or property is guilty
11 of reckless driving.

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

16 (3) **A PERSON WHO OPERATES A VEHICLE IN VIOLATION OF**
17 **SUBSECTION (1) AND BY THE OPERATION OF THAT VEHICLE CAUSES**
18 **SERIOUS IMPAIRMENT OF A BODY FUNCTION TO ANOTHER PERSON IS GUILTY**
19 **OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS**
20 **OR A FINE OF NOT LESS THAN \$1,000.00 OR MORE THAN \$5,000.00, OR**
21 **BOTH. THE JUDGMENT OF SENTENCE MAY IMPOSE THE SANCTION PERMITTED**
22 **UNDER SECTION 625N. IF THE VEHICLE IS NOT ORDERED FORFEITED UNDER**
23 **SECTION 625N, THE COURT SHALL ORDER VEHICLE IMMOBILIZATION UNDER**
24 **SECTION 904D IN THE JUDGMENT OF SENTENCE.**

25 (4) **A PERSON WHO OPERATES A VEHICLE IN VIOLATION OF**
26 **SUBSECTION (1) AND BY THE OPERATION OF THAT VEHICLE CAUSES THE**
27 **DEATH OF ANOTHER PERSON IS GUILTY OF A FELONY PUNISHABLE BY**

1 IMPRISONMENT FOR NOT MORE THAN 15 YEARS OR A FINE OF NOT LESS
2 THAN \$2,500.00 OR MORE THAN \$10,000.00, OR BOTH. THE JUDGMENT OF
3 SENTENCE MAY IMPOSE THE SANCTION PERMITTED UNDER SECTION 625N. IF
4 THE VEHICLE IS NOT ORDERED FORFEITED UNDER SECTION 625N, THE
5 COURT SHALL ORDER VEHICLE IMMOBILIZATION UNDER SECTION 904D IN
6 THE JUDGMENT OF SENTENCE.

7 (5) IN A PROSECUTION UNDER SUBSECTION (4), THE JURY SHALL
8 NOT BE INSTRUCTED REGARDING THE CRIME OF MOVING VIOLATION CAUSING
9 DEATH.

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

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

20 (b) The person is arrested under section 625(1), (3), (4),
21 (5), (6), (7), or (8), or an ordinance substantially
22 corresponding to section 625(1), (3), (6), or (8).

23 (c) A person is arrested under section 626 or an ordinance
24 substantially corresponding to that section. If under the
25 existing circumstances it does not appear that releasing the
26 person pending the issuance of a warrant will constitute a public
27 menace, the arresting officer may proceed as provided by section

1 728.

2 (d) A person arrested does not have in his or her immediate
3 possession a valid operator's or chauffeur's license or the
4 receipt described in section 311a. If the arresting officer
5 otherwise satisfactorily determines the identity of the person
6 and the practicability of subsequent apprehension if the person
7 fails to voluntarily appear before a designated magistrate or the
8 family division of circuit court as directed, the officer may
9 release the person from custody with instructions to appear in
10 court, given in the form of a citation as prescribed by section
11 728.

12 Sec. 732a. (1) An individual, whether licensed or not, who
13 accumulates 7 or more points on his or her driving record
14 pursuant to sections 320a and 629c within a 2-year period for any
15 violation not listed under subsection (2) shall be assessed a
16 \$100.00 driver responsibility fee. For each additional point
17 accumulated above 7 points not listed under subsection (2), an
18 additional fee of \$50.00 shall be assessed. The secretary of
19 state shall collect the fees described in this subsection once
20 each year that the point total on an individual driving record is
21 7 points or more.

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

26 (a) Upon posting of an abstract that an individual has been
27 found guilty for a violation of law listed or described in this

1 subdivision, the secretary of state shall assess a \$1,000.00
2 driver responsibility fee each year for 2 consecutive years:

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

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

7 (iii) Section 625(1), (4), or (5), section 625m, or section
8 81134 of the natural resources and environmental protection act,
9 1994 PA 451, MCL 324.81134, or a law or ordinance substantially
10 corresponding to section 625(1), (4), or (5), section 625m, or
11 section 81134 of the natural resources and environmental
12 protection act, 1994 PA 451, MCL 324.81134.

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

15 (v) Fleeing or eluding an officer.

16 (b) Upon posting of an abstract that an individual has been
17 found guilty for a violation of law listed in this subdivision,
18 the secretary of state shall assess a \$500.00 driver
19 responsibility fee each year for 2 consecutive years:

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

21 (ii) Section ~~626~~**626(2)**.

22 (iii) Section 904.

23 (iv) Section 3101, 3102(1), or 3103 of the insurance code of
24 1956, 1956 PA 218, MCL 500.3101, 500.3102, and 500.3103.

25 (c) Upon posting of an abstract that an individual has been
26 found guilty for a violation of section 301, the secretary of
27 state shall assess a \$150.00 driver responsibility fee each year

1 for 2 consecutive years.

2 (d) Subject to subsection (8), upon posting of an abstract
3 that an individual has been found guilty or determined
4 responsible for a violation listed in section 328, the secretary
5 of state shall assess a \$200.00 driver responsibility fee each
6 year for 2 consecutive years.

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

15 (4) The secretary of state may authorize payment by
16 installment for an amount of \$500.00 or more for a period not to
17 exceed 12 months.

18 (5) If payment is not received or an installment plan is not
19 established after the time limit required by the second notice
20 prescribed under subsection (3) expires, the secretary of state
21 shall suspend the driving privileges until the assessment and any
22 other fees prescribed under this act are paid.

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

27 (7) A driver responsibility fee shall be assessed under this

1 section in the same manner for a conviction or determination of
2 responsibility for a violation or an attempted violation of a law
3 of this state, of a local ordinance substantially corresponding
4 to a law of this state, or of a law of another state
5 substantially corresponding to a law of this state.

6 (8) Not more than 60 days after the effective date of the
7 amendatory act that added this subsection, if an individual who
8 was issued a citation for a violation of section 328(1) for
9 failing to produce a certificate of insurance from October 1,
10 2003 until the date the amendatory act that added this subsection
11 takes effect presents a certificate of insurance that was in
12 effect at the time the individual was issued the citation to the
13 court that forwarded the abstract, the court shall rescind the
14 abstract. After the court rescinds the abstract as described in
15 this subsection, the court shall notify the secretary of state,
16 which shall refund, waive, or both refund and waive the driver
17 responsibility fee corresponding to the violation, as
18 appropriate.

19 (9) The fire protection fund is created within the state
20 treasury. The state treasurer may receive money or other assets
21 from any source for deposit into the fund. The state treasurer
22 shall direct the investment of the fund. The state treasurer
23 shall credit to the fund interest and earnings from fund
24 investments. Money in the fund at the close of the fiscal year
25 shall remain in the fund and shall not lapse to the general fund.
26 The department of consumer and industry services shall expend
27 money from the fund, upon appropriation, only for fire protection

1 grants to cities, villages, and townships with state owned
2 facilities for fire services, as provided in 1977 PA 289, MCL
3 141.951 to 141.956.

4 (10) The secretary of state shall transmit the fees
5 collected under this section to the state treasurer. The state
6 treasurer shall credit fee money received under this section in
7 each fiscal year as follows:

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

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

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

18 (d) Any amount collected after crediting the amounts under
19 subdivisions (a), (b), and (c) shall be credited to the general
20 fund.

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

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

26 (a) For a conviction under section 625(1), (3), (7), or (8)
27 or a local ordinance substantially corresponding to section

1 625(1) or (3) with no prior convictions, **OR UNDER SECTION 626(3)**
2 **OR (4)**, the court may order vehicle immobilization for not more
3 than 180 days.

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

7 (c) For a conviction under section 625(1), (3), (4), (5),
8 (7), or (8) within 7 years after a prior conviction, the court
9 shall order vehicle immobilization for not less than 90 days or
10 more than 180 days.

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

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

18 (a) Except as provided in subdivision (b), for 1 prior
19 suspension, revocation, or denial under section 904(10), (11), or
20 (12) or former section 904(2) or (4) within the past 7 years, the
21 court may order vehicle immobilization for not more than 180
22 days.

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

26 (c) For any combination of 2 or 3 prior suspensions,
27 revocations, or denials under section 904(10), (11), or (12) or

1 former section 904(2) or (4) within the past 7 years, the court
2 shall order vehicle immobilization for not less than 90 days or
3 more than 180 days.

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

9 (3) The defendant shall provide to the court the vehicle
10 identification number and registration plate number of the
11 vehicle involved in the violation.

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

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

16 (b) The owner, co-owner, lessee, or co-lessee knowingly
17 permitted the vehicle to be operated in violation of section
18 625(2) or section 904(2) regardless of whether a conviction
19 resulted.

20 (5) An order required to be issued under this section shall
21 not be suspended.

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

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

26 (a) A suspension, revocation, or denial based on a violation
27 of the support and parenting time enforcement act, 1982 PA 295,

1 MCL 552.601 to 552.650.

2 (b) A vehicle that is registered in another state or that is
3 a rental vehicle.

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

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

7 (e) Any of the following:

8 (i) A violation of chapter II.

9 (ii) A violation of chapter V.

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

11 (iv) A parking violation.

12 (v) A bad check violation.

13 (vi) An equipment violation.

14 (vii) A pedestrian, passenger, or bicycle violation, other
15 than a violation of section 703(1) or (2) of the Michigan liquor
16 control code of 1998, 1998 PA 58, MCL 436.1703, or a local
17 ordinance substantially corresponding to section 703(1) or (2) of
18 the Michigan liquor control code of 1998, 1998 PA 58, MCL
19 436.1703, or section 624a or 624b or a local ordinance
20 substantially corresponding to section 624a or 624b.

21 (viii) A violation of a local ordinance substantially
22 corresponding to a violation described in subparagraphs (i) to
23 (vii).

24 (8) As used in this section:

25 (a) Subject to subsections (9) and (10), "prior conviction"
26 means a conviction for any of the following, whether under a law
27 of this state, a local ordinance substantially corresponding to a

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

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

5 (A) Section 625, except a violation of section 625(2), or a
6 violation of any prior enactment of section 625 in which the
7 defendant operated a vehicle while under the influence of
8 intoxicating or alcoholic liquor or a controlled substance, or a
9 combination of intoxicating or alcoholic liquor and a controlled
10 substance, or while visibly impaired, or with an unlawful bodily
11 alcohol content.

12 (B) Section 625m.

13 (C) Former section 625b.

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

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

18 (b) "Vehicle immobilization" means requiring the motor
19 vehicle involved in the violation immobilized in a manner
20 provided in section 904e.

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

25 (10) Only 1 violation or attempted violation of section
26 625(6), a local ordinance substantially corresponding to section
27 625(6), or a law of another state substantially corresponding to

1 section 625(6) may be used as a prior conviction.

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

6 (2) If a person is determined pursuant to sections 741 to
7 750 to be responsible or responsible "with explanation" for a
8 civil infraction under this act or a local ordinance
9 substantially corresponding to a provision of this act, the judge
10 or district court magistrate may order the person to pay a civil
11 fine of not more than \$100.00 and costs as provided in subsection
12 (4). **HOWEVER, IF IT IS DETERMINED THAT THE CIVIL INFRACTION WAS A**
13 **MOVING VIOLATION THAT RESULTED IN AN AT-FAULT COLLISION WITH**
14 **ANOTHER VEHICLE, A PERSON, OR ANY OTHER OBJECT, THE CIVIL FINE**
15 **ORDERED UNDER THIS SECTION SHALL BE INCREASED BY \$25.00.** However,
16 for a violation of section 674(1)(s) or a local ordinance
17 substantially corresponding to section 674(1)(s), the person
18 shall be ordered to pay costs as provided in subsection (4) and a
19 civil fine of not less than \$100.00 or more than \$250.00. For a
20 violation of section 328, the civil fine ordered under this
21 subsection shall be not more than \$50.00. For a violation of
22 section 710d, the civil fine ordered under this subsection shall
23 not exceed \$10.00. For a violation of section 710e, the civil
24 fine and court costs ordered under this subsection shall be
25 \$25.00. For a violation of section 682 or a local ordinance
26 substantially corresponding to section 682, the person shall be
27 ordered to pay costs as provided in subsection (4) and a civil

1 fine of not less than \$100.00 or more than \$500.00. For a
2 violation of section 240, the civil fine ordered under this
3 subsection shall be \$15.00. For a violation of section 252a(1),
4 the civil fine ordered under this subsection shall be \$50.00. For
5 a violation of section 676a(3), the civil fine ordered under this
6 section shall be not more than \$10.00. For a violation of section
7 319f(1), the civil fine ordered under this section shall be not
8 less than \$1,100.00 or more than \$2,750.00. For a violation of
9 section 319g(1)(a), the civil fine ordered under this section
10 shall be not more than \$10,000.00. For a violation of section
11 319g(1)(b), the civil fine ordered under this section shall be
12 not less than \$2,750.00 or more than \$11,000.00. Permission may
13 be granted for payment of a civil fine and costs to be made
14 within a specified period of time or in specified installments,
15 but unless permission is included in the order or judgment, the
16 civil fine and costs shall be payable immediately.

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

1 \$10,000.00.

2 (4) If a civil fine is ordered under subsection (2) or (3),
3 the judge or district court magistrate shall summarily tax and
4 determine the costs of the action, which are not limited to the
5 costs taxable in ordinary civil actions, and may include all
6 expenses, direct and indirect, to which the plaintiff has been
7 put in connection with the civil infraction, up to the entry of
8 judgment. Costs shall not be ordered in excess of \$100.00. A
9 civil fine ordered under subsection (2) or (3) shall not be
10 waived unless costs ordered under this subsection are waived.
11 Except as otherwise provided by law, costs are payable to the
12 general fund of the plaintiff.

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

18 (6) A district court magistrate shall impose the sanctions
19 permitted under subsections (2), (3), and (5) only to the extent
20 expressly authorized by the chief judge or only judge of the
21 district court district.

22 (7) Each district of the district court and each municipal
23 court may establish a schedule of civil fines, costs, and
24 assessments to be imposed for civil infractions that occur within
25 the respective district or city. If a schedule is established, it
26 shall be prominently posted and readily available for public
27 inspection. A schedule need not include all violations that are

1 designated by law or ordinance as civil infractions. A schedule
2 may exclude cases on the basis of a defendant's prior record of
3 civil infractions or traffic offenses, or a combination of civil
4 infractions and traffic offenses.

5 (8) The state court administrator shall annually publish and
6 distribute to each district and court a recommended range of
7 civil fines and costs for first-time civil infractions. This
8 recommendation is not binding upon the courts having jurisdiction
9 over civil infractions but is intended to act as a normative
10 guide for judges and district court magistrates and a basis for
11 public evaluation of disparities in the imposition of civil fines
12 and costs throughout the state.

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

19 (10) A default in the payment of a civil fine or costs
20 ordered under subsection (2), (3), or (4) or a justice system
21 assessment ordered under subsection (14), or an installment of
22 the fine, costs, or assessment, may be collected by a means
23 authorized for the enforcement of a judgment under chapter 40 of
24 the revised judicature act of 1961, 1961 PA 236, MCL 600.4001 to
25 600.4065, or under chapter 60 of the revised judicature act of
26 1961, 1961 PA 236, MCL 600.6001 to 600.6098.

27 (11) If a person fails to comply with an order or judgment

1 issued pursuant to this section within the time prescribed by the
2 court, the driver's license of that person shall be suspended
3 pursuant to section 321a until full compliance with that order or
4 judgment occurs. In addition to this suspension, the court may
5 also proceed under section 908.

6 (12) The court shall waive any civil fine, cost, or
7 assessment against a person who received a civil infraction
8 citation for a violation of section 710d if the person, before
9 the appearance date on the citation, supplies the court with
10 evidence of acquisition, purchase, or rental of a child seating
11 system meeting the requirements of section 710d.

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

26 (14) Effective October 1, 2003, in addition to any civil
27 fines or costs ordered to be paid under this section, the judge

1 or district court magistrate shall order the defendant to pay a
2 justice system assessment of \$40.00 for each civil infraction
3 determination, except for a parking violation or a violation for
4 which the total fine and costs imposed are \$10.00 or less. Upon
5 payment of the assessment, the clerk of the court shall transmit
6 the assessment collected to the state treasury to be deposited
7 into the justice system fund created in section 181 of the
8 revised judicature act of 1961, 1961 PA 236, MCL 600.181. An
9 assessment levied under this subsection is not a civil fine for
10 purposes of section 909.

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

17 (16) If a person has received a citation for a violation of
18 section 328(1) for failing to produce a certificate of insurance
19 pursuant to section 328(2), the court may waive the fee described
20 in section 328(3)(c) and shall waive any fine, costs, and any
21 other fee or assessment otherwise authorized under this act upon
22 receipt of verification by the court that the person, before the
23 appearance date on the citation, produced valid proof of
24 insurance that was in effect at the time the violation of section
25 328(1) occurred. Insurance obtained subsequent to the time of the
26 violation does not make the person eligible for a waiver under
27 this subsection.

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

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

5 Enacting section 3. This amendatory act takes effect October
6 31, 2010.