

HOUSE BILL No. 4284

February 23, 1989, Introduced by Reps. Clack, Gire, Barns and Murphy and referred to the Committee on Transportation.

A bill to amend sections 303, 320a, 625, 625a, and 625c of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code,"

section 303 as amended by Act No. 346 of the Public Acts of 1988, section 320a as amended by Act No. 154 of the Public Acts of 1987, section 625 as amended by Act No. 109 of the Public Acts of 1987, and sections 625a and 625c as amended by Act No. 310 of the Public Acts of 1982, being sections 257.303, 257.320a, 257.625, 257.625a, and 257.625c of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 303, 320a, 625, 625a, and 625c of Act
2 No. 300 of the Public Acts of 1949, section 303 as amended by Act
3 No. 346 of the Public Acts of 1988, section 320a as amended by
4 Act No. 154 of the Public Acts of 1987, section 625 as amended by
5 Act No. 109 of the Public Acts of 1987, and sections 625a and

1 625c as amended by Act No. 310 of the Public Acts of 1982, being
2 sections 257.303, 257.320a, 257.625, 257.625a, and 257.625c of
3 the Michigan Compiled Laws, are amended to read as follows:

4 Sec. 303. (1) The secretary of state shall not issue a
5 license under this act TO ANY OF THE FOLLOWING:

6 (a) ~~To a~~ A person, as an operator, who is ~~+17 years of age~~
7 ~~or~~ less THAN 18 YEARS OF AGE, except that the secretary of state
8 may issue a license to a person who is not less than 16 years of
9 age and who has satisfactorily passed a driver education course
10 and examination given by a public school or nonpublic school of
11 this or another state offering a course approved by the depart-
12 ment of education, or an equivalent COURSE AND examination as
13 prescribed in section 811. The secretary of state may issue to a
14 person not less than 14 years of age a restricted license as pro-
15 vided in this act. This subdivision shall not apply to a person
16 who has been the holder of a valid driver's license issued by
17 another state, territory, or possession of the United States or
18 another sovereignty for at least 1 year immediately before appli-
19 cation for a driver's license under this act.

20 (b) ~~To a~~ A person, as a chauffeur, who is ~~+17 years of age~~
21 ~~or~~ less THAN 18 YEARS OF AGE, except that the secretary of state
22 may issue a license to a person who is not less than 16 years of
23 age and who has satisfactorily passed a driver education course
24 and examination given by a public school or nonpublic school of
25 this or another state offering a course approved by the depart-
26 ment of education, or an equivalent COURSE AND examination as
27 prescribed in section 811.

1 (c) ~~To a~~ A person whose license has been suspended during
2 the period for which the license was suspended.

3 (d) ~~To a~~ A person whose license has been revoked under
4 this act until the later of the following:

5 (i) The expiration of not less than 1 year after the license
6 was revoked.

7 (ii) The expiration of not less than 5 years after the date
8 of a subsequent revocation occurring within 7 years after the
9 date of any prior revocation.

10 (e) ~~To a~~ A person who is an habitual violator of the crim-
11 inal laws relating to operating a vehicle while impaired by or
12 under the influence of intoxicating liquor or a controlled sub-
13 stance or a combination of intoxicating liquor and a controlled
14 substance, or with a blood alcohol content ~~of 0.10% or more by~~
15 ~~weight of alcohol~~ DESCRIBED IN SECTION 625(2). Convictions of
16 any of the following, whether under a law of this state, a local
17 ordinance substantially corresponding to a law of this state, or
18 a law of another state substantially corresponding to a law of
19 this state, shall be prima facie evidence that the person is an
20 habitual violator as described in this subdivision:

21 (i) Two convictions under section 625(1) or (2), or 1 con-
22 viction under section 625(1) and 1 conviction under section
23 625(2) within 7 years.

24 (ii) Three convictions under section 625b within 10 years.

25 (f) ~~To a~~ A person who in the opinion of the secretary of
26 state is afflicted with or suffering from a physical or mental
27 disability or disease which prevents that person from exercising

1 reasonable and ordinary control over a motor vehicle while
2 operating the motor vehicle upon the highways.

3 (g) ~~To a~~ A person who is unable to understand highway
4 warning or direction signs in the English language.

5 (h) ~~To a~~ A person who is an habitually reckless driver.
6 Four convictions of reckless driving under this act or any other
7 law of this state relating to reckless driving or under a local
8 ordinance of this state or a law of another state which defines
9 the term "reckless driving" substantially similar to the law of
10 this state shall be prima facie evidence that the person is an
11 habitually reckless driver.

12 (i) ~~To a~~ A person who is an habitual criminal. Two con-
13 victions of a felony involving the use of a motor vehicle in this
14 or another state shall be prima facie evidence that the person is
15 an habitual criminal.

16 (j) ~~To a~~ A person who is unable to pass a knowledge,
17 skill, or ability test administered by the secretary of state in
18 connection with the issuance of an original operator's or
19 chauffeur's license, original motorcycle indorsement, or an orig-
20 inal or renewal of a vehicle group designation or vehicle
21 indorsement.

22 (k) ~~To a~~ A person who has been convicted, received a pro-
23 bate court finding, or been determined responsible for 2 or more
24 moving violations 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 within the preceding 3 years, if the violations occurred prior to

1 the issuance of an original license to the person in this or
2 another state.

3 (1) ~~To a~~ A nonresident.

4 (2) Upon receipt of the appropriate records of conviction,
5 the secretary of state shall revoke the operator's or chauffeur's
6 license of a person having any of the following convictions,
7 whether under a law of this state, a local ordinance substan-
8 tially corresponding to a law of this state, or a law of another
9 state substantially corresponding to a law of this state:

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

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

13 (c) Two convictions under section 625(1) or (2), or 1 con-
14 viction under section 625(1) and 1 conviction under section
15 625(2) within 7 years.

16 (d) Three convictions under section 625b within 10 years.

17 (3) The secretary of state shall revoke a license under sub-
18 section (2) notwithstanding a court order issued under section
19 625 or 625b, or a local ordinance substantially corresponding to
20 section 625(1) or (2) or 625b.

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

- 1 (a) Manslaughter, negligent homicide, or a felony
 2 resulting from the operation of a motor vehicle..... 6 points
- 3 (b) Operating a motor vehicle while under the
 4 influence of intoxicating liquor or a controlled sub-
 5 stance, or a combination of an intoxicating liquor and
 6 a controlled substance, or while having a blood alcohol
 7 content ~~of 0.10% or more by weight of alcohol~~
 8 DESCRIBED IN SECTION 625(2)..... 6 points
- 9 (c) Failing to stop and disclose identity at the
 10 scene of an accident when required by law..... 6 points
- 11 (d) Operating a motor vehicle in a reckless manner 6 points
- 12 (e) Violation of any law or ordinance pertaining
 13 to speed by exceeding the lawful maximum by more than
 14 15 miles per hour..... 4 points
- 15 (f) Violation of section 625b or a law or ordi-
 16 nance substantially corresponding to section 625b..... 4 points
- 17 (g) Fleeing or eluding an officer..... 6 points
- 18 (h) Violation of section 626a or a law or ordi-
 19 nance substantially corresponding to section 626a..... 4 points
- 20 (i) Violation of any law or ordinance pertaining
 21 to speed by exceeding the lawful maximum by more than
 22 10 but not more than 15 miles per hour or careless
 23 driving in violation of section 626b or a law or ordi-
 24 nance substantially corresponding to section 626b..... 3 points
- 25 (j) Violation of any law or ordinance pertaining
 26 to speed by exceeding the lawful maximum by 10 miles
 27 per hour or less..... 2 points

1 (k) Disobeying a traffic signal or stop sign, or
2 improper passing..... 3 points

3 (l) All other moving violations pertaining to the
4 operation of motor vehicles reported under this section 2 points

5 (2) Points shall not be entered for a violation of section
6 311, 658, 717, 719, 719a, or 723.

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

8 (4) Points shall not be entered for overweight loads or for
9 defective equipment.

10 (5) If more than 1 conviction, civil infraction determina-
11 tion, or probate court finding results from the same incident,
12 points shall be entered only for the violation which receives the
13 highest number of points under this section.

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

20 (7) If a person is determined to be responsible for a civil
21 infraction for a violation of a law or ordinance pertaining to
22 speed by exceeding the lawful maximum on a street or highway
23 which maximum was reduced by Act No. 28 of the Public Acts of
24 1974, then points shall be entered only pursuant to the
25 following:

1 (a) Sixty miles per hour to the lawful maximum in
2 effect before being reduced by Act No. 28 of the Public
3 Acts of 1974..... 1 point

4 (b) Exceeding the lawful maximum in effect before
5 being reduced by Act No. 28 of the Public Acts of 1974,
6 by 10 miles per hour or less..... 2 points

7 (c) Exceeding the lawful maximum in effect before
8 being reduced by Act No. 28 of the Public Acts of 1974,
9 by more than 10 but not more than 15 miles per hour.... 3 points

10 (d) Exceeding the lawful maximum in effect before
11 being reduced by Act No. 28 of the Public Acts of 1974,
12 by more than 15 miles per hour..... 4 points

13 (8) Notwithstanding subsection (7), if a person violates a
14 speed restriction established by an executive order issued during
15 a state of energy emergency as provided by Act No. 191 of the
16 Public Acts of 1982, being sections 10.81 to 10.89 of the
17 Michigan Compiled Laws, the secretary of state shall enter points
18 for the violation pursuant to subsection (1).

19 (9) The secretary of state shall enter 6 points upon the
20 record of a person whose license is suspended or denied pursuant
21 to section 625f for refusal to submit to a chemical test
22 described in section 625a. However, if a conviction, civil
23 infraction determination, or probate court finding results from

1 the same incident, additional points for that offense shall not
2 be entered.

3 (10) If a Michigan driver commits a violation in another
4 state that would be a civil infraction if committed in Michigan,
5 and a conviction results solely because of the failure of the
6 Michigan driver to appear in that state to contest the violation,
7 upon receipt of the abstract of conviction by the secretary of
8 state, the violation shall be noted on the driver's record, but
9 no points shall be assessed against his or her driver's license.

10 Sec. 625. (1) A person, whether licensed or not, who is
11 under the influence of intoxicating liquor or a controlled sub-
12 stance, or a combination of intoxicating liquor and a controlled
13 substance, shall not operate a vehicle upon a highway or other
14 place open to the general public, including an area designated
15 for the parking of vehicles, within the state. A peace officer
16 may, without a warrant, arrest a person when the peace officer
17 has reasonable cause to believe that the person was, at the time
18 of an accident, the driver of a vehicle involved in the accident
19 and was operating the vehicle upon a public highway or other
20 place open to the general public, including an area designated
21 for the parking of vehicles, in the state while in violation of
22 this subsection or of subsection (2), or of a local ordinance
23 substantially corresponding to this subsection or subsection
24 (2).

25 (2) A person, whether licensed or not, ~~whose blood contains~~
26 ~~0.10% or more by weight of alcohol,~~ shall not operate a vehicle
27 upon a highway or other place open to the general public,

1 including an area designated for the parking of vehicles, within
2 the state UNDER EITHER OF THE FOLLOWING CIRCUMSTANCES:

3 (A) IF THE PERSON'S BLOOD CONTAINS 0.10% OR MORE BY WEIGHT
4 OF ALCOHOL.

5 (B) IF THE VEHICLE IS A COMMERCIAL MOTOR VEHICLE AND THE
6 PERSON'S BLOOD CONTAINS 0.04% OR MORE BY WEIGHT OF ALCOHOL.

7 (3) The owner of a vehicle or a person in charge or in con-
8 trol of a vehicle shall not authorize or knowingly permit the
9 vehicle to be operated upon a highway or other place open to the
10 general public, including an area designated for the parking of
11 motor vehicles, within the state by a person who is under the
12 influence of intoxicating liquor or a controlled substance, or a
13 combination of intoxicating liquor and a controlled substance.

14 (4) Except as otherwise provided in this section, a person
15 who is convicted of a violation of subsection (1), (2), or (3) is
16 guilty of a misdemeanor, punishable by imprisonment for not more
17 than 90 days, or a fine of not less than \$100.00 nor more than
18 \$500.00, or both, together with costs of the prosecution. As
19 part of the sentence for a violation of subsection (1) or (2),
20 the court shall order the secretary of state to suspend the
21 operator's or chauffeur's license of the person for a period of
22 not less than 6 months nor more than 2 years. The court may
23 order the secretary of state to issue to the person a restricted
24 license permitting the person during all or a specified portion
25 of the period of suspension to drive only to and from the
26 person's residence and work location; in the course of the
27 person's employment or occupation; to and from an alcohol or drug

1 education program or treatment program as ordered by the court;
2 to and from the person's residence and an educational institution
3 at which the person is enrolled as a student; or pursuant to a
4 combination of these restrictions. The court may also order that
5 the restricted license include the requirement that a person
6 shall not operate a motor vehicle unless the vehicle is equipped
7 with a functioning certified ignition interlock device. The
8 device shall be set to render the motor vehicle inoperable if the
9 device detects 0.02% or more by weight of alcohol in the blood of
10 the person who offers a breath sample. The court may order
11 installation of a certified ignition interlock device on any
12 motor vehicle that the person owns or operates, the costs of
13 which shall be borne by the person whose license is restricted.
14 The court shall not order the secretary of state to issue a
15 restricted chauffeur's license which would permit a person to
16 operate a truck or truck tractor, including a trailer, which
17 hauls hazardous material. The court shall not order the secre-
18 tary of state to issue a restricted license unless the person
19 states under oath and the court finds that the person is unable
20 to take public transportation to and from his or her work loca-
21 tion, place of alcohol or drug education or treatment, or educa-
22 tional institution, and does not have any family members or
23 others able to provide transportation. The court order and
24 license shall indicate the person's work location and the
25 approved route or routes and permitted times of travel. For pur-
26 poses of this subsection, "work location" includes, as
27 applicable, either or both of the following:

1 (i) The specific place or places of employment.

2 (ii) The territory or territories regularly visited by the
3 person in pursuance of the person's occupation.

4 (5) A person who violates subsection (1) or (2) or a local
5 ordinance substantially corresponding to subsection (1) or (2)
6 within 7 years of a prior conviction may be sentenced to impris-
7 onment for not more than 1 year, or a fine of not more than
8 \$1,000.00, or both. As part of the sentence, the court shall
9 order the secretary of state to revoke the operator's or
10 chauffeur's license of the person. For purposes of this section,
11 "prior conviction" means a conviction under subsection (1) or
12 (2), a local ordinance substantially corresponding to subsection
13 (1) or (2), or a law of another state substantially corresponding
14 to subsection (1) or (2).

15 (6) A person who violates subsection (1) or (2) or a local
16 ordinance substantially corresponding to subsection (1) or (2)
17 within 10 years of 2 or more prior convictions, as defined in
18 subsection (5), is guilty of a felony. As part of the sentence,
19 the court shall order the secretary of state to revoke the
20 operator's or chauffeur's license of the person.

21 (7) As part of the sentence for a violation of subsection
22 (1) or (2), or a local ordinance substantially corresponding to
23 subsection (1) or (2), the court may order the person to perform
24 service to the community, as designated by the court, without
25 compensation, for a period not to exceed 12 days. The person
26 shall reimburse the state or appropriate local unit of government
27 for the cost of insurance incurred by the state or local unit of

1 government as a result of the person's activities under this
2 subsection.

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

15 (9) Before accepting a plea of guilty under this section,
16 the court shall advise the accused of the statutory consequences
17 possible as the result of a plea of guilty in respect to suspen-
18 sion or revocation of an operator's or chauffeur's license, the
19 penalty imposed for violation of this section, and the limitation
20 on the right of appeal.

21 (10) The operator's or chauffeur's license of a person found
22 guilty of violating subsection (1) or (2), or a local ordinance
23 substantially corresponding to subsection (1) or (2), shall be
24 surrendered to the court in which the person was convicted, and
25 the court shall immediately forward the surrendered license and
26 an abstract of conviction to the secretary of state. The
27 abstract of conviction shall indicate the sentence imposed. Upon

1 receipt of, and pursuant to the abstract of conviction, the
2 secretary of state shall suspend or revoke the person's license
3 and, if ordered by the court and the person is otherwise eligible
4 for a license, issue to the person a restricted license stating
5 the limited driving privileges indicated on the abstract. If the
6 license is not forwarded to the secretary of state, an explana-
7 tion of the reason why the license is absent shall be attached.
8 If the conviction is appealed to circuit court, that court may,
9 ex parte, order the secretary of state to rescind the suspension,
10 revocation, or restricted license issued pursuant to this
11 section.

12 Sec. 625a. (1) The amount of alcohol or presence of a con-
13 trolled substance or both in the driver's blood at the time
14 alleged as shown by chemical analysis of the person's blood,
15 urine, or breath shall be admissible into evidence in a criminal
16 prosecution for any of the following:

17 (a) A violation of section 625(1), (2), or (3), or 625b, or
18 of a local ordinance substantially corresponding to section
19 625(1), (2), or (3), or 625b.

20 (b) Felonious driving, negligent homicide, or manslaughter
21 resulting from the operation of a motor vehicle while the driver
22 is alleged to have been impaired by or under the influence of
23 intoxicating liquor or a controlled substance or a combination of
24 intoxicating liquor and a controlled substance, or to have had a
25 blood alcohol content of 0.10% or more by weight of alcohol OR,
26 IF THE VEHICLE WAS A COMMERCIAL MOTOR VEHICLE, 0.04% OR MORE BY
27 WEIGHT OF ALCOHOL.

1 (2) If a test is given, the results of the test shall be
2 made available to the person charged or the person's attorney
3 upon written request to the prosecution, with a copy of the
4 request filed with the court. The prosecution shall furnish the
5 report at least 2 days before the day of the trial and the
6 results shall be offered as evidence by the prosecution in a
7 criminal proceeding. Failure to fully comply with the request
8 shall bar the admission of the results into evidence by the
9 prosecution.

10 (3) Except in a prosecution relating solely to a violation
11 of section 625(2) AND EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION
12 (4), the amount of alcohol in the driver's blood at the time
13 alleged as shown by chemical analysis of the person's blood,
14 urine, or breath shall give rise to the following presumptions:

15 (a) If there was at the time 0.07% or less by weight of
16 alcohol in the defendant's blood, it shall be presumed that the
17 defendant was not under the influence of intoxicating liquor.

18 (b) If there was at the time in excess of 0.07% but less
19 than 0.10% by weight of alcohol in the defendant's blood, it
20 shall be presumed that the defendant's ability to operate a vehi-
21 cle was impaired within the provisions of section 625b due to the
22 consumption of intoxicating liquor.

23 (c) If there was at the time 0.10% or more by weight of
24 alcohol in the defendant's blood, it shall be presumed that the
25 defendant was under the influence of intoxicating liquor.

26 (4) EXCEPT IN A PROSECUTION RELATING SOLELY TO A VIOLATION
27 OF SECTION 625(2), IF THE DEFENDANT WAS THE OPERATOR OF A

1 COMMERCIAL MOTOR VEHICLE AND AT THE TIME ALLEGED THERE WAS 0.04%
2 OR MORE BY WEIGHT OF ALCOHOL IN THE DEFENDANT'S BLOOD, AS SHOWN
3 BY CHEMICAL ANALYSIS OF THE DEFENDANT'S BLOOD, URINE, OR BREATH,
4 IT SHALL BE PRESUMED THAT THE DEFENDANT WAS UNDER THE INFLUENCE
5 OF INTOXICATING LIQUOR.

6 (5) ~~-(4)-~~ A sample or specimen of urine or breath shall be
7 taken and collected in a reasonable manner. Only a licensed phy-
8 sician, or a licensed nurse or medical technician under the
9 direction of a licensed physician and qualified to withdraw blood
10 acting in a medical environment, at the request of a peace offi-
11 cer, may withdraw blood for the purpose of determining the amount
12 of alcohol or presence of a controlled substance or both in the
13 person's blood, as provided in this act. Liability for a crime
14 or civil damages predicated on the act of withdrawing blood and
15 related procedures shall not attach to a qualified person who
16 withdraws blood or assists in the withdrawal in accordance with
17 this act unless the withdrawal is performed in a negligent
18 manner.

19 (6) ~~-(5)-~~ The tests shall be administered at the request of
20 a peace officer having reasonable grounds to believe the person
21 has committed a crime described in subsection (1). A person who
22 takes a chemical test administered at the request of a peace
23 officer, as provided in this section, shall be given a reasonable
24 opportunity to have a person of his or her own choosing adminis-
25 ter 1 of the chemical tests described in this section within a
26 reasonable time after his or her detention, and the results of
27 the test shall be admissible and shall be considered with other

1 competent evidence in determining the innocence or guilt of the
2 defendant. If the person charged is administered a chemical test
3 by a person of his or her own choosing, the person charged shall
4 be responsible for obtaining a chemical analysis of the test
5 sample. The person charged shall be informed that he or she has
6 the right to demand that a person of his or her choosing adminis-
7 ter 1 of the tests provided for in subsection (1), that the
8 results of the test shall be admissible and shall be considered
9 with other competent evidence in determining the innocence or
10 guilt of the defendant, and that the person charged shall be
11 responsible for obtaining a chemical analysis of the test
12 sample.

13 (7) ~~-(6)-~~ The person charged shall be advised that if the
14 person refuses the request of a peace officer to take a test
15 described in this section, a test shall not be given without a
16 court order. The person charged shall also be advised that the
17 person's refusal of the request of a peace officer to take a test
18 described in this section shall result in the suspension of his
19 or her operator's or chauffeur's license or operating privilege,
20 and in the addition of 6 points to his or her driver record.

21 (8) ~~-(7)-~~ This section shall not be construed as limiting
22 the introduction of any other competent evidence bearing upon the
23 question of whether or not the person was impaired by or under
24 the influence of intoxicating liquor or a controlled substance,
25 or a combination of intoxicating liquor and a controlled sub-
26 stance, or whether the person had a blood alcohol content ~~of~~
27 ~~0.10% or more by weight of alcohol~~ DESCRIBED IN SECTION 625(2).

1 (9) ~~-(8)-~~ If a jury instruction regarding a defendant's
2 refusal to submit to a chemical test under this section is
3 requested by the prosecution or the defendant, the jury instruc-
4 tion shall be given as follows:

5 "Evidence was admitted in this case which, if believed by
6 the jury, could prove that the defendant had exercised his or her
7 right to refuse a chemical test. You are instructed that such a
8 refusal is within the statutory rights of the defendant and is
9 not evidence of his OR HER guilt. You are not to consider such a
10 refusal in determining the guilt or innocence of the defendant."

11 (10) ~~-(9)-~~ If after an accident the driver of a vehicle
12 involved in the accident is transported to a medical facility and
13 a sample of the driver's blood is withdrawn at that time for the
14 purpose of medical treatment, the results of a chemical analysis
15 of that sample shall be admissible in a criminal prosecution for
16 a crime described in subsection (1) to show the amount of alcohol
17 or presence of a controlled substance or both in the person's
18 blood at the time alleged, regardless of whether the person had
19 been offered or had refused a chemical test. The medical facil-
20 ity or person performing the chemical analysis shall disclose the
21 results of the analysis to a prosecuting attorney who requests
22 the results for use in a criminal prosecution as provided in this
23 subsection. A medical facility or person disclosing information
24 in compliance with this subsection shall not be civilly or crimi-
25 nally liable for making the disclosure.

26 (11) ~~-(10)-~~ If after a highway accident the driver of a
27 vehicle involved in the accident is deceased, a sample of the

1 decedent's blood shall be withdrawn in a manner directed by the
2 medical examiner for the purpose of determining blood alcohol
3 content or presence of a controlled substance or both.

4 Sec. 625c. (1) A person who operates a vehicle upon a
5 public highway or other place open to the general public, includ-
6 ing an area designated for the parking of vehicles, in the state
7 is considered to have given consent to chemical tests of his or
8 her blood, breath, or urine for the purpose of determining the
9 amount of alcohol or presence of a controlled substance or both
10 in his or her blood if EITHER OF THE FOLLOWING APPLIES:

11 (a) The person is arrested for a violation of section 625(1)
12 or (2) or 625b, or a local ordinance substantially corresponding
13 to section 625(1) or (2) or 625b.

14 (b) The person is arrested for felonious driving, negligent
15 homicide, or manslaughter resulting from the operation of a motor
16 vehicle, and the peace officer had reasonable grounds to believe
17 that the person was operating the vehicle while impaired by or
18 under the influence of intoxicating liquor or a controlled sub-
19 stance or a combination of intoxicating liquor and a controlled
20 substance, or while having a blood alcohol content of 0.10% or
21 more by weight of alcohol OR, IF THE VEHICLE IS A COMMERCIAL
22 MOTOR VEHICLE, 0.04% OR MORE BY WEIGHT OF ALCOHOL.

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

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