

HOUSE BILL No. 4942

June 27, 1989, Introduced by Reps. Nye, Weeks, Martin, Hoffman, Middaugh, Giese, Dolan, Fitzgerald, Miller, Walberg, Ouwinga, Munsell, Krause, Sikkema, London, Trim, Emmons, Crandall, Wartner, Van Regenmorter, Bandstra, Strand, O'Connor and Randall and referred to the Committee on Judiciary.

A bill to amend sections 303, 310d, 312f, 319, 320a, 323, 323a, 625, 625a, 625b, 625c, 625d, 625f, 625h, 625i, 727, 732, and 904 of Act No. 300 of the Public Acts of 1949, entitled as amended

"Michigan vehicle code,"

sections 303, 312f, 323, 732, and 904 as amended by Act No. 346 of the Public Acts of 1988, sections 310d, 323a, 625a, 625c, 625d, and 625f as amended and sections 625h and 625i as added by Act No. 310 of the Public Acts of 1982, section 319 as amended by Act No. 406 of the Public Acts of 1988, section 320a as amended by Act No. 154 of the Public Acts of 1987, sections 625 and 625b as amended by Act No. 109 of the Public Acts of 1987, and section 727 as amended by Act No. 63 of the Public Acts of 1983, being sections 257.303, 257.310d, 257.312f, 257.319, 257.320a, 257.323, 257.323a, 257.625, 257.625a, 257.625b, 257.625c, 257.625d,

257.625f, 257.625h, 257.625i, 257.727, 257.732, and 257.904 of the Michigan Compiled Laws; to add sections 1d, 24c, 624a, and 624b; and to repeal certain parts of the act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 303, 310d, 312f, 319, 320a, 323, 323a,
2 625, 625a, 625b, 625c, 625d, 625f, 625h, 625i, 727, 732, and 904
3 of Act No. 300 of the Public Acts of 1949, sections 303, 312f,
4 323, 732, and 904 as amended by Act No. 346 of the Public Acts of
5 1988, sections 310d, 323a, 625a, 625c, 625d, and 625f as amended
6 and sections 625h and 625i as added by Act No. 310 of the Public
7 Acts of 1982, section 319 as amended by Act No. 406 of the Public
8 Acts of 1988, section 320a as amended by Act No. 154 of the
9 Public Acts of 1987, sections 625 and 625b as amended by Act
10 No. 109 of the Public Acts of 1987, and section 727 as amended by
11 Act No. 63 of the Public Acts of 1983, being sections 257.303,
12 257.310d, 257.312f, 257.319, 257.320a, 257.323, 257.323a,
13 257.625, 257.625a, 257.625b, 257.625c, 257.625d, 257.625f,
14 257.625h, 257.625i, 257.727, 257.732, and 257.904 of the Michigan
15 Compiled Laws, are amended and sections 1d, 24c, 624a, and 624b
16 are added to read as follows:

17 SEC. 1D. "ALCOHOL CONCENTRATION" MEANS GRAMS OF ALCOHOL PER
18 100 MILLILITERS OF BLOOD OR GRAMS OF ALCOHOL PER 210 LITERS OF
19 BREATH.

20 SEC. 24C. "LAW OF ANOTHER STATE" MEANS A LAW OR ORDINANCE
21 ENACTED BY ANOTHER STATE OR BY A LOCAL UNIT OF GOVERNMENT IN
22 ANOTHER STATE.

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

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

17 (b) To a person, as a chauffeur, who is 17 years of age or
18 less, except that the secretary of state may issue a license to a
19 person who is not less than 16 years of age and who has satisfac-
20 torily passed a driver education course and examination given by
21 a public school or nonpublic school of this or another state
22 offering a course approved by the department of education, or an
23 equivalent COURSE AND examination as prescribed in section 811.

24 (c) To a person whose license has been suspended during the
25 period for which the license was suspended.

26 (D) TO A PERSON WHO HAS BEEN CONVICTED UNDER
27 SECTION 625(4)(D) OR (E).

1 (E) ~~(d)~~ To a person whose license has been revoked under
2 this act until the later of the following:

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

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

8 (F) ~~(e)~~ To a person who is an habitual violator of the
9 criminal laws relating to operating a vehicle while impaired by
10 or under the influence of intoxicating liquor or a controlled
11 substance or a combination of intoxicating liquor and a con-
12 trolled substance, or with a blood alcohol content of ~~0.10%~~
13 0.08% or more by weight of alcohol. Convictions of any of the
14 following, whether under a law of this state, a local ordinance
15 substantially corresponding to a law of this state, or a law of
16 another state substantially corresponding to a law of this state,
17 shall be prima facie evidence that the person is an habitual vio-
18 lator as described in this subdivision:

19 (i) Two convictions under section 625(1), ~~or~~ (2), or ~~+~~
20 ~~conviction under section 625(1) and 1 conviction under section~~
21 ~~625(2) within 7 years~~ (4)(F) WITHIN 10 YEARS, OR A COMBINATION
22 OF 2 CONVICTIONS UNDER ANY OF THOSE SUBSECTIONS WITHIN 10 YEARS.

23 (ii) ~~Three~~ ANY COMBINATION OF 3 convictions under section
24 ~~625b~~ 625(1) AND (3) within 10 years.

25 (G) ~~(f)~~ To 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 (H) ~~(g)~~ To a person who is unable to understand highway
4 warning or direction signs in the English language.

5 (I) ~~(h)~~ To 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 (J) ~~(i)~~ To 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 (K) ~~(j)~~ To 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 (L) ~~(k)~~ To a person who has been convicted, received a
23 probate court finding, or been determined responsible for 2 or
24 more moving violations under a law of this state, a local ordi-
25 nance substantially corresponding to a law of this state, or a
26 law of another state substantially corresponding to a law of this
27 state, within the preceding 3 years, if the violations occurred

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

3 (M) ~~(L)~~ To a nonresident.

4 (N) TO A PERSON NOT LICENSED UNDER THIS ACT WHO HAS BEEN
5 CONVICTED, RECEIVED A PROBATE COURT FINDING, OR BEEN DETERMINED
6 RESPONSIBLE FOR COMMITTING A CRIME OR CIVIL INFRACTION UNDER SEC-
7 TION 319, 324, OR 904. A PERSON SHALL BE DENIED A LICENSE UNDER
8 THIS SUBDIVISION FOR THE LENGTH OF TIME THAT CORRESPONDS TO THE
9 PERIOD OF THE LICENSING SANCTION THAT COULD HAVE BEEN IMPOSED
10 UNDER THE SECTION HE OR SHE VIOLATED IF THE PERSON HAD BEEN
11 LICENSED AT THE TIME OF THE VIOLATION.

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

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

20 (b) Two convictions of a felony involving the use of a motor
21 vehicle within ~~7~~ 10 years.

22 (c) Two convictions under section 625(1), ~~or~~ (2), or ~~+~~
23 ~~conviction under section 625(1) and 1 conviction under section~~
24 ~~625(2) within 7 years~~ (4)(F), OR A COMBINATION OF 2 CONVICTIONS
25 UNDER ANY OF THOSE SUBSECTIONS WITHIN 10 YEARS.

26 (D) ONE CONVICTION UNDER SECTION 625(4)(D) OR (E).

1 (E) ~~(d) Three~~ ANY COMBINATION OF 3 convictions under
2 section ~~625b~~ 625(1) OR (3) within 10 years.

3 (3) The secretary of state shall revoke a license under sub-
4 section (2) notwithstanding a court order issued under section
5 625 or 625b ~~—~~ or a local ordinance substantially corresponding
6 to section 625(1) or (2) or 625b.

7 Sec. 310d. (1) ~~After October 1, 1979, a~~ A license issued
8 under this act ~~—~~ to a person not previously licensed in this or
9 in another state shall be designated as probationary for 3 years
10 after the date of issuance. During the first 12 months of proba-
11 tion, the license may be suspended or probationary terms and con-
12 ditions may be imposed upon failure of the licensee to appear
13 before a magistrate, as provided in this chapter, or upon convic-
14 tion of the licensee or determination of the licensee's responsi-
15 bility for a moving violation in this state. The period of sus-
16 pension or the probationary terms and conditions shall not be for
17 more than 12 months and shall be determined by the secretary of
18 state at an examination of the driver by the secretary of state.

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

1 during which the suspension, probationary terms, and conditions
2 apply, on the abstract which the court forwards to the secretary
3 of state.

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

8 (a) A conviction, civil infraction determination, or probate
9 court finding of a moving violation which was assessed 4 or more
10 points as provided in section 320a.

11 (b) Three convictions, 3 civil infraction determinations, 3
12 probate court findings, or a combination of convictions, civil
13 infraction determinations, and probate court findings which
14 equals 3, for moving violations.

15 (c) A total of 6 or more points as provided in section
16 320a.

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

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

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

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

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

7 (a) A moving violation resulting in a conviction or civil
8 infraction determination.

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

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

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

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

19 (6) The secretary of state, upon completion of a reexamina-
20 tion, may suspend or impose probationary terms and conditions on
21 the license of a probationary licensee, except that a reexamina-
22 tion for subsection (3)(d), (e), and (f) may not result in a
23 license suspension or the imposition of probationary terms or
24 conditions.

25 (7) For 24 months immediately after a licensee's probation-
26 ary period, the secretary of state may require the licensee to be
27 reexamined by the secretary of state if the licensee's driver

1 record has a total of 9 or more points, as provided in section
2 320a, imposed in a period of 2 years and if the licensee's record
3 contains 1 or more of the following:

4 (a) A conviction or probate court finding for a violation of
5 section 625(1), ~~or (2),~~ a local ordinance substantially corre-
6 sponding to section 625(1), ~~or (2),~~ or a law of another state
7 substantially corresponding to section 625(1). ~~or (2).~~

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

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

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

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

18 (8) The secretary of state, upon completion of a reexamina-
19 tion pursuant to subsection (7), may suspend the license of the
20 licensee, except that a reexamination for subsection (7)(d) ~~and~~
21 OR (e) may not result in a license suspension or restriction.

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

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

4 (11) For purposes of this section:

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

8 (b) Upon entry of a civil infraction determination for a
9 moving violation, the date of issuance of a citation for a civil
10 infraction shall be used in determining whether the civil infrac-
11 tion determination occurred within the probationary period.

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

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

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

23 Sec. 312f. (1) Except as otherwise provided in this sec-
24 tion, a person shall be at least 18 years of age before he or she
25 is issued a vehicle group designation or indorsement, other than
26 a motorcycle indorsement on an operator's or chauffeur's license
27 and the person shall pass an examination as provided in this

1 section and pursuant to 49 C.F.R. part 383. A person operating a
2 vehicle to be used for farming purposes only may obtain a group A
3 or B vehicle group designation if he or she is at least 16 years
4 of age. Each written examination given an applicant for a vehi-
5 cle group designation or indorsement on an operator's or
6 chauffeur's license shall include subjects designed to cover the
7 type or general class of vehicle to be operated. A person shall
8 pass an examination which shall include a driving test designed
9 to test competency of the applicant for an original vehicle group
10 designation and passenger indorsement on an operator's or
11 chauffeur's license to drive that type or general class of vehi-
12 cle upon the highways of this state with safety to that person
13 and other persons and property, except that the secretary of
14 state may waive the requirement for a driving test for a vehicle
15 group designation and passenger indorsement upon receipt of ade-
16 quate evidence of experience, testing, and driving record as pre-
17 scribed under 49 C.F.R. part 383 and section 307 in operating the
18 vehicle group which the applicant intends to drive. The driving
19 test may be waived when the applicant has a valid license,
20 indorsement, or vehicle group designation to operate that type or
21 group of vehicle in another state except that the driving test
22 for a vehicle group designation or passenger vehicle indorsement
23 may not be waived unless the applicant has a valid license with
24 the appropriate vehicle group designation or passenger vehicle
25 indorsement in another state issued in compliance with the com-
26 mercial motor vehicle safety act of 1986, Public Law 99-570, 100
27 Stat. 3207.

1 (2) The secretary of state may enter into an agreement with
2 another public or private person or agency to conduct a skills
3 test required under this section, section 312e, or 49 C.F.R. part
4 383.

5 (3) The secretary of state shall not issue a vehicle group
6 designation or indorsement to an applicant for an original group
7 designation or indorsement who comes under 1 or more of the fol-
8 lowing conditions:

9 (a) Has had his or her license suspended or revoked for a
10 reason other than as provided in section 321a, 515, or 801c in
11 the 36 months immediately preceding application, except that a
12 designation may be issued if the suspension or revocation was due
13 to a temporary medical condition or failure to appear at a reex-
14 amination as provided in section 320.

15 (b) Was convicted of or incurred a bond forfeiture in rela-
16 tion to a 6-point violation as provided in section 320a or a vio-
17 lation of section ~~625b~~ 625(3) in the 24 months immediately pre-
18 ceding application, if the violation of section ~~625b~~ 625(3)
19 occurred while the applicant was operating a type of vehicle that
20 is operated under a vehicle group designation.

21 (c) Is listed on the national driver register or on a com-
22 mercial driver license information system in the United States
23 department of transportation as being disqualified from operating
24 a motor vehicle.

25 (d) Is listed on the national driver register or on a com-
26 mercial driver license information system in the United States
27 department of transportation as having had a license suspended,

1 revoked, or canceled in the 36 months immediately preceding
2 application.

3 (e) Is listed on the national driver register or on a com-
4 mercial driver license information system in the United States
5 department of transportation as having been convicted of or
6 incurred a bond forfeiture in relation to any of the offenses
7 specified in section 205(a)(3) of the national driver register
8 act of 1982, as set forth in section 401 note of title 23 of the
9 United States Code, 23 U.S.C. 401 note.

10 (f) Is subject to a suspension under section 319b.

11 (g) Has been disqualified under title XII of Public Law
12 99-570, 100 Stat. 3207, within 36 months immediately preceding
13 the date of application.

14 (4) The secretary of state shall only consider violations
15 listed under subsection (3)(e) and bond forfeitures under
16 subsection (3)(b) for violations which occurred on or after
17 October 1, 1989 when determining the applicability of subsection
18 (3).

19 Sec. 319. (1) The secretary of state shall immediately sus-
20 pend for a period of not less than 90 days, nor more than 2
21 years, the license of a person upon receiving a record of the
22 conviction of the person or the entry of a probate court order of
23 disposition for a child found to be within the provisions of
24 chapter XIIA of Act No. 288 of the Public Acts of 1939, being
25 sections 712A.1 to 712A.28 of the Michigan Compiled Laws, for any
26 of the following crimes or attempts to commit any of the
27 following crimes, whether the conviction or probate court

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

5 (a) Fraudulently altering or forging documents pertaining to
6 motor vehicles, in violation of section 257.

7 (b) Perjury or the making of a false certification to the
8 secretary of state under any law requiring the registration of a
9 motor vehicle or regulating the operation of a motor vehicle on a
10 highway.

11 (c) A violation of section 324, 413, or 414 of the Michigan
12 penal code, Act No. 328 of the Public Acts of 1931, being sec-
13 tions 750.324, 750.413, and 750.414 of the Michigan Compiled
14 Laws; or a violation of section 1 of Act No. 214 of the Public
15 Acts of 1931, being section 752.191 of the Michigan Compiled
16 Laws.

17 (d) Conviction upon 3 charges of reckless driving within the
18 preceding ~~+2-~~ 36 months.

19 (e) Failing to stop and disclose identity at the scene of an
20 accident resulting in death or injury to another person, in vio-
21 lation of section 617.

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

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

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

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

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

7 (2) The secretary of state shall suspend, for the period
8 described in subsection (1), the license of a person upon receiv-
9 ing the record of conviction of the person for a violation of a
10 law of another state substantially corresponding to section
11 625(1). ~~or (2).~~

12 (3) The secretary of state shall suspend the license of a
13 person convicted of malicious destruction resulting from the
14 operation of a motor vehicle under section 382 of the Michigan
15 penal code, Act No. 328 of the Public Acts of 1931, as amended,
16 being section 750.382 of the Michigan Compiled Laws, for a period
17 of not more than 1 year as ordered by the court as part of the
18 sentence.

19 (4) The secretary of state shall immediately suspend the
20 license of a person for the period specified in the certificate
21 of conviction upon receipt of the person's license and certifi-
22 cate of conviction forwarded to the secretary of state pursuant
23 to section 367c of the Michigan penal code, Act No. 328 of the
24 Public Acts of 1931, being section 750.367c of the Michigan
25 Compiled Laws.

26 (5) The secretary of state shall suspend, for a period of
27 not less than ~~6~~ 2 months nor more than ~~18 months~~ 2 YEARS, the

1 license of a person having the following convictions within a
2 ~~7-year~~ 10-YEAR period, whether under the law of this state, a
3 local ordinance substantially corresponding to a law of this
4 state, or a law of another state substantially corresponding to a
5 law of this state:

6 (a) Two convictions under section ~~625b~~ 625(3).

7 (b) One conviction under section 625(1) ~~or (2) followed by~~
8 AND 1 conviction under section ~~625b~~ 625(3).

9 (6) Upon receipt of a certificate of conviction pursuant to
10 section 33b(3) of the Michigan liquor control act, Act No. 8 of
11 the Public Acts of the Extra Session of 1933, being section
12 436.33b of the Michigan Compiled Laws, or a local ordinance or
13 law of another state substantially corresponding to section
14 33b(3) of Act No. 8 of the Public Acts of the Extra Session of
15 1933, the secretary of state shall suspend the person's
16 operator's or chauffeur's license for a period of 90 days. A
17 suspension under this subsection shall be in addition to any
18 other suspension of the person's license.

19 (7) UPON RECEIPT OF THE RECORD OF THE CONVICTION OF A PERSON
20 OR THE ENTRY OF A CIVIL INFRACTION DETERMINATION OR A PROBATE
21 COURT ORDER OF DISPOSITION FOR A CHILD FOUND TO BE WITHIN THE
22 PROVISIONS OF CHAPTER XIIA OF ACT NO. 288 OF THE PUBLIC ACTS OF
23 1939, BEING SECTIONS 712A.1 TO 712A.28 OF THE MICHIGAN COMPILED
24 LAWS, FOR A VIOLATION OF SECTION 624A OR OF A LOCAL ORDINANCE OR
25 LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO SECTION 624A,
26 THE SECRETARY OF STATE SHALL SUSPEND FOR THE FOLLOWING PERIODS OF
27 TIME THE PERSON'S LICENSE TO OPERATE A MOTOR VEHICLE:

1 (A) NINETY DAYS FOR A FIRST OFFENSE.

2 (B) SIX MONTHS FOR A SECOND OFFENSE.

3 (C) ONE YEAR FOR A THIRD OR SUBSEQUENT OFFENSE.

4 (8) A SUSPENSION PURSUANT TO THIS SECTION SHALL BE IMPOSED
5 NOTWITHSTANDING A COURT ORDER ISSUED UNDER SECTION 625B OR UNDER
6 A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 625B.

7 (9) ~~-(7)-~~ Upon receipt of the record of the conviction of a
8 person, or the entry of a probate court order of disposition for
9 a child found to be within the provisions of chapter XIIIA of Act
10 No. 288 of the Public Acts of 1939, for a violation of section
11 602a of this act or section 479a(1), (4), or (5) of Act No. 328
12 of the Public Acts of 1931, being section 750.479a of the
13 Michigan Compiled Laws, the secretary of state immediately shall
14 suspend the license of the person for the period ordered by the
15 court as part of the sentence or disposition.

16 (10) ~~-(8)-~~ For purposes of this section, the secretary of
17 state shall treat a conviction or probate court disposition for a
18 child found to be within the provisions of chapter XIIIA of Act
19 No. 288 of the Public Acts of 1939 for an attempted offense as if
20 the offense had been completed.

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~~ AN
 7 alcohol ~~content of 0.10% or more by weight of alcohol~~
 8 CONCENTRATION OF 0.08% OR MORE..... 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~~ 625(3) or a law or
 16 ordinance substantially corresponding to section ~~625b~~
 17 625(3)..... 4 points
- 18 (g) Fleeing or eluding an officer..... 6 points
- 19 (h) Violation of section 626a or a law or ordi-
 20 nance substantially corresponding to section 626a..... 4 points
- 21 (i) Violation of any law or ordinance pertaining
 22 to speed by exceeding the lawful maximum by more than
 23 10 but not more than 15 miles per hour or careless
 24 driving in violation of section 626b or a law or ordi-
 25 nance substantially corresponding to section 626b..... 3 points

- 1 (j) Violation of any law or ordinance pertaining
2 to speed by exceeding the lawful maximum by 10 miles
3 per hour or less..... 2 points
- 4 (k) Disobeying a traffic signal or stop sign, or
5 improper passing..... 3 points
- 6 (l) VIOLATION OF SECTION 624A OR 624B OR A LAW OR
7 ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 624A
8 OR 624B..... 2 POINTS
- 9 (M) ~~(L)~~ All other moving violations pertaining
10 to the operation of motor vehicles reported under this
11 section..... 2 points
- 12 (2) Points shall not be entered for a violation of section
13 311, 658, 717, 719, 719a, or 723.
- 14 (3) Points shall not be entered for bond forfeitures.
- 15 (4) Points shall not be entered for overweight loads or for
16 defective equipment.
- 17 (5) If more than 1 conviction, civil infraction determina-
18 tion, or probate court finding results from the same incident,
19 points shall be entered only for the violation which receives the
20 highest number of points under this section.
- 21 (6) If a person has accumulated 9 points as provided in this
22 section, the secretary of state may call the person in for an
23 interview as to the person's driving ability and record after due
24 notice as to time and place of the interview. If the person
25 fails to appear as provided in this subsection, the secretary of
26 state shall add 3 points to the person's record.

1 (7) If a person is determined to be responsible for a civil
 2 infraction for a violation of a law or ordinance pertaining to
 3 speed by exceeding the lawful maximum on a street or highway
 4 which maximum was reduced by Act No. 28 of the Public Acts of
 5 1974, then points shall be entered only pursuant to the
 6 following:

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

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

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

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

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

25 (9) The secretary of state shall enter 6 points upon the
 26 record of a person whose license is suspended or denied pursuant
 27 to section 625f for refusal to submit to a chemical test

1 described in section 625a. However, if a conviction, civil
2 infraction determination, or probate court finding results from
3 the same incident, additional points for that offense shall not
4 be entered.

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

12 Sec. 323. (1) A person who is aggrieved by a final determi-
13 nation of the secretary of state denying the person an operator's
14 or chauffeur's license, a vehicle group designation, or an
15 indorsement on a license or revoking, suspending, or restricting
16 an operator's or chauffeur's license, vehicle group designation,
17 or an indorsement may, WITHIN 60 DAYS AFTER THE DETERMINATION,
18 petition for a review of the determination in the circuit court
19 in the county where the person was arrested if the denial or sus-
20 pension was imposed pursuant to section 625f or pursuant to the
21 order of a trial court under section 328 or, in all other cases,
22 in the circuit court in the county of residence of the person.

23 (2) The circuit court shall enter an order setting the cause
24 for hearing for a day certain ~~in not to exceed~~ WHICH IS NOT
25 MORE THAN 60 days after the date of the order. The order,
26 together with a copy of the petition which shall include the
27 person's full name, current address, birth date, and driver's

1 license number, and all supporting affidavits, shall be served on
2 the secretary of state's office in Lansing not less than 20 days
3 before the date set for the hearing. ~~If the person is seeking a~~
4 ~~review of the record prepared pursuant to section 625f(3) to~~
5 ~~determine whether the hearing officer properly determined the~~
6 ~~issues enumerated in section 625f(2), then the service upon the~~
7 ~~secretary of state shall be made not less than 50 days before the~~
8 ~~date set for the hearing.~~

9 (3) Except as provided in ~~subsection~~ SUBSECTIONS (4) AND
10 (6), the court may take testimony and examine into all the facts
11 and circumstances incident to the denial, suspension, restric-
12 tion, or revocation of the person's license. The court may
13 affirm, modify, or set aside the restriction, suspension, revoca-
14 tion, or denial except that the court shall not order the secre-
15 tary of state to issue a restricted or unrestricted chauffeur's
16 license which would permit a person to drive a truck or truck
17 tractor, including a trailer, which hauls a hazardous material.
18 The order of the court shall be duly entered and THE PETITIONER
19 SHALL FILE a certified copy ~~shall be filed immediately~~ with the
20 secretary of state's office in Lansing WITHIN 7 DAYS AFTER ENTRY
21 OF THE ORDER.

22 (4) In reviewing a determination resulting in a denial or
23 suspension under section 625f, the court shall confine its con-
24 sideration to 1 or both of the following:

25 (a) A review of the record prepared pursuant to section
26 ~~625f(3) to determine whether the hearing officer properly~~
27 ~~determined the issues enumerated in section 625f(2)~~ 625F.

1 (b) A determination of whether to order the issuance of a
2 restricted license as provided in section 323c.

3 (5) This section shall not apply to a denial, revocation,
4 suspension, or restriction imposed pursuant to a court order
5 issued as part of the sentence for ~~of~~ a conviction of a viola-
6 tion of section ~~625 or 625b~~ 625(1) OR (3), or a local ordinance
7 substantially corresponding to section 625(1) or (3). ~~-(2) or~~
8 ~~625b.~~

9 (6) IN REVIEWING A DETERMINATION RESULTING IN A DENIAL OR
10 REVOCATION UNDER SECTION 303(1)(E), 303(2)(C), OR 303(2)(D), THE
11 COURT SHALL CONFINE ITS CONSIDERATION TO A REVIEW OF THE RECORD
12 PREPARED PURSUANT TO SECTION 322 OR THE DRIVING RECORD CREATED
13 UNDER SECTION 204A. THE COURT SHALL SET ASIDE THE DETERMINATION
14 OF THE SECRETARY OF STATE ONLY IF SUBSTANTIAL RIGHTS OF THE PETI-
15 TIONER HAVE BEEN PREJUDICED BECAUSE THE DETERMINATION IS ANY OF
16 THE FOLLOWING:

17 (A) IN VIOLATION OF THE STATE CONSTITUTION OF 1963, OR OF A
18 STATUTE.

19 (B) IN EXCESS OF THE STATUTORY AUTHORITY OR JURISDICTION OF
20 THE SECRETARY OF STATE.

21 (C) MADE UPON UNLAWFUL PROCEDURE RESULTING IN MATERIAL PREJ-
22 UDICE TO THE PETITIONER.

23 (D) NOT SUPPORTED BY COMPETENT, MATERIAL, AND SUBSTANTIAL
24 EVIDENCE ON THE WHOLE RECORD.

25 (E) ARBITRARY, CAPRICIOUS, OR CLEARLY AN ABUSE OR UNWAR-
26 RANTED EXERCISE OF DISCRETION.

1 (F) AFFECTED BY OTHER SUBSTANTIAL AND MATERIAL ERROR OF LAW.

2 (7) ~~-(6)-~~ This section shall not apply to a denial,

3 revocation, suspension, or restriction imposed pursuant to the
4 financial responsibility act contained in chapter V.

5 Sec. 323a. (1) A person who is aggrieved by a final deter-
6 mination of the secretary of state suspending or revoking the
7 operator's or chauffeur's license of the person may, WITHIN 60
8 DAYS AFTER THE DETERMINATION, petition the circuit court for the
9 county in which ~~was entered~~ the conviction or civil infraction
10 determination resulting in the license being suspended or revoked
11 WAS ENTERED, or the circuit court for the county of residence of
12 the person if the license was suspended or revoked as provided in
13 section 318, or for the accumulation of 12 or more points as pro-
14 vided in sections 320 and 320a, for an order staying the revoca-
15 tion or suspension of the license. The court may enter an ex
16 parte order staying the suspension or revocation subject to terms
17 and conditions prescribed by the court until the determination of
18 an appeal to the secretary of state or of an appeal or a review
19 by the circuit court, or for a lesser time which the court con-
20 siders proper, except that the court shall not enter an ex parte
21 order staying the suspension or revocation of a person who drives
22 a truck or truck tractor, including a trailer, which hauls haz-
23 ardous material.

24 (2) This section shall not apply to a suspension for a vio-
25 lation of the financial responsibility act contained in chapter
26 V.

1 SEC. 624A. (1) A PERSON LESS THAN 21 YEARS OF AGE SHALL NOT
2 KNOWINGLY TRANSPORT OR POSSESS ALCOHOLIC LIQUOR IN A MOTOR
3 VEHICLE UPON A HIGHWAY OR OTHER PLACE OPEN TO THE GENERAL PUBLIC,
4 INCLUDING AN AREA DESIGNATED FOR THE PARKING OF VEHICLES, UNLESS
5 THE PERSON IS EMPLOYED BY A PERSON LICENSED PURSUANT TO THE
6 MICHIGAN LIQUOR CONTROL ACT, ACT NO. 8 OF THE PUBLIC ACTS OF THE
7 EXTRA SESSION OF 1933, BEING SECTIONS 436.1 TO 436.58 OF THE
8 MICHIGAN COMPILED LAWS, THE LIQUOR CONTROL COMMISSION, OR AN
9 AGENT OF THE LIQUOR CONTROL COMMISSION, AND THE PERSON IS TRANS-
10 PORTING OR POSSESSING THE ALCOHOLIC LIQUOR DURING REGULAR WORKING
11 HOURS AND IN THE COURSE OF HIS OR HER EMPLOYMENT.

12 (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDE-
13 MEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A
14 FINE OF NOT MORE THAN \$100.00, OR BOTH.

15 SEC. 624B. (1) A PERSON SHALL NOT TRANSPORT OR POSSESS
16 ALCOHOLIC LIQUOR IN A CONTAINER THAT IS OPEN OR UNCAPPED, OR UPON
17 WHICH THE SEAL IS BROKEN, WITHIN THE PASSENGER COMPARTMENT OF A
18 VEHICLE UPON A HIGHWAY OR OTHER PLACE OPEN TO THE GENERAL PUBLIC,
19 INCLUDING AN AREA DESIGNATED FOR THE PARKING OF VEHICLES. IF THE
20 VEHICLE DOES NOT HAVE A TRUNK OR OTHER COMPARTMENT SEPARATE FROM
21 THE PASSENGER COMPARTMENT, A CONTAINER THAT IS OPEN OR UNCAPPED
22 OR UPON WHICH THE SEAL IS BROKEN SHALL BE ENCASED OR ENCLOSED.

23 (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDE-
24 MEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A
25 FINE OF NOT MORE THAN \$100.00, OR BOTH.

1 (3) THIS SECTION DOES NOT APPLY TO A PERSON WHO IS A
2 PASSENGER IN A CHARTERED VEHICLE LICENSED BY THE MICHIGAN PUBLIC
3 SERVICE COMMISSION.

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

19 (A) THE PERSON IS UNDER THE INFLUENCE OF INTOXICATING LIQUOR
20 OR A CONTROLLED SUBSTANCE, OR A COMBINATION OF INTOXICATING
21 LIQUOR AND A CONTROLLED SUBSTANCE.

22 (B) THE PERSON HAS AN ALCOHOL CONCENTRATION OF 0.08% OR
23 MORE.

24 ~~(2) A person, whether licensed or not, whose blood contains~~
25 ~~0.10% or more by weight of alcohol, shall not operate a vehicle~~
26 ~~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.~~

3 (2) ~~(3)~~ The owner of a vehicle or a person in charge or in
4 control of a vehicle shall not authorize or knowingly permit the
5 vehicle to be operated upon a highway or other place open to the
6 general public, including an area designated for the parking of
7 motor vehicles, within the state by a person who is under the
8 influence of intoxicating liquor or a controlled substance, or a
9 combination of intoxicating liquor and a controlled substance OR
10 WHO HAS AN ALCOHOL CONCENTRATION OF 0.08% OR MORE.

11 (3) A PERSON, WHETHER LICENSED OR NOT, SHALL NOT OPERATE A
12 VEHICLE UPON A HIGHWAY OR OTHER PLACE OPEN TO THE GENERAL PUBLIC,
13 INCLUDING AN AREA DESIGNATED FOR THE PARKING OF VEHICLES, WITHIN
14 THE STATE WHEN, DUE TO THE CONSUMPTION OF AN INTOXICATING LIQUOR,
15 A CONTROLLED SUBSTANCE, OR A COMBINATION OF AN INTOXICATING
16 LIQUOR AND A CONTROLLED SUBSTANCE, THE PERSON'S ABILITY TO OPER-
17 ATE THE VEHICLE IS IMPAIRED. IF A PERSON IS CHARGED WITH VIOLAT-
18 ING SUBSECTION (1), A FINDING OF GUILTY UNDER THIS SUBSECTION MAY
19 BE RENDERED.

20 (4) IF A PERSON IS CONVICTED OF VIOLATING SUBSECTION (1),
21 THE FOLLOWING SANCTIONS SHALL APPLY:

22 (A) ~~(4)~~ Except as otherwise provided in ~~this section, a~~
23 ~~person who is convicted of a violation of subsection (1), (2), or~~
24 ~~(3)~~ SUBDIVISIONS (B), (C), (D), (E), AND (F), THE PERSON IS
25 guilty of a misdemeanor, punishable by imprisonment for not more
26 than 90 days, or a fine of not less than \$100.00 nor more than
27 \$500.00, or both, together with costs of the prosecution. ~~As~~

~~1 part of the sentence for a violation of subsection (1) or (2),~~
~~2 the~~ THE court shall order the secretary of state to IMPOSE
3 LICENSE SANCTIONS PURSUANT TO SECTION 625B. ~~suspend the~~
4 ~~operator's or chauffeur's license of the person for a period of~~
5 ~~not less than 6 months nor more than 2 years. The court may~~
6 ~~order the secretary of state to issue to the person a restricted~~
7 ~~license permitting the person during all or a specified portion~~
8 ~~of the period of suspension to drive only to and from the~~
9 ~~person's residence and work location, in the course of the~~
10 ~~person's employment or occupation, to and from an alcohol or drug~~
11 ~~education program or treatment program as ordered by the court,~~
12 ~~to and from the person's residence and an educational institution~~
13 ~~at which the person is enrolled as a student, or pursuant to a~~
14 ~~combination of these restrictions. The court may also order that~~
15 ~~the restricted license include the requirement that a person~~
16 ~~shall not operate a motor vehicle unless the vehicle is equipped~~
17 ~~with a functioning certified ignition interlock device. The~~
18 ~~device shall be set to render the motor vehicle inoperable if the~~
19 ~~device detects 0.02% or more by weight of alcohol in the blood of~~
20 ~~the person who offers a breath sample. The court may order~~
21 ~~installation of a certified ignition interlock device on any~~
22 ~~motor vehicle that the person owns or operates, the costs of~~
23 ~~which shall be borne by the person whose license is restricted.~~
24 ~~The court shall not order the secretary of state to issue a~~
25 ~~restricted chauffeur's license which would permit a person to~~
26 ~~operate a truck or truck tractor, including a trailer, which~~
27 ~~hauls hazardous material. The court shall not order the~~

~~1 secretary of state to issue a restricted license unless the~~
~~2 person states under oath and the court finds that the person is~~
~~3 unable to take public transportation to and from his or her work~~
~~4 location, place of alcohol or drug education or treatment, or~~
~~5 educational institution, and does not have any family members or~~
~~6 others able to provide transportation. The court order and~~
~~7 license shall indicate the person's work location and the~~
~~8 approved route or routes and permitted times of travel. For pur-~~
~~9 poses of this subsection, "work location" includes, as applica-~~
~~10 ble, either or both of the following:~~

~~11 (i) The specific place or places of employment.~~

~~12 (ii) The territory or territories regularly visited by the~~
~~13 person in pursuance of the person's occupation.~~

~~14 (B) (5) A person who violates subsection (1) or (2) or a~~
~~15 local ordinance substantially corresponding to subsection (1) or~~
~~16 (2) IF THE VIOLATION OCCURS within 7 10 years of a prior~~
~~17 conviction, THE PERSON may be sentenced to imprisonment for not~~
~~18 more than 1 year, or a fine of not LESS THAN \$200.00 OR more than~~
~~19 \$1,000.00, or both. As part of the sentence, the THE court MAY~~
~~20 ORDER THE PERSON TO PAY THE COSTS OF THE PROSECUTION AND shall~~
~~21 order the secretary of state to revoke the operator's or~~
~~22 chauffeur's license of the person. For purposes of this section,~~
~~23 "prior conviction" means a conviction under subsection (1) or~~
~~24 (2), a local ordinance substantially corresponding to subsection~~
~~25 (1) or (2), or a law of another state substantially corresponding~~
~~26 to subsection (1) or (2) IMPOSE LICENSE SANCTIONS PURSUANT TO~~
~~27 SECTION 625B.~~

1 (C) ~~(6) A person who violates subsection (1) or (2) or a~~
2 ~~local ordinance substantially corresponding to subsection (1) or~~
3 ~~(2) IF THE VIOLATION OCCURS within 10 years of 2 or more prior~~
4 ~~convictions, as defined in subsection (5), THE PERSON is guilty~~
5 ~~of a felony. As part of the sentence, the THE court MAY ORDER~~
6 ~~THE PERSON TO PAY THE COSTS OF THE PROSECUTION AND shall order~~
7 ~~the secretary of state to revoke the operator's or chauffeur's~~
8 ~~license of the person IMPOSE LICENSE SANCTIONS PURSUANT TO~~
9 ~~SECTION 625B.~~

10 ~~(7) As part of the sentence for a violation of subsection~~
11 ~~(1) or (2), or a local ordinance substantially corresponding to~~
12 ~~subsection (1) or (2), the court may order the person to perform~~
13 ~~service to the community, as designated by the court, without~~
14 ~~compensation, for a period not to exceed 12 days. The person~~
15 ~~shall reimburse the state or appropriate local unit of government~~
16 ~~for the cost of insurance incurred by the state or local unit of~~
17 ~~government as a result of the person's activities under this~~
18 ~~subsection.~~

19 ~~(8) Before imposing sentence for a violation of subsection~~
20 ~~(1) or (2) or a local ordinance substantially corresponding to~~
21 ~~subsection (1) or (2), the court shall order the person to~~
22 ~~undergo screening and assessment by a person or agency designated~~
23 ~~by the office of substance abuse services, to determine whether~~
24 ~~the person is likely to benefit from rehabilitative services,~~
25 ~~including alcohol or drug education and alcohol or drug treatment~~
26 ~~programs. As part of the sentence, the court may order the~~
27 ~~person to participate in and successfully complete 1 or more~~

1 ~~appropriate rehabilitative programs. The person shall pay for~~
2 ~~the costs of the screening, assessment, and rehabilitative~~
3 ~~services.~~

4 ~~(9) Before accepting a plea of guilty under this section,~~
5 ~~the court shall advise the accused of the statutory consequences~~
6 ~~possible as the result of a plea of guilty in respect to suspen-~~
7 ~~sion or revocation of an operator's or chauffeur's license, the~~
8 ~~penalty imposed for violation of this section, and the limitation~~
9 ~~on the right of appeal.~~

10 ~~(10) The operator's or chauffeur's license of a person found~~
11 ~~guilty of violating subsection (1) or (2), or a local ordinance~~
12 ~~substantially corresponding to subsection (1) or (2), shall be~~
13 ~~surrendered to the court in which the person was convicted, and~~
14 ~~the court shall immediately forward the surrendered license and~~
15 ~~an abstract of conviction to the secretary of state. The~~
16 ~~abstract of conviction shall indicate the sentence imposed. Upon~~
17 ~~receipt of, and pursuant to the abstract of conviction, the sec-~~
18 ~~retary of state shall suspend or revoke the person's license and,~~
19 ~~if ordered by the court and the person is otherwise eligible for~~
20 ~~a license, issue to the person a restricted license stating the~~
21 ~~limited driving privileges indicated on the abstract. If the~~
22 ~~license is not forwarded to the secretary of state, an explana-~~
23 ~~tion of the reason why the license is absent shall be attached.~~
24 ~~If the conviction is appealed to circuit court, that court may,~~
25 ~~ex parte, order the secretary of state to rescind the suspension,~~
26 ~~revocation, or restricted license issued pursuant to this~~
27 ~~section.~~

1 (D) IF THE VIOLATION RESULTS IN THE DEATH OF ANOTHER PERSON,
2 THE VIOLATOR IS GUILTY OF A FELONY, PUNISHABLE BY IMPRISONMENT
3 FOR NOT MORE THAN 15 YEARS OR A FINE OF NOT MORE THAN \$10,000.00,
4 OR BOTH. AS PART OF THE SENTENCE FOR A CONVICTION UNDER THIS
5 SUBSECTION, THE COURT SHALL ORDER THE SECRETARY OF STATE TO
6 REVOKE THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF THE PERSON.

7 (E) IF THE VIOLATION RESULTS IN SERIOUS INJURY LESS THAN
8 DEATH TO ANOTHER PERSON, THE VIOLATOR IS GUILTY OF A FELONY, PUN-
9 ISHABLE BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR A FINE OF
10 NOT MORE THAN \$2,000.00, OR BOTH. AS PART OF THE SENTENCE FOR A
11 CONVICTION UNDER THIS SUBSECTION, THE COURT SHALL ORDER THE SEC-
12 RETARY OF STATE TO REVOKE THE OPERATOR'S OR CHAUFFEUR'S LICENSE
13 OF THE PERSON.

14 (F) IF THE VIOLATION RESULTS IN BODILY INJURY LESS THAN
15 SERIOUS INJURY TO ANOTHER PERSON, THE VIOLATOR IS GUILTY OF A
16 MISDEMEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR
17 OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH. AS PART OF THE
18 SENTENCE FOR A CONVICTION UNDER THIS SUBSECTION, THE COURT SHALL
19 ORDER THE SECRETARY OF STATE TO REVOKE THE OPERATOR'S OR
20 CHAUFFEUR'S LICENSE OF THE PERSON.

21 (5) AS USED IN THIS SECTION, "SERIOUS INJURY" MEANS SERIOUS
22 IMPAIRMENT OF A BODY FUNCTION OR PERMANENT SERIOUS DISFIGUREMENT.

23 (6) AS USED IN SUBSECTION (4), "PRIOR CONVICTION" MEANS A
24 CONVICTION UNDER SUBSECTION (1), A LOCAL ORDINANCE SUBSTANTIALLY
25 CORRESPONDING TO SUBSECTION (1), OR A LAW OF ANOTHER STATE SUB-
26 STANTIALLY CORRESPONDING TO SUBSECTION (1).

1 (7) A PERSON WHO IS CONVICTED OF VIOLATING SUBSECTION (2) IS
2 GUILTY OF A MISDEMEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT MORE
3 THAN 90 DAYS OR A FINE OF NOT LESS THAN \$100.00 NOR MORE THAN
4 \$500.00, OR BOTH, TOGETHER WITH COSTS OF THE PROSECUTION.

5 (8) IF A PERSON IS CONVICTED OF VIOLATING SUBSECTION (3),
6 THE FOLLOWING SANCTIONS SHALL APPLY:

7 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISIONS (B) AND
8 (C), THE PERSON IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY IMPRIS-
9 ONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN
10 \$300.00, OR BOTH. THE COURT MAY ORDER THE PERSON TO PAY THE
11 COSTS OF THE PROSECUTION AND SHALL ORDER THE SECRETARY OF STATE
12 TO IMPOSE LICENSE SANCTIONS PURSUANT TO SECTION 625B.

13 (B) IF THE VIOLATION OCCURS WITHIN 10 YEARS OF A PRIOR CON-
14 VICTION, THE PERSON MAY BE SENTENCED TO IMPRISONMENT FOR NOT MORE
15 THAN 1 YEAR OR A FINE OF NOT LESS THAN \$200.00 NOR MORE THAN
16 \$1,000.00, OR BOTH. THE COURT MAY ORDER THE PERSON TO PAY THE
17 COSTS OF THE PROSECUTION AND SHALL ORDER THE SECRETARY OF STATE
18 TO IMPOSE LICENSE SANCTIONS PURSUANT TO SECTION 625B.

19 (C) IF THE VIOLATION OCCURS WITHIN 10 YEARS OF 2 OR MORE
20 PRIOR CONVICTIONS, THE PERSON MAY BE SENTENCED TO IMPRISONMENT
21 FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT LESS THAN \$200.00 NOR
22 MORE THAN \$1,000.00, OR BOTH. THE COURT MAY ORDER THE PERSON TO
23 PAY THE COSTS OF THE PROSECUTION AND SHALL ORDER THE SECRETARY OF
24 STATE TO IMPOSE LICENSE SANCTIONS PURSUANT TO SECTION 625B.

25 (9) AS USED IN SUBSECTION (8), "PRIOR CONVICTION" MEANS A
26 CONVICTION UNDER SUBSECTION (1) OR (3), A LOCAL ORDINANCE
27 SUBSTANTIALLY CORRESPONDING TO SUBSECTION (1) OR (3), OR A LAW OF

1 ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO SUBSECTION (1) OR
2 (3).

3 Sec. 625a. (1) A PEACE OFFICER, WITHOUT A WARRANT, MAY
4 ARREST A PERSON WHEN THE PEACE OFFICER HAS REASONABLE CAUSE TO
5 BELIEVE THAT THE PERSON WAS, AT THE TIME OF AN ACCIDENT, THE
6 DRIVER OF A VEHICLE INVOLVED IN THE ACCIDENT AND WAS OPERATING
7 THE VEHICLE UPON A PUBLIC HIGHWAY OR OTHER PLACE OPEN TO THE GEN-
8 ERAL PUBLIC, INCLUDING AN AREA DESIGNATED FOR THE PARKING OF
9 VEHICLES, IN THIS STATE WHILE IN VIOLATION OF SECTION 625(1) OR
10 (3), OR OF A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SEC-
11 TION 625(1) OR (3).

12 (2) A PEACE OFFICER WHO HAS REASONABLE CAUSE TO BELIEVE THAT
13 A PERSON WAS OPERATING A VEHICLE IN VIOLATION OF SECTION 625(1)
14 OR (3), OR THAT A PERSON IS LESS THAN 21 YEARS OF AGE AND OPERAT-
15 ING A MOTOR VEHICLE UPON A PUBLIC HIGHWAY OR OTHER PLACE OPEN TO
16 THE GENERAL PUBLIC, INCLUDING AN AREA DESIGNATED FOR THE PARKING
17 OF VEHICLES, IN THIS STATE WHILE HAVING AN ALCOHOL CONCENTRATION
18 OF MORE THAN 0.00% MAY REQUIRE THE PERSON TO SUBMIT TO A PRELIMI-
19 NARY CHEMICAL BREATH ANALYSIS. THE FOLLOWING PROVISIONS SHALL
20 APPLY WITH RESPECT TO A PRELIMINARY CHEMICAL BREATH ANALYSIS:

21 (A) A PEACE OFFICER MAY ARREST A PERSON BASED IN WHOLE OR IN
22 PART UPON THE RESULTS OF A PRELIMINARY CHEMICAL BREATH ANALYSIS.

23 (B) THE RESULTS OF A PRELIMINARY CHEMICAL BREATH ANALYSIS
24 ARE ADMISSIBLE IN A CRIMINAL PROSECUTION FOR A CRIME ENUMERATED
25 IN SUBSECTION (3)(A) SOLELY TO ASSIST THE COURT OR HEARING OFFI-
26 CER IN DETERMINING A CHALLENGE TO THE VALIDITY OF AN ARREST.

27 THIS SUBDIVISION DOES NOT LIMIT THE INTRODUCTION OF OTHER

1 COMPETENT EVIDENCE OFFERED TO ESTABLISH THE VALIDITY OF AN
2 ARREST.

3 (C) A PERSON WHO SUBMITS TO A PRELIMINARY CHEMICAL BREATH
4 ANALYSIS SHALL REMAIN SUBJECT TO THE REQUIREMENTS OF SUBSECTION
5 (3) AND SECTIONS 625C, 625D, AND 625F FOR THE PURPOSES OF CHEMI-
6 CAL TESTS DESCRIBED IN THOSE SECTIONS.

7 (D) A PERSON WHO REFUSES TO SUBMIT TO A PRELIMINARY CHEMICAL
8 BREATH ANALYSIS UPON A LAWFUL REQUEST BY A PEACE OFFICER IS
9 RESPONSIBLE FOR A CIVIL INFRACTION.

10 (3) THE FOLLOWING PROVISIONS APPLY WITH RESPECT TO CHEMICAL
11 TESTS AND ANALYSIS OF A PERSON'S BLOOD, URINE, OR BREATH, OTHER
12 THAN PRELIMINARY CHEMICAL BREATH ANALYSIS:

13 (A) ~~((+))~~ The amount of alcohol or presence of a controlled
14 substance or both in ~~the~~ A driver's blood at the time alleged
15 as shown by chemical analysis of the person's blood, urine, or
16 breath ~~shall be~~ IS admissible into evidence in ~~a criminal~~
17 ~~prosecution for~~ any of the following CIRCUMSTANCES:

18 (i) ~~((a))~~ A CRIMINAL PROSECUTION FOR A violation of section
19 625(1), (2), or (3), ~~or 625b,~~ or of a local ordinance substan-
20 tially corresponding to section 625(1), (2), or (3). ~~, or~~
21 ~~625b.~~

22 (ii) ~~((b)) Felonious~~ A CRIMINAL PROSECUTION FOR FELONIOUS
23 driving, negligent homicide, or manslaughter resulting from the
24 operation of a motor vehicle while the driver is alleged to have
25 been impaired by or under the influence of intoxicating liquor or
26 a controlled substance or a combination of intoxicating liquor
27 and a controlled substance, or to have had ~~a blood~~ AN alcohol

1 ~~content of 0.10% or more by weight of alcohol~~ CONCENTRATION OF
2 0.08% OR MORE.

3 (iii) AN ADMINISTRATIVE PROCEEDING TO DETERMINE WHETHER A
4 PERSON WAS LESS THAN 21 YEARS OF AGE AND OPERATING A MOTOR VEHI-
5 CLE UPON A PUBLIC HIGHWAY OR OTHER PLACE OPEN TO THE GENERAL
6 PUBLIC, INCLUDING AN AREA DESIGNATED FOR THE PARKING OF VEHICLES,
7 IN THIS STATE WHILE HAVING AN ALCOHOL CONCENTRATION OF MORE THAN
8 0.00%.

9 ~~(2) If a test is given, the results of the test shall be~~
10 ~~made available to the person charged or the person's attorney~~
11 ~~upon written request to the prosecution, with a copy of the~~
12 ~~request filed with the court. The prosecution shall furnish the~~
13 ~~report at least 2 days before the day of the trial and the~~
14 ~~results shall be offered as evidence by the prosecution in a~~
15 ~~criminal proceeding. Failure to fully comply with the request~~
16 ~~shall bar the admission of the results into evidence by the~~
17 ~~prosecution.~~

18 ~~(3) Except in a prosecution relating solely to a violation~~
19 ~~of section 625(2), the amount of alcohol in the driver's blood at~~
20 ~~the time alleged as shown by chemical analysis of the person's~~
21 ~~blood, urine, or breath shall give rise to the following~~
22 ~~presumptions:~~

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

26 ~~(b) If there was at the time in excess of 0.07% but less~~
27 ~~than 0.10% by weight of alcohol in the defendant's blood, it~~

1 ~~shall be presumed that the defendant's ability to operate a~~
2 ~~vehicle was impaired within the provisions of section 625b due to~~
3 ~~the consumption of intoxicating liquor.~~

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

7 (B) A PERSON ARRESTED FOR A CRIME DESCRIBED IN SUBDIVISION
8 (A), AND A PERSON LESS THAN 21 YEARS OF AGE WHO IS ALLEGED TO BE
9 OPERATING A MOTOR VEHICLE UPON A PUBLIC HIGHWAY OR OTHER PLACE
10 OPEN TO THE GENERAL PUBLIC, INCLUDING AN AREA DESIGNATED FOR THE
11 PARKING OF VEHICLES, IN THIS STATE WHILE HAVING AN ALCOHOL CON-
12 CENTRATION OF MORE THAN 0.00%, SHALL BE ADVISED OF ALL OF THE
13 FOLLOWING:

14 (i) THAT IF HE OR SHE TAKES A CHEMICAL TEST OF HIS OR HER
15 BLOOD, URINE, OR BREATH ADMINISTERED AT THE REQUEST OF A PEACE
16 OFFICER, HE OR SHE HAS THE RIGHT TO DEMAND THAT A PERSON OF HIS
17 OR HER OWN CHOOSING ADMINISTER 1 OF THE CHEMICAL TESTS; THAT THE
18 RESULTS OF THE TEST ARE ADMISSIBLE IN A JUDICIAL OR ADMINISTRA-
19 TIVE PROCEEDING AS PROVIDED UNDER THIS ACT, AND SHALL BE CONSID-
20 ERED WITH OTHER COMPETENT EVIDENCE IN DETERMINING THE INNOCENCE,
21 GUILT, OR ADMINISTRATIVE RESPONSIBILITY OF THE DEFENDANT; AND
22 THAT HE OR SHE IS RESPONSIBLE FOR OBTAINING A CHEMICAL ANALYSIS
23 OF A TEST SAMPLE OBTAINED PURSUANT TO HIS OR HER OWN REQUEST.

24 (ii) THAT IF THE PERSON REFUSES THE REQUEST OF A PEACE OFFI-
25 CER TO TAKE A TEST DESCRIBED IN SUBPARAGRAPH (i), A TEST SHALL
26 NOT BE GIVEN WITHOUT A COURT ORDER.

1 (iii) THAT THE PERSON'S REFUSAL OF THE REQUEST OF A PEACE
2 OFFICER TO TAKE A TEST DESCRIBED IN SUBPARAGRAPH (i), OR, IF THE
3 TEST IS ADMINISTERED, A TEST RESULT SHOWING AN ALCOHOL CONCENTRA-
4 TION OF 0.08% OR MORE, OR, IF THE PERSON IS LESS THAN 21 YEARS OF
5 AGE, AN ALCOHOL CONCENTRATION OF MORE THAN 0.00%, SHALL RESULT IN
6 THE SUSPENSION OF HIS OR HER OPERATOR'S OR CHAUFFEUR'S LICENSE OR
7 OPERATING PRIVILEGE, AND IN THE ADDITION OF 6 POINTS TO HIS OR
8 HER DRIVER RECORD.

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

22 (D) ~~-(5)- The tests~~ A CHEMICAL TEST DESCRIBED IN THIS
23 SUBSECTION shall be administered at the request of a peace offi-
24 cer having reasonable grounds to believe the person has committed
25 a crime described in ~~subsection (1)~~ SUBDIVISION (A) OR HAVING
26 REASONABLE GROUNDS TO BELIEVE THAT THE PERSON IS LESS THAN 21
27 YEARS OF AGE AND WAS OPERATING A MOTOR VEHICLE UPON A PUBLIC

1 HIGHWAY OR OTHER PLACE OPEN TO THE GENERAL PUBLIC, INCLUDING AN
2 AREA DESIGNATED FOR THE PARKING OF VEHICLES, IN THIS STATE WHILE
3 HAVING AN ALCOHOL CONCENTRATION OF MORE THAN 0.00%. A person who
4 takes a chemical test administered at the request of a peace
5 officer, as provided in this section, shall be given a reasonable
6 opportunity to have a person of his or her own choosing adminis-
7 ter 1 of the chemical tests described in this ~~section~~
8 SUBSECTION within a reasonable time after his or her detention,
9 and the results of the test shall be admissible and shall be con-
10 sidered with other competent evidence in determining the inno-
11 cence or guilt of the defendant, OR, IF THE PERSON IS LESS THAN
12 21 YEARS OF AGE AND IS ALLEGED TO HAVE OPERATED A MOTOR VEHICLE
13 UPON A PUBLIC HIGHWAY OR OTHER PLACE OPEN TO THE GENERAL PUBLIC,
14 INCLUDING AN AREA DESIGNATED FOR THE PARKING OF VEHICLES, IN THIS
15 STATE WHILE HAVING AN ALCOHOL CONCENTRATION OF MORE THAN 0.00%,
16 THE ADMINISTRATIVE RESPONSIBILITY OF THE DEFENDANT. If the
17 person charged is administered a chemical test by a person of his
18 or her own choosing, the person charged shall be responsible for
19 obtaining a chemical analysis of the test sample. ~~The person~~
20 ~~charged shall be informed that he or she has the right to demand~~
21 ~~that a person of his or her choosing administer 1 of the tests~~
22 ~~provided for in subsection (1), that the results of the test~~
23 ~~shall be admissible and shall be considered with other competent~~
24 ~~evidence in determining the innocence or guilt of the defendant,~~
25 ~~and that the person charged shall be responsible for obtaining a~~
26 ~~chemical analysis of the test sample.~~

1 ~~(6) The person charged shall be advised that if the person~~
2 ~~refuses the request of a peace officer to take a test described~~
3 ~~in this section, a test shall not be given without a court~~
4 ~~order. The person charged shall also be advised that the~~
5 ~~person's refusal of the request of a peace officer to take a test~~
6 ~~described in this section shall result in the suspension of his~~
7 ~~or her operator's or chauffeur's license or operating privilege,~~
8 ~~and in the addition of 6 points to his or her driver record.~~

9 ~~(7) This section shall not be construed as limiting the~~
10 ~~introduction of any other competent evidence bearing upon the~~
11 ~~question of whether or not the person was impaired by or under~~
12 ~~the influence of intoxicating liquor or a controlled substance,~~
13 ~~or a combination of intoxicating liquor and a controlled sub-~~
14 ~~stance, or whether the person had a blood alcohol content of~~
15 ~~0.10% or more by weight of alcohol.~~

16 ~~(8) If a jury instruction regarding a defendant's refusal to~~
17 ~~submit to a chemical test under this section is requested by the~~
18 ~~prosecution or the defendant, the jury instruction shall be given~~
19 ~~as follows:~~

20 ~~"Evidence was admitted in this case which, if believed by~~
21 ~~the jury, could prove that the defendant had exercised his or her~~
22 ~~right to refuse a chemical test. You are instructed that such a~~
23 ~~refusal is within the statutory rights of the defendant and is~~
24 ~~not evidence of his guilt. You are not to consider such a~~
25 ~~refusal in determining the guilt or innocence of the defendant."~~

26 ~~(E) (9) If, after an accident, the driver of a vehicle~~
27 ~~involved in the accident is transported to a medical facility and~~

1 a sample of the driver's blood is withdrawn at that time for the
 2 purpose of medical treatment, the results of a chemical analysis
 3 of that sample shall be admissible in a criminal prosecution for
 4 a crime described in ~~subsection (1)~~ SUBDIVISION (A) OR IN AN
 5 ADMINISTRATIVE PROCEEDING TO DETERMINE WHETHER THE PERSON WAS
 6 LESS THAN 21 YEARS OF AGE AND OPERATING A MOTOR VEHICLE UPON A
 7 PUBLIC HIGHWAY OR OTHER PLACE OPEN TO THE GENERAL PUBLIC, INCLUD-
 8 ING AN AREA DESIGNATED FOR THE PARKING OF VEHICLES, IN THIS STATE
 9 WITH AN ALCOHOL CONCENTRATION OF MORE THAN 0.00%, to show the
 10 amount of alcohol or presence of a controlled substance or both
 11 in the person's blood at the time alleged, regardless of whether
 12 the person had been offered or had refused a chemical test. The
 13 medical facility or person performing the chemical analysis shall
 14 disclose the results of the analysis to a prosecuting attorney
 15 who requests the results for use in a criminal prosecution OR
 16 ADMINISTRATIVE PROCEEDING as provided in this ~~subsection~~
 17 SUBDIVISION. A medical facility or person disclosing information
 18 in compliance with this subsection shall not be civilly or crimi-
 19 nally liable for making the disclosure.

20 (F) ~~(10)~~ If, after ~~a highway~~ AN accident, the driver of
 21 a vehicle involved in the accident is deceased, a sample of the
 22 decedent's blood shall be withdrawn in a manner directed by the
 23 medical examiner for the purpose of determining ~~blood~~ THE
 24 AMOUNT OF alcohol ~~content~~ or THE presence of a controlled sub-
 25 stance or both IN THE DECEDENT'S BLOOD.

26 (G) THE PROVISIONS OF THIS SUBSECTION RELATING TO CHEMICAL
 27 TESTING DO NOT LIMIT THE INTRODUCTION OF ANY OTHER COMPETENT

1 EVIDENCE BEARING UPON THE QUESTION OF WHETHER OR NOT A PERSON WAS
2 IMPAIRED BY, OR UNDER THE INFLUENCE OF, INTOXICATING LIQUOR OR A
3 CONTROLLED SUBSTANCE, OR A COMBINATION OF INTOXICATING LIQUOR AND
4 A CONTROLLED SUBSTANCE, WHETHER THE PERSON HAD AN ALCOHOL CONCEN-
5 TRATION OF 0.08% OR MORE, OR, WHETHER THE PERSON WAS LESS THAN 21
6 YEARS OF AGE AND OPERATING A MOTOR VEHICLE UPON A PUBLIC HIGHWAY
7 OR OTHER PLACE OPEN TO THE GENERAL PUBLIC, INCLUDING AN AREA DES-
8 IGNATED FOR THE PARKING OF VEHICLES, IN THIS STATE WHILE HAVING
9 AN ALCOHOL CONCENTRATION OF MORE THAN 0.00%.

10 (H) IF A CHEMICAL TEST IS ADMINISTERED UNDER THIS SUBSEC-
11 TION, THE RESULTS OF THE TEST SHALL BE MADE AVAILABLE TO THE
12 PERSON CHARGED OR THE PERSON'S ATTORNEY UPON WRITTEN REQUEST TO
13 THE PROSECUTION, WITH A COPY OF THE REQUEST FILED WITH THE
14 COURT. THE PROSECUTION SHALL FURNISH THE REPORT AT LEAST 2 DAYS
15 BEFORE THE DAY OF THE TRIAL. THE RESULTS OF THE TEST SHALL BE
16 OFFERED AS EVIDENCE BY THE PROSECUTION IN THAT PROCEEDING.
17 FAILURE TO FULLY COMPLY WITH THE REQUEST SHALL BAR THE ADMISSION
18 OF THE RESULTS INTO EVIDENCE BY THE PROSECUTION.

19 (I) EXCEPT IN A PROSECUTION RELATING SOLELY TO A VIOLATION
20 OF SECTION 625(1)(B), THE AMOUNT OF ALCOHOL IN THE DRIVER'S BLOOD
21 AT THE TIME ALLEGED AS SHOWN BY CHEMICAL ANALYSIS OF THE PERSON'S
22 BLOOD, URINE, OR BREATH SHALL GIVE RISE TO THE FOLLOWING
23 PRESUMPTIONS:

24 (i) IF THERE WAS AT THE TIME 0.05% OR LESS BY WEIGHT OF
25 ALCOHOL IN THE DEFENDANT'S BLOOD, IT SHALL BE PRESUMED THAT THE
26 DEFENDANT'S ABILITY TO OPERATE A MOTOR VEHICLE WAS NOT IMPAIRED

1 DUE TO THE CONSUMPTION OF INTOXICATING LIQUOR, AND THAT THE
2 DEFENDANT WAS NOT UNDER THE INFLUENCE OF INTOXICATING LIQUOR.

3 (ii) IF THERE WAS AT THE TIME IN EXCESS OF 0.05% BUT LESS
4 THAN 0.08% BY WEIGHT OF ALCOHOL IN THE DEFENDANT'S BLOOD, IT
5 SHALL BE PRESUMED THAT THE DEFENDANT'S ABILITY TO OPERATE A VEHI-
6 CLE WAS IMPAIRED DUE TO THE CONSUMPTION OF INTOXICATING LIQUOR.

7 (iii) IF THERE WAS AT THE TIME 0.08% OR MORE BY WEIGHT OF
8 ALCOHOL IN THE DEFENDANT'S BLOOD, IT SHALL BE PRESUMED THAT THE
9 DEFENDANT WAS UNDER THE INFLUENCE OF INTOXICATING LIQUOR.

10 (J) A PERSON'S REFUSAL TO SUBMIT TO A CHEMICAL TEST AS PRO-
11 VIDED IN THIS SUBSECTION SHALL BE ADMISSIBLE IN A CRIMINAL PROSE-
12 CUTION FOR A CRIME DESCRIBED IN SUBDIVISION (A) ONLY FOR THE PUR-
13 POSE OF SHOWING THAT A TEST WAS OFFERED TO THE DEFENDANT, BUT NOT
14 AS EVIDENCE IN DETERMINING INNOCENCE OR GUILT OF THE DEFENDANT.
15 THE JURY SHALL BE INSTRUCTED ACCORDINGLY.

16 (4) THE DEPARTMENT OF STATE POLICE MAY PROMULGATE UNIFORM
17 RULES FOR THE ADMINISTRATION OF CHEMICAL TESTS, INCLUDING PRELIM-
18 INARY CHEMICAL BREATH ANALYSIS, FOR THE PURPOSES OF THIS
19 SECTION.

20 (5) BEFORE ACCEPTING A PLEA OF GUILTY UNDER SECTION 625, THE
21 COURT SHALL ADVISE THE ACCUSED OF THE MAXIMUM POSSIBLE TERM OF
22 IMPRISONMENT AND THE MAXIMUM POSSIBLE FINE THAT MAY BE IMPOSED
23 FOR THE VIOLATION OF THAT SECTION.

24 Sec. 625b. ~~(1) A person shall not operate a vehicle upon a~~
25 ~~highway or other place open to the general public, including an~~
26 ~~area designated for the parking of vehicles, within the state~~
27 ~~when, due to the consumption of an intoxicating liquor, a~~

~~1 controlled substance, or a combination of an intoxicating liquor
2 and a controlled substance, the person has visibly impaired his
3 or her ability to operate the vehicle. If a person is charged
4 with violating section 625(1) or (2), a finding of guilty is per-
5 missible under this section.~~

~~6 (2) Except as otherwise provided in this section, a person
7 convicted of a violation of this section is guilty of a misde-
8 meanor, punishable by imprisonment for not more than 90 days, or
9 a fine of not more than \$300.00, or both, together with costs of
10 the prosecution. As part of the sentence, the court shall order
11 the secretary of state to suspend the operator's or chauffeur's
12 license of the person for a period of not less than 90 days nor
13 more than 1 year. The court may order the secretary of state to
14 issue to the person a restricted license permitting the person
15 during all or a specified portion of the period of suspension to
16 drive only to and from the person's residence and work location,
17 in the course of the person's employment or occupation, to and
18 from an alcohol or drug education program or treatment program as
19 ordered by the court, to and from the person's residence and an
20 educational institution at which the person is enrolled as a stu-
21 dent, or pursuant to a combination of these restrictions. The
22 court may also order that the restricted license include the
23 requirement that a person shall not operate a motor vehicle
24 unless the vehicle is equipped with a functioning certified igni-
25 tion interlock device. The device shall be set to render the
26 motor vehicle inoperable if the device detects 0.02% or more by
27 weight of alcohol in the blood of the person who offers a breath~~

~~1 sample. The court may order installation of a certified ignition
2 interlock device on any motor vehicle that the person owns or
3 operates, the costs of which shall be borne by the person whose
4 license is restricted. The court shall not order the secretary
5 of state to issue a restricted chauffeur's license which would
6 permit a person to operate a truck or truck tractor, including a
7 trailer, which hauls hazardous material. The court shall not
8 order the secretary of state to issue a restricted license unless
9 the person states under oath and the court finds that the person
10 is unable to take public transportation to and from his or her
11 work location, place of alcohol or drug education or treatment,
12 or educational institution, and does not have any family members
13 or others able to provide transportation. The court order and
14 license shall indicate the person's work location and the
15 approved route or routes and permitted times of travel. For pur-
16 poses of this subsection, "work location" includes, as applica-
17 ble, either or both of the following:~~

~~18 (i) The specific place or places of employment.~~

~~19 (ii) The territory or territories regularly visited by the
20 person in pursuance of the person's occupation.~~

~~21 (3) A person who violates this section or a local ordinance
22 substantially corresponding to this section within 7 years of a
23 prior conviction may be sentenced to imprisonment for not more
24 than 1 year, or a fine of not more than \$1,000.00, or both. As
25 part of the sentence, the court shall order the secretary of
26 state to suspend the operator's or chauffeur's license of the
27 person for a period of not less than 6 months nor more than 10~~

1 months. ~~The court may order the secretary of state to issue to~~
2 ~~the person a restricted license as provided in subsection (2),~~
3 ~~except that a restricted license shall not be issued during the~~
4 ~~first 60 days of the suspension period. For purposes of this~~
5 ~~section, "prior conviction" means a conviction under this sec-~~
6 ~~tion, section 625(1) or (2), a local ordinance substantially cor-~~
7 ~~responding to this section or section 625(1) or (2), or a law of~~
8 ~~another state substantially corresponding to this section or sec-~~
9 ~~tion 625(1) or (2).~~

10 ~~(4) A person who violates this section, or a local ordinance~~
11 ~~substantially corresponding to this section, within 10 years of 2~~
12 ~~or more prior convictions, as defined in subsection (3), may be~~
13 ~~sentenced as provided in subsection (3), except that as part of~~
14 ~~the sentence the court shall order the secretary of state to~~
15 ~~revoke the operator's or chauffeur's license of the person.~~

16 ~~(5) As part of the sentence for a violation of this section~~
17 ~~or a local ordinance substantially corresponding to this section,~~
18 ~~the court may order the person to perform service to the communi-~~
19 ~~ty, as designated by the court, without compensation, for a~~
20 ~~period not to exceed 12 days. The person shall reimburse the~~
21 ~~state or appropriate local unit of government for the cost of~~
22 ~~insurance incurred by the state or local unit of government as a~~
23 ~~result of the person's activities under this subsection.~~

24 ~~(1) (6)~~ Before imposing sentence for a violation of ~~this~~
25 section 625(1) OR (3) or a local ordinance substantially corre-
26 sponding to ~~this~~ section 625(1) OR (3), the court shall order
27 the person to undergo screening and assessment by a person or

1 agency designated by the office of substance abuse services, to
2 determine whether the person is likely to benefit from rehabili-
3 tative services, including alcohol or drug education and alcohol
4 or drug treatment programs. As part of the sentence, the court
5 may order the person to participate in and successfully complete
6 1 or more appropriate rehabilitative programs. The person shall
7 pay for the costs of the screening, assessment, and rehabilita-
8 tive services.

9 ~~(7) Before accepting a plea of guilty under this section,~~
10 ~~the court shall advise the accused of the statutory consequences~~
11 ~~possible as a result of a plea of guilty in respect to suspension~~
12 ~~or revocation of an operator's or chauffeur's license, the pen-~~
13 ~~alty imposed for violation of this section, and the limitation on~~
14 ~~the right of appeal.~~

15 ~~(8) The operator's or chauffeur's license of a person found~~
16 ~~guilty of violating this section, or a local ordinance substan-~~
17 ~~tially corresponding to this section, shall be surrendered to the~~
18 ~~court in which the person was convicted. The court shall immedi-~~
19 ~~ately forward the surrendered license and an abstract of convic-~~
20 ~~tion to the secretary of state. The abstract of conviction shall~~
21 ~~indicate the sentence imposed. Upon receipt of and pursuant to~~
22 ~~the abstract of conviction, the secretary of state shall suspend~~
23 ~~or revoke the person's license and, if ordered by the court and~~
24 ~~the person is otherwise eligible for a license, issue to the~~
25 ~~person a restricted license stating the limited driving privi-~~
26 ~~leges indicated on the abstract. If the license is not forwarded~~
27 ~~to the secretary of state, an explanation of the reason why the~~

~~1 license is absent shall be attached. If the conviction is
2 appealed to circuit court, that court may, ex parte, order the
3 secretary of state to rescind the suspension, revocation, or
4 restricted license issued pursuant to this section.~~

5 (2) AS A PART OF THE SENTENCE FOR A CONVICTION UNDER
6 SECTION 625, OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO
7 SECTION 625, WHETHER OR NOT THE PERSON IS CONVICTED AS A MULTIPLE
8 OFFENDER, THE COURT MAY ORDER THE PERSON CONVICTED TO PERFORM
9 SERVICE TO THE COMMUNITY, AS DESIGNATED BY THE COURT, WITHOUT
10 COMPENSATION, FOR A PERIOD OF NOT MORE THAN 90 DAYS. THE PERSON
11 SHALL REIMBURSE THE STATE OR APPROPRIATE LOCAL UNIT OF GOVERNMENT
12 FOR THE COST OF INSURANCE INCURRED BY THE STATE OR LOCAL UNIT OF
13 GOVERNMENT AS A RESULT OF THE PERSON'S ACTIVITIES IN THIS
14 SERVICE.

15 (3) IN DETERMINING THE SENTENCE FOR A CONVICTION UNDER SEC-
16 TION 625(1) OR (3), OR A LOCAL ORDINANCE SUBSTANTIALLY CORRE-
17 SPONDING TO SECTION 625(1) OR (3), WHETHER OR NOT THE PERSON IS
18 CONVICTED AS A MULTIPLE OFFENDER, THE COURT SHALL CONSIDER ALL
19 PRIOR CONVICTIONS ENTERED AT THAT TIME UPON THE MICHIGAN DRIVING
20 RECORD OF THE PERSON, EXCEPT THOSE CONVICTIONS THAT ARE DETER-
21 MINED BY THE COURT TO BE CONSTITUTIONALLY INVALID, AND SHALL
22 IMPOSE THE FOLLOWING SANCTIONS:

23 (A) FOR A CONVICTION UNDER SECTION 625(1) OR A LOCAL ORDI-
24 NANCE SUBSTANTIALLY CORRESPONDING TO SECTION 625(1):

25 (i) IF THE COURT FINDS THAT THE PERSON HAS NO PRIOR CONVIC-
26 TIONS WITHIN 10 YEARS UNDER SECTION 625(1) OR (3), A LOCAL
27 ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 625(1) OR (3),

1 OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO SECTION
2 625(1) OR (3), THE COURT SHALL ORDER THE SECRETARY OF STATE TO
3 SUSPEND THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF THE PERSON FOR A
4 PERIOD OF NOT LESS THAN 6 MONTHS NOR MORE THAN 2 YEARS. THE
5 COURT MAY ORDER THE SECRETARY OF STATE TO ISSUE TO THE PERSON A
6 RESTRICTED LICENSE DURING ALL OR A SPECIFIED PORTION OF THE
7 PERIOD OF SUSPENSION, EXCEPT THAT A RESTRICTED LICENSE SHALL NOT
8 BE ISSUED DURING THE FIRST 30 DAYS OF THE PERIOD OF SUSPENSION.

9 (ii) IF THE COURT FINDS THAT THE PERSON HAS 1 PRIOR CONVIC-
10 TION WITHIN 10 YEARS UNDER SECTION 625(3), A LOCAL ORDINANCE SUB-
11 STANTIALLY CORRESPONDING TO SECTION 625(3), OR A LAW OF ANOTHER
12 STATE SUBSTANTIALLY CORRESPONDING TO SECTION 625(3), THE COURT
13 SHALL ORDER THE SECRETARY OF STATE TO SUSPEND THE OPERATOR'S OR
14 CHAUFFEUR'S LICENSE OF THE PERSON FOR A PERIOD OF NOT LESS THAN
15 6 MONTHS NOR MORE THAN 2 YEARS. THE COURT MAY ORDER THE SECRE-
16 TARY OF STATE TO ISSUE TO THE PERSON A RESTRICTED LICENSE DURING
17 ALL OR ANY PORTION OF THE PERIOD OF SUSPENSION, EXCEPT THAT A
18 RESTRICTED LICENSE SHALL NOT BE ISSUED DURING THE FIRST 60 DAYS
19 OF THE PERIOD OF SUSPENSION.

20 (iii) IF THE COURT FINDS THAT THE PERSON HAS 1 OR MORE PRIOR
21 CONVICTIONS WITHIN 10 YEARS UNDER SECTION 625(1), A LOCAL ORDI-
22 NANCE SUBSTANTIALLY CORRESPONDING TO SECTION 625(1), OR A LAW OF
23 ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO SECTION 625(1); OR
24 THAT THE PERSON HAS 2 OR MORE PRIOR CONVICTIONS WITHIN 10 YEARS
25 UNDER SECTION 625(3), A LOCAL ORDINANCE SUBSTANTIALLY CORRESPOND-
26 ING TO SECTION 625(3), OR A LAW OF ANOTHER STATE SUBSTANTIALLY
27 CORRESPONDING TO SECTION 625(3), THE COURT SHALL ORDER THE

1 SECRETARY OF STATE TO REVOKE THE OPERATOR'S OR CHAUFFEUR'S
2 LICENSE OF THE PERSON AND SHALL NOT ORDER THE SECRETARY OF STATE
3 TO ISSUE A RESTRICTED LICENSE TO THE PERSON.

4 (B) FOR A CONVICTION UNDER SECTION 625(3) OR A LOCAL ORDI-
5 NANCE SUBSTANTIALLY CORRESPONDING TO SECTION 625(3):

6 (i) IF THE COURT FINDS THAT THE CONVICTED PERSON HAS NO
7 PRIOR CONVICTION WITHIN 10 YEARS UNDER SECTION 625(1) OR (3), A
8 LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 625(1) OR
9 (3), OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO
10 SECTION 625(1) OR (3), THE COURT SHALL ORDER THE SECRETARY OF
11 STATE TO SUSPEND THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF THE
12 PERSON FOR A PERIOD OF NOT LESS THAN 90 DAYS NOR MORE THAN
13 1 YEAR. THE COURT MAY ORDER THE SECRETARY OF STATE TO ISSUE TO
14 THE PERSON A RESTRICTED LICENSE DURING ALL OR A SPECIFIED PORTION
15 OF THE PERIOD OF SUSPENSION, EXCEPT THAT A RESTRICTED LICENSE
16 SHALL NOT BE ISSUED DURING THE FIRST 30 DAYS OF THE PERIOD OF
17 SUSPENSION.

18 (ii) IF THE COURT FINDS THAT THE PERSON HAS 1 PRIOR CONVIC-
19 TION WITHIN 10 YEARS UNDER SECTION 625(1) OR (3), A LOCAL ORDI-
20 NANCE SUBSTANTIALLY CORRESPONDING TO SECTION 625(1) OR (3), OR A
21 LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO
22 SECTION 625(1) OR (3), THE COURT SHALL ORDER THE SECRETARY OF
23 STATE TO SUSPEND THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF THE
24 PERSON FOR A PERIOD OF NOT LESS THAN 6 MONTHS NOR MORE THAN 2
25 YEARS. THE COURT MAY ORDER THE SECRETARY OF STATE TO ISSUE TO
26 THE PERSON A RESTRICTED LICENSE DURING ALL OR ANY PORTION OF THE

1 SUSPENSION PERIOD, EXCEPT THAT A RESTRICTED LICENSE SHALL NOT BE
2 ISSUED DURING THE FIRST 60 DAYS OF THE PERIOD OF SUSPENSION.

3 (iii) IF THE COURT FINDS THAT THE PERSON HAS 2 OR MORE PRIOR
4 CONVICTIONS WITHIN 10 YEARS UNDER SECTION 625(1) OR (3), A LOCAL
5 ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 625(1) OR (3),
6 OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO SECTION
7 625(1) OR (3), THE COURT SHALL ORDER THE SECRETARY OF STATE TO
8 REVOKE THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF THE PERSON AND
9 SHALL NOT ORDER THE SECRETARY OF STATE TO ISSUE A RESTRICTED
10 LICENSE TO THE PERSON.

11 (4) A RESTRICTED LICENSE ISSUED PURSUANT TO AN ORDER UNDER
12 SUBSECTION (3) SHALL PERMIT THE PERSON TO WHOM IT IS ISSUED TO DO
13 1 OR MORE OF THE FOLLOWING:

14 (A) DRIVE TO AND FROM THE PERSON'S RESIDENCE AND WORK
15 LOCATION.

16 (B) DRIVE IN THE COURSE OF THE PERSON'S EMPLOYMENT OR
17 OCCUPATION.

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

20 (D) DRIVE TO AND FROM THE PERSON'S RESIDENCE AND THE COURT
21 PROBATION DEPARTMENT, OR A COURT-ORDERED COMMUNITY SERVICE PRO-
22 GRAM, OR BOTH.

23 (E) DRIVE TO AND FROM THE PERSON'S RESIDENCE AND AN EDUCA-
24 TIONAL INSTITUTION AT WHICH THE PERSON IS ENROLLED AS A STUDENT.

25 (F) DRIVE TO AND FROM THE PERSON'S RESIDENCE AND A MEDICAL
26 FACILITY FOR TREATMENT.

1 (5) THE COURT MAY ORDER THAT THE RESTRICTED LICENSE ORDERED
2 TO BE ISSUED UNDER SUBSECTION (3) INCLUDE THE REQUIREMENT THAT
3 THE PERSON SHALL NOT OPERATE A MOTOR VEHICLE UNLESS THE VEHICLE
4 IS EQUIPPED WITH A FUNCTIONING CERTIFIED IGNITION INTERLOCK
5 DEVICE. THE DEVICE SHALL BE SET TO RENDER THE MOTOR VEHICLE
6 INOPERABLE IF THE DEVICE DETECTS AN ALCOHOL CONCENTRATION OF
7 0.02% OR MORE IN THE PERSON WHO OFFERS A BREATH SAMPLE. THE
8 COURT MAY ORDER INSTALLATION OF A CERTIFIED IGNITION INTERLOCK
9 DEVICE ON ANY MOTOR VEHICLE THAT THE PERSON OWNS OR OPERATES, THE
10 COSTS OF WHICH SHALL BE BORNE BY THE PERSON WHOSE LICENSE IS
11 RESTRICTED.

12 (6) THE COURT SHALL NOT ORDER THE SECRETARY OF STATE UNDER
13 SUBSECTION (3) TO ISSUE A RESTRICTED CHAUFFEUR'S LICENSE THAT
14 WOULD PERMIT A PERSON TO OPERATE A TRUCK OR TRUCK TRACTOR,
15 INCLUDING A TRAILER, THAT HAULS HAZARDOUS MATERIALS.

16 (7) THE COURT SHALL NOT ORDER THE SECRETARY OF STATE TO
17 ISSUE A RESTRICTED LICENSE UNLESS THE PERSON STATES UNDER OATH,
18 AND THE COURT FINDS, THAT THE PERSON IS UNABLE TO TAKE PUBLIC
19 TRANSPORTATION TO AND FROM HIS OR HER WORK LOCATION, PLACE OF
20 ALCOHOL OR DRUG EDUCATION TREATMENT, PROBATION DEPARTMENT,
21 COURT-ORDERED COMMUNITY SERVICE PROGRAM, PLACE OF MEDICAL TREAT-
22 MENT, OR EDUCATIONAL INSTITUTION, AND DOES NOT HAVE ANY FAMILY
23 MEMBERS OR OTHERS ABLE TO PROVIDE TRANSPORTATION.

24 (8) THE COURT ORDER UNDER SUBSECTION (3) AND THE RESTRICTED
25 LICENSE SHALL INDICATE THE WORK LOCATION OF THE PERSON TO WHOM IT
26 IS ISSUED AND THE APPROVED ROUTE OR ROUTES AND PERMITTED TIMES OF
27 TRAVEL.

1 (9) AS USED IN THIS SECTION, "WORK LOCATION" MEANS, AS
2 APPLICABLE, EITHER THE SPECIFIC PLACE OR PLACES OF EMPLOYMENT, OR
3 THE TERRITORY OR TERRITORIES REGULARLY VISITED BY THE PERSON IN
4 PURSUANCE OF THE PERSON'S OCCUPATION, OR BOTH.

5 (10) THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF A PERSON FOUND
6 GUILTY OF VIOLATING SECTION 625(1) OR (3), OR A LOCAL ORDINANCE
7 SUBSTANTIALLY CORRESPONDING TO SECTION 625(1) OR (3), SHALL BE
8 SURRENDERED TO THE COURT IN WHICH THE PERSON IS CONVICTED. THE
9 COURT SHALL IMMEDIATELY FORWARD THE SURRENDERED LICENSE AND AN
10 ABSTRACT OF CONVICTION TO THE SECRETARY OF STATE. THE ABSTRACT
11 OF CONVICTION SHALL INDICATE THE SENTENCE IMPOSED. UPON RECEIPT
12 OF, AND PURSUANT TO, THE ABSTRACT OF CONVICTION, THE SECRETARY OF
13 STATE SHALL SUSPEND OR REVOKE THE PERSON'S LICENSE AND, IF
14 ORDERED BY THE COURT AND THE PERSON IS OTHERWISE ELIGIBLE FOR A
15 LICENSE, ISSUE TO THE PERSON A RESTRICTED LICENSE STATING THE
16 LIMITED DRIVING PRIVILEGES INDICATED ON THE ABSTRACT. IF THE
17 LICENSE IS NOT FORWARDED TO THE SECRETARY OF STATE, AN EXPLANA-
18 TION OF THE REASON WHY THE LICENSE IS ABSENT SHALL BE ATTACHED.
19 IF THE CONVICTION IS APPEALED TO CIRCUIT COURT, THE COURT MAY, EX
20 PARTE, ORDER THE SECRETARY OF STATE TO RESCIND THE SUSPENSION,
21 REVOCATION, OR RESTRICTED LICENSE ISSUED PURSUANT TO THIS
22 SECTION.

23 Sec. 625c. (1) A person who operates a vehicle upon a
24 public highway or other place open to the general public, includ-
25 ing an area designated for the parking of vehicles, in ~~the~~ THIS
26 state is considered to have given consent to chemical tests of
27 his or her blood, breath, or urine for the purpose of determining

1 the amount of alcohol or presence of a controlled substance or
2 both in his or her blood ~~if~~ IN ALL OF THE FOLLOWING
3 CIRCUMSTANCES:

4 (a) The person is arrested for a violation of section 625(1)
5 or ~~(2) or 625b~~ (3), or a local ordinance substantially corre-
6 sponding to section 625(1) or (3). ~~(2) or 625b.~~

7 (b) The person is arrested for felonious driving, negligent
8 homicide, or manslaughter resulting from the operation of a motor
9 vehicle, and the peace officer had reasonable grounds to believe
10 that the person was operating the vehicle while impaired by or
11 under the influence of intoxicating liquor or a controlled sub-
12 stance or a combination of intoxicating liquor and a controlled
13 substance, or while having ~~a blood~~ AN alcohol ~~content of 0.10%~~
14 ~~or more by weight of alcohol~~ CONCENTRATION OF 0.08% OR MORE.

15 (c) THE PERSON IS LESS THAN 21 YEARS OF AGE AND THE PEACE
16 OFFICER HAS REASONABLE GROUNDS TO BELIEVE THAT THE PERSON WAS
17 OPERATING A MOTOR VEHICLE UPON A PUBLIC HIGHWAY OR OTHER PLACE
18 OPEN TO THE GENERAL PUBLIC, INCLUDING AN AREA DESIGNATED FOR THE
19 PARKING OF VEHICLES, IN THIS STATE WHILE HAVING AN ALCOHOL CON-
20 CENTRATION OF MORE THAN 0.00%.

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

25 (3) The tests shall be administered as provided in section
26 625a.

1 Sec. 625d. (1) If a person refuses the request of a peace
2 officer to submit to a chemical test offered pursuant to section
3 ~~625a~~ 625A(3), a test shall not be given without a court order.
4 ~~A written report shall be forwarded to the secretary of state by~~
5 ~~the peace officer. The report shall state that the officer had~~
6 ~~reasonable grounds to believe that the person had committed a~~
7 ~~crime described in section 625c(1), and that the person had~~
8 ~~refused to submit to the test upon the request of the peace offi-~~
9 ~~cer and had been advised of the consequences of the refusal. The~~
10 ~~form of the report shall be prescribed and furnished by the sec-~~
11 ~~retary of state.~~

12 (2) IF A PERSON REFUSES A CHEMICAL TEST OFFERED PURSUANT TO
13 SECTION 625A(3), OR IF A PERSON SUBMITS TO THE CHEMICAL TEST AND
14 THE TEST REVEALS AN ALCOHOL CONCENTRATION OF 0.08% OR MORE, OR A
15 PERSON IS LESS THAN 21 YEARS OF AGE AND THE TEST REVEALS AN ALCO-
16 HOL CONCENTRATION OF MORE THAN 0.00%, THE PEACE OFFICER WHO
17 REQUESTED THE PERSON TO SUBMIT TO THE TEST SHALL DO 1 OF THE
18 FOLLOWING:

19 (A) IF THE PERSON IS LICENSED IN THIS STATE TO OPERATE A
20 MOTOR VEHICLE, ALL OF THE FOLLOWING:

21 (i) ON BEHALF OF THE SECRETARY OF STATE, IMMEDIATELY NOTIFY
22 THE PERSON IN WRITING ON A FORM PROVIDED BY THE SECRETARY OF
23 STATE THAT HIS OR HER LICENSE OR PERMIT TO OPERATE A MOTOR VEHI-
24 CLE IS SUSPENDED AS PROVIDED UNDER SECTION 625F, EFFECTIVE 14
25 DAYS AFTER THE DATE OF THE NOTICE. THE PEACE OFFICER SHALL SIGN
26 THE NOTICE AND PROVIDE A COPY OF THE NOTICE TO THE PERSON.

1 (ii) ON BEHALF OF THE SECRETARY OF STATE, IMMEDIATELY
2 CONFISCATE THE PERSON'S LICENSE OR PERMIT TO OPERATE A MOTOR
3 VEHICLE, AND ISSUE A TEMPORARY LICENSE OR PERMIT TO THE PERSON
4 THAT IS VALID ONLY FOR THE NOTICE PERIOD.

5 (iii) IMMEDIATELY FORWARD ALL OF THE FOLLOWING TO THE SECRE-
6 TARY OF STATE:

7 (A) A COPY OF THE WRITTEN NOTICE ISSUED UNDER SUBPARAGRAPH
8 (i).

9 (B) THE PERSON'S LICENSE OR PERMIT TO OPERATE A MOTOR
10 VEHICLE.

11 (C) A COPY OF THE WRITTEN REPORT OF THE PERSON'S REFUSAL TO
12 SUBMIT TO A CHEMICAL TEST OR, IF A CHEMICAL TEST WAS ADMINISTERED
13 AND THE TEST REVEALED AN ALCOHOL CONCENTRATION OF 0.08% OR MORE,
14 OR THE PERSON IS LESS THAN 21 YEARS OF AGE AND THE TEST REVEALED
15 AN ALCOHOL CONCENTRATION OF MORE THAN 0.00%, A COPY OF THE WRIT-
16 TEN REPORT OF THE TEST RESULTS.

17 (B) IF THE PERSON IS A NONRESIDENT LICENSED IN ANOTHER STATE
18 TO OPERATE A MOTOR VEHICLE, BOTH OF THE FOLLOWING:

19 (i) ON BEHALF OF THE SECRETARY OF STATE, IMMEDIATELY NOTIFY
20 THE PERSON IN WRITING ON A FORM PROVIDED BY THE SECRETARY OF
21 STATE THAT HIS OR HER PRIVILEGE TO OPERATE A MOTOR VEHICLE IN
22 THIS STATE IS SUSPENDED AS PROVIDED UNDER SECTION 625F, EFFECTIVE
23 14 DAYS AFTER THE DATE OF THE NOTICE. THE PEACE OFFICER SHALL
24 SIGN THE NOTICE AND PROVIDE A COPY OF THE NOTICE TO THE PERSON.

25 (ii) IMMEDIATELY FORWARD TO THE SECRETARY OF STATE A COPY OF
26 THE WRITTEN NOTICE ISSUED UNDER SUBPARAGRAPH (i) AND A COPY OF
27 THE WRITTEN REPORT OF THE PERSON'S REFUSAL TO SUBMIT TO THE

1 CHEMICAL TEST OR, IF A CHEMICAL TEST WAS ADMINISTERED AND THE
2 TEST REVEALED AN ALCOHOL CONCENTRATION OF 0.08% OR MORE, OR THE
3 PERSON IS LESS THAN 21 YEARS OF AGE AND THE TEST REVEALED AN
4 ALCOHOL CONCENTRATION OF MORE THAN 0.00%, A WRITTEN REPORT OF THE
5 TEST RESULTS.

6 (C) IF THE PERSON IS NOT LICENSED IN THIS STATE OR IN
7 ANOTHER STATE TO OPERATE A MOTOR VEHICLE, ALL OF THE FOLLOWING:

8 (i) ON BEHALF OF THE SECRETARY OF STATE, IMMEDIATELY NOTIFY
9 THE PERSON IN WRITING ON A FORM PROVIDED BY THE SECRETARY OF
10 STATE THAT HIS OR HER PRIVILEGE TO OPERATE A MOTOR VEHICLE IN
11 THIS STATE IS DENIED AS PROVIDED UNDER SECTION 625F, EFFECTIVE 14
12 DAYS AFTER THE DATE OF THE NOTICE. THE PEACE OFFICER SHALL SIGN
13 THE NOTICE AND PROVIDE A COPY OF THE NOTICE TO THE PERSON.

14 (ii) IMMEDIATELY FORWARD TO THE SECRETARY OF STATE A COPY OF
15 THE WRITTEN NOTICE ISSUED UNDER SUBPARAGRAPH (i) AND A COPY OF
16 THE WRITTEN REPORT OF THE PERSON'S REFUSAL TO SUBMIT TO A CHEMI-
17 CAL TEST OR, IF A CHEMICAL TEST WAS ADMINISTERED AND THE TEST
18 REVEALED AN ALCOHOL CONCENTRATION OF 0.08% OR MORE OR THE PERSON
19 IS LESS THAN 21 YEARS OF AGE AND THE TEST REVEALED AN ALCOHOL
20 CONCENTRATION OF MORE THAN 0.00%, A WRITTEN REPORT OF THE TEST
21 RESULTS.

22 (3) A REPORT PREPARED UNDER SUBSECTION (i) STATING THAT THE
23 PERSON REFUSED A CHEMICAL TEST OFFERED PURSUANT TO
24 SECTION 625A(3) SHALL CONTAIN ALL OF THE FOLLOWING ON A FORM PRE-
25 SCRIBED BY THE SECRETARY OF STATE:

26 (A) A STATEMENT THAT THE PEACE OFFICER HAD REASONABLE
27 GROUNDS TO BELIEVE THE PERSON HAD COMMITTED A CRIME DESCRIBED IN

1 SECTION 625C(1), OR THAT THE PERSON WAS LESS THAN 21 YEARS OF AGE
2 AND OPERATING A MOTOR VEHICLE UPON A PUBLIC HIGHWAY OR OTHER
3 PLACE OPEN TO THE GENERAL PUBLIC, INCLUDING AN AREA DESIGNATED
4 FOR THE PARKING OF VEHICLES, IN THIS STATE WHILE HAVING AN ALCO-
5 HOL CONCENTRATION OF MORE THAN 0.00%.

6 (B) A STATEMENT THAT THE PERSON REFUSED TO SUBMIT TO THE
7 TEST UPON THE REQUEST OF THE PEACE OFFICER.

8 (C) A STATEMENT THAT THE PERSON HAD BEEN ADVISED OF THE CON-
9 SEQUENCES OF THE REFUSAL.

10 (4) A REPORT PREPARED UNDER THIS SECTION STATING THAT A
11 CHEMICAL TEST WAS ADMINISTERED TO THE PERSON PURSUANT TO
12 SECTION 625A(3) SHALL CONTAIN ALL OF THE FOLLOWING INFORMATION ON
13 A FORM PRESCRIBED BY THE SECRETARY OF STATE:

14 (A) A STATEMENT THAT THE PEACE OFFICER HAD REASONABLE
15 GROUNDS TO BELIEVE THE PERSON HAD COMMITTED A CRIME DESCRIBED IN
16 SECTION 625C(1), OR THAT THE PERSON WAS LESS THAN 21 YEARS OF AGE
17 AND OPERATING A MOTOR VEHICLE UPON A PUBLIC HIGHWAY OR OTHER
18 PLACE OPEN TO THE GENERAL PUBLIC, INCLUDING AN AREA DESIGNATED
19 FOR THE PARKING OF VEHICLES, IN THIS STATE WITH AN ALCOHOL CON-
20 CENTRATION OF MORE THAN 0.00%.

21 (B) A STATEMENT THAT A CHEMICAL TEST WAS ADMINISTERED TO THE
22 PERSON UNDER SECTION 625C.

23 (C) A STATEMENT OF THE TEST RESULTS.

24 (5) IF A PEACE OFFICER FAILS TO NOTIFY A PERSON IN WRITING
25 THAT THE PERSON'S LICENSE, PERMIT, OR PRIVILEGE TO OPERATE A
26 MOTOR VEHICLE IS SUSPENDED OR DENIED FOR REFUSING A CHEMICAL TEST
27 OFFERED PURSUANT TO SECTION 625A(3), OR BECAUSE THE PERSON WAS

1 LESS THAN 21 YEARS OF AGE AND OPERATING A MOTOR VEHICLE UPON A
2 PUBLIC HIGHWAY OR OTHER PLACE OPEN TO THE GENERAL PUBLIC, INCLUD-
3 ING AN AREA DESIGNATED FOR THE PARKING OF VEHICLES, IN THIS STATE
4 WHILE HAVING AN ALCOHOL CONCENTRATION OF MORE THAN 0.00%, THE
5 SECRETARY OF STATE SHALL IMMEDIATELY NOTIFY THE PERSON IN WRITING
6 MAILED TO THE PERSON'S LAST KNOWN ADDRESS THAT THE PERSON'S
7 LICENSE IS SUSPENDED EFFECTIVE 14 DAYS AFTER THE DATE OF THE
8 NOTICE.

9 Sec. 625f. (1) ~~if the~~ EXCEPT FOR A CAUSE THAT HAS BEEN
10 REMOVED, IF A person ~~who~~ refuses to submit to a chemical test
11 pursuant to section 625d, ~~does not request a hearing within 14~~
12 ~~days of the date of notice pursuant to section 625e~~ OR IF THE
13 TEST WAS ADMINISTERED TO A PERSON LESS THAN 21 YEARS OF AGE AND
14 THE TEST REVEALED AN ALCOHOL CONCENTRATION OF MORE THAN 0.00%,
15 the secretary of state shall, SUBJECT TO THE NOTIFICATION
16 REQUIREMENTS OF SECTION 625D, suspend the person's operator's or
17 chauffeur's license or permit to drive, or nonresident operating
18 privilege, for a period of 6 months, or for a second or subse-
19 quent refusal within a period of ~~7~~ 10 years, for 1 year. If
20 the person is a resident without a license or permit to operate a
21 vehicle in the state, the secretary OF STATE shall, SUBJECT TO
22 THE NOTIFICATION REQUIREMENTS OF SECTION 625D, deny to the person
23 the issuance of a license or permit for a period of 6 months, or
24 ~~7~~ for a second or subsequent refusal within a period of ~~7~~ 10
25 years, for 1 year.

26 ~~(2) If a hearing is requested, the secretary of state shall~~
27 ~~hold the hearing in the same manner and under the same conditions~~

1 ~~as provided in section 322. At least 10 days' notice of the~~
2 ~~hearing shall be mailed to the person requesting the hearing, to~~
3 ~~the peace officer who filed the report under section 625d, and,~~
4 ~~if the prosecuting attorney requests receipt of the notice, to~~
5 ~~the prosecuting attorney of the county where the arrest was~~
6 ~~made. The hearing officer shall be authorized to administer~~
7 ~~oaths, issue subpoenas for the attendance of necessary witnesses,~~
8 ~~and may grant a reasonable request for an adjournment. The hear-~~
9 ~~ing shall cover only the following issues:~~

10 ~~(a) Whether the peace officer had reasonable grounds to~~
11 ~~believe that the person had committed a crime described in sec-~~
12 ~~tion 625c(1).~~

13 ~~(b) Whether the person was placed under arrest for a crime~~
14 ~~described in section 625c(1).~~

15 ~~(c) Whether the person reasonably refused to submit to the~~
16 ~~test upon the request of the officer.~~

17 ~~(d) Whether the person was advised of the rights under sec-~~
18 ~~tions 625a and 625c.~~

19 ~~(3) The hearing officer shall make a record of proceedings~~
20 ~~held pursuant to subsection (2). The record shall be prepared~~
21 ~~and transcribed in accordance with section 86 of the administra-~~
22 ~~tive procedures act of 1969, Act No. 306 of the Public Acts of~~
23 ~~1969, being section 24.286 of the Michigan Compiled Laws. Upon~~
24 ~~notification of the filing of a petition for judicial review pur-~~
25 ~~suant to section 323, the hearing officer shall transmit to the~~
26 ~~court in which the petition was filed, not less than 10 days~~
27 ~~before the matter is set for review, the original or a certified~~

~~1 copy of the official record of the proceedings. Proceedings at
2 which evidence was presented need not be transcribed and trans-
3 mitted if the sole reason for review is to determine whether or
4 not the court will order the issuance of a restricted license.
5 The parties to the proceedings for judicial review may stipulate
6 that the record be shortened. A party unreasonably refusing to
7 stipulate to a shortened record may be taxed by the court in
8 which the petition is filed for the additional costs. The court
9 may permit subsequent corrections to the record.~~

~~10 (4) After the hearing, the secretary of state may suspend or
11 deny issuance of a license or driving permit or a nonresident
12 operating privilege of the person involved for a period of 6
13 months, or, for a second or subsequent refusal within 7 years,
14 for 1 year. If the person involved is a resident without a
15 license or permit to operate a vehicle in the state, the secre-
16 tary of state may deny to the person the issuance of a license or
17 permit for a period of 6 months, or, for a second or subsequent
18 refusal within 7 years, for 1 year. The person involved may file
19 a petition in the circuit court of the county in which the arrest
20 was made to review the suspension or denial as provided in sec-
21 tion 323.~~

~~22 (2) (5) When it has been finally determined that a
23 nonresident's privilege to operate a vehicle in the state has
24 been suspended or denied, the department shall give notice in
25 writing of the action taken to the motor vehicle administrator of
26 the state of the person's residence and of each state in which he
27 or she has a license to operate a motor vehicle.~~

1 Sec. 625h. (1) A peace officer who has reasonable cause to
2 believe that a person was operating a vehicle upon a public high-
3 way or other place open to the general public, including an area
4 designated for the parking of vehicles, in the state, and that
5 the person by the consumption of intoxicating liquor may have
6 affected his or her ability to operate a vehicle, may require the
7 person to submit to a preliminary chemical breath analysis.

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

10 (3) The results of a preliminary chemical breath analysis
11 shall be admissible in a criminal prosecution for a crime enumer-
12 ated in section ~~625a(1)~~ 625A(3)(A) or in an administrative
13 hearing under section 625f, solely to assist the court or hearing
14 officer in determining a challenge to the validity of an arrest.
15 This subsection does not limit the introduction of other compe-
16 tent evidence offered to establish the validity of an arrest.

17 (4) A person who submits to a preliminary chemical breath
18 analysis shall remain subject to the requirements of sections
19 625a, 625c, 625d, 625e, and 625f for the purposes of chemical
20 tests described in those sections.

21 (5) A person who refuses to submit to a preliminary chemical
22 breath analysis upon a lawful request by a peace officer is
23 responsible for a civil infraction.

24 (6) Section 625g shall apply to a preliminary chemical
25 breath analysis.

26 Sec. 625i. ~~-(1)-~~ The department of state police shall
27 prepare an annual report which shall be designated the Michigan

1 annual drunk driving audit. THE SECRETARY OF STATE, CIRCUIT
 2 COURT, DISTRICT COURT, PROBATE COURT, AND LOCAL UNITS OF GOVERN-
 3 MENT IN THIS STATE SHALL COOPERATE WITH THE DEPARTMENT OF STATE
 4 POLICE TO PROVIDE INFORMATION NECESSARY FOR THE PREPARATION OF
 5 THE REPORT. EACH CIRCUIT COURT JUDGE, DISTRICT COURT JUDGE, AND
 6 PROBATE COURT JUDGE SHALL PROVIDE SEPARATE INFORMATION TO THE
 7 DEPARTMENT OF STATE POLICE UNDER THIS SECTION. A COPY OF THE
 8 REPORT SHALL BE SUBMITTED TO THE GOVERNOR, THE SECRETARY OF THE
 9 SENATE, THE CLERK OF THE HOUSE OF REPRESENTATIVES, AND THE SECRE-
 10 TARY OF STATE ON JUNE 1 OF EACH YEAR. The report shall contain
 11 for each county in the state all of the following information
 12 applicable to the immediately preceding calendar year:

13 (a) The number of alcohol related motor vehicle accidents
 14 resulting in bodily injury, including a breakdown of the number
 15 of those injuries occurring per capita of population and per road
 16 mile in the county.

17 (b) The number of alcohol related motor vehicle accidents
 18 resulting in death, including the breakdown described in subdivi-
 19 sion (a).

20 (c) The number of alcohol related motor vehicle accidents,
 21 other than those ~~described~~ ENUMERATED in subdivisions (a) and
 22 (b), including the breakdown described in subdivision (a).

23 (d) The number of arrests made for ~~a violation~~ VIOLATIONS
 24 of section ~~625(1) or (2)~~, 625(1)(A) OR (B) or ~~a~~ local
 25 ~~ordinance~~ ORDINANCES substantially corresponding to section
 26 ~~625(1) or (2)~~ 625(1)(A) OR (B).

1 (e) The number of arrests made for ~~a violation~~ VIOLATIONS
2 of section ~~625b~~ 625(3) or ~~a local ordinance~~ ORDINANCES
3 substantially corresponding to section ~~625b~~ 625(3).

4 (f) The number of operator's or chauffeur's licenses sus-
5 pended pursuant to section 625f. ~~for refusal to submit to a~~
6 ~~chemical test.~~

7 (g) The number of convictions ~~of~~ FOR crimes enumerated in
8 subdivisions (d) and (e).

9 (h) The number of licenses suspended or revoked as a result
10 of convictions ~~of~~ FOR crimes enumerated in subdivisions (d) and
11 (e).

12 (i) The number of restricted licenses issued as a result of
13 convictions ~~of~~ FOR crimes enumerated in subdivisions (d) and
14 (e).

15 (j) The average fine, length of imprisonment, and period of
16 license suspension imposed as part of the sentence for each crime
17 enumerated in subdivisions (d) and (e).

18 ~~(2) The secretary of state and the circuit courts, district~~
19 ~~courts, and local units of government in the state shall cooper-~~
20 ~~ate with the department of state police to provide information~~
21 ~~necessary for the preparation of the report.~~

22 ~~(3) A copy of the report required under this section shall~~
23 ~~be submitted to the governor, to the secretary of the senate, and~~
24 ~~to the clerk of the house of representatives on June 1 of each~~
25 ~~year.~~

26 Sec. 727. When a person is arrested without a warrant in
27 any of the following cases, the arrested person shall, without

1 unreasonable delay, be taken before a magistrate who is nearest
2 or most accessible within the judicial district as provided in
3 section 13 of chapter IV of the code of criminal procedure, Act
4 No. 175 of the Public Acts of 1927, being section 764.13 of the
5 Michigan Compiled Laws, or, if a minor, taken before the probate
6 court within the county in which the offense charged is alleged
7 to have been committed:

8 (1) When the person is arrested upon a charge of negligent
9 homicide.

10 (2) When the person is arrested under section ~~625~~ 625(1)
11 or an ordinance substantially corresponding to that section.

12 (3) When a person is arrested under section 626 or an ordi-
13 nance substantially corresponding to that section. If under the
14 existing circumstances it does not appear that releasing the
15 person pending the issuance of a warrant will constitute a public
16 menace, the arresting officer may proceed ~~in such cases~~ as pro-
17 vided by section 728.

18 (4) When a person arrested does not have in his or her imme-
19 diate possession a valid operator's or chauffeur's license or the
20 receipt described in section 311a. If the arresting officer oth-
21 erwise satisfactorily determines the identity of the person and
22 the practicability of subsequent apprehension in the event of the
23 person's failure to voluntarily appear before a designated magis-
24 trate or probate court as directed, the officer may release the
25 person from custody with instructions to appear in court, given
26 in the form of a citation as prescribed by section 728.

1 Sec. 732. (1) Each municipal judge and each clerk of a
2 court of record shall keep a full record of every case in which a
3 person is charged with or cited for a violation of this act or of
4 a law corresponding to this act regulating the operation of vehi-
5 cles on highways.

6 (2) Within 14 days after the conviction or forfeiture of
7 bail of a person, or entry of a civil infraction determination,
8 default judgment, or probate court order of disposition for a
9 child found to be within the provisions of chapter XIIIA of Act
10 No. 288 of the Public Acts of 1939, being sections 712A.1 to
11 712A.28 of the Michigan Compiled Laws, upon a charge of, or
12 citation for, violating this act or a local ordinance correspond-
13 ing to this act regulating the operation of vehicles on highways,
14 except as provided in subsection (12), the municipal judge or
15 clerk of the court of record shall prepare and immediately for-
16 ward to the secretary of state an abstract of the record of the
17 court for the case. The abstract shall be certified by signa-
18 ture, stamp, or facsimile signature by the person required to
19 prepare the abstract to be true and correct. If a city or vil-
20 lage department, bureau, or person is authorized to accept a pay-
21 ment of money as a settlement for a violation of a local ordi-
22 nance corresponding to this act, the city or village department,
23 bureau, or person shall send a full report of each case in which
24 a person pays any amount of money to the city or village depart-
25 ment, bureau, or person to the secretary of state upon a form
26 prescribed by the secretary of state.

1 (3) The abstract or report required under this section shall
2 be made upon a form furnished by the secretary of state and shall
3 include the name, address, and date of birth of the person
4 charged or cited; the number of the person's operator's or
5 chauffeur's license, if any; the date and nature of the viola-
6 tion; the type of vehicle driven at the time of the violation and
7 if the vehicle is a commercial motor vehicle, that vehicle's
8 group designation and indorsement classification; the date of the
9 conviction, finding, forfeiture, judgment, or determination;
10 whether bail was forfeited; any license revocation, restriction,
11 suspension, or denial ordered by the court pursuant to this act;
12 and other information considered necessary to the secretary of
13 state.

14 (4) The clerk of the court also shall forward an abstract of
15 the record of the court to the secretary of state upon the con-
16 viction of a person or entry of a probate court order of disposi-
17 tion for a child found to be within the provisions of chapter
18 XIIIA of Act No. 288 of the Public Acts of 1939, being sections
19 712A.1 to 712A.28 of the Michigan Compiled Laws, involving a vio-
20 lation of section 324, 413, 414, or 479a of the Michigan penal
21 code, Act No. 328 of the Public Acts of 1931, being sections
22 750.324, 750.413, 750.414, and 750.479a of the Michigan Compiled
23 Laws; a violation of section 1 of Act No. 214 of the Public Acts
24 of 1931, being section 752.191 of the Michigan Compiled Laws; or
25 an attempt to commit any of these offenses.

26 (5) As used in subsections (6) to (8), "felony in which a
27 motor vehicle was used" means a felony during the commission of

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

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

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

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

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

10 (6) If a person is charged with a felony in which a motor
11 vehicle was used, other than a felony specified in subsection (4)
12 ~~or~~ or section 319(1)(a) to (f), the prosecuting attorney shall
13 include the following statement on the complaint and information
14 filed in district or circuit court:

15 "You are charged with the commission of a felony in which a
16 motor vehicle was used. If you are convicted and the judge finds
17 that the conviction is for a felony in which a motor vehicle was
18 used, as defined in section 319 of the Michigan vehicle code, Act
19 No. 300 of the Public Acts of 1949, being section 257.319 of the
20 Michigan Compiled Laws, your driver's license shall be suspended
21 by the secretary of state."

22 (7) If a child is accused of an act the nature of which con-
23 stitutes a felony in which a motor vehicle was used, other than a
24 felony specified in subsection (4) or section 319(1)(a) to (f),
25 the prosecuting attorney or juvenile court shall include on the
26 petition filed in the probate court:

1 "You are accused of an act the nature of which constitutes a
2 felony in which a motor vehicle was used. If the accusation is
3 found to be true and the judge or referee finds that the nature
4 of the act constitutes a felony in which a motor vehicle was
5 used, as defined in section 319 of the Michigan vehicle code, Act
6 No. 300 of the Public Acts of 1949, being section 257.319 of the
7 Michigan Compiled Laws, your driver's license shall be suspended
8 by the secretary of state."

9 (8) If the judge or juvenile court referee determines as
10 part of the sentence or disposition that the felony for which the
11 defendant was convicted or adjudicated and with respect to which
12 notice was given pursuant to subsection (6) or (7) is a felony in
13 which a motor vehicle was used, the clerk of the court shall for-
14 ward an abstract of the court record of that conviction or adju-
15 dication to the secretary of state.

16 (9) As used in subsections (10) and (11), "Felony in which a
17 commercial motor vehicle was used" means a felony during the com-
18 mission of which the person operated a commercial motor vehicle
19 and while operating the vehicle 1 or more of the following cir-
20 cumstances 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.

1 (10) If a person is charged with a felony in which a
2 commercial motor vehicle was used and for which a vehicle group
3 designation on a license is subject to suspension under section
4 319b(1)(c)(iii), (d), or (e)(iii) or (v), the prosecuting attor-
5 ney shall include the following statement on the complaint and
6 information filed in district or circuit court:

7 "You are charged with the commission of a felony in which a
8 commercial motor vehicle was used. If you are convicted and the
9 judge finds that the conviction is for a felony in which a com-
10 mercial motor vehicle was used, as defined in section 319b of the
11 Michigan vehicle code, Act No. 300 of the Public Acts of 1949,
12 being section 257.319b of the Michigan Compiled Laws, all vehicle
13 group designations on your driver's license shall be suspended by
14 the secretary of state."

15 (11) If the judge determines as part of the sentence that
16 the felony for which the defendant was convicted and with respect
17 to which notice was given pursuant to subsection (10) is a felony
18 in which a commercial motor vehicle was used, the clerk of the
19 court shall forward an abstract of the court record of that con-
20 viction to the secretary of state.

21 (12) Every person required to forward abstracts to the sec-
22 retary of state under this section shall certify for the period
23 from January 1 through June 30 and for the period from July 1
24 through December 31 that all abstracts required to be forwarded
25 during the period have been forwarded. The certification shall
26 be filed with the secretary of state not later than 28 days after
27 the end of the period covered by the certification. The

1 certification shall be made upon a form furnished by the
2 secretary of state and shall include all of the following:

3 (a) The name and title of the person required to forward
4 abstracts.

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

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

7 (d) The following statement:

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

12 (e) Other information the secretary of state considers
13 necessary.

14 (f) The signature of the person required to forward
15 abstracts.

16 (13) The failure, refusal, or neglect of a person to comply
17 with this section shall constitute misconduct in office and shall
18 be grounds for removal from office.

19 (14) Except as provided in subsection ~~-(12)-~~ (15), the sec-
20 retary of state shall keep all abstracts received under this sec-
21 tion at the secretary of state's main office and the abstracts
22 shall be open for public inspection during the office's usual
23 business hours. Each abstract shall be entered upon the master
24 driving record of the person to whom it pertains.

25 (15) The court shall not submit, and the secretary of state
26 shall discard and not enter on the master driving record, an
27 abstract for a conviction, civil infraction determination, or

1 probate court order of disposition for any of the following
2 offenses:

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

4 (b) A nonmoving violation which is not the basis for the
5 secretary of state's suspension, revocation, or denial of an
6 operator's or chauffeur's license.

7 (c) A violation of chapter II which is not the basis for the
8 secretary of state's suspension, revocation, or denial of an
9 operator's or chauffeur's license.

10 (d) A pedestrian, passenger, or bicycle violation.

11 (e) A violation of section 710e.

12 (16) The secretary of state shall discard and not enter on
13 the master driving record an abstract for a bond forfeiture which
14 occurred outside this state. However, the secretary of state
15 shall retain and enter on the master driving record an abstract
16 of an out-of-state bond forfeiture for an offense which occurred
17 after October 1, 1989 in connection with the operation of a com-
18 mercial motor vehicle.

19 (17) The secretary of state shall inform the courts of this
20 state of the nonmoving violations and violations of chapter II
21 which are used by the secretary of state as the basis for the
22 suspension, restriction, revocation, or denial of an operator's
23 or chauffeur's license.

24 (18) If a conviction, civil infraction determination, or
25 probate court order of disposition is reversed upon appeal, the
26 person whose conviction, determination, or order of disposition
27 has been reversed may serve on the secretary of state a certified

1 copy of the order of reversal, and the secretary of state shall
2 enter the order in the proper book or index in connection with
3 the record of the conviction, civil infraction determination, or
4 probate court order of disposition.

5 (19) The secretary of state may permit a city or village
6 department, bureau, person, or court to modify the requirement as
7 to the time and manner of reporting a conviction, civil infrac-
8 tion determination, settlement, or probate court order of dispo-
9 sition to the secretary of state when the modification will
10 increase the economy and efficiency of collecting and utilizing
11 the records. If the permitted abstract of court record reporting
12 a conviction, civil infraction determination, settlement, or pro-
13 bate court order of disposition originates as a part of the writ-
14 ten notice to appear, authorized in section 728(1) or 742(1), the
15 form of the written notice and report shall be as prescribed by
16 the secretary of state.

17 Sec. 904. (1) A person whose operator's or chauffeur's
18 license or registration certificate has been suspended or revoked
19 and who has been notified as provided in section 212 of that sus-
20 pension or revocation, ~~or~~ whose application for license has
21 been denied, ~~as provided in this act,~~ or who has never applied
22 for a license, ~~and who operates~~ SHALL NOT OPERATE a motor vehi-
23 cle upon the highways of this state. ~~or who~~ A PERSON SHALL NOT
24 knowingly ~~permits~~ PERMIT a motor vehicle owned by the person to
25 be operated ~~by another~~ upon a highway, ~~except as permitted~~
26 ~~under this act, while the~~ BY A PERSON WHOSE license or
27 registration certificate is suspended or revoked, ~~or~~ whose

1 application for license has been denied, ~~as provided in this~~
2 ~~act,~~ OR WHO HAS NEVER APPLIED FOR A LICENSE, EXCEPT AS PERMITTED
3 UNDER THIS ACT. A PERSON WHO VIOLATES THIS SUBSECTION is guilty
4 of a misdemeanor, punishable AS FOLLOWS: ~~, except as provided in~~
5 ~~subsections (2) and (3), by imprisonment for not less than 3 days~~
6 ~~nor more than 90 days, or a fine of not more than \$100.00, or~~
7 ~~both. Unless the vehicle was stolen or used with the permission~~
8 ~~of a person who did not knowingly permit an unlicensed driver to~~
9 ~~operate the vehicle, the registration plates of the vehicle shall~~
10 ~~be confiscated.~~

11 (A) ~~(2) A person whose~~ IF THE PERSON'S operator's or
12 chauffeur's license has been suspended under section 321a because
13 that person has failed to answer a citation or has failed to
14 comply with an order or judgment issued pursuant to section 907,
15 ~~and who operates a motor vehicle upon a highway, may be~~
16 ~~punished~~ by imprisonment for not more than 90 days, or a fine of
17 not more than \$100.00, or both.

18 (B) FOR A VIOLATION, OTHER THAN A VIOLATION PUNISHABLE UNDER
19 SUBDIVISION (A), BY IMPRISONMENT FOR NOT LESS THAN 90 DAYS, OR BY
20 A FINE OF NOT MORE THAN \$500.00, OR BOTH.

21 (C) ~~(3) A person convicted of~~ FOR a second or subsequent
22 violation ~~of this section is guilty of a misdemeanor,~~ punish-
23 able UNDER SUBDIVISION (B), by imprisonment for not ~~less than 5~~
24 ~~days nor~~ more than 1 year, or a fine of not more than ~~\$500.00~~
25 \$1,000.00, or both. ~~Unless the vehicle was stolen, the regis-~~
26 ~~tration plates of the vehicle shall be confiscated.~~

1 (2) ~~(4)~~ The secretary of state, upon receiving a record of
 2 the conviction or probate court finding of a person upon a charge
 3 of unlawful operation of a motor vehicle while the license of the
 4 person is suspended ~~,~~ OR revoked ~~, or denied,~~ or of the con-
 5 viction, civil infraction determination, or probate court finding
 6 of a person for a MOVING violation of the ~~motor~~ vehicle laws of
 7 this state OR A POLITICAL SUBDIVISION OF THIS STATE while the
 8 license of the person is suspended ~~,~~ OR revoked ~~, or denied,~~
 9 immediately shall extend the period of the first suspension or
 10 revocation for an additional like period. ~~, or if a period has~~
 11 ~~not been determined, then for not less than 30 days nor more than~~
 12 ~~1 year.~~ THIS SUBSECTION SHALL APPLY ONLY IF THE VIOLATION OCCURS
 13 DURING A SUSPENSION OF DEFINITE LENGTH, OR IF THE VIOLATION
 14 OCCURS BEFORE THE PERSON IS APPROVED FOR A LICENSE FOLLOWING A
 15 REVOCATION.

16 (3) ~~(5)~~ The secretary of state, upon receiving a record of
 17 the conviction, bond forfeiture, or a civil infraction determina-
 18 tion of a person upon a charge of unlawful operation of a motor
 19 vehicle requiring a class 1, class 2, or class 3 indorsement or
 20 vehicle group designation while the indorsement or designation is
 21 suspended pursuant to section 319a or 319b, OR REVOKED, immedi-
 22 ately shall extend the period of suspension OR REVOCATION for an
 23 additional like period. This subsection shall apply ~~to a~~ ONLY
 24 IF THE VIOLATION OCCURS DURING A SUSPENSION OF DEFINITE LENGTH,
 25 OR IF THE VIOLATION OCCURS BEFORE THE PERSON IS APPROVED FOR A
 26 LICENSE FOLLOWING A REVOCATION, OR IF THE person ~~who~~ operates a

1 commercial vehicle while disqualified under title XII of Public
2 Law 99-570, 100 Stat. 3207.

3 (4) ~~(6)~~ Before ~~the plea of the person is accepted under~~
4 A PERSON IS ARRAIGNED BEFORE A DISTRICT COURT MAGISTRATE OR JUDGE
5 ON A CHARGE OF VIOLATING this section, the arresting officer
6 shall ~~check with~~ OBTAIN THE DRIVING RECORD OF THE PERSON FROM
7 the secretary of state ~~to determine the record and status of the~~
8 ~~person according to the records of the secretary of state and so~~
9 ~~inform~~ AND SHALL FURNISH THE RECORD TO the court.

10 (5) ~~(7)~~ This section shall not apply to a person who oper-
11 ates a vehicle solely for the purpose of protecting human life or
12 property, if the life or property is endangered and the summoning
13 of prompt aid is essential.

14 Section 2. Section 625e of Act No. 300 of the Public Acts
15 of 1949, being section 257.625e of the Michigan Compiled Laws, is
16 repealed.