

# HOUSE BILL No. 6062

September 19, 1990, Introduced by Rep. Fitzgerald and referred to the Committee on Judiciary.

A bill to amend sections 312, 319, 625, 625b, and 625f of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code,"

section 319 as amended by Act No. 406 of the Public Acts of 1988, sections 625 and 625b as amended by Act No. 109 of the Public Acts of 1987, and section 625f as amended by Act No. 310 of the Public Acts of 1982, being sections 257.312, 257.319, 257.625, 257.625b, and 257.625f of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Sections 312, 319, 625, 625b, and 625f of Act  
2 No. 300 of the Public Acts of 1949, section 319 as amended by Act  
3 No. 406 of the Public Acts of 1988, sections 625 and 625b as  
4 amended by Act No. 109 of the Public Acts of 1987, and section  
5 625f as amended by Act No. 310 of the Public Acts of 1982, being

1 sections 257.312, 257.319, 257.625, 257.625b, and 257.625f of the  
2 Michigan Compiled Laws, are amended to read as follows:

3       Sec. 312. (1) Upon proper showing of extenuating circum-  
4 stances and special reasons, or need by an applicant who meets  
5 the age qualifications and when accompanied by the fee as pro-  
6 vided in this act, the secretary of state may recommend a  
7 restricted operator's or chauffeur's license containing condi-  
8 tions and restrictions applicable to the licensee, the type of  
9 special mechanical control devices required in a motor vehicle  
10 operated by the licensee, and the area, time, or other condition  
11 which the secretary of state considers necessary to assure the  
12 safe operation of a vehicle by the licensee and under which the  
13 licensee may operate a motor vehicle. A RESTRICTED OPERATOR'S OR  
14 CHAUFFEUR'S LICENSE SHALL NOT BE ISSUED TO A PERSON LESS THAN 21  
15 YEARS OF AGE DURING THE PERIOD THAT PERSON'S OPERATOR'S LICENSE,  
16 CHAUFFEUR'S LICENSE, OR OPERATING PRIVILEGE IS SUSPENDED, OR  
17 DURING THE PERIOD THAT PERSON IS INELIGIBLE TO RECEIVE A LICENSE,  
18 AS A RESULT OF A CONVICTION OR PROBATE COURT ORDER OF DISPOSITION  
19 FINDING THAT THE PERSON VIOLATED SECTION 625(1), 625(2), OR 625B,  
20 OR THAT THE PERSON VIOLATED SECTION 33B OF THE MICHIGAN LIQUOR  
21 CONTROL ACT, ACT NO. 8 OF THE PUBLIC ACTS OF THE EXTRA SESSION OF  
22 1933, BEING SECTION 436.33B OF THE MICHIGAN COMPILED LAWS. A  
23 license issued to a person who is at least 14 years of age and  
24 under 16 years of age shall contain only the conditions determin-  
25 ing the hours during which the licensee may drive a motor vehicle  
26 and the purpose for which ~~it~~ THE VEHICLE is to be driven. ~~A~~  
27 THE SECRETARY OF STATE SHALL, UPON THE WRITTEN REQUEST OF A

1 PARENT, GUARDIAN, OR PERSON STANDING IN LOCO PARENTIS, REVOKE A  
2 license issued to a minor who is at least 14 years of age and  
3 under 16 years of age. ~~shall be revoked by the secretary of~~  
4 ~~state on the written request of a parent, guardian, or person~~  
5 ~~standing in loco parentis.~~

6 (2) An operator's license issued to a person who is at least  
7 14 years of age and under 16 years of age shall expire 1 year  
8 after issuance of the license.

9 (3) The secretary of state, upon receiving satisfactory evi-  
10 dence of a violation of the restrictions of the license, may sus-  
11 pend or revoke the license.

12 (4) A person who violates a restriction imposed in a  
13 restricted license issued to that person is guilty of a  
14 misdemeanor. This subsection shall not apply to a person who is  
15 at least 14 years of age and under 16 years of age.

16 (5) ~~If a motor vehicle is being driven by a person who is~~  
17 ~~at least 14 years of age and under 16 years of age, and that~~  
18 ~~person is accompanied by a parent, guardian, or person standing~~  
19 ~~in loco parentis, the conditions, limitations, and restrictions~~  
20 ~~set forth in this section shall not be applicable.~~ THE CONDI-  
21 TIONS, LIMITATIONS, AND RESTRICTIONS SET FORTH IN THIS SECTION  
22 SHALL NOT APPLY TO A PERSON WHO IS AT LEAST 14 YEARS OF AGE AND  
23 LESS THAN 16 YEARS OF AGE IF EACH OF THE FOLLOWING IS MET:

24 (A) THAT PERSON IS DRIVING A MOTOR VEHICLE WHILE ACCOMPANIED  
25 BY A PARENT, GUARDIAN, OR PERSON STANDING IN LOCO PARENTIS.

1 (B) THAT PERSON HAS NOT VIOLATED SECTION 625(1), 625(2), OR  
2 625B, OR SECTION 33B OF ACT NO. 8 OF THE PUBLIC ACTS OF THE EXTRA  
3 SESSION OF 1933.

4 Sec. 319. (1) The secretary of state shall immediately  
5 suspend, for a period of not less than 90 days ~~, nor~~ OR more  
6 than 2 years, the license of a person upon receiving a record of  
7 the conviction of the person or the entry of a probate court  
8 order of disposition for a child found to be within the provi-  
9 sions of chapter XIIIA of Act No. 288 of the Public Acts of 1939,  
10 being sections 712A.1 to 712A.28 of the Michigan Compiled Laws,  
11 for any of the following crimes or attempts to commit any of the  
12 following crimes, whether the conviction or probate court dispo-  
13 sition is under a law of this state, a local ordinance substan-  
14 tially corresponding to a law of this state, or a law of another  
15 state substantially corresponding to a law of this state:

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

18 (b) Perjury or the making of a false certification to the  
19 secretary of state under any law requiring the registration of a  
20 motor vehicle or regulating the operation of a motor vehicle on a  
21 highway.

22 (c) A violation of section 324, 413, or 414 of the Michigan  
23 penal code, Act No. 328 of the Public Acts of 1931, being sec-  
24 tions 750.324, 750.413, and 750.414 of the Michigan Compiled  
25 Laws; or a violation of section 1 of Act No. 214 of the Public  
26 Acts of 1931, being section 752.191 of the Michigan Compiled  
27 Laws.

1 (d) Conviction upon 3 charges of reckless driving within the  
2 preceding 12 months.

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

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

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

13 (ii) The vehicle was used to transport a victim of the  
14 felony.

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

16 (iv) The vehicle was necessary for the commission of the  
17 felony.

18 (2) ~~The secretary of state shall suspend, for the period~~  
19 ~~described in subsection (1), the license of a person upon receiv-~~  
20 ~~ing the record of conviction of the person for a violation of a~~  
21 ~~law of another state substantially corresponding to section~~  
22 ~~625(1) or (2).~~ THE SECRETARY OF STATE SHALL SUSPEND THE LICENSE  
23 OF A PERSON UPON RECEIVING THE RECORD OF CONVICTION, ADMINISTRA-  
24 TIVE ADJUDICATION, OR PROBATE COURT ADJUDICATION DETERMINING  
25 RESPONSIBILITY OF THAT PERSON FOR A VIOLATION OF A LAW OR ORDI-  
26 NANCE OF ANOTHER STATE SUBSTANTIALLY SIMILAR TO SECTION 625(1) OR  
27 (2). THE PERIOD OF SUSPENSION SHALL BE AS FOLLOWS:

1 (A) FOR A PERSON LESS THAN 21 YEARS OF AGE, THE SUSPENSION  
2 SHALL BE FOR A PERIOD OF NOT LESS THAN 1 YEAR AND NOT MORE THAN 2  
3 YEARS. DURING THE SUSPENSION PERIOD, THE SECRETARY OF STATE  
4 SHALL NOT ISSUE A RESTRICTED LICENSE TO THAT PERSON.

5 (B) FOR A PERSON 21 YEARS OF AGE OR OLDER, THE SUSPENSION  
6 SHALL BE FOR THE PERIOD DESCRIBED IN SUBSECTION (1).

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

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

21 (5) The secretary of state shall suspend, for a period of  
22 not less than 6 months nor more than 18 months, the license of a  
23 person having the following convictions within a 7-year period,  
24 whether under the law of this state, a local ordinance substan-  
25 tially corresponding to a law of this state, or a law of another  
26 state substantially corresponding to a law of this state:

1 (a) Two convictions under section 625b.

2 (b) One conviction under section 625(1) or (2) followed by 1  
3 conviction under section 625b.

4 (6) Upon receipt of a certificate of conviction pursuant to  
5 section 33b(3) of the Michigan liquor control act, Act No. 8 of  
6 the Public Acts of the Extra Session of 1933, being section  
7 436.33b of the Michigan Compiled Laws, or a local ordinance or  
8 law of another state substantially corresponding to section  
9 33b(3) of Act No. 8 of the Public Acts of the Extra Session of  
10 1933, the secretary of state shall suspend the person's  
11 operator's or chauffeur's license for a period of 90 days. A  
12 suspension under this subsection shall be in addition to any  
13 other suspension of the person's license.

14 (7) Upon receipt of the record of the conviction of a  
15 person, or the entry of a probate court order of disposition for  
16 a child found to be within the provisions of chapter XIIIA of Act  
17 No. 288 of the Public Acts of 1939, for a violation of section  
18 602a of this act or section 479a(1), (4), or (5) of Act No. 328  
19 of the Public Acts of 1931, being section 750.479a of the  
20 Michigan Compiled Laws, the secretary of state immediately shall  
21 suspend the license of the person for the period ordered by the  
22 court as part of the sentence or disposition.

23 (8) For purposes of this section, the secretary of state  
24 shall treat a conviction or probate court disposition for a child  
25 found to be within the provisions of chapter XIIIA of Act No. 288  
26 of the Public Acts of 1939 for an attempted offense as if the  
27 offense had been completed.

1           (9) THE SECRETARY OF STATE SHALL SUSPEND THE LICENSE OF A  
2 PERSON LESS THAN 21 YEARS OF AGE UPON RECEIVING A RECORD OF CON-  
3 VICTION, PROBATE COURT ADJUDICATION, OR ADMINISTRATIVE ADJUDICA-  
4 TION DETERMINING RESPONSIBILITY OF THAT PERSON FOR A VIOLATION OF  
5 SECTION 625(1), 625(2), OR 625B, OR A VIOLATION OF A LOCAL ORDI-  
6 NANCE OR LAW OF ANOTHER STATE SUBSTANTIALLY SIMILAR TO SECTION  
7 625(1), 625(2), OR 625B. THE SUSPENSION SHALL BE FOR A PERIOD OF  
8 NOT LESS THAN 1 YEAR AND NOT MORE THAN 2 YEARS. DURING THE SUS-  
9 PENSION PERIOD, THE SECRETARY OF STATE SHALL NOT ISSUE THAT  
10 PERSON A RESTRICTED LICENSE.

11           Sec. 625. (1) A person, whether licensed or not, who is  
12 under the influence of intoxicating liquor or a controlled sub-  
13 stance, or a combination of intoxicating liquor and a controlled  
14 substance, shall not operate a vehicle upon a highway or other  
15 place open to the general public, including an area designated  
16 for the parking of vehicles, within the state. A peace officer  
17 may, without a warrant, arrest a person when the peace officer  
18 has reasonable cause to believe that the person was, at the time  
19 of an accident, the driver of a vehicle involved in the accident  
20 and was operating the vehicle upon a public highway or other  
21 place open to the general public, including an area designated  
22 for the parking of vehicles, in the state while in violation of  
23 this subsection or of subsection (2), or of a local ordinance  
24 substantially corresponding to this subsection or subsection  
25 (2).

26           (2) A person, whether licensed or not, whose blood contains  
27 0.10% or more by weight of alcohol, shall not operate a vehicle



1 upon a highway or other place open to the general public,  
2 including an area designated for the parking of vehicles, within  
3 the state.

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

11 (4) Except as otherwise provided in this section, a person  
12 who is convicted of OR FOUND RESPONSIBLE BY THE JUVENILE DIVISION  
13 OF THE PROBATE COURT FOR a violation of subsection (1), (2), or  
14 (3) is guilty of a misdemeanor, punishable by imprisonment for  
15 not more than 90 days, or a fine of not less than \$100.00 ~~nor~~  
16 OR more than \$500.00, or both, together with costs of the  
17 prosecution. As part of the sentence for a violation of subsec-  
18 tion (1) or (2), the court shall order the secretary of state to  
19 suspend the operator's or chauffeur's license OR PERMIT TO DRIVE  
20 of the person for a period ~~of not less than 6 months nor more~~  
21 ~~than 2 years~~ NOT LESS THAN 1 YEAR OR MORE THAN 2 YEARS IF THAT  
22 PERSON IS LESS THAN 21 YEARS OF AGE, AND DURING THE SUSPENSION  
23 PERIOD, THAT PERSON IS INELIGIBLE FOR A RESTRICTED LICENSE. FOR  
24 A PERSON 21 YEARS OF AGE OR OLDER, THE SUSPENSION SHALL BE FOR A  
25 PERIOD OF NOT LESS THAN 6 MONTHS OR MORE THAN 2 YEARS. The court  
26 may order the secretary of state to issue to the person WHO IS 21  
27 YEARS OF AGE OR OLDER a restricted license permitting the person

1 during all or a specified portion of the period of suspension to  
2 drive only to and from the person's residence and work location;  
3 in the course of the person's employment or occupation; to and  
4 from an alcohol or drug education program or treatment program as  
5 ordered by the court; to and from the person's residence and an  
6 educational institution at which the person is enrolled as a stu-  
7 dent; or pursuant to a combination of these restrictions. The  
8 court may also order that the restricted license include the  
9 requirement that ~~a~~ THE person shall not operate a motor vehicle  
10 unless the vehicle is equipped with a functioning certified igni-  
11 tion interlock device. The device shall be set to render the  
12 motor vehicle inoperable if the device detects 0.02% or more by  
13 weight of alcohol in the blood of the person who offers a breath  
14 sample. The court may order installation of a certified ignition  
15 interlock device on any motor vehicle that the person owns or  
16 operates, the costs of which shall be borne by the person whose  
17 license is restricted. The court shall not order the secretary  
18 of state to issue a restricted chauffeur's license which would  
19 permit a person to operate a truck or truck tractor, including a  
20 trailer, which hauls hazardous material. The court shall not  
21 order the secretary of state to issue a restricted license unless  
22 the person states under oath and the court finds that the person  
23 is unable to take public transportation to and from his or her  
24 work location, place of alcohol or drug education or treatment,  
25 or educational institution, and does not have any family members  
26 or others able to provide transportation. The court order and  
27 license shall indicate the person's work location and the

1 approved route or routes and permitted times of travel. For  
2 purposes of this subsection, "work location" includes, as appli-  
3 cable, either or both of the following:

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

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

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

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

24 (7) As part of the sentence for a violation of subsection  
25 (1) or (2), or a local ordinance substantially corresponding to  
26 subsection (1) or (2), the court may order the person to perform  
27 service to the community, as designated by the court, without

1 compensation, for a period not to exceed 12 days. The person  
2 shall reimburse the state or appropriate local unit of government  
3 for the cost of insurance incurred by the state or local unit of  
4 government as a result of the person's activities under this  
5 subsection.

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

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

24 (10) The operator's or chauffeur's license of a person found  
25 guilty of violating subsection (1) or (2), or a local ordinance  
26 substantially corresponding to subsection (1) or (2), shall be  
27 surrendered to the court in which the person was convicted, and

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

15       Sec. 625b. (1) A person shall not operate a vehicle upon a  
16 highway or other place open to the general public, including an  
17 area designated for the parking of vehicles, within the state  
18 when, due to the consumption of an intoxicating liquor, a con-  
19 trolled substance, or a combination of an intoxicating liquor and  
20 a controlled substance, the person has visibly impaired his or  
21 her ability to operate the vehicle. If a person is charged with  
22 violating section 625(1) or (2), a finding of guilty is permissi-  
23 ble under this section.

24       (2) Except as otherwise provided in this section, a person  
25 convicted of OR FOUND RESPONSIBLE BY THE JUVENILE DIVISION OF THE  
26 PROBATE COURT FOR a violation of this section is guilty of a  
27 misdemeanor, punishable by imprisonment for not more than 90

1 days, or a fine of not more than \$300.00, or both, together with  
2 costs of the prosecution. As part of the sentence, the court  
3 shall order the secretary of state to suspend the operator's or  
4 chauffeur's license OR OPERATING PRIVILEGE of the person for a  
5 period ~~of not less than 90 days nor more than 1 year~~ NOT LESS  
6 THAN 1 YEAR OR MORE THAN 2 YEARS IF THAT PERSON IS LESS THAN 21  
7 YEARS OF AGE, AND DURING THE SUSPENSION PERIOD, THAT PERSON IS  
8 INELIGIBLE FOR A RESTRICTED LICENSE. FOR A PERSON 21 YEARS OF  
9 AGE OR OLDER, THE SUSPENSION SHALL BE FOR A PERIOD OF NOT LESS  
10 THAN 6 MONTHS OR MORE THAN 2 YEARS. The court may order the sec-  
11 retary of state to issue to the person 21 YEARS OF AGE OR OLDER a  
12 restricted license permitting the person during all or a speci-  
13 fied portion of the period of suspension to drive only to and  
14 from the person's residence and work location; in the course of  
15 the person's employment or occupation; to and from an alcohol or  
16 drug education program or treatment program as ordered by the  
17 court; to and from the person's residence and an educational  
18 institution at which the person is enrolled as a student; or pur-  
19 suant to a combination of these restrictions. The court may also  
20 order that the restricted license include the requirement that  
21 ~~a~~ THE person shall not operate a motor vehicle unless the vehi-  
22 cle is equipped with a functioning certified ignition interlock  
23 device. The device shall be set to render the motor vehicle  
24 inoperable if the device detects 0.02% or more by weight of alco-  
25 hol in the blood of the person who offers a breath sample. The  
26 court may order installation of a certified ignition interlock  
27 device on any motor vehicle that the person owns or operates, the

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

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

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

19 (3) A person who violates this section or a local ordinance  
20 substantially corresponding to this section within 7 years of a  
21 prior conviction may be sentenced to imprisonment for not more  
22 than 1 year, or a fine of not more than \$1,000.00, or both. As  
23 part of the sentence, the court shall order the secretary of  
24 state to suspend the operator's or chauffeur's license of the  
25 person for a period of not less than 6 months nor more than 18  
26 months. The court may order the secretary of state to issue to  
27 the person a restricted license as provided in subsection (2),

1 except that a restricted license shall not be issued during the  
2 first 60 days of the suspension period. For purposes of this  
3 section, "prior conviction" means a conviction under this sec-  
4 tion, section 625(1) or (2), a local ordinance substantially cor-  
5 responding to this section or section 625(1) or (2), or a law of  
6 another state substantially corresponding to this section or sec-  
7 tion 625(1) or (2).

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

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

22 (6) Before imposing sentence for a violation of this section  
23 or a local ordinance substantially corresponding to this section,  
24 the court shall order the person to undergo screening and assess-  
25 ment by a person or agency designated by the office of substance  
26 abuse services, to determine whether the person is likely to  
27 benefit from rehabilitative services, including alcohol or drug



1 education and alcohol or drug treatment programs. As part of the  
2 sentence, the court may order the person to participate in and  
3 successfully complete 1 or more appropriate rehabilitative  
4 programs. The person shall pay for the costs of the screening,  
5 assessment, and rehabilitative services.

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

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

1 secretary of state to rescind the suspension, revocation, or  
2 restricted license issued pursuant to this section.

3       Sec. 625f. (1) If the person who refuses to submit to a  
4 chemical test pursuant to section 625d IS 21 YEARS OF AGE OR  
5 OLDER, AND THAT PERSON does not request a hearing within 14 days  
6 of the date of notice pursuant to section 625e, the secretary of  
7 state shall suspend the person's operator's or chauffeur's  
8 license or permit to drive, or nonresident operating privilege,  
9 for a period of 6 months, or for a second or subsequent refusal  
10 within a period of 7 years, for 1 year. If the person is a resi-  
11 dent without a license or permit to operate a MOTOR vehicle in  
12 the state, the secretary shall deny to the person the issuance of  
13 a license or permit for a period of 6 months, or, for a second or  
14 subsequent refusal within a period of 7 years, for 1 year. IF  
15 THE PERSON WHO REFUSES TO SUBMIT TO A CHEMICAL TEST PURSUANT TO  
16 SECTION 625D IS LESS THAN 21 YEARS OF AGE, AND THAT PERSON DOES  
17 NOT REQUEST A HEARING WITHIN 14 DAYS OF THE DATE OF NOTICE PURSU-  
18 ANT TO SECTION 625E, THE SECRETARY OF STATE SHALL SUSPEND THE  
19 PERSON'S OPERATOR'S LICENSE, CHAUFFEUR'S LICENSE, PERMIT TO  
20 DRIVE, OR NONRESIDENT OPERATING PRIVILEGE, FOR A PERIOD OF 1  
21 YEAR, OR FOR A SECOND OR SUBSEQUENT REFUSAL WITHIN A PERIOD OF  
22 \_\_\_\_\_ YEARS, FOR \_\_\_\_\_. IF THE PERSON IS A RESIDENT WITHOUT A  
23 LICENSE OR PERMIT TO OPERATE A MOTOR VEHICLE IN THE STATE, THE  
24 SECRETARY OF STATE SHALL NOT ISSUE TO THAT PERSON A LICENSE OR  
25 PERMIT FOR 1 YEAR FROM EITHER THE DATE OF THE REFUSAL OR THE  
26 PERSON'S SIXTEENTH BIRTHDAY, WHICHEVER IS LATER.

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

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

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

17 (c) Whether the person reasonably refused to submit to the  
18 test upon the request of the officer.

19 (d) Whether the person was advised of the rights under sec-  
20 tions 625a and 625c.

21 (3) The hearing officer shall make a record of proceedings  
22 held pursuant to subsection (2). The record shall be prepared  
23 and transcribed in accordance with section 86 of the administra-  
24 tive procedures act of 1969, Act No. 306 of the Public Acts of  
25 1969, being section 24.286 of the Michigan Compiled Laws. Upon  
26 notification of the filing of a petition for judicial review  
27 pursuant to section 323, the hearing officer shall transmit to

1 the court in which the petition was filed, not less than 10 days  
2 before the matter is set for review, the original or a certified  
3 copy of the official record of the proceedings. Proceedings at  
4 which evidence was presented need not be transcribed and trans-  
5 mitted if the sole reason for review is to determine whether or  
6 not the court will order the issuance of a restricted license.  
7 The parties to the proceedings for judicial review may stipulate  
8 that the record be shortened. A party unreasonably refusing to  
9 stipulate to a shortened record may be taxed by the court in  
10 which the petition is filed for the additional costs. The court  
11 may permit subsequent corrections to the record.

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

24 (5) When it has been finally determined that a nonresident's  
25 privilege to operate a vehicle in the state has been suspended or  
26 denied, the department shall give notice in writing of the action  
27 taken to the motor vehicle administrator of the state of the

1 person's residence and of each state in which he or she has a  
2 license to operate a motor vehicle.

3 Section 2. This amendatory act shall not take effect unless  
4 Senate Bill No. \_\_\_\_\_ or House Bill No. 6050 (request  
5 no. 04612'89) of the 85th Legislature is enacted into law.