

SENATE BILL No. 95

February 2, 1989, Introduced by Senators NICHOLS, WELBORN, SEDERBURG, J. HART, GEO. HART, CARL, FREDRICKS, IRWIN, SCHWARZ and N. SMITH and referred to the Committee on Judiciary.

A bill to amend sections 303, 310d, 312f, 314b, 319, 319b, 320a, 323, 323a, 625, 625a, 625b, 625c, 625d, 625f, 625i, 727, and 904 of Act No. 300 of the Public Acts of 1949, entitled as amended

"Michigan vehicle code,"

sections 303, 312f, 323, and 904 as amended and section 319b as added by Act No. 346 of the Public Acts of 1988, sections 310d, 323a, 625a, 625c, 625d, and 625f as amended and section 625i as added by Act No. 310 of the Public Acts of 1982, section 314b as amended by Act No. 495 of the Public Acts of 1988, 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, 257.314b,

257.319, 257.319b, 257.320a, 257.323, 257.323a, 257.625, 257.625a, 257.625b, 257.625c, 257.625d, 257.625f, 257.625i, 257.727, and 257.904 of the Michigan Compiled Laws; to add sections 24c, 624a, 624b, and 910; and to repeal certain acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 303, 310d, 312f, 314b, 319, 319b, 320a,
2 323, 323a, 625, 625a, 625b, 625c, 625d, 625f, 625i, 727, and 904
3 of Act No. 300 of the Public Acts of 1949, sections 303, 312f,
4 323, and 904 as amended and section 319b as added by Act No. 346
5 of the Public Acts of 1988, sections 310d, 323a, 625a, 625c,
6 625d, and 625f as amended and section 625i as added by Act
7 No. 310 of the Public Acts of 1982, section 314b as amended by
8 Act No. 495 of the Public Acts of 1988, section 319 as amended by
9 Act No. 406 of the Public Acts of 1988, section 320a as amended
10 by Act No. 154 of the Public Acts of 1987, sections 625 and 625b
11 as amended by Act No. 109 of the Public Acts of 1987, and section
12 727 as amended by Act No. 63 of the Public Acts of 1983, being
13 sections 257.303, 257.310d, 257.312f, 257.314b, 257.319,
14 257.319b, 257.320a, 257.323, 257.323a, 257.625, 257.625a,
15 257.625b, 257.625c, 257.625d, 257.625f, 257.625i, 257.727, and
16 257.904 of the Michigan Compiled Laws, are amended and sections
17 24c, 624a, 624b, and 910 are added to read as follows:

18 SEC. 24C. "LAW OF ANOTHER STATE" MEANS A LAW OR ORDINANCE
19 ENACTED BY ANOTHER STATE OR A LOCAL UNIT OF GOVERNMENT IN ANOTHER
20 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 THAN 18 YEARS OF AGE, except that the secretary of state may
19 issue a license to a person who is not less than 16 years of age
20 and who has satisfactorily passed a driver education course and
21 examination given by a public school or nonpublic school of this
22 or another state offering a course approved by the department of
23 education, or an equivalent COURSE AND examination as prescribed
24 in section 811.

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

1 (d) To a person whose license has been revoked under this
2 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 years after the
7 date of any prior revocation.

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

19 (i) Two convictions under section 625(1) ~~or (2), or 1 con-~~
20 ~~viction under section 625(1) and 1 conviction under section~~
21 ~~625(2)~~ within ~~7~~ 10 years.

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

24 (f) To a person who in the opinion of the secretary of state
25 is afflicted with or suffering from a physical or mental disabil-
26 ity or disease which prevents that person from exercising

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

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

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

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

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

21 (k) To a person who has been convicted, received a probate
22 court finding, or been determined responsible for 2 or more
23 moving violations under a law of this state, a local ordinance
24 substantially corresponding to a law of this state, or a law of
25 another state substantially corresponding to a law of this state,
26 within the preceding 3 years, if the violations occurred prior to

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

3 (L) To a nonresident.

4 (M) 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 ANY OF THE CRIMES OR CIVIL INFRACTIONS
7 DESCRIBED IN SECTIONS 319, 324, AND 904. A PERSON SHALL BE
8 DENIED A LICENSE UNDER THIS SUBDIVISION FOR THE LENGTH OF TIME
9 WHICH CORRESPONDS TO THE PERIOD OF THE LICENSING SANCTION WHICH
10 WOULD HAVE BEEN IMPOSED UNDER SECTION 319, 324, OR 904 IF THE
11 PERSON HAD BEEN LICENSED AT THE TIME OF 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 years.

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

21 (c) Two convictions under section 625(1) ~~or (2), or 1 con-~~
22 ~~viction under section 625(1) and 1 conviction under section~~
23 ~~625(2)~~ within ~~7~~ 10 years.

24 (d) ~~Three~~ ANY COMBINATION OF 3 convictions under section
25 ~~625b~~ 625(1) OR (3) within 10 years.

26 (3) The secretary of state shall revoke a license under
27 subsection (2) notwithstanding a court order issued under section

1 ~~625 or 625b~~ 625(1) OR (3), or a local ordinance substantially
2 corresponding to section 625(1) or ~~(2) or 625b~~ (3).

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

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

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

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

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

12 (c) A total of 6 or more points as provided in section
13 320a.

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

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

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

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

25 (4) The probationary period shall be extended beyond 3 years
26 and the secretary of state may reexamine a licensee as provided
27 in subsection (3), if any of the following occur and are recorded

1 on the licensee's driving record during the last 10 months of the
2 probationary period:

3 (a) A moving violation resulting in a conviction or civil
4 infraction determination.

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

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

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

11 (5) The probationary period shall be extended pursuant to
12 subsection (4) until the licensee completes 10 consecutive months
13 without a moving violation, accident, or suspension enumerated in
14 subsection (4).

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

21 (7) For 24 months immediately after a licensee's probation-
22 ary period, the secretary of state may require the licensee to be
23 reexamined by the secretary of state if the licensee's driver
24 record has a total of 9 or more points, as provided in section
25 320a, imposed in a period of 2 years and if the licensee's record
26 contains 1 or more of the following:

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

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

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

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

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

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

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

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

1 (11) For purposes of this section:

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

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

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

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

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

20 Sec. 312f. (1) Except as otherwise provided in this sec-
21 tion, a person shall be at least 18 years of age before he or she
22 is issued a vehicle group designation or indorsement, other than
23 a motorcycle indorsement, on an operator's or chauffeur's
24 license, and the person shall pass an examination as provided in
25 this section and pursuant to 49 C.F.R. part 383. A person oper-
26 ating a vehicle to be used for farming purposes only may obtain a
27 group A or B vehicle group designation if he or she is at least

1 16 years of age. Each written examination given an applicant for
2 a vehicle group designation or indorsement on an operator's or
3 chauffeur's license shall include subjects designed to cover the
4 type or general class of vehicle to be operated. A person shall
5 pass an examination which shall include a driving test designed
6 to test competency of the applicant for an original vehicle group
7 designation and passenger indorsement on an operator's or
8 chauffeur's license to drive that type or general class of vehi-
9 cle upon the highways of this state with safety to that person
10 and other persons and property, except that the secretary of
11 state may waive the requirement for a driving test for a vehicle
12 group designation and passenger indorsement upon receipt of ade-
13 quate evidence of experience, testing, and driving record as pre-
14 scribed under 49 C.F.R. part 383 and section 307 in operating the
15 vehicle group which the applicant intends to drive. The driving
16 test may be waived when the applicant has a valid license,
17 indorsement, or vehicle group designation to operate that type or
18 group of vehicle in another state except that the driving test
19 for a vehicle group designation or passenger vehicle indorsement
20 may not be waived unless the applicant has a valid license with
21 the appropriate vehicle group designation or passenger vehicle
22 indorsement in another state issued in compliance with the com-
23 mercial motor vehicle safety act of 1986, TITLE XII OF Public Law
24 99-570, 100 Stat. ~~3207~~ 3207-170.

25 (2) The secretary of state may enter into an agreement with
26 another public or private person or agency to conduct a skills

1 test required under this section, section 312e, or 49 C.F.R. part
2 383.

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

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

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

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

23 (d) Is listed on the national driver register or on a com-
24 mercial driver license information system in the United States
25 department of transportation as having had a license suspended,
26 revoked, or canceled in the 36 months immediately preceding
27 application.

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

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

9 (g) Has been disqualified under THE COMMERCIAL MOTOR VEHICLE
10 SAFETY ACT OF 1986, title XII of Public Law 99-570,
11 100 Stat. ~~3207~~ 3207-170, within 36 months immediately preceding
12 the date of application.

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

18 Sec. 314b. (1) The secretary of state may issue a 2-year
19 license which shall expire on the birthday of the person to whom
20 it is issued when a licensed driver is charged in the 24 months
21 immediately preceding the expiration date of that person's cur-
22 rent license with a total of 12 or more points as provided in
23 section 320a, or has his or her license suspended or revoked for
24 a reason other than those provided in ~~sections~~ SECTION 321a,
25 515, or 801c in the 36 months immediately preceding the expira-
26 tion date of his or her current license, or was convicted of any
27 6-point violation as provided in section 320a or OF a violation

1 ~~provided in~~ OF section ~~625b~~ 625(3) in the 36 months
 2 immediately preceding the expiration date of his or her current
 3 license.

4 (2) A person issued a 2-year license shall pay the following
 5 fees:

6 (a) Effective on and after April 1, 1989:

7	Operator's license renewal.....	\$ 6.00
8	Chauffeur's license renewal.....	10.00
9	Motorcycle indorsement original.....	6.00
10	Motorcycle indorsement renewal.....	5.00

11 (b) Effective until October 1, 1989:

12	Class 1, Class 2, or Class 3 indorsement	
13	original.....	\$ 4.00
14	Class 1, Class 2, or Class 3 indorsement	
15	renewal.....	2.50

16 (c) Effective on and after October 1, 1989:

17	Vehicle group designation original.....	\$ 4.00
18	Vehicle group designation renewal.....	2.50
19	Vehicle group indorsement original.....	4.00
20	Vehicle group indorsement renewal.....	2.50

21 (3) Two dollars of each renewal motorcycle indorsement fee
 22 shall be placed in a motorcycle safety fund in the state treasury
 23 and shall be used only for funding the motorcycle safety educa-
 24 tion program as provided under sections 312b and 811a.

25 Sec. 319. (1) The secretary of state shall immediately sus-
 26 pend for a period of not less than 90 days, nor more than 2
 27 years, the license of a person upon receiving a record of the

1 conviction of the person or the entry of a probate court order of
2 disposition for a child found to be within the provisions of
3 chapter XIIIA of Act No. 288 of the Public Acts of 1939, being
4 sections 712A.1 to 712A.28 of the Michigan Compiled Laws, for any
5 of the following crimes or attempts to commit any of the follow-
6 ing crimes, whether the conviction or probate court disposition
7 is under a law of this state, a local ordinance substantially
8 corresponding to a law of this state, or a law of another state
9 substantially corresponding to a law of this state:

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

12 (b) Perjury or the making of a false certification to the
13 secretary of state under any law requiring the registration of a
14 motor vehicle or regulating the operation of a motor vehicle on a
15 highway.

16 (c) A violation of section 324, 413, or 414 of the Michigan
17 penal code, Act No. 328 of the Public Acts of 1931, being sec-
18 tions 750.324, 750.413, and 750.414 of the Michigan Compiled
19 Laws; or a violation of section 1 of Act No. 214 of the Public
20 Acts of 1931, being section 752.191 of the Michigan Compiled
21 Laws.

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

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

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

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

8 (ii) The vehicle was used to transport a victim of the
9 felony.

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

11 (iv) The vehicle was necessary for the commission of the
12 felony.

13 (2) The secretary of state shall suspend, for the period
14 described in subsection (1), the license of a person upon receiv-
15 ing the record of conviction of the person for a violation of a
16 law of another state substantially corresponding to section
17 625(1). ~~or (2).~~

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

25 (4) The secretary of state shall immediately suspend the
26 license of a person for the period specified in the certificate
27 of conviction upon receipt of the person's license and

1 certificate of conviction forwarded to the secretary of state
2 pursuant to section 367c of the Michigan penal code, Act No. 328
3 of the Public Acts of 1931, being section 750.367c of the
4 Michigan Compiled Laws.

5 (5) The secretary of state shall suspend, for a period of
6 not less than ~~6~~ 2 months nor more than 18 months, the license
7 of a person having the following convictions within a ~~7-year~~
8 10-YEAR period, whether under the law of this state, a local
9 ordinance substantially corresponding to a law of this state, or
10 a law of another state substantially corresponding to a law of
11 this state:

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

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

15 (6) Upon receipt of a certificate of conviction pursuant to
16 section 33b(3) of the Michigan liquor control act, Act No. 8 of
17 the Public Acts of the Extra Session of 1933, being section
18 436.33b of the Michigan Compiled Laws, or a local ordinance or
19 law of another state substantially corresponding to section
20 33b(3) of Act No. 8 of the Public Acts of the Extra Session of
21 1933, the secretary of state shall suspend the person's
22 operator's or chauffeur's license for a period of 90 days. A
23 suspension under this subsection shall be in addition to any
24 other suspension of the person's license.

25 (7) Upon receipt of the record of the conviction of a
26 person, or the entry of a probate court order of disposition for
27 a child found to be within the provisions of chapter XIIIA of Act

1 No. 288 of the Public Acts of 1939, for a violation of section
2 602a of this act or section 479a(1), (4), or (5) of Act No. 328
3 of the Public Acts of 1931, being section 750.479a of the
4 Michigan Compiled Laws, the secretary of state immediately shall
5 suspend the license of the person for the period ordered by the
6 court as part of the sentence or disposition.

7 (8) UPON RECEIPT OF THE RECORD OF CONVICTION OR PROBATE
8 COURT FINDING OF A PERSON FOR A VIOLATION OF SECTION 624A OR OF A
9 LOCAL ORDINANCE OR LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPOND-
10 ING TO SECTION 624A, THE SECRETARY OF STATE SHALL SUSPEND FOR THE
11 FOLLOWING PERIODS OF TIME THE PERSON'S LICENSE TO OPERATE A MOTOR
12 VEHICLE ON THE PUBLIC HIGHWAYS OF THIS STATE:

13 (A) NINETY DAYS FOR A FIRST OFFENSE.

14 (B) SIX MONTHS FOR A SECOND OFFENSE.

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

16 (9) A SUSPENSION PURSUANT TO THIS SECTION SHALL BE IMPOSED
17 NOTWITHSTANDING A COURT ORDER ISSUED UNDER SECTION 625(1) OR (3),
18 OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION
19 625(1) OR (3).

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

25 Sec. 319b. (1) The secretary of state shall immediately
26 suspend all vehicle group designations on an operator's or
27 chauffeur's license when the secretary of state receives notice

1 of a conviction, bond forfeiture, or civil infraction
2 determination for a violation described in this section committed
3 within this state or another state. The period of suspension
4 shall be as follows:

5 (a) For 60 days when the licensee is convicted of or found
6 responsible for 2 serious traffic violations while operating a
7 commercial motor vehicle within 36 months.

8 (b) For 120 days when the licensee is convicted of or found
9 responsible for 3 serious traffic violations while operating a
10 commercial motor vehicle within 36 months.

11 (c) For 1 year when the licensee is convicted of 1 of the
12 following:

13 (i) A violation of section 625(1) or ~~-(2) or section 625b-~~
14 (3) or a local ordinance or law of another state substantially
15 corresponding to section 625(1) or ~~-(2) or section 625b-~~ (3)
16 while operating a commercial motor vehicle.

17 (ii) Leaving the scene of an accident involving a commercial
18 motor vehicle, which commercial motor vehicle is operated by the
19 licensee.

20 (iii) A felony in which a commercial motor vehicle was
21 used.

22 (iv) A 6-point violation as provided in section 320a.

23 (d) For 3 years when the licensee is convicted of a felony
24 in which a commercial motor vehicle was used if the vehicle was
25 carrying hazardous material required to have a placard pursuant
26 to 49 C.F.R. parts 100 to 199.

1 (e) For life when a licensee is convicted of 1 of the
2 following:

3 (i) Two violations under section 625(1) or ~~-(2)-or~~
4 ~~section 625b-~~ (3) or a local ordinance or law of another state
5 substantially corresponding to section 625(1) or ~~-(2)-or~~
6 ~~section 625b-~~ (3) while driving a commercial motor vehicle.

7 (ii) Two violations of leaving the scene of an accident
8 involving a commercial motor vehicle, which commercial motor
9 vehicle is operated by the licensee.

10 (iii) Two violations of a felony in which a commercial motor
11 vehicle was used.

12 (iv) Two violations of any combination of the offenses under
13 subparagraphs (i), (ii), or (iii).

14 (v) One violation of a felony in which a commercial motor
15 vehicle was used and which involves the manufacture, distribu-
16 tion, or dispensing of a controlled substance or possession with
17 intent to manufacture, distribute, or dispense a controlled
18 substance.

19 (2) As used in this section:

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

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

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

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

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

4 (b) "Serious traffic violation" means reckless driving, a
5 traffic violation received in connection with an accident in
6 which a person ~~dies~~ DIED, careless driving, excessive speeding
7 as defined in the federal administrative regulations promulgated
8 to implement THE COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986,
9 title XII of Public Law 99-570, 100 Stat. ~~-3207-~~ 3207-170, or any
10 other serious traffic offense as specified in the federal regula-
11 tions implementing that act or as prescribed under this act.

12 (3) For the purpose of this section only, a bond forfeiture
13 shall be considered a conviction.

14 (4) The secretary of state may suspend a vehicle group des-
15 ignation notwithstanding a suspension, restriction, revocation,
16 or denial of an operator's or chauffeur's license under another
17 section of this act.

18 (5) The secretary of state, when determining the applicabi-
19 lity of conditions listed in this section, shall only consider
20 violations which occurred after October 1, 1989.

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

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

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

3 (l) VIOLATION OF SECTION 624A OR 624B OR A LAW OR
 4 ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 624A
 5 OR 624B..... 2 POINTS

6 (M) ~~(L)~~ All other moving violations pertaining
 7 to the operation of motor vehicles reported under this
 8 section..... 2 points

9 (2) Points shall not be entered for a violation of section
 10 311, 658, 717, 719, 719a, or 723.

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

12 (4) Points shall not be entered for overweight loads or for
 13 defective equipment.

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

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

24 (7) If a person is determined to be responsible for a civil
 25 infraction for a violation of a law or ordinance pertaining to
 26 speed by exceeding the lawful maximum on a street or highway
 27 which maximum was reduced by Act No. 28 of the Public Acts of

1 1974, then points shall be entered only pursuant to the
 2 following:

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

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

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

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

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

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

1 infraction determination, or probate court finding results from
2 the same incident, additional points for that offense shall not
3 be entered.

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

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

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

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

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

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

24 (a) A review of the record prepared pursuant to section
25 625f(3) to determine whether the hearing officer properly deter-
26 mined the issues enumerated in section 625f(2).

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 ~~(2) or 625b~~
8 (3).

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

17 (A) IN VIOLATION OF THE CONSTITUTION OR A STATUTE.

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

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

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

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

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

1 (7) ~~(6)~~ This section shall not apply to a denial,
2 revocation, suspension, or restriction imposed pursuant to the
3 financial responsibility act contained in chapter V.

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

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

26 SEC. 624A. (1) A PERSON LESS THAN 21 YEARS OF AGE SHALL NOT
27 KNOWINGLY TRANSPORT OR POSSESS ALCOHOLIC LIQUOR IN A MOTOR

1 VEHICLE UPON A HIGHWAY OR OTHER PLACE OPEN TO THE GENERAL PUBLIC,
2 INCLUDING AN AREA DESIGNATED FOR THE PARKING OF VEHICLES, UNLESS
3 THE PERSON IS EMPLOYED BY A PERSON LICENSED PURSUANT TO THE
4 MICHIGAN LIQUOR CONTROL ACT, ACT NO. 8 OF THE PUBLIC ACTS OF THE
5 EXTRA SESSION OF 1933, BEING SECTIONS 436.1 TO 436.58 OF THE
6 MICHIGAN COMPILED LAWS, THE LIQUOR CONTROL COMMISSION, OR AN
7 AGENT OF THE LIQUOR CONTROL COMMISSION AND THE PERSON IS TRANS-
8 PORTING OR POSSESSING THE ALCOHOLIC LIQUOR DURING REGULAR WORKING
9 HOURS AND IN THE COURSE OF EMPLOYMENT.

10 (2) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A
11 CIVIL INFRACTION.

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

20 (2) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A
21 CIVIL INFRACTION.

22 (3) THIS SECTION DOES NOT APPLY TO A CHARTERED VEHICLE
23 LICENSED BY THE MICHIGAN PUBLIC SERVICE COMMISSION.

24 Sec. 625. (1) A person, whether licensed or not, ~~who is~~
25 ~~under the influence of intoxicating liquor or a controlled sub-~~
26 ~~stance, or a combination of intoxicating liquor and a controlled~~
27 ~~substance,~~ shall not operate a vehicle upon a highway or other

1 place open to the general public, including an area designated
2 for the parking of vehicles, within the state ~~— A peace officer~~
3 ~~may, without a warrant, arrest a person when the peace officer~~
4 ~~has reasonable cause to believe that the person was, at the time~~
5 ~~of an accident, the driver of a vehicle involved in the accident~~
6 ~~and was operating the vehicle upon a public highway or other~~
7 ~~place open to the general public, including an area designated~~
8 ~~for the parking of vehicles, in the state while in violation of~~
9 ~~this subsection or of subsection (2), or of a local ordinance~~
10 ~~substantially corresponding to this subsection or subsection~~
11 ~~(2).~~ IF EITHER OF THE FOLLOWING APPLY:

12 (A) THE PERSON IS UNDER THE INFLUENCE OF INTOXICATING LIQUOR
13 OR A CONTROLLED SUBSTANCE, OR A COMBINATION OF INTOXICATING
14 LIQUOR AND A CONTROLLED SUBSTANCE.

15 (B) THE PERSON'S BLOOD CONTAINS 0.10% OR MORE BY WEIGHT OF
16 ALCOHOL.

17 ~~—(2) A person, whether licensed or not, whose blood contains~~
18 ~~0.10% or more by weight of alcohol, shall not operate a vehicle~~
19 ~~upon a highway or other place open to the general public, includ-~~
20 ~~ing an area designated for the parking of vehicles, within the~~
21 ~~state.—~~

22 (2) ~~—(3)~~ The owner of a vehicle or a person in charge or in
23 control of a vehicle shall not authorize or knowingly permit the
24 vehicle to be operated upon a highway or other place open to the
25 general public, including an area designated for the parking of
26 motor vehicles, within the state by a person who is under the
27 influence of intoxicating liquor or a controlled substance, or a

1 combination of intoxicating liquor and a controlled substance, OR
2 WHOSE BLOOD CONTAINS 0.10% OR MORE BY WEIGHT OF ALCOHOL.

3 (3) A PERSON SHALL NOT OPERATE A VEHICLE UPON A HIGHWAY OR
4 OTHER PLACE OPEN TO THE GENERAL PUBLIC, INCLUDING AN AREA DESIG-
5 NATED FOR THE PARKING OF VEHICLES, WITHIN THE STATE WHEN, DUE TO
6 THE CONSUMPTION OF AN INTOXICATING LIQUOR, A CONTROLLED SUB-
7 STANCE, OR A COMBINATION OF AN INTOXICATING LIQUOR AND A CON-
8 TROLLED SUBSTANCE, THE PERSON HAS VISIBLY IMPAIRED HIS OR HER
9 ABILITY TO OPERATE THE VEHICLE. IF A PERSON IS CHARGED WITH VIO-
10 LATING SUBSECTION (1), A FINDING OF GUILTY UNDER THIS SUBSECTION
11 MAY BE RENDERED.

12 (4) IF A PERSON IS CONVICTED OF A VIOLATION OF SUBSECTION
13 (1), THE FOLLOWING SANCTIONS SHALL APPLY:

14 (A) ~~(4)~~ Except as otherwise provided in ~~this section, a~~
15 ~~person who is convicted of a violation of subsection (1), (2), or~~
16 ~~(3)~~ SUBDIVISIONS (B) AND (C), THE PERSON is guilty of a misde-
17 meanor, punishable by imprisonment for not more than 90 days, or
18 a fine of not less than \$100.00 nor more than \$500.00, or both.
19 ~~, together with costs of the prosecution. As part of the sen-~~
20 ~~tence for a violation of subsection (1) or (2), the~~ THE court
21 MAY ORDER THE PERSON TO PAY THE COSTS OF THE PROSECUTION AND
22 shall order the secretary of state to IMPOSE LICENSE SANCTIONS
23 PURSUANT TO SECTION 625B. ~~suspend the operator's or chauffeur's~~
24 ~~license of the person for a period of not less than 6 months nor~~
25 ~~more than 2 years. The court may order the secretary of state to~~
26 ~~issue to the person a restricted license permitting the person~~
27 ~~during all or a specified portion of the period of suspension to~~

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

1 ~~purposes of this subsection, "work location" includes, as~~
2 ~~applicable, either or both of the following:~~

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

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

6 (B) ~~(5) A person who violates subsection (1) or (2) or a~~
7 ~~local ordinance substantially corresponding to subsection (1) or~~
8 ~~(2) within 7~~ IF THE VIOLATION OCCURS WITHIN 10 years of a prior
9 conviction, THE PERSON may be sentenced to imprisonment for not
10 more than 1 year, or a fine of not LESS THAN \$200.00 NOR more
11 than \$1,000.00, or both. ~~As part of the sentence, the~~ THE
12 COURT MAY ORDER THE PERSON TO PAY THE COSTS OF THE PROSECUTION
13 AND SHALL IMPOSE LICENSE SANCTIONS PURSUANT TO SECTION 625B. THE
14 court shall order the secretary of state to revoke the operator's
15 or chauffeur's license of the person. ~~For purposes of this sec-~~
16 ~~tion, "prior conviction" means a conviction under subsection (1)~~
17 ~~or (2), a local ordinance substantially corresponding to subsec-~~
18 ~~tion (1) or (2), or a law of another state substantially corre-~~
19 ~~sponding to subsection (1) or (2).~~

20 (C) ~~(6) A person who violates subsection (1) or (2) or a~~
21 ~~local ordinance substantially corresponding to subsection (1) or~~
22 ~~(2)~~ IF THE VIOLATION OCCURS within 10 years of 2 or more prior
23 convictions, ~~as defined in subsection (5),~~ THE PERSON is guilty
24 of a felony. ~~As part of the sentence, the~~ THE court shall
25 order the secretary of state to ~~revoke the operator's or~~
26 ~~chauffeur's license of the person~~ IMPOSE LICENSE SANCTIONS
27 PURSUANT TO SECTION 625B.

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

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

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

26 (6) A PERSON WHO IS CONVICTED OF A VIOLATION OF SUBSECTION
27 (2) IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY IMPRISONMENT FOR

1 NOT MORE THAN 90 DAYS, OR A FINE OF NOT LESS THAN \$100.00 NOR
2 MORE THAN \$500.00, OR BOTH. THE COURT MAY ORDER THE PERSON TO
3 PAY THE COSTS OF THE PROSECUTION.

4 (7) IF A PERSON IS CONVICTED OF A VIOLATION OF SUBSECTION
5 (3), THE FOLLOWING SANCTIONS SHALL APPLY:

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

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

18 (8) AS USED IN SUBSECTION (7), "PRIOR CONVICTION" MEANS A
19 CONVICTION UNDER SUBSECTION (1) OR (3), A LOCAL ORDINANCE SUB-
20 STANTIALLY CORRESPONDING TO SUBSECTION (1) OR (3), OR A LAW OF
21 ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO SUBSECTION (1) OR
22 (3).

23 (9) A PEACE OFFICER MAY, WITHOUT A WARRANT, ARREST A PERSON
24 WHEN THE PEACE OFFICER HAS REASONABLE CAUSE TO BELIEVE THAT THE
25 PERSON WAS, AT THE TIME OF AN ACCIDENT, THE DRIVER OF A VEHICLE
26 INVOLVED IN THE ACCIDENT AND WAS OPERATING THE VEHICLE UPON A
27 PUBLIC HIGHWAY OR OTHER PLACE OPEN TO THE GENERAL PUBLIC,

1 INCLUDING AN AREA DESIGNATED FOR THE PARKING OF VEHICLES, IN THIS
2 STATE WHILE IN VIOLATION OF SUBSECTION (1) OR (3), OR OF A LOCAL
3 ORDINANCE SUBSTANTIALLY CORRESPONDING TO SUBSECTION (1) OR (3).

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~~
11 ~~found guilty of violating subsection (1) or (2), or a local ordi-~~
12 ~~nance substantially corresponding to subsection (1) or (2), shall~~
13 ~~be surrendered to the court in which the person was convicted,~~
14 ~~and the court shall immediately forward the surrendered license~~
15 ~~and 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 Sec. 625a. (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 THIS 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 SUBSECTION (6) OR IN AN ADMINISTRATIVE HEARING, SOLELY TO
13 ASSIST THE COURT OR HEARING OFFICER IN DETERMINING A CHALLENGE TO
14 THE VALIDITY OF AN ARREST. THIS SUBSECTION DOES NOT LIMIT THE
15 INTRODUCTION OF OTHER COMPETENT EVIDENCE OFFERED TO ESTABLISH THE
16 VALIDITY OF AN ARREST.

17 (4) A PERSON WHO SUBMITS TO A PRELIMINARY CHEMICAL BREATH
18 ANALYSIS SHALL REMAIN SUBJECT TO THE REQUIREMENTS OF SUBSECTIONS
19 (6) TO (10) AND SECTIONS 625C, 625D, AND 625F FOR THE PURPOSES OF
20 CHEMICAL 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) ~~-(+)~~ The amount of alcohol or presence of a controlled
25 substance or both in ~~the~~ A driver's blood at the time alleged
26 as shown by chemical analysis of the person's blood, urine, or

1 breath shall be admissible into evidence in a criminal
2 prosecution for any of the following:

3 (a) A violation of section 625(1), (2), or (3), ~~or 625b,~~
4 or of a local ordinance substantially corresponding to section
5 625(1), (2), or (3). ~~, or 625b.~~

6 (b) Felonious driving, negligent homicide, or manslaughter
7 resulting from the operation of a motor vehicle while the driver
8 is alleged to have been impaired by or under the influence of
9 intoxicating liquor or a controlled substance or a combination of
10 intoxicating liquor and a controlled substance, or to have had a
11 blood alcohol content of 0.10% or more by weight of alcohol.

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

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

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

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

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

12 (7) A PERSON ARRESTED FOR A CRIME ENUMERATED IN SUBSECTION
13 (6) SHALL BE ADVISED OF ALL OF THE FOLLOWING:

14 (A) THAT IF HE OR SHE SUBMITS TO A CHEMICAL TEST OF HIS OR
15 HER BLOOD, URINE, OR BREATH ADMINISTERED AT THE REQUEST OF A
16 PEACE OFFICER, HE OR SHE MAY THEN DEMAND THAT A PERSON OF HIS OR
17 HER OWN CHOOSING ADMINISTER 1 OF THE CHEMICAL TESTS, THAT THE
18 RESULTS OF THE TEST SHALL BE ADMISSIBLE AND SHALL BE CONSIDERED
19 WITH OTHER COMPETENT EVIDENCE IN DETERMINING THE INNOCENCE OR
20 GUILT OF THE DEFENDANT, AND THAT HE OR SHE SHALL BE RESPONSIBLE
21 FOR OBTAINING A CHEMICAL ANALYSIS OF THE TEST SAMPLE.

22 (B) THAT IF THE PERSON REFUSES THE REQUEST OF A PEACE OFFI-
23 CER TO TAKE A TEST DESCRIBED IN SUBDIVISION (A), A TEST SHALL NOT
24 BE GIVEN WITHOUT A COURT ORDER.

25 (C) THAT THE PERSON'S REFUSAL OF THE REQUEST OF A PEACE
26 OFFICER TO SUBMIT TO A TEST DESCRIBED IN SUBDIVISION (A) SHALL
27 RESULT IN THE SUSPENSION OF HIS OR HER OPERATOR'S OR CHAUFFEUR'S

1 LICENSE OR OPERATING PRIVILEGE AND IN THE ADDITION OF 6 POINTS TO
2 HIS OR HER DRIVER RECORD.

3 (8) ~~-(4)-~~ A sample or specimen of urine or breath shall be
4 taken and collected in a reasonable manner. Only a licensed phy-
5 sician, or a licensed nurse or medical technician under the
6 direction of a licensed physician and qualified to withdraw blood
7 acting in a medical environment, at the request of a peace offi-
8 cer, may withdraw blood for the purpose of determining the amount
9 of alcohol or presence of a controlled substance or both in the
10 person's blood, as provided in this ~~act~~ SECTION. Liability for
11 a crime or civil damages predicated on the act of withdrawing
12 blood and related procedures shall not attach to a qualified
13 person who withdraws blood or assists in the withdrawal in
14 accordance with this act unless the withdrawal is performed in a
15 negligent manner.

16 (9) ~~-(5)- The tests~~ A CHEMICAL TEST DESCRIBED IN THIS
17 SECTION shall be administered at the request of a peace officer
18 having reasonable grounds to believe the person has committed a
19 crime described in subsection ~~-(1)-~~ (6). A person who ~~takes~~
20 SUBMITS TO a chemical test administered at the request of a peace
21 officer, as provided in this section, shall be given a reasonable
22 opportunity to have a person of his or her own choosing adminis-
23 ter 1 of the chemical tests described in this section within a
24 reasonable time after his or her detention, and the results of
25 the test shall be admissible and shall be considered with other
26 competent evidence in determining the innocence or guilt of the
27 defendant. If the person charged is administered a chemical test

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

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

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

26 ~~(8) If a jury instruction regarding a defendant's refusal to~~
27 ~~submit to a chemical test under this section is requested by the~~

1 ~~prosecution or the defendant, the jury instruction shall be given~~
 2 ~~as follows:~~

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

9 (10) ~~-(9)-~~ If after an accident the driver of a vehicle
 10 involved in the accident is transported to a medical facility and
 11 a sample of the driver's blood is withdrawn at that time for the
 12 purpose of medical treatment, the results of a chemical analysis
 13 of that sample shall be admissible in a criminal prosecution for
 14 a crime described in subsection ~~-(1)-~~ (6) to show the amount of
 15 alcohol or presence of a controlled substance or both in the
 16 person's blood at the time alleged, regardless of whether the
 17 person had been offered or had refused a chemical test. The med-
 18 ical facility or person performing the chemical analysis shall
 19 disclose the results of the analysis to a prosecuting attorney
 20 who requests the results for use in a criminal prosecution as
 21 provided in this subsection. A medical facility or person dis-
 22 closing information in compliance with this subsection shall not
 23 be civilly or criminally liable for making the disclosure.

24 (11) ~~-(10)-~~ If after ~~a highway~~ AN accident the driver of a
 25 vehicle involved in the accident is deceased, a sample of the
 26 decedent's blood shall be withdrawn in a manner directed by the
 27 medical examiner for the purpose of determining ~~blood~~ THE

1 AMOUNT OF alcohol ~~content~~ or presence of a controlled substance
2 or both IN THE DECEDENT'S BLOOD.

3 (12) THE PROVISIONS OF THIS SECTION FOR CHEMICAL TESTING
4 SHALL NOT BE CONSTRUED AS LIMITING THE INTRODUCTION OF ANY OTHER
5 COMPETENT EVIDENCE BEARING UPON THE QUESTION OF WHETHER OR NOT A
6 PERSON WAS IMPAIRED BY OR UNDER THE INFLUENCE OF INTOXICATING
7 LIQUOR OR A CONTROLLED SUBSTANCE, OR A COMBINATION OF INTOXICAT-
8 ING LIQUOR AND A CONTROLLED SUBSTANCE, OR WHETHER THE PERSON HAD
9 A BLOOD ALCOHOL CONTENT OF 0.10% OR MORE BY WEIGHT OF ALCOHOL.

10 (13) THE DEPARTMENT OF STATE POLICE MAY PROMULGATE UNIFORM
11 RULES FOR THE ADMINISTRATION OF CHEMICAL TESTS, INCLUDING PRELIM-
12 INARY CHEMICAL BREATH ANALYSIS, FOR THE PURPOSES OF THIS
13 SECTION.

14 (14) IF A CHEMICAL TEST DESCRIBED IN THIS SECTION IS ADMIN-
15 ISTERED, THE RESULTS OF THE TEST SHALL BE MADE AVAILABLE TO THE
16 PERSON CHARGED OR THE PERSON'S ATTORNEY UPON WRITTEN REQUEST TO
17 THE PROSECUTION, WITH A COPY OF THE REQUEST FILED WITH THE
18 COURT. THE PROSECUTION SHALL FURNISH THE REPORT AT LEAST 2 DAYS
19 BEFORE THE DAY OF THE TRIAL AND THE RESULTS SHALL BE OFFERED AS
20 EVIDENCE BY THE PROSECUTION IN A CRIMINAL PROCEEDING. FAILURE TO
21 FULLY COMPLY WITH THE REQUEST SHALL BAR THE ADMISSION OF THE
22 RESULTS INTO EVIDENCE BY THE PROSECUTION.

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

1 (A) IF THERE WAS AT THE TIME 0.07% OR LESS BY WEIGHT OF
2 ALCOHOL IN THE DEFENDANT'S BLOOD, IT SHALL BE PRESUMED THAT THE
3 DEFENDANT WAS NOT UNDER THE INFLUENCE OF INTOXICATING LIQUOR.

4 (B) IF THERE WAS AT THE TIME IN EXCESS OF 0.07% BUT LESS
5 THAN 0.10% BY WEIGHT OF ALCOHOL IN THE DEFENDANT'S BLOOD, IT
6 SHALL BE PRESUMED THAT THE DEFENDANT'S ABILITY TO OPERATE A VEHI-
7 CLE WAS IMPAIRED WITHIN THE PROVISIONS OF SECTION 625(3) DUE TO
8 THE CONSUMPTION OF INTOXICATING LIQUOR.

9 (C) IF THERE WAS AT THE TIME 0.10% OR MORE BY WEIGHT OF
10 ALCOHOL IN THE DEFENDANT'S BLOOD, IT SHALL BE PRESUMED THAT THE
11 DEFENDANT WAS UNDER THE INFLUENCE OF INTOXICATING LIQUOR.

12 (16) A PERSON'S REFUSAL TO SUBMIT TO A CHEMICAL TEST AS PRO-
13 VIDED IN THIS SECTION SHALL BE ADMISSIBLE IN A CRIMINAL PROSECU-
14 TION FOR A CRIME DESCRIBED IN SUBSECTION (6) ONLY FOR THE PURPOSE
15 OF SHOWING THAT A TEST WAS OFFERED TO THE DEFENDANT, BUT NOT AS
16 EVIDENCE IN DETERMINING INNOCENCE OR GUILT OF THE DEFENDANT. THE
17 JURY SHALL BE INSTRUCTED ACCORDINGLY.

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

22 Sec. 625b. ~~(1) A person shall not operate a vehicle upon a~~
23 ~~highway or other place open to the general public, including an~~
24 ~~area designated for the parking of vehicles, within the state~~
25 ~~when, due to the consumption of an intoxicating liquor, a con-~~
26 ~~trolled substance, or a combination of an intoxicating liquor and~~
27 ~~a controlled substance, the person has visibly impaired his or~~

~~1 her ability to operate the vehicle. If a person is charged with
2 violating section 625(1) or (2), a finding of guilty is permissi-
3 ble under this section.~~

~~4 (2) Except as otherwise provided in this section, a person
5 convicted of a violation of this section is guilty of a misde-
6 meanor, punishable by imprisonment for not more than 90 days, or
7 a fine of not more than \$300.00, or both, together with costs of
8 the prosecution. As part of the sentence, the court shall order
9 the secretary of state to suspend the operator's or chauffeur's
10 license of the person for a period of not less than 90 days nor
11 more than 1 year. The court may order the secretary of state to
12 issue to the person a restricted license permitting the person
13 during all or a specified portion of the period of suspension to
14 drive only to and from the person's residence and work location,
15 in the course of the person's employment or occupation, to and
16 from an alcohol or drug education program or treatment program as
17 ordered by the court, to and from the person's residence and an
18 educational institution at which the person is enrolled as a stu-
19 dent, or pursuant to a combination of these restrictions. The
20 court may also order that the restricted license include the
21 requirement that a person shall not operate a motor vehicle
22 unless the vehicle is equipped with a functioning certified igni-
23 tion interlock device. The device shall be set to render the
24 motor vehicle inoperable if the device detects 0.02% or more by
25 weight of alcohol in the blood of the person who offers a breath
26 sample. The court may order installation of a certified ignition
27 interlock device on any motor vehicle that the person owns or~~

~~1 operates, the costs of which shall be borne by the person whose
2 license is restricted. The court shall not order the secretary
3 of state to issue a restricted chauffeur's license which would
4 permit a person to operate a truck or truck tractor, including a
5 trailer, which hauls hazardous material. The court shall not
6 order the secretary of state to issue a restricted license unless
7 the person states under oath and the court finds that the person
8 is unable to take public transportation to and from his or her
9 work location, place of alcohol or drug education or treatment,
10 or educational institution, and does not have any family members
11 or 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 ~~(1) -(6)-~~ Before imposing sentence for a violation of ~~this-~~
23 section 625(1) OR (3) or a local ordinance substantially corre-
24 sponding to ~~this~~ section 625(1) OR (3), the court shall order
25 the person to undergo screening and assessment by THE COURT PRO-
26 BATION DEPARTMENT OR a person or agency designated by the office
27 of substance abuse services, to determine whether the person is

1 likely to benefit from rehabilitative services, including alcohol
2 or drug education and alcohol or drug treatment programs. As
3 part of the sentence, the court may order the person to partici-
4 pate in and successfully complete 1 or more appropriate rehabili-
5 tative programs. The person shall pay for the costs of the
6 screening, assessment, and rehabilitative services.

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

13 ~~(8) The operator's or chauffeur's license of a person found~~
14 ~~guilty of violating this section, or a local ordinance substan-~~
15 ~~tially corresponding to this section, shall be surrendered to the~~
16 ~~court in which the person was convicted. The court shall immedi-~~
17 ~~ately forward the surrendered license and an abstract of convic-~~
18 ~~tion to the secretary of state. The abstract of conviction shall~~
19 ~~indicate the sentence imposed. Upon receipt of and pursuant to~~
20 ~~the abstract of conviction, the secretary of state shall suspend~~
21 ~~or revoke the person's license and, if ordered by the court and~~
22 ~~the person is otherwise eligible for a license, issue to the~~
23 ~~person a restricted license stating the limited driving privi-~~
24 ~~leges indicated on the abstract. If the license is not forwarded~~
25 ~~to the secretary of state, an explanation of the reason why the~~
26 ~~license is absent shall be attached. If the conviction is~~
27 ~~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 (2) AS A PART OF THE SENTENCE FOR A CONVICTION UNDER
4 SECTION 625, OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO
5 SECTION 625, WHETHER OR NOT THE PERSON IS CONVICTED AS A MULTIPLE
6 OFFENDER, THE COURT MAY ORDER THE PERSON CONVICTED TO PERFORM
7 SERVICE TO THE COMMUNITY, AS DESIGNATED BY THE COURT, WITHOUT
8 COMPENSATION, FOR A PERIOD OF NOT MORE THAN 45 DAYS. THE PERSON
9 SHALL REIMBURSE THE STATE OR APPROPRIATE LOCAL UNIT OF GOVERNMENT
10 FOR THE COST OF INSURANCE INCURRED BY THE STATE OR LOCAL UNIT OF
11 GOVERNMENT AS A RESULT OF THE PERSON'S ACTIVITIES IN THIS
12 SERVICE.

13 (3) AS A PART OF THE SENTENCE FOR A CONVICTION UNDER SECTION
14 625(1) OR (3), OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING
15 TO SECTION 625(1) OR (3), WHETHER OR NOT THE PERSON IS CONVICTED
16 AS A MULTIPLE OFFENDER, THE COURT SHALL CONSIDER ALL PRIOR CON-
17 VICTIONS CURRENTLY ENTERED UPON THE MICHIGAN DRIVING RECORD OF
18 THE PERSON, EXCEPT THOSE CONVICTIONS WHICH ARE DETERMINED BY THE
19 COURT TO BE CONSTITUTIONALLY INVALID, AND SHALL IMPOSE THE FOL-
20 LOWING SANCTIONS:

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

23 (i) IF THE COURT FINDS THAT THE PERSON HAS NO PRIOR CONVIC-
24 TIONS WITHIN 10 YEARS UNDER SECTION 625(1) OR (3), A LOCAL ORDI-
25 NANCE SUBSTANTIALLY CORRESPONDING TO SECTION 625(1) OR (3), OR A
26 LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO SECTION
27 625(1) OR (3), THE COURT SHALL ORDER THE SECRETARY OF STATE TO

1 SUSPEND THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF THE PERSON FOR A
2 PERIOD OF NOT LESS THAN 6 MONTHS NOR MORE THAN 2 YEARS. THE
3 COURT MAY ORDER THE SECRETARY OF STATE TO ISSUE TO THE PERSON A
4 RESTRICTED LICENSE DURING ALL OR A SPECIFIED PORTION OF THE
5 PERIOD OF SUSPENSION.

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

17 (iii) IF THE COURT FINDS THAT THE PERSON HAS 1 OR MORE PRIOR
18 CONVICTIONS WITHIN 10 YEARS UNDER SECTION 625(1), A LOCAL ORDI-
19 NANCE SUBSTANTIALLY CORRESPONDING TO SECTION 625(1), OR A LAW OF
20 ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO SECTION 625(1), OR
21 THAT THE PERSON HAS 2 OR MORE PRIOR CONVICTIONS WITHIN 10 YEARS
22 UNDER SECTION 625(3), A LOCAL ORDINANCE SUBSTANTIALLY CORRESPOND-
23 ING TO SECTION 625(3), OR A LAW OF ANOTHER STATE SUBSTANTIALLY
24 CORRESPONDING TO SECTION 625(3), THE COURT SHALL ORDER THE SECRE-
25 TARY OF STATE TO REVOKE THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF
26 THE PERSON AND SHALL NOT ORDER THE SECRETARY OF STATE TO ISSUE A
27 RESTRICTED LICENSE TO THE PERSON.

1 (B) FOR A CONVICTION UNDER SECTION 625(3) OR A LOCAL
2 ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 625(3):

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

13 (ii) IF THE COURT FINDS THAT THE PERSON HAS 1 PRIOR CONVIC-
14 TION WITHIN 10 YEARS UNDER SECTION 625(1) OR (3), A LOCAL ORDI-
15 NANCE SUBSTANTIALLY CORRESPONDING TO SECTION 625(1) OR (3), OR A
16 LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO
17 SECTION 625(1) OR (3), THE COURT SHALL ORDER THE SECRETARY OF
18 STATE TO SUSPEND THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF THE
19 PERSON FOR A PERIOD OF NOT LESS THAN 6 MONTHS NOR MORE THAN
20 18 MONTHS. THE COURT MAY ORDER THE SECRETARY OF STATE TO ISSUE
21 TO THE PERSON A RESTRICTED LICENSE DURING ALL OR ANY PORTION OF
22 THE SUSPENSION PERIOD, EXCEPT THAT A RESTRICTED LICENSE SHALL NOT
23 BE ISSUED DURING THE FIRST 60 DAYS OF THE PERIOD OF SUSPENSION.

24 (iii) IF THE COURT FINDS THAT THE PERSON HAS 2 OR MORE PRIOR
25 CONVICTIONS WITHIN 10 YEARS UNDER SECTION 625(1) OR (3), A LOCAL
26 ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 625(1) OR (3),
27 OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO SECTION

1 625(1) OR (3), THE COURT SHALL ORDER THE SECRETARY OF STATE TO
2 REVOKE THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF THE PERSON AND
3 SHALL NOT ORDER THE SECRETARY OF STATE TO ISSUE A RESTRICTED
4 LICENSE TO THE PERSON.

5 (4) A RESTRICTED LICENSE ISSUED PURSUANT TO AN ORDER UNDER
6 SUBSECTION (3) SHALL PERMIT THE PERSON TO WHOM IT IS ISSUED TO DO
7 1 OR MORE OF THE FOLLOWING:

8 (A) DRIVE TO AND FROM THE PERSON'S RESIDENCE AND WORK
9 LOCATION.

10 (B) DRIVE IN THE COURSE OF THE PERSON'S EMPLOYMENT OR
11 OCCUPATION.

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

14 (D) DRIVE TO AND FROM THE PERSON'S RESIDENCE AND EITHER THE
15 COURT PROBATION DEPARTMENT OR A COURT-ORDERED COMMUNITY SERVICE
16 PROGRAM, OR BOTH.

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

19 (F) DRIVE ONLY IN A MOTOR VEHICLE EQUIPPED WITH AN IGNITION
20 INTERLOCK DEVICE WHICH PREVENTS THE PERSON FROM OPERATING THE
21 MOTOR VEHICLE IF THE PERSON HAS A BLOOD ALCOHOL CONTENT IN VIOLA-
22 TION OF SECTION 625.

23 (5) THE COURT SHALL NOT ORDER THE SECRETARY OF STATE UNDER
24 SUBSECTION (3) TO ISSUE A RESTRICTED CHAUFFEUR'S LICENSE THAT
25 WOULD PERMIT A PERSON TO OPERATE A TRUCK OR TRUCK TRACTOR,
26 INCLUDING A TRAILER, THAT HAULS HAZARDOUS MATERIALS.

1 (6) THE COURT SHALL NOT ORDER THE SECRETARY OF STATE TO
2 ISSUE A RESTRICTED LICENSE UNLESS THE PERSON STATES UNDER OATH,
3 AND THE COURT FINDS, THAT THE PERSON IS UNABLE TO TAKE PUBLIC
4 TRANSPORTATION TO AND FROM HIS OR HER WORK LOCATION, PLACE OF
5 ALCOHOL OR DRUG EDUCATION TREATMENT, OR EDUCATIONAL INSTITUTION,
6 AND DOES NOT HAVE ANY FAMILY MEMBERS OR OTHERS ABLE TO PROVIDE
7 TRANSPORTATION.

8 (7) THE COURT ORDER UNDER SUBSECTION (3) AND THE RESTRICTED
9 LICENSE SHALL INDICATE THE WORK LOCATION OF THE PERSON TO WHOM IT
10 IS ISSUED AND THE APPROVED ROUTE OR ROUTES AND PERMITTED TIMES OF
11 TRAVEL.

12 (8) AS USED IN THIS SECTION, "WORK LOCATION" MEANS, AS
13 APPLICABLE, EITHER THE SPECIFIC PLACE OR PLACES OF EMPLOYMENT, OR
14 THE TERRITORY OR TERRITORIES REGULARLY VISITED BY THE PERSON IN
15 PURSUANCE OF THE PERSON'S OCCUPATION, OR BOTH.

16 (9) THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF A PERSON FOUND
17 GUILTY OF VIOLATING SECTION 625(1) OR (3), OR A LOCAL ORDINANCE
18 SUBSTANTIALLY CORRESPONDING TO SECTION 625(1) OR (3), SHALL BE
19 SURRENDERED TO THE COURT IN WHICH THE PERSON WAS CONVICTED. THE
20 COURT SHALL IMMEDIATELY FORWARD THE SURRENDERED LICENSE AND AN
21 ABSTRACT OF CONVICTION TO THE SECRETARY OF STATE. THE ABSTRACT
22 OF CONVICTION SHALL INDICATE THE SENTENCE IMPOSED. UPON RECEIPT
23 OF, AND PURSUANT TO, THE ABSTRACT OF CONVICTION, THE SECRETARY OF
24 STATE SHALL SUSPEND OR REVOKE THE PERSON'S LICENSE AND, IF
25 ORDERED BY THE COURT AND THE PERSON IS OTHERWISE ELIGIBLE FOR A
26 LICENSE, ISSUE TO THE PERSON A RESTRICTED LICENSE STATING THE
27 LIMITED DRIVING PRIVILEGES INDICATED ON THE ABSTRACT. IF THE

1 LICENSE IS NOT FORWARDED TO THE SECRETARY OF STATE, AN
2 EXPLANATION OF THE REASON WHY THE LICENSE IS ABSENT SHALL BE
3 ATTACHED. IF THE CONVICTION IS APPEALED TO CIRCUIT COURT, THE
4 COURT MAY, EX PARTE, ORDER THE SECRETARY OF STATE TO RESCIND THE
5 SUSPENSION, REVOCATION, OR RESTRICTED LICENSE ISSUED PURSUANT TO
6 THIS SECTION.

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

14 (a) ~~The~~ IF THE person is arrested for a violation of sec-
15 tion 625(1) or ~~(2) or 625b~~ (3), or a local ordinance substan-
16 tially corresponding to section 625(1) or ~~(2) or 625b~~ (3).

17 (b) ~~The~~ IF THE person is arrested for felonious driving,
18 negligent homicide, or manslaughter resulting from the operation
19 of a motor vehicle, and the peace officer had reasonable grounds
20 to believe that the person was operating the vehicle while
21 impaired by or under the influence of intoxicating liquor or a
22 controlled substance or a combination of intoxicating liquor and
23 a controlled substance, or while having a blood alcohol content
24 of 0.10% or more by weight of alcohol.

25 (2) A person who is afflicted with hemophilia, diabetes, or
26 a condition requiring the use of an anticoagulant under the

1 direction of a physician shall not be considered to have given
2 consent to the withdrawal of blood.

3 (3) The tests shall be administered as provided in section
4 625a.

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

16 Sec. 625f. (1) If ~~the~~ A person ~~who~~ refuses to submit to
17 a chemical test pursuant to section 625d AND does not request a
18 hearing within 14 days of the date of notice pursuant to section
19 625e, the secretary of state shall suspend the person's
20 operator's or chauffeur's license or permit to drive, or nonresi-
21 dent operating privilege, for a period of 6 months, or for a
22 second or subsequent refusal within a period of ~~7~~ 10 years, for
23 1 year. If the person is a resident without a license or permit
24 to operate a vehicle in the state, the secretary OF STATE shall
25 deny to the person the issuance of a license or permit for a
26 period of 6 months, or ~~7~~ for a second or subsequent refusal
27 within a period of ~~7~~ 10 years, for 1 year.

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~~ NOT LESS THAN 10 days'
4 notice of the hearing shall be mailed to the person requesting
5 the hearing, to the peace officer who filed the report under sec-
6 tion 625d, and ~~if~~ if the prosecuting attorney requests receipt
7 of the notice, to the prosecuting attorney of the county where
8 the arrest was made. The hearing officer ~~shall be authorized~~
9 ~~to~~ MAY administer oaths, issue subpoenas for the attendance of
10 necessary witnesses, and ~~may~~ grant a reasonable request for an
11 adjournment. The hearing 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
20 ~~sections~~ SECTION 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, IF THE PERSON WHO REQUESTED THE HEAR-
13 ING DOES NOT PREVAIL, the secretary of state may suspend or deny
14 issuance of a license or driving permit or a nonresident operat-
15 ing privilege of the person ~~involved~~ for a period of 6 months,
16 or ~~7~~ for a second or subsequent refusal within ~~7~~ 10 years,
17 for 1 year. If the person ~~involved~~ is a resident without a
18 license or permit to operate a vehicle in the state, the secre-
19 tary of state may deny to the person the issuance of a license or
20 permit for a period of 6 months, or ~~7~~ for a second or subse-
21 quent refusal within ~~7~~ 10 years, for 1 year. The person
22 ~~involved~~ may file a petition in the circuit court of the county
23 in which the arrest was made to review the suspension or denial
24 as provided in section 323.

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

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

4 Sec. 625i. ~~(1)~~ The department of state police shall pre-
5 pare an annual report which shall be designated the Michigan
6 annual drunk driving audit. THE SECRETARY OF STATE AND THE CIR-
7 CUIT COURT, DISTRICT COURT, PROBATE COURT, AND LOCAL UNITS OF
8 GOVERNMENT IN THIS STATE SHALL COOPERATE WITH THE DEPARTMENT OF
9 STATE POLICE TO PROVIDE INFORMATION NECESSARY FOR THE PREPARATION
10 OF THE REPORT. A COPY OF THE REPORT PREPARED UNDER THIS SUBSEC-
11 TION SHALL BE SUBMITTED TO THE GOVERNOR, THE SECRETARY OF THE
12 SENATE, THE CLERK OF THE HOUSE OF REPRESENTATIVES, AND THE SECRE-
13 TARY OF STATE ON JUNE 1 OF EACH YEAR. The report shall contain
14 for each county in the state all of the following information
15 applicable to the immediately preceding calendar year:

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

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

23 (c) The number of alcohol related motor vehicle accidents,
24 other than those described in subdivisions (a) and (b), including
25 the breakdown described in subdivision (a).

26 (d) The number of arrests made for a violation of section
27 ~~625(1) or (2),~~ 625(1)(A) OR (B) or a local ordinance

1 substantially corresponding to section ~~625(1) or (2)~~ 625(1)(A)
2 OR (B).

3 (e) The number of arrests made for a violation of section
4 ~~625b~~ 625(3) or a local ordinance substantially corresponding to
5 section ~~625b~~ 625(3).

6 (f) The number of operator's or chauffeur's licenses sus-
7 pended pursuant to section 625f for refusal to submit to a chemi-
8 cal test.

9 (g) The number of convictions of crimes enumerated in subdi-
10 visions (d) and (e).

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

13 (i) The number of restricted licenses issued as a result of
14 convictions of crimes enumerated in subdivisions (d) and (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~~ IF a person is arrested without a warrant
27 in any of the following cases, the arrested person shall, without

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

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

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

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

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

1 Sec. 904. (1) A person whose operator's or chauffeur's
 2 license or registration certificate has been suspended or revoked
 3 and who has been notified as provided in section 212 of that sus-
 4 pension or revocation, ~~or whose application for A license has~~
 5 ~~been denied, as provided in this act,~~ or who has never applied
 6 for a license, ~~and who operates~~ SHALL NOT OPERATE a motor vehi-
 7 cle upon the highways of this state. ~~or who~~ A PERSON SHALL NOT
 8 knowingly ~~permits~~ PERMIT a motor vehicle owned by the person to
 9 be operated ~~by another~~ upon a highway, except as permitted
 10 under this act, ~~while the~~ BY A PERSON WHOSE license or regis-
 11 tration certificate is suspended or revoked, ~~or whose applica-~~
 12 ~~tion for A license has been denied, as provided in this act,~~ OR
 13 WHO HAS NEVER APPLIED FOR A LICENSE. A PERSON WHO VIOLATES THIS
 14 SUBSECTION is guilty of a misdemeanor, punishable ~~, except as~~
 15 ~~provided in subsections (2) and (3), by imprisonment for not less~~
 16 ~~than 3 days nor more than 90 days, or a fine of not more than~~
 17 ~~\$100.00, or both. Unless the vehicle was stolen or used with the~~
 18 ~~permission of a person who did not knowingly permit an unlicensed~~
 19 ~~driver to operate the vehicle, the registration plates of the~~
 20 ~~vehicle shall be confiscated.~~ AS FOLLOWS:

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

1 (B) FOR A VIOLATION, OTHER THAN A VIOLATION PUNISHABLE UNDER
2 SUBDIVISION (A), BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR A
3 FINE OF NOT MORE THAN \$500.00, OR BOTH.

4 (C) ~~(3) A person convicted of~~ FOR a second or subsequent
5 violation ~~of this section is guilty of a misdemeanor,~~ punish-
6 able UNDER SUBDIVISION (B), by imprisonment for not ~~less than 5~~
7 ~~days nor~~ more than 1 year ~~,~~ or a fine of not more than
8 ~~\$500.00~~ \$1,000.00, or both. Unless the vehicle was stolen, the
9 registration plates of the vehicle shall be confiscated.

10 (2) ~~(4)~~ The secretary of state, upon receiving a record of
11 the conviction or probate court finding of a person upon a charge
12 of unlawful operation of a motor vehicle while the license of the
13 person is suspended ~~,~~ OR revoked ~~,~~ ~~or denied,~~ or of the con-
14 viction, civil infraction determination, or probate court finding
15 of a person for a MOVING violation of the ~~motor~~ vehicle laws of
16 this state OR A POLITICAL SUBDIVISION OF THIS STATE while the
17 license of the person is suspended ~~,~~ OR revoked, ~~or denied,~~
18 immediately shall extend the period of the first suspension or
19 revocation for an additional like period. ~~,~~ ~~or if a period has~~
20 ~~not been determined, then for not less than 30 days nor more than~~
21 ~~1 year.~~ THIS SUBSECTION SHALL APPLY ONLY IF THE VIOLATION OCCURS
22 DURING A SUSPENSION OF DEFINITE LENGTH OR BEFORE THE PERSON IS
23 APPROVED FOR A LICENSE FOLLOWING A REVOCATION.

24 (3) ~~(5)~~ The secretary of state, upon receiving a record of
25 the conviction, bond forfeiture, or a civil infraction determina-
26 tion of a person upon a charge of unlawful operation of a motor
27 vehicle requiring a class 1, class 2, or class 3 indorsement or

1 vehicle group designation while the indorsement or designation is
2 suspended pursuant to section 319a or 319b OR REVOKED, immedi-
3 ately shall extend the period of suspension OR REVOCATION for an
4 additional like period. This subsection shall apply to a person
5 who operates a commercial vehicle while disqualified under THE
6 COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986, title XII of Public
7 Law 99-570, 100 Stat. ~~3207~~ 3207-170. THIS SUBSECTION SHALL
8 APPLY ONLY IF THE VIOLATION OCCURS DURING A SUSPENSION OF DEFI-
9 NITE LENGTH OR BEFORE THE PERSON IS APPROVED FOR A LICENSE FOL-
10 LOWING A REVOCATION.

11 (4) ~~(6)~~ Before ~~the plea of the~~ A person is ~~accepted~~
12 ~~under~~ ARRAIGNED BEFORE A DISTRICT COURT MAGISTRATE OR JUDGE ON A
13 CHARGE OF VIOLATING this section, the arresting officer shall
14 ~~check with~~ OBTAIN THE DRIVING RECORD OF THE PERSON FROM the
15 secretary of state ~~to determine the record and status of the~~
16 ~~person according to the records of the secretary of state and so~~
17 ~~inform~~ AND SHALL FURNISH THE RECORD TO the court.

18 (5) ~~(7)~~ This section shall not apply to a person who oper-
19 ates a vehicle solely for the purpose of protecting human life or
20 property, if the life or property is endangered and the summoning
21 of prompt aid is essential.

22 SEC. 910. (1) A PERSON WHO IS CONVICTED OF AN ATTEMPT TO
23 COMMIT AN OFFENSE PROHIBITED BY THIS ACT SHALL BE PUNISHED AS IF
24 THE OFFENSE HAD BEEN COMPLETED.

25 (2) WHEN ASSESSING POINTS AND TAKING LICENSING ACTION UNDER
26 THIS ACT, THE SECRETARY OF STATE SHALL TREAT A CONVICTION OF AN
27 ATTEMPTED OFFENSE THE SAME AS IF THE OFFENSE HAD BEEN COMPLETED,

1 WHETHER THE ATTEMPTED OFFENSE IS PROHIBITED BY THIS ACT, ANOTHER
2 LAW OF THIS STATE, A LOCAL ORDINANCE, OR A LAW OF ANOTHER STATE.

3 (3) A JUDGE, DISTRICT COURT MAGISTRATE, TRAFFIC BUREAU, OR
4 PARKING VIOLATIONS BUREAU SHALL NOT ACCEPT AN ADMISSION OF
5 RESPONSIBILITY TO AN ATTEMPTED CIVIL INFRACTION NOR DETERMINE A
6 PERSON RESPONSIBLE FOR AN ATTEMPTED CIVIL INFRACTION. THE SECRE-
7 TARY OF STATE SHALL NOT ACCEPT AN ABSTRACT FOR AN ATTEMPTED CIVIL
8 INFRACTION NOR ASSESS ANY POINTS FOR SUCH A DETERMINATION.

9 Section 2. The following acts and parts of acts are
10 repealed:

11 (a) Sections 625g, 625h, and 625j of Act No. 300 of the
12 Public Acts of 1949, being sections 257.625g, 257.625h, and
13 257.625j of the Michigan Compiled Laws.

14 (b) Sections 33a and 34a of Act No. 8 of the Public Acts of
15 the Extra Session of 1933, being sections 436.33a and 436.34a of
16 the Michigan Compiled Laws.