



SENATE BILL No. 845

February 14, 1996, Introduced by Senators GOUGEON, CISKY and CARL and referred to the Committee on Judiciary.

A bill to amend sections 303, 310d, 312f, 319b, 625, 625a, 625b, 625c, 625h, 625i, 625m, 727, and 732 of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," sections 303 and 625 as amended by Act No. 449 of the Public Acts of 1994, section 310d as amended by Act No. 99 of the Public Acts of 1991, section 312f as amended by Act No. 180 of the Public Acts of 1992, section 319b as amended by Act No. 100 of the Public Acts of 1991, sections 625a, 625b, 625c, 625h, 625m, and 732 as amended by Act No. 450 of the Public Acts of 1994, section 625i as amended by Act No. 211 of the Public Acts of 1994, and section 727 as amended by Act No. 301 of the Public Acts of 1993, being sections 257.303, 257.310d, 257.312f, 257.319b, 257.625, 257.625a, 257.625b, 257.625c, 257.625h, 257.625i, 257.625m, 257.727, and 257.732 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 303, 310d, 312f, 319b, 625, 625a, 625b,
2 625c, 625h, 625i, 625m, 727, and 732 of Act No. 300 of the Public
3 Acts of 1949, sections 303 and 625 as amended by Act No. 449 of
4 the Public Acts of 1994, section 310d as amended by Act No. 99 of
5 the Public Acts of 1991, section 312f as amended by Act No. 180
6 of the Public Acts of 1992, section 319b as amended by Act
7 No. 100 of the Public Acts of 1991, sections 625a, 625b, 625c,
8 625h, 625m, and 732 as amended by Act No. 450 of the Public Acts
9 of 1994, section 625i as amended by Act No. 211 of the Public
10 Acts of 1994, and section 727 as amended by Act No. 301 of the
11 Public Acts of 1993, being sections 257.303, 257.310d, 257.312f,
12 257.319b, 257.625, 257.625a, 257.625b, 257.625c, 257.625h,
13 257.625i, 257.625m, 257.727, and 257.732 of the Michigan Compiled
14 Laws, are amended to read as follows:

15 Sec. 303. (1) The secretary of state shall not issue a
16 license under this act to any of the following:

17 (a) A person, as an operator, who is less than 18 years of
18 age, except the secretary of state may issue a license to a
19 person who is not less than 16 years of age and who has satisfac-
20 torily passed a driver education course and examination given by
21 a public school or nonpublic school of this or another state
22 offering a course approved by the department of education, or an
23 equivalent course and examination as prescribed in section 811.
24 The secretary of state may issue a restricted license to a person
25 not less than 14 years of age as provided in this act. This
26 subdivision does not apply to a person who has held a valid

1 driver's license issued by another state, territory, or
2 possession of the United States or another sovereignty for at
3 least 1 year immediately before application for a driver's
4 license under this act.

5 (b) A person, as a chauffeur, who is less than 18 years of
6 age, except the secretary of state may issue a license to a
7 person who is not less than 16 years of age and who has satisfac-
8 torily passed a driver education course and examination given by
9 a public school or nonpublic school of this or another state
10 offering a course approved by the department of education, or an
11 equivalent course and examination as prescribed in section 811.

12 (c) A person whose license has been suspended during the
13 period for which the license was suspended.

14 (d) A person who has been convicted of or received a probate
15 court disposition for section 625(4) or (5).

16 (e) A person who has been convicted of or received a probate
17 court disposition for negligent homicide, manslaughter, or murder
18 resulting from the operation of a motor vehicle.

19 (f) A person who is an habitual violator of the criminal
20 laws relating to operating a vehicle while impaired by or under
21 the influence of intoxicating liquor or a controlled substance or
22 a combination of intoxicating liquor and a controlled substance,
23 or with an alcohol content of 0.10 grams or more per 100 millili-
24 ters of blood, per 210 liters of breath, or per 67 milliliters of
25 urine. Convictions of any of the following, whether under a law
26 of this state, a local ordinance substantially corresponding to a
27 law of this state, or a law of another state substantially

1 corresponding to a law of this state, are prima facie evidence
2 that the person is an habitual violator as described in this
3 subdivision:

4 (i) Any combination of 2 convictions within 7 years for 1 or
5 more of the following:

6 (A) A violation of section 625(1), (4), ~~or~~ (5), OR (7).

7 (B) A violation of former section 625(1) or (2).

8 (ii) Any combination of 3 convictions within 10 years for 1
9 or more of the following if any of the convictions resulted from
10 an arrest on or after January 1, 1992:

11 (A) A violation of section 625(1), (3), (4), ~~or~~ (5), OR
12 (7).

13 (B) A violation of former section 625(1) or (2) or former
14 section 625b.

15 (g) A person who in the opinion of the secretary of state is
16 afflicted with or suffering from a physical or mental disability
17 or disease preventing that person from exercising reasonable and
18 ordinary control over a motor vehicle while operating the motor
19 vehicle upon the highways.

20 (h) A person who is unable to understand highway warning or
21 direction signs in the English language.

22 (i) A person who is an habitually reckless driver. Two con-
23 victions within 7 years of reckless driving under this act or any
24 other law of this state relating to reckless driving or under a
25 local ordinance of this state or a law of another state that
26 defines the term "reckless driving" substantially similarly to

1 the law of this state are prima facie evidence that the person is
2 an habitually reckless driver.

3 (j) A person who is an habitual criminal. Two convictions
4 of a felony in which a motor vehicle was used in this or another
5 state are prima facie evidence that the person is an habitual
6 criminal.

7 (k) A person who is unable to pass a knowledge, skill, or
8 ability test administered by the secretary of state in connection
9 with the issuance of an original operator's or chauffeur's
10 license, original motorcycle indorsement, or an original or
11 renewal of a vehicle group designation or vehicle indorsement.

12 (l) A person who has been convicted of, has received a pro-
13 bate court disposition for, or has been determined responsible
14 for 2 or more moving violations under a law of this state, a
15 local ordinance substantially corresponding to a law of this
16 state, or a law of another state substantially corresponding to a
17 law of this state, within the preceding 3 years, if the viola-
18 tions occurred before issuance of an original license to the
19 person in this or another state.

20 (m) A nonresident.

21 (n) A person not licensed under this act who has been con-
22 victed of, has received a probate court disposition for, or has
23 been determined responsible for a crime or civil infraction
24 described in section 319, 324, or 904. A person shall be denied
25 a license under this subdivision for the length of time corre-
26 sponding to the period of the licensing sanction that would have

1 been imposed under section 319, 324, or 904 if the person had
2 been licensed at the time of the violation.

3 (o) A person not licensed under this act who has been con-
4 victed of or received a probate court disposition for committing
5 a crime described in section 319e. A person shall be denied a
6 license under this subdivision for the length of time that corre-
7 sponds to the period of the licensing sanction that would have
8 been imposed under section 319e if the person had been licensed
9 at the time of the violation.

10 (p) A person not licensed under this act who is determined
11 to have violated section 33b(1) of the Michigan ~~Liquor Control~~
12 ~~Act~~ LIQUOR CONTROL ACT, Act No. 8 of the Public Acts of the
13 Extra Session of 1933, being section 436.33b of the Michigan
14 Compiled Laws. ~~7 or section 624b.~~ The person shall be denied
15 a license under this subdivision for a period of time that corre-
16 sponds to the period of the licensing sanction that would have
17 been imposed under those sections had the person been licensed at
18 the time of the violation.

19 (2) Upon receipt of the appropriate records of conviction,
20 the secretary of state shall revoke the operator's or chauffeur's
21 license of a person having any of the following, whether under a
22 law of this state, a local ordinance substantially corresponding
23 to a law of this state, or a law of another state substantially
24 corresponding to a law of this state:

25 (a) Two convictions of reckless driving in violation of sec-
26 tion 626 within 7 years.

1 (b) Two convictions of a felony in which a motor vehicle was
2 used within 7 years.

3 (c) Any combination of 2 convictions within 7 years for any
4 of the following:

5 (i) A violation of section 625(1).

6 (ii) A violation of former section 625(1) or (2).

7 (iii) A violation of section 625(4) or (5).

8 (iv) Negligent homicide, manslaughter, or murder resulting
9 from the operation of a motor vehicle.

10 (d) One conviction under section 625(4) or (5).

11 (e) One conviction of negligent homicide, manslaughter, or
12 murder resulting from the operation of a motor vehicle.

13 (f) Any combination of 3 convictions within 10 years for any
14 of the following if any of the convictions resulted from an
15 arrest on or after January 1, 1992:

16 (i) A violation of section 625(1), (3), (4), ~~or~~ (5), OR
17 (7).

18 (ii) A violation of former section 625(1) or (2) or former
19 section 625b.

20 (iii) Negligent homicide, manslaughter, or murder resulting
21 from the operation of a motor vehicle.

22 (3) The secretary of state shall revoke a license under sub-
23 section (2) notwithstanding a court order issued under section
24 625, section 625b, former section 625(1) or (2), or former sec-
25 tion 625b or a local ordinance substantially corresponding to
26 section 625, section 625b, former section 625(1) or (2), or
27 former section 625b.

1 (4) The secretary of state shall not issue a license under
2 this act to a person whose license has been revoked under this
3 act or denied under subsection (1)(d), (e), (f), (i), or (j)
4 until both of the following occur:

5 (a) The later of the following:

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

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

11 (b) The person meets the requirements of the department.

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

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

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

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

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

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

1 Sec. 310d. (1) A license issued under this act to a person
2 not previously licensed in this or in another state shall be
3 designated as probationary for 3 years after the date of
4 issuance. During the first 12 months of probation, the license
5 may be suspended or probationary terms and conditions may be
6 imposed upon failure of the licensee to appear before a magis-
7 trate, as provided in this chapter, or upon conviction of the
8 licensee or determination of the licensee's responsibility for a
9 moving violation in this state. The period of suspension or the
10 probationary terms and conditions shall not be for more than 12
11 months and shall be determined by the secretary of state at an
12 examination of the driver by the secretary of state.

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

25 (3) Upon completion of the first 12 months of probation, the
26 secretary of state may require a licensee to be reexamined by the

1 secretary of state if the licensee's driving record contains any
2 of the following:

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

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

10 (c) A total of 6 or more points as provided in section
11 320a.

12 (d) A conviction, civil infraction determination, or probate
13 court disposition of a moving violation and an accident for which
14 the official police report indicates the licensee had been drink-
15 ing intoxicating liquor.

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

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

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

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

1 (a) A moving violation resulting in a conviction or civil
2 infraction determination.

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

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

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

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

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

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

25 (a) A conviction or probate court disposition, for a viola-
26 tion of section 625(1) OR (7) or former section 625(1) or (2), a
27 local ordinance substantially corresponding to section 625(1) OR

1 (7) or former section 625(1) or (2), or a law of another state
2 substantially corresponding to section 625(1) OR (7) or former
3 section 625(1) or (2).

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

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

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

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

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

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

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

26 (11) For purposes of this section:

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

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

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

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

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

19 Sec. 312f. (1) Except as otherwise provided in this sec-
20 tion, a person shall be not less than 18 years of age before he
21 or she is issued a vehicle group designation or indorsement,
22 other than a motorcycle indorsement, on an operator's or
23 chauffeur's license and, as provided in this section, the person
24 shall pass knowledge and driving skills tests that comply with
25 minimum federal standards prescribed in 49 C.F.R. part 383. A
26 person operating a vehicle to be used for farming purposes only
27 may obtain a group A, a group B, or an F vehicle group

1 designation if he or she is not less than 16 years of age. Each
2 written examination given an applicant for a vehicle group desig-
3 nation or indorsement on an operator's or chauffeur's license
4 shall include subjects designed to cover the type or general
5 class of vehicle to be operated. A person shall pass an examina-
6 tion that includes a driving test designed to test competency of
7 the applicant for an original vehicle group designation and pas-
8 senger indorsement on an operator's or chauffeur's license to
9 drive that type or general class of vehicle upon the highways of
10 this state with safety to that person and other persons and
11 property. The secretary of state shall waive the driving skills
12 test for a person operating a vehicle that is used under the con-
13 ditions described in section 312e(4)(a) to (d) unless the vehicle
14 has a gross vehicle weight rating of 26,001 pounds or more on the
15 power unit and is to be used to carry hazardous materials on
16 which a placard is required under 49 C.F.R. parts 100 to 199.
17 The driving test may be waived if the applicant has a valid
18 license, indorsement, or vehicle group designation to operate
19 that type or group of vehicle in another state, except that the
20 driving test for a vehicle group designation or passenger vehicle
21 indorsement may not be waived unless the applicant has a valid
22 license with the appropriate vehicle group designation or passen-
23 ger vehicle indorsement in another state issued in compliance
24 with the commercial motor vehicle safety act of 1986, title XII
25 of Public Law 99-570, 100 Stat. 3207-170.

26 (2) The secretary of state shall waive the knowledge test
27 and the driving skills test and issue a 1-year seasonal

1 restricted vehicle group designation for an otherwise qualified
2 person who desires to operate a group B or a group C vehicle for
3 a farm related service industry under the following conditions:

4 (a) An applicant shall possess a good driving record.

5 However, an applicant who has not held an operator's or
6 chauffeur's license for at least 1 year is not eligible for a
7 waiver. An applicant who has between 1 and 2 years of driving
8 experience shall possess a good driving record for his or her
9 entire driving history. An applicant who has more than 2 years
10 of driving experience shall possess a good driving record for the
11 2 years immediately preceding application for a waiver.

12 (b) The seasons for which the seasonal restricted vehicle
13 group designation is issued shall be from April 2 to June 30 and
14 from September 2 to November 30 only of a 12-month period or, at
15 the option of the applicant, for not more than 180 days from the
16 date of issuance in a 12-month period. ~~subsequent to 1992.~~ A
17 seasonal restricted vehicle group designation under this subsec-
18 tion shall be issued, suspended, revoked, canceled, or renewed in
19 accordance with this act. The good driving record shall be con-
20 firmed before each season and 180-day period.

21 (c) The commercial motor vehicle for which the seasonal
22 restricted vehicle group designation is issued shall be operated
23 only on routes within 150 miles from the place of business to the
24 farm or farms being served.

25 (d) The commercial motor vehicle for which the seasonal
26 restricted vehicle group designation is issued shall not

1 transport a quantity of hazardous materials on which a placard is
2 required except for the following:

3 (i) Diesel motor fuel in quantities of 1,000 gallons or
4 less.

5 (ii) Liquid fertilizers in quantities of 3,000 gallons or
6 less.

7 (iii) Solid fertilizers that are not transported with any
8 organic substance.

9 (e) The commercial motor vehicle for which a seasonal
10 restricted vehicle group designation is issued shall not include
11 a bus or school bus.

12 (3) The secretary of state may enter into an agreement with
13 another public or private person or agency to conduct a skills
14 test required under this section, section 312e, or 49 C.F.R. part
15 383.

16 (4) The secretary of state shall not issue a vehicle group
17 designation to an applicant for an original vehicle group desig-
18 nation to whom 1 or more of the following apply:

19 (a) The applicant has had his or her license suspended or
20 revoked for a reason other than as provided in section 321a, 515,
21 or 801c in the 36 months immediately preceding application,
22 except that a vehicle group designation may be issued if the sus-
23 pension or revocation was due to a temporary medical condition or
24 failure to appear at a reexamination as provided in section 320.

25 (b) The applicant was convicted of or incurred a bond for-
26 feiture in relation to a 6-point violation as provided in section
27 320a in the 24 months immediately preceding application, or a

1 violation of section 625(3) OR (7) or former section 625b, or a
2 local ordinance substantially corresponding to section 625(3) or
3 former section 625b in the 24 months immediately preceding appli-
4 cation, if the violation occurred while the applicant was operat-
5 ing a type of vehicle that is operated under a vehicle group
6 designation.

7 (c) The applicant is listed on the national driver register,
8 the commercial driver license information system, or the driving
9 records of the state in which the applicant was previously
10 licensed as being disqualified from operating a commercial motor
11 vehicle or as having a license suspended, revoked, canceled, or
12 denied.

13 (d) The applicant is listed on the national driver register,
14 the commercial driver license information system, or the driving
15 records of the state in which the applicant was previously
16 licensed as having had a license suspended, revoked, or canceled
17 in the 36 months immediately preceding application if a suspen-
18 sion or revocation would have been imposed under this act had the
19 applicant been licensed in this state in the original instance.
20 This subdivision does not apply to a suspension or revocation
21 that would have been imposed due to a temporary medical condition
22 or pursuant to section 321a, 515, or 801c.

23 (e) The applicant is subject to a suspension or revocation
24 under section 319b or would have been subject to a suspension or
25 revocation under section 319b if the applicant had been issued a
26 vehicle group designation.

1 (f) The applicant has been disqualified from operating a
2 commercial motor vehicle under title XII of Public Law 99-570,
3 100 Stat. 3207-170 or the applicant's license to operate a com-
4 mercial motor vehicle has been suspended, revoked, denied, or
5 canceled within 36 months immediately preceding the date of
6 application.

7 (5) The secretary of state shall only consider bond forfei-
8 tures under subsection (4)(b) for violations that occurred on or
9 after January 1, 1990 when determining the applicability of sub-
10 section (4).

11 (6) If an applicant for an original vehicle group designa-
12 tion was previously licensed in another jurisdiction, the secre-
13 tary of state shall request a copy of the applicant's driving
14 record from that jurisdiction. If 1 or more of the conditions
15 described in subsection (4) exist in that jurisdiction when the
16 secretary of state receives the copy, the secretary of state
17 shall cancel all vehicle group designations on the person's
18 operator's or chauffeur's license.

19 (7) Subsection (4)(a), (b), (d), and (f) do not apply to an
20 applicant for an original vehicle group designation who at the
21 time of application has a valid class 1, class 2, or class 3
22 indorsement under this act or a valid license to operate a com-
23 mercial motor vehicle issued by any state in compliance with
24 title XII of Public Law 99-570.

25 (8) As used in this section:

1 (a) "Farm related service industry" means custom harvesters,
2 farm retail outlets and suppliers, agri-chemical business, or
3 livestock feeders.

4 (b) "Good driving record" means the criteria required under
5 regulations described at 49 C.F.R. 383.77 and 57 F.R. 75, P.
6 13650 (April 17, 1992).

7 Sec. 319b. (1) The secretary of state shall immediately
8 suspend or revoke, as applicable, all vehicle group designations
9 on the operator's or chauffeur's license of a person upon receiv-
10 ing notice of a conviction, bond forfeiture, or civil infraction
11 determination of the person, or notice that a court or adminis-
12 trative tribunal has found the person responsible, for a viola-
13 tion described in this section of a law of this state, a local
14 ordinance substantially corresponding to a law of this state, or
15 a law of another state substantially corresponding to a law of
16 this state, or notice that the person has refused to submit to a
17 chemical test of his or her blood, breath, or urine for the pur-
18 pose of determining the amount of alcohol or presence of a con-
19 trolled substance or both in the person's blood while the person
20 was operating a commercial motor vehicle as required by a law or
21 local ordinance of this or another state. The period of suspen-
22 sion or revocation is as follows:

23 (a) Suspension for 60 days if the licensee is convicted of
24 or found responsible for 2 serious traffic violations while oper-
25 ating a commercial motor vehicle arising from separate incidents
26 within 36 months.

1 (b) Suspension for 120 days if the licensee is convicted of
2 or found responsible for 3 serious traffic violations while
3 operating a commercial motor vehicle arising from separate inci-
4 dents within 36 months.

5 (c) Suspension for 1 year if the licensee is convicted of or
6 found responsible for 1 of the following:

7 (i) A violation of section 625(1), (3), (4), ~~or~~ (5), OR
8 (7), section 625m, or former section 625(1) or (2), or former
9 section 625b, or a local ordinance substantially corresponding to
10 section 625(1) or (3), section 625m, or former section 625(1) or
11 (2), or former section 625b, or a law of another state substan-
12 tially corresponding to section 625(1), (3), (4), ~~or~~ (5), OR
13 (7), section 625m, or former section 625(1) or (2), or former
14 section 625b, while operating a commercial motor vehicle.

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

17 (iii) A felony in which a commercial motor vehicle was
18 used.

19 (iv) A refusal to submit to a chemical test of his or her
20 blood, breath, or urine for the purpose of determining the amount
21 of alcohol or presence of a controlled substance or both in his
22 or her blood while he or she was operating a commercial motor
23 vehicle as required by a law or local ordinance of this state or
24 another state.

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

1 (d) Suspension for 3 years if the licensee is convicted of
2 or found responsible for an offense enumerated in subdivision
3 (c)(i) to (iv) in which a commercial motor vehicle was used if
4 the vehicle was carrying hazardous material required to have a
5 placard pursuant to 49 C.F.R. parts 100 to 199.

6 (e) Revocation for not less than 10 years and until the
7 person is approved for the issuance of a vehicle group designa-
8 tion if a licensee is convicted of or found responsible for 1 of
9 the following:

10 (i) Any combination of 2 ~~violations under~~ ACTS ARISING OUT
11 OF SEPARATE INCIDENTS THAT VIOLATE section 625(1), (3), (4), ~~or~~
12 (5), OR (7), section 625m, or former section 625(1) or (2), or
13 former section 625b, a local ordinance substantially correspond-
14 ing to section 625(1) or (3), section 625m, or former section
15 625(1) or (2), or former section 625b, or a law of another state
16 substantially corresponding to section 625(1), (3), (4), ~~or~~
17 (5), OR (7), section 625m, or former section 625(1) or (2), or
18 former section 625b while driving a commercial motor vehicle.

19 (ii) Two violations of leaving the scene of an accident
20 involving a commercial motor vehicle operated by the licensee.

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

23 (iv) Two refusals of a request of a police officer to submit
24 to a chemical test of his or her blood, breath, or urine for the
25 purpose of determining the amount of alcohol or presence of a
26 controlled substance or both in his or her blood while he or she

1 was operating a commercial motor vehicle in this state or another
2 state, which refusals occurred in separate incidents.

3 (v) Two violations, in any combination, of the offenses enu-
4 merated under subparagraph (i), (ii), (iii), or (iv) arising from
5 2 or more separate incidents.

6 (vi) One violation of a felony in which a commercial motor
7 vehicle was used and that involved the manufacture, distribution,
8 or dispensing of a controlled substance or possession with intent
9 to manufacture, distribute, or dispense a controlled substance.

10 (2) As used in this section:

11 (a) "Felony in which a commercial motor vehicle was used"
12 means a felony during the commission of which the person con-
13 victed operated a commercial motor vehicle and while the person
14 was operating the vehicle 1 or more of the following circum-
15 stances existed:

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

17 (ii) The vehicle was used to transport a victim of the
18 felony.

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

20 (iv) The vehicle was necessary for the commission of the
21 felony.

22 (b) "Serious traffic violation" means a traffic violation
23 that occurs in connection with an accident in which a person
24 died, careless driving, excessive speeding as defined in the fed-
25 eral administrative regulations promulgated to implement the com-
26 mercial motor vehicle safety act of 1986, title XII of Public Law
27 99-570, 100 Stat. 3207-170, improper lane use, following too

1 closely, or any other serious traffic violation as defined in 49
2 C.F.R. 383.5 or as prescribed under this act.

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

7 (4) The secretary of state shall suspend or revoke a vehicle
8 group designation under subsection (1) notwithstanding a suspen-
9 sion, restriction, revocation, or denial of an operator's or
10 chauffeur's license or vehicle group designation under another
11 section of this act or a court order issued under another section
12 of this act or a local ordinance substantially corresponding to
13 another section of this act.

14 (5) The secretary of state, when determining the applicabil-
15 ity of conditions listed in this section, shall only consider
16 violations that occurred after January 1, 1990.

17 Sec. 625. (1) A person, whether licensed or not, shall not
18 operate a vehicle upon a highway or other place open to the gen-
19 eral public or generally accessible to motor vehicles, including
20 an area designated for the parking of vehicles, within this state
21 if either of the following applies:

22 (a) The person is under the influence of intoxicating liquor
23 or a controlled substance, or a combination of intoxicating
24 liquor and a controlled substance.

25 (b) The person has an alcohol content of 0.10 grams or more
26 per 100 milliliters of blood, per 210 liters of breath, or per 67
27 milliliters of urine.

1 (2) The owner of a vehicle or a person in charge or in
2 control of a vehicle shall not authorize or knowingly permit the
3 vehicle to be operated upon a highway or other place open to the
4 general public or generally accessible to motor vehicles, includ-
5 ing an area designated for the parking of motor vehicles, within
6 this state by a person who is under the influence of intoxicating
7 liquor or a controlled substance, or a combination of intoxicat-
8 ing liquor and a controlled substance, or who has an alcohol con-
9 tent of 0.10 grams or more per 100 milliliters of blood, per 210
10 liters of breath, or per 67 milliliters of urine.

11 (3) A person, whether licensed or not, shall not operate a
12 vehicle upon a highway or other place open to the general public
13 or generally accessible to motor vehicles, including an area des-
14 ignated for the parking of vehicles within this state when, due
15 to the consumption of an intoxicating liquor, a controlled sub-
16 stance, or a combination of an intoxicating liquor and a con-
17 trolled substance, the person's ability to operate the vehicle is
18 visibly impaired. If a person is charged with violating subsec-
19 tion (1), a finding of guilty under this subsection may be
20 rendered.

21 (4) A person, whether licensed or not, who operates a motor
22 vehicle upon a highway or other place open to the general public
23 or generally accessible to motor vehicles, including an area des-
24 ignated for the parking of vehicles, within this state, in viola-
25 tion of subsection (1) or (3), and by the operation of that motor
26 vehicle causes the death of another person is guilty of a felony

1 punishable by imprisonment for not more than 15 years or a fine
2 of not less than \$2,500.00 or more than \$10,000.00, or both.

3 (5) A person, whether licensed or not, who operates a motor
4 vehicle upon a highway or other place open to the general public
5 or generally accessible to motor vehicles, including an area des-
6 igned for the parking of vehicles, within this state, in viola-
7 tion of subsection (1) or (3) and by the operation of that motor
8 vehicle causes a serious impairment of a body function of another
9 person is guilty of a felony punishable by imprisonment for not
10 more than 5 years or a fine of not less than \$1,000.00 or more
11 than \$5,000.00, or both. As used in this subsection, "serious
12 impairment of a body function" includes, but is not limited to, 1
13 or more of the following:

14 (a) Loss of a limb or use of a limb.

15 (b) Loss of a hand, foot, finger, or thumb or use of a hand,
16 foot, finger, or thumb.

17 (c) Loss of an eye or ear or use of an eye or ear.

18 (d) Loss or substantial impairment of a bodily function.

19 (e) Serious visible disfigurement.

20 (f) A comatose state that lasts for more than 3 days.

21 (g) Measurable brain damage or mental impairment.

22 (h) A skull fracture or other serious bone fracture.

23 (i) Subdural hemorrhage or subdural hematoma.

24 (6) A person who is less than 21 years of age, whether
25 licensed or not, shall not operate a vehicle upon a highway or
26 other place open to the general public or generally accessible to
27 motor vehicles, including an area designated for the parking of

1 vehicles, within this state if the person has any bodily alcohol
2 content. As used in this subsection, "any bodily alcohol
3 content" means either of the following:

4 (a) An alcohol content of not less than 0.02 grams or more
5 than 0.07 grams per 100 milliliters of blood, per 210 liters of
6 breath, or per 67 milliliters of urine.

7 (b) Any presence of alcohol within a person's body resulting
8 from the consumption of intoxicating liquor, other than consump-
9 tion of intoxicating liquor as a part of a generally recognized
10 religious service or ceremony.

11 (7) A PERSON WHO COMMITS OR ATTEMPTS TO COMMIT A VIOLATION
12 UNDER SUBSECTION (1) OR (3) WHILE ANOTHER PERSON WHO IS LESS THAN
13 16 YEARS OF AGE IS OCCUPYING THE VEHICLE THAT THE PERSON IS OPER-
14 ATING AT THE TIME OF THE VIOLATION IS GUILTY OF A MISDEMEANOR
15 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF
16 NOT MORE THAN \$1,000.00, OR BOTH. THIS SECTION DOES NOT PROHIBIT
17 A PERSON FROM BEING CHARGED WITH, CONVICTED OF, OR PUNISHED FOR
18 THE VIOLATION OF SUBSECTION (1) OR (3) THAT IS COMMITTED BY THE
19 PERSON WHILE VIOLATING THIS SUBSECTION.

20 (8) ~~(7)~~ If a person is convicted of violating subsection
21 (1), all of the following apply:

22 (a) Except as otherwise provided in subdivisions (b) and
23 (d), the person is guilty of a misdemeanor punishable by 1 or
24 more of the following:

25 (i) Community service for not more than 45 days.

26 (ii) Imprisonment for not more than 90 days.

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

2 (b) If the violation occurs within 7 years of a prior
3 conviction, the person shall be sentenced to pay a fine of not
4 less than \$200.00 or more than \$1,000.00 and either of the
5 following:

6 (i) Community service for not less than 10 days or more than
7 90 days and may be imprisoned for not more than 1 year.

8 (ii) Imprisonment for not less than 48 consecutive hours or
9 more than 1 year and may be sentenced to community service for
10 not more than 90 days.

11 (c) A term of imprisonment imposed under subdivision (b)(ii)
12 shall not be suspended.

13 (d) If the violation occurs within 10 years of 2 or more
14 prior convictions, the person is guilty of a felony and shall be
15 sentenced to imprisonment for not less than 1 year or more than 5
16 years or a fine of not less than \$500.00 or more than \$5,000.00,
17 or both. A term of imprisonment imposed under this subdivision
18 shall not be suspended.

19 (e) As used in this subsection, "prior conviction" means a
20 conviction for a violation or attempted violation of subsection
21 (1), (4), ~~or~~ (5), OR (7) or former section 625(1) or (2), a
22 local ordinance substantially corresponding to subsection (1) or
23 former section 625(1) or (2), or a law of another state substan-
24 tially corresponding to subsection (1), (4), ~~or~~ (5), OR (7) or
25 former section 625(1) or (2).

26 (9) ~~(8)~~ A person who is convicted of violating subsection
27 (2) is guilty of a misdemeanor punishable by imprisonment for not

1 more than 90 days or a fine of not less than \$100.00 or more than
2 \$500.00, or both.

3 (10) ~~(9)~~ If a person is convicted of violating subsection
4 (3), all of the following apply:

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

8 (i) Community service for not more than 45 days.

9 (ii) Imprisonment for not more than 90 days.

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

11 (b) If the violation occurs within 7 years of 1 prior con-
12 viction, the person shall be sentenced to pay a fine of not less
13 than \$200.00 or more than \$1,000.00, and either of the
14 following:

15 (i) Community service for not less than 10 days or more than
16 90 days and may be sentenced to imprisonment for not more than 1
17 year.

18 (ii) Imprisonment for not more than 1 year and may be sen-
19 tenced to community service for not more than 90 days.

20 (c) If the violation occurs within 10 years of 2 or more
21 prior convictions, the person shall be sentenced to pay a fine of
22 not less than \$200.00 or more than \$1,000.00, and either of the
23 following:

24 (i) Community service for not less than 10 days or more than
25 90 days and may be sentenced to imprisonment for not more than 1
26 year.

1 (ii) Imprisonment for not more than 1 year and may be
2 sentenced to community service for not more than 90 days.

3 (d) As used in this subsection, "prior conviction" means a
4 conviction for a violation or attempted violation of subsection
5 (1), (3), (4), ~~or~~ (5), OR (7), former section 625(1) or (2), or
6 former section 625b, a local ordinance substantially correspond-
7 ing to subsection (1) or (3), former section 625(1) or (2), or
8 former section 625b, or a law of another state substantially cor-
9 responding to subsection (1), (3), (4), ~~or~~ (5), OR (7), former
10 section 625(1) or (2), or former section 625b.

11 (11) ~~(10)~~ If a person is convicted of violating
12 subsection (6), the following ~~shall~~ apply:

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

16 (i) Community service for not more than 45 days.

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

18 (b) If the violation occurs within 7 years of 1 or more
19 prior convictions, the person may be sentenced to 1 or both of
20 the following:

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

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

23 (c) As used in this subsection, "prior conviction" means a
24 conviction for a violation or attempted violation of subsection
25 (1), (3), (4), (5), ~~or~~ (6), OR (7), former section 625(1) or
26 (2), or former section 625b, a local ordinance substantially
27 corresponding to subsection (1), (3), or (6), former section

1 625(1) or (2), or former section 625b, or a law of another state
2 substantially corresponding to subsection (1), (3), (4), (5),
3 ~~or~~ (6), OR (7), former section 625(1) or (2), or former section
4 625b.

5 (12) ~~(11)~~ In addition to imposing the sanctions prescribed
6 under subsection (4), (5), (6), (7), (8), ~~(9)~~ (10), or ~~(10)~~
7 (11), the court may order the person to pay the costs of the
8 prosecution, pursuant to the code of criminal procedure, Act
9 No. 175 of the Public Acts of 1927, being sections 760.1 to
10 776.21 of the Michigan Compiled Laws.

11 (13) ~~(12)~~ The court shall impose license sanctions pursu-
12 ant to section 625b.

13 (14) ~~(13)~~ A person sentenced to perform community service
14 under this section shall not receive compensation and shall reim-
15 burse the state or appropriate local unit of government for the
16 cost of supervision incurred by the state or local unit of gov-
17 ernment as a result of the person's activities in that service.

18 (15) ~~(14)~~ If the prosecuting attorney intends to seek an
19 enhanced sentence under subsection ~~(7)(b)~~ (8)(B) or (d),
20 subsection ~~(9)(b)~~ (10)(B) or (c), or subsection ~~(10)(b)~~
21 (11)(B) based upon the defendant having 1 or more prior convic-
22 tions, the prosecuting attorney shall include on the complaint
23 and information, or an amended complaint and information, filed
24 in district court, circuit court, recorder's court, municipal
25 court, or probate court a statement listing the defendant's prior
26 convictions.

1 (16) ~~(15)~~ If a person is charged with a violation of
2 subsection (1), ~~or~~ (3), OR (7), the court shall not permit the
3 defendant to enter a plea of guilty or nolo contendere to a
4 charge of violating subsection (6) in exchange for dismissal of
5 the original charge. This subsection does not prohibit the court
6 from dismissing the charge upon the motion of the prosecuting
7 attorney.

8 (17) ~~(16)~~ A prior conviction shall be established at sen-
9 tencing by 1 or more of the following:

10 (a) An abstract of conviction.

11 (b) A copy of the defendant's driving record.

12 (c) An admission by the defendant.

13 (18) ~~(17)~~ A person who is convicted of an attempted viola-
14 tion of subsection (1), (3), (4), (5), ~~or~~ (6), OR (7) or a
15 local ordinance substantially corresponding to subsection (1),
16 (3), or (6) shall be punished as if the offense had been
17 completed.

18 (19) ~~(18)~~ When assessing points and taking licensing
19 action under this act, the secretary of state and the court shall
20 treat a conviction of an attempted violation of subsection (1),
21 (3), (4), (5), ~~or~~ (6), OR (7) or a local ordinance substan-
22 tially corresponding to subsection (1), (3), or (6) or a law of
23 another state substantially corresponding to subsection (1), (3),
24 (4), (5), ~~or~~ (6), OR (7) the same as if the offense had been
25 completed.

26 (20) ~~(19)~~ Except as otherwise provided in subsection
27 ~~(21)~~ (22), if a person is charged with operating a vehicle

1 while under the influence of a controlled substance or a
2 combination of intoxicating liquor and a controlled substance in
3 violation of subsection (1) or a local ordinance substantially
4 corresponding to subsection (1), the court shall require the jury
5 to return a special verdict in the form of a written finding or,
6 if the court convicts the person without a jury or accepts a plea
7 of guilty or nolo contendere, the court shall make a finding as
8 to whether the person was under the influence of a controlled
9 substance or a combination of intoxicating liquor and a con-
10 trolled substance at the time of the violation.

11 (21) ~~(20)~~ Except as otherwise provided in subsection
12 ~~(21)~~ (22), if a person is charged with operating a vehicle
13 while his or her ability to operate the vehicle was visibly
14 impaired due to his or her consumption of a controlled substance
15 or a combination of intoxicating liquor and a controlled sub-
16 stance in violation of subsection (3) or a local ordinance sub-
17 stantially corresponding to subsection (3), the court shall
18 require the jury to return a special verdict in the form of a
19 written finding or, if the court convicts the person without a
20 jury or accepts a plea of guilty or nolo contendere, the court
21 shall make a finding as to whether, due to the consumption of a
22 controlled substance or a combination of intoxicating liquor and
23 a controlled substance, the person's ability to operate a motor
24 vehicle was visibly impaired at the time of the violation.

25 (22) ~~(21)~~ A special verdict described in subsections
26 ~~(19)~~ (20) and ~~(20)~~ (21) is not required if a jury is

1 instructed to make a finding solely as to either of the
2 following:

3 (a) Whether the defendant was under the influence of a con-
4 trolled substance or of a combination of intoxicating liquor and
5 a controlled substance at the time of the violation.

6 (b) Whether the defendant was visibly impaired due to his or
7 her consumption of a controlled substance or a combination of
8 intoxicating liquor and a controlled substance at the time of the
9 violation.

10 (23) ~~(22)~~ If a jury or court makes a finding under subsec-
11 tion ~~(19)~~ (20), ~~(20)~~ (21), or ~~(21)~~ (22) that the defendant
12 operated a motor vehicle under the influence of or while impaired
13 due to the consumption of a controlled substance, or combination
14 of a controlled substance and an intoxicating liquor, the court
15 shall do both of the following:

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

17 (b) Forward to the department of state police, on a form or
18 forms prescribed by the state court administrator, a record that
19 specifies the penalties imposed by the court, including any term
20 of imprisonment and any licensing sanction imposed under
21 section 625b.

22 (24) ~~(23)~~ Except as otherwise provided by law, a record
23 described in subsection ~~(22)(b)~~ (23)(B) is a public record, and
24 the department of state police shall retain the information con-
25 tained on that record for a period of not less than 7 years.

26 (25) ~~(24)~~ In a prosecution for a violation of subsection
27 (6), the defendant shall bear the burden of proving that the

1 consumption of intoxicating liquor was a part of a generally
2 recognized religious service or ceremony by a preponderance of
3 the evidence.

4 Sec. 625a. (1) A peace officer may arrest a person without
5 a warrant when the peace officer has reasonable cause to believe
6 the person was, at the time of an accident in this state, the
7 operator of a vehicle involved in the accident and was operating
8 the vehicle in violation of section 625(1), (3), ~~or~~ (4), (5),
9 (6), OR (7) or a local ordinance substantially corresponding to
10 section 625(1), (3), or (6).

11 (2) A peace officer who has reasonable cause to believe that
12 a person was operating a vehicle upon a public highway or other
13 place open to the public or generally accessible to motor vehi-
14 cles, including an area designated for the parking of vehicles,
15 within this state and that the person by the consumption of
16 intoxicating liquor may have affected his or her ability to oper-
17 ate a vehicle, or reasonable cause to believe that a person was
18 operating a commercial motor vehicle within the state while the
19 person's blood, breath, or urine contained any measurable amount
20 of alcohol or while the person had any detectable presence of
21 intoxicating liquor, or reasonable cause to believe that a person
22 who is less than 21 years of age was operating a vehicle upon a
23 public highway or other place open to the public or generally
24 accessible to motor vehicles, including an area designated for
25 the parking of vehicles, within this state, while the person had
26 any bodily alcohol content as that term is defined in section
27 625(6), may require the person to submit to a preliminary

1 chemical breath analysis. The following provisions apply with
2 respect to a preliminary chemical breath analysis administered
3 pursuant to this subsection:

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

6 (b) The results of a preliminary chemical breath analysis
7 are admissible in a criminal prosecution for a crime enumerated
8 in section 625c(1) or in an administrative hearing for 1 or more
9 of the following purposes:

10 (i) To assist the court or hearing officer in determining a
11 challenge to the validity of an arrest. This subparagraph does
12 not limit the introduction of other competent evidence offered to
13 establish the validity of an arrest.

14 (ii) As evidence of the defendant's breath alcohol content,
15 if offered by the defendant.

16 (iii) As evidence of the defendant's breath alcohol content,
17 if offered by the prosecution to rebut testimony or other evi-
18 dence, including but not limited to testimony elicited on
19 cross-examination of a prosecution witness, that is offered or
20 elicited to prove that the defendant's breath alcohol content was
21 lower at the time of the charged offense than when a chemical
22 test was administered pursuant to subsection (6).

23 (c) A person who submits to a preliminary chemical breath
24 analysis remains subject to the requirements of sections 625c,
25 625d, 625e, and 625f for purposes of chemical tests described in
26 those sections.

1 (d) Except as provided in subsection (5), a person who
2 refuses to submit to a preliminary chemical breath analysis upon
3 a lawful request by a peace officer is responsible for a civil
4 infraction.

5 (3) A peace officer shall use the results of a preliminary
6 chemical breath analysis conducted pursuant to this section to
7 determine whether to order a person out-of-service under
8 section 319d. A peace officer shall order out-of-service as
9 required under section 319d a person who was operating a commer-
10 cial motor vehicle and who refuses to submit to a preliminary
11 chemical breath analysis as provided in this section. This sec-
12 tion does not limit use of other competent evidence by the peace
13 officer to determine whether to order a person out-of-service
14 under section 319d.

15 (4) A person who was operating a commercial motor vehicle
16 and who is requested to submit to a preliminary chemical breath
17 analysis under this section shall be advised that refusing a
18 peace officer's request to take a test described in this section
19 is a misdemeanor punishable by imprisonment for not more than 90
20 days or a fine of not more than \$100.00, or both, and will result
21 in the issuance of a 24-hour out-of-service order.

22 (5) A person who was operating a commercial motor vehicle
23 and who refuses to submit to a preliminary chemical breath analy-
24 sis upon a peace officer's lawful request is guilty of a misde-
25 meanor punishable by imprisonment for not more than 90 days or a
26 fine of not more than \$100.00, or both.

1 (6) The following provisions apply with respect to chemical
2 tests and analysis of a person's blood, urine, or breath, other
3 than preliminary chemical breath analysis:

4 (a) The amount of alcohol or presence of a controlled sub-
5 stance or both in a driver's blood or urine or the amount of
6 alcohol in a person's breath at the time alleged as shown by
7 chemical analysis of the person's blood, urine, or breath is
8 admissible into evidence in any civil or criminal proceeding.

9 (b) A person arrested for a crime described in
10 section 625c(1) shall be advised of all of the following:

11 (i) If he or she takes a chemical test of his or her blood,
12 urine, or breath administered at the request of a peace officer,
13 he or she has the right to demand that a person of his or her own
14 choosing administer 1 of the chemical tests.

15 (ii) The results of the test are admissible in a judicial
16 proceeding as provided under this act and will be considered with
17 other competent evidence in determining the defendant's innocence
18 or guilt.

19 (iii) He or she is responsible for obtaining a chemical
20 analysis of a test sample obtained pursuant to his or her own
21 request.

22 (iv) If he or she refuses the request of a peace officer to
23 take a test described in subparagraph (i), a test shall not be
24 given without a court order, but the peace officer may seek to
25 obtain such a court order.

26 (v) Refusing a peace officer's request to take a test
27 described in subparagraph (i) will result in the suspension of

1 his or her operator's or chauffeur's license and vehicle group
2 designation or operating privilege and in the addition of 6
3 points to his or her driver record.

4 (c) A sample or specimen of urine or breath shall be taken
5 and collected in a reasonable manner. Only a licensed physician,
6 or an individual operating under the delegation of a licensed
7 physician under section 16215 of the ~~Public~~ PUBLIC health code,
8 Act No. 368 of the Public Acts of 1978, being section 333.16215
9 of the Michigan Compiled Laws, qualified to withdraw blood and
10 acting in a medical environment, may withdraw blood at a peace
11 officer's request to determine the amount of alcohol or presence
12 of a controlled substance or both in the person's blood, as pro-
13 vided in this subsection. Liability for a crime or civil damages
14 predicated on the act of withdrawing or analyzing blood and
15 related procedures does not attach to a licensed physician or
16 individual operating under the delegation of a licensed physician
17 who withdraws or analyzes blood or assists in the withdrawal or
18 analysis in accordance with this act unless the withdrawal or
19 analysis is performed in a negligent manner.

20 (d) A chemical test described in this subsection shall be
21 administered at the request of a peace officer having reasonable
22 grounds to believe the person has committed a crime described in
23 section 625c(1). A person who takes a chemical test administered
24 at a peace officer's request as provided in this section shall be
25 given a reasonable opportunity to have a person of his or her own
26 choosing administer 1 of the chemical tests described in this
27 subsection within a reasonable time after his or her detention.

1 The test results are admissible and shall be considered with
2 other competent evidence in determining the defendant's innocence
3 or guilt. If the person charged is administered a chemical test
4 by a person of his or her own choosing, the person charged is
5 responsible for obtaining a chemical analysis of the test
6 sample.

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

21 (f) If, after an accident, the driver of a vehicle involved
22 in the accident is deceased, a sample of the decedent's blood
23 shall be withdrawn in a manner directed by the medical examiner
24 to determine the amount of alcohol or the presence of a con-
25 trolled substance, or both, in the decedent's blood. The medical
26 examiner shall give the results of the chemical analysis of the
27 sample to the law enforcement agency investigating the accident

1 and that agency shall forward the results to the department of
2 state police.

3 (g) The department of state police shall promulgate uniform
4 rules under the administrative procedures act of 1969, Act
5 No. 306 of the Public Acts of 1969, being sections 24.201 to
6 24.328 of the Michigan Compiled Laws, for the administration of
7 chemical tests for the purposes of this section. An instrument
8 used for a preliminary chemical breath analysis may be used for a
9 chemical test described in this subsection if approved pursuant
10 to rules promulgated by the department of state police.

11 (7) The provisions of subsection (6) relating to chemical
12 testing do not limit the introduction of any other competent evi-
13 dence bearing upon the question of whether a person was impaired
14 by, or under the influence of, intoxicating liquor or a con-
15 trolled substance, or a combination of intoxicating liquor and a
16 controlled substance, or whether the person had an alcohol con-
17 tent of 0.10 grams or more per 100 milliliters of blood, per 210
18 liters of breath, or per 67 milliliters of urine, or if the
19 person is less than 21 years of age, whether the person had any
20 bodily alcohol content within his or her body. As used in this
21 section, "any bodily alcohol content" means either of the
22 following:

23 (a) An alcohol content of not less than 0.02 grams or more
24 than 0.07 grams per 100 milliliters of blood, per 210 liters of
25 breath, or per 67 milliliters of urine.

26 (b) Any presence of alcohol within a person's body resulting
27 from the consumption of intoxicating liquor, other than

1 consumption of intoxicating liquor as a part of a generally
2 recognized religious service or ceremony.

3 (8) If a chemical test described in subsection (6) is admin-
4 istered, the test results shall be made available to the person
5 charged or the person's attorney upon written request to the
6 prosecution, with a copy of the request filed with the court.
7 The prosecution shall furnish the results at least 2 days before
8 the day of the trial. The prosecution shall offer the test
9 results as evidence in that trial. Failure to fully comply with
10 the request bars the admission of the results into evidence by
11 the prosecution.

12 (9) Except in a prosecution relating solely to a violation
13 of section 625(1)(b) or (6), the amount of alcohol in the
14 driver's blood, breath, or urine at the time alleged as shown by
15 chemical analysis of the person's blood, breath, or urine gives
16 rise to the following presumptions:

17 (a) If there were at the time 0.07 grams or less of alcohol
18 per 100 milliliters of the defendant's blood, per 210 liters of
19 the defendant's breath, or per 67 milliliters of the defendant's
20 urine, it is presumed that the defendant's ability to operate a
21 motor vehicle was not impaired due to the consumption of intoxi-
22 cating liquor, and that the defendant was not under the influence
23 of intoxicating liquor.

24 (b) If there were at the time more than 0.07 grams but less
25 than 0.10 grams of alcohol per 100 milliliters of the defendant's
26 blood, per 210 liters of the defendant's breath, or per 67
27 milliliters of the defendant's urine, it is presumed that the

1 defendant's ability to operate a vehicle was impaired within the
2 provisions of section 625(3) due to the consumption of intoxicat-
3 ing liquor.

4 (c) If there were at the time 0.10 grams or more of alcohol
5 per 100 milliliters of the defendant's blood, per 210 liters of
6 the breath, or per 67 milliliters of the defendant's urine, it is
7 presumed that the defendant was under the influence of intoxicat-
8 ing liquor.

9 (10) A person's refusal to submit to a chemical test as pro-
10 vided in subsection (6) is admissible in a criminal prosecution
11 for a crime described in section 625c(1) only to show that a test
12 was offered to the defendant, but not as evidence in determining
13 the defendant's innocence or guilt. The jury shall be instructed
14 accordingly.

15 Sec. 625b. (1) A person arrested for a misdemeanor viola-
16 tion of section 625(1), (3), ~~or~~ (6), OR (7) or section 625m or
17 a local ordinance substantially corresponding to section 625(1),
18 (3), or (6) or section 625m shall be arraigned on the citation,
19 complaint, or warrant not more than 14 days after the arrest for
20 the violation or, if an arrest warrant is issued or reissued, not
21 more than 14 days after the issued or reissued arrest warrant is
22 served, whichever is later. The court shall not dismiss a case
23 or impose any other sanction for a failure to comply with this
24 time limit. The time limit does not apply to a violation of
25 section 625(1) punishable under section ~~625(7)(d)~~ 625(8)(D) or
26 a violation of section 625(1), (3), ~~or~~ (6), OR (7) or
27 section 625m joined with a felony charge.

1 (2) The court shall schedule a pretrial conference between
2 the prosecuting attorney, the defendant, and the defendant's
3 attorney in each case in which the defendant is charged with a
4 misdemeanor violation of section 625(1), (3), ~~or~~ (6), OR (7) or
5 section 625m or a local ordinance substantially corresponding to
6 section 625(1), (3), ~~or~~ (6), OR (7) or section 625m. The pre-
7 trial conference shall be held not more than 35 days after the
8 person's arrest for the violation or, if an arrest warrant is
9 issued or reissued, not more than 35 days after the issued or
10 reissued arrest warrant is served, whichever is later. If the
11 court has only 1 judge who sits in more than 1 location in that
12 district, the pretrial conference shall be held not more than 42
13 days after the person's arrest for the violation or, if an arrest
14 warrant is issued or reissued, not more than 42 days after the
15 date the issued or reissued arrest warrant is served, whichever
16 is later. The court shall not dismiss a case or impose any other
17 sanction for a failure to comply with the applicable time limit.
18 The 35- and 42-day time limits do not apply to a violation of
19 section 625(1) punishable under section ~~625(7)(d)~~ 625(8)(D) or
20 a violation of section 625(1), (3), ~~or~~ (6), OR (7) or
21 section 625m joined with a felony charge. The court shall order
22 the defendant to attend the pretrial conference and may accept a
23 plea by the defendant at the conclusion of the pretrial
24 conference. The court may adjourn the pretrial conference upon
25 the motion of a party for good cause shown. Not more than 1
26 adjournment shall be granted to a party, and the length of an
27 adjournment shall not exceed 14 days.

1 (3) Except for delay attributable to the unavailability of
2 the defendant, a witness, or material evidence or due to an
3 interlocutory appeal or exceptional circumstances, but not a
4 delay caused by docket congestion, the court shall finally adju-
5 dicate, by a plea of guilty or nolo contendere, entry of a ver-
6 dict, or other final disposition, a case in which the defendant
7 is charged with a misdemeanor violation of section 625(1), (3),
8 ~~or~~ (6), OR (7) or section 625m or a local ordinance substan-
9 tially corresponding to section 625(1), (3), or (6) or
10 section 625m, within 77 days after the person is arrested for the
11 violation or, if an arrest warrant is issued or reissued, not
12 more than 77 days after the date the issued or reissued arrest
13 warrant is served, whichever is later. The court shall not dis-
14 miss a case or impose any other sanction for a failure to comply
15 with this time limit. The 77-day time limit does not apply to a
16 violation of section 625(1) punishable under section ~~625(7)(d)~~
17 625(8)(D) or a violation of section 625(1), (3), ~~or~~ (6), OR (7)
18 or section 625m joined with a felony charge.

19 (4) Before accepting a plea of guilty or nolo contendere
20 under section 625 or a local ordinance substantially correspond-
21 ing to section 625(1), (2), (3), or (6), the court shall advise
22 the accused of the maximum possible term of imprisonment and the
23 maximum possible fine that may be imposed for the violation, and
24 shall advise the defendant that the maximum possible license
25 sanctions that may be imposed will be based upon the master driv-
26 ing record maintained by the secretary of state pursuant to
27 section 204a.

1 (5) Before imposing sentence, other than court-ordered
2 license sanctions, for a violation of section 625(1), (3), (4),
3 (5), ~~or~~ (6), OR (7) or a local ordinance substantially corre-
4 sponding to section 625(1), (3), or (6), the court shall order
5 the person to undergo screening and assessment by a person or
6 agency designated by the office of substance abuse services to
7 determine whether the person is likely to benefit from rehabili-
8 tative services, including alcohol or drug education and alcohol
9 or drug treatment programs. As part of the sentence, the court
10 may order the person to participate in and successfully complete
11 1 or more appropriate rehabilitative programs. The person shall
12 pay for the costs of the screening, reassessment, and rehabilita-
13 tive services.

14 (6) Immediately upon acceptance by the court of a plea of
15 guilty or nolo contendere or upon entry of a verdict of guilty
16 for a violation of section 625(1), (3), (4), (5), ~~or~~ (6), OR
17 (7) or a local ordinance substantially corresponding to section
18 625(1), (3), or (6), whether or not the person is eligible to be
19 sentenced as a multiple offender, the court shall consider all
20 prior convictions currently entered upon the person's Michigan
21 driving record, except convictions the court determines upon the
22 defendant's motion to be constitutionally invalid, and shall
23 impose the following licensing sanctions:

24 (a) For a conviction under section 625(4) or (5), the court
25 shall order the secretary of state to revoke the person's
26 operator's or chauffeur's license and shall not order the
27 secretary of state to issue a restricted license to the person.

1 (b) For a conviction under section 625(1) or a local
2 ordinance substantially corresponding to section 625(1):

3 (i) If the court finds that the person has no prior convic-
4 tions within 7 years for a violation of section 625(1), (3), (4),
5 ~~or~~ (5), OR (7), former section 625(1) or (2), or former section
6 625b, a local ordinance substantially corresponding to section
7 625(1) or (3), former section 625(1) or (2) or former section
8 625b, or a law of another state substantially corresponding to
9 section 625(1), (3), (4), ~~or~~ (5), OR (7), former section 625(1)
10 or (2), or former section 625b, the court shall order the secre-
11 tary of state to suspend the person's operator's or chauffeur's
12 license for not less than 6 months or more than 2 years. If the
13 court finds compelling circumstances under subsection (10) suffi-
14 cient to warrant the issuance of a restricted license to a
15 person, the court may order the secretary of state to issue to
16 the person a restricted license during all or a specified portion
17 of the suspension, except that a restricted license shall not be
18 issued during the first 30 days of the suspension.

19 (ii) If the court finds that the person has 1 prior convic-
20 tion within 7 years for a violation of section 625(3) OR (7) or
21 former section 625b, a local ordinance substantially correspond-
22 ing to section 625(3) OR (7) or former section 625b, or a law of
23 another state substantially corresponding to section 625(3) OR
24 (7) or former section 625b, the court shall order the secretary
25 of state to suspend the person's operator's or chauffeur's
26 license for not less than 6 months or more than 2 years. If the
27 court finds compelling circumstances under subsection (10)

1 sufficient to warrant the issuance of a restricted license to a
2 person, the court may order the secretary of state to issue to
3 the person a restricted license during all or any portion of the
4 suspension, except that a restricted license shall not be issued
5 during the first 60 days of the suspension.

6 (iii) If the court finds that the person has 1 or more prior
7 convictions within 7 years for a violation of section 625(1),
8 (4), ~~or~~ (5), OR (7) or former section 625(1) or (2), a local
9 ordinance substantially corresponding to section 625(1) or former
10 section 625(1) or (2), or a law of another state substantially
11 corresponding to section 625(1), (4), ~~or~~ (5), OR (7) or former
12 section 625(1) or (2), or that the person has 2 or more prior
13 convictions within 10 years for a violation of section 625(1),
14 (3), (4), ~~or~~ (5), OR (7), former section 625(1) or (2), or
15 former section 625b, a local ordinance substantially correspond-
16 ing to section 625(1) or (3), former section 625(1) or (2), or
17 former section 625b, or a law of another state substantially cor-
18 responding to section 625(1), (3), (4), ~~or~~ (5), OR (7), former
19 section 625(1) or (2), or former section 625b, the court shall
20 order the secretary of state to revoke the person's operator's or
21 chauffeur's license and shall not order the secretary of state to
22 issue a restricted license to the person.

23 (c) For a conviction under section 625(3) OR (7) or a local
24 ordinance substantially corresponding to section 625(3) OR (6):

25 (i) If the court finds that the convicted person has no
26 prior conviction within 7 years for a violation of section
27 625(1), (3), (4), ~~or~~ (5), OR (7), former section 625(1) or (2),

1 or former section 625b, a local ordinance substantially
2 corresponding to section 625(1) or (3), former section 625(1) or
3 (2), or former section 625b, or a law of another state substan-
4 tially corresponding to section 625(1), (3), (4), ~~or~~ (5), OR
5 (7), former section 625(1) or (2), or former section 625b, the
6 court shall order the secretary of state to suspend the person's
7 operator's or chauffeur's license for not less than 90 days or
8 more than 1 year. However, if the person is convicted of a vio-
9 lation of section 625(3) OR (7) or a local ordinance substan-
10 tially corresponding to section 625(3) for operating a vehicle
11 when, due to the consumption of a controlled substance or a com-
12 bination of intoxicating liquor and a controlled substance, the
13 person's ability to operate the vehicle was visibly impaired, the
14 court shall order the secretary of state to suspend the
15 operator's or chauffeur's license of the person for not less than
16 6 months or more than 1 year. If the court finds compelling cir-
17 cumstances under subsection (10) sufficient to warrant the issu-
18 ance of a restricted license to a person, the court may order the
19 secretary of state to issue to the person a restricted license
20 during all or a specified portion of the suspension.

21 (ii) If the court finds that the person has 1 prior convic-
22 tion within 7 years for a violation of section 625(1), (3), (4),
23 ~~or~~ (5), OR (7), former section 625(1) or (2), or former section
24 625b, a local ordinance substantially corresponding to section
25 625(1) or (3), former section 625(1) or (2), or former section
26 625b, or a law of another state substantially corresponding to
27 section 625(1), (3), (4), ~~or~~ (5), OR (7), former section 625(1)

1 or (2), or former section 625b, the court shall order the
2 secretary of state to suspend the person's operator's or
3 chauffeur's license for not less than 6 months or more than 2
4 years. If the court finds compelling circumstances under subsec-
5 tion (10) sufficient to warrant the issuance of a restricted
6 license to a person, the court may order the secretary of state
7 to issue to the person a restricted license during all or any
8 portion of the suspension, except that a restricted license shall
9 not be issued during the first 60 days of the suspension.

10 (iii) If the court finds that the person has 2 or more prior
11 convictions within 10 years for a violation of section 625(1),
12 (3), (4), ~~or~~ (5), OR (7), former section 625(1) or (2), or
13 former section 625b, a local ordinance substantially correspond-
14 ing to section 625(1) or (3), former section 625(1) or (2), or
15 former section 625b, or a law of another state substantially cor-
16 responding to section 625(1), (3), (4), ~~or~~ (5), OR (7), former
17 section 625(1) or (2), or former section 625b, the court shall
18 order the secretary of state to revoke the person's operator's or
19 chauffeur's license and shall not order the secretary of state to
20 issue a restricted license to the person.

21 (d) For a conviction under section 625(6) or a local ordi-
22 nance substantially corresponding to section 625(6):

23 (i) If the court finds that the convicted person has no
24 prior conviction within 7 years for a violation of section
25 625(1), (3), (4), (5), ~~or~~ (6), OR (7), former section 625(1) or
26 (2), or former section 625b, a local ordinance substantially
27 corresponding to section 625(1), (3), or (6), former section

1 625(1) or (2), or former section 625b, or a law of another state
2 substantially corresponding to section 625(1), (3), (4), (5),
3 ~~or~~ (6), OR (7), former section 625(1) or (2), or former
4 section 625b, the court shall order the secretary of state to
5 suspend the operator's or chauffeur's license of the person for
6 not less than 30 days or more than 90 days. The court may order
7 the secretary of state to issue to the person a restricted
8 license during all or a specified portion of the suspension.

9 (ii) If the court finds that the person has 1 or more prior
10 convictions within 7 years for a violation of section 625(1),
11 (3), (4), (5), ~~or~~ (6), OR (7), former section 625(1) or (2), or
12 former section 625b, a local ordinance substantially correspond-
13 ing to section 625(1), (3), or (6), former section 625(1) or (2),
14 or former section 625b, or a law of another state substantially
15 corresponding to section 625(1), (3), (4), (5), ~~or~~ (6), OR (7),
16 former section 625(1) or (2), or former section 625b, the court
17 shall order the secretary of state to suspend the operator's or
18 chauffeur's license of the person for not less than 90 days or
19 more than 1 year. The court may order the secretary of state to
20 issue to the person a restricted license during all or any por-
21 tion of the suspension, except that a restricted license shall
22 not be issued during the first 90 days of the suspension.

23 (7) A restricted license issued pursuant to an order under
24 subsection (6) shall permit the person to whom it is issued to
25 drive under 1 or more of the following circumstances:

26 (a) To and from the person's residence and work location.

1 (b) In the course of the person's employment or occupation.

2 (c) To and from the person's residence and an alcohol or
3 drug education or treatment program as ordered by the court.

4 (d) To and from the person's residence and the court proba-
5 tion department or a court-ordered community service program, or
6 both.

7 (e) To and from the person's residence and an educational
8 institution at which the person is enrolled as a student.

9 (f) To and from the person's residence or work location and
10 a place of regularly occurring medical treatment for a serious
11 condition for the person or a member of the person's household or
12 immediate family.

13 (8) The court may order that the restricted license issued
14 pursuant to subsection (6) include the requirement that the
15 person shall not operate a motor vehicle unless the vehicle is
16 equipped with a functioning ignition interlock device. The
17 device shall be set to render the motor vehicle inoperable if the
18 device detects an alcohol content of 0.02 grams or more per 210
19 liters of breath of the person who offers a breath sample. The
20 court may order installation of an ignition interlock device on
21 any motor vehicle that the person owns or operates, the costs of
22 which the person whose license is restricted shall bear.

23 (9) The court shall not order the secretary of state under
24 subsection (6) to issue a restricted license that would permit a
25 person to operate a commercial motor vehicle that hauls hazardous
26 materials.

1 (10) 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 pursuant to testimony taken in open court or
4 pursuant to statements contained in a sworn affidavit on a form
5 prescribed by the state court administrator, that both of the
6 following are true:

7 (a) The person needs vehicular transportation to and from
8 his or her work location, place of alcohol or drug education
9 treatment, court probation department, court-ordered community
10 service program, or educational institution, or a place of regu-
11 larly occurring medical treatment for a serious condition, or in
12 the course of the person's employment or occupation.

13 (b) The person is unable to take public transportation and
14 does not have any family members or other individuals able to
15 provide transportation to a destination or for a purpose
16 described in subdivision (a).

17 (11) The court order issued under subsection (6) and the
18 restricted license shall indicate the permitted destinations of
19 the person or the permitted purposes for which the person may
20 operate a vehicle, the approved route or routes if specified by
21 the court, and permitted times of travel.

22 (12) Immediately upon acceptance by the court of a plea of
23 guilty or nolo contendere or upon entry of a verdict of guilty
24 for a violation of section 625(1), (3), (4), (5), ~~or~~ (6), OR
25 (7) or a local ordinance substantially corresponding to
26 section 625(1), (3), or (6), the person shall surrender to the
27 court his or her operator's or chauffeur's license or permit.

1 The court shall immediately destroy the license or permit and
2 forward an abstract of conviction with court-ordered license
3 sanctions to the secretary of state. Upon receipt of, and pursu-
4 ant to, the abstract of conviction with court-ordered license
5 sanctions, the secretary of state shall suspend or revoke the
6 person's license and, if ordered by the court and the person is
7 otherwise eligible for a license, issue to the person a
8 restricted license stating the limited driving privileges indi-
9 cated on the abstract. If the judgment and sentence is appealed
10 to circuit court, the court may ex parte order the secretary of
11 state to stay the suspension, revocation, or restricted license
12 issued pursuant to this section pending the outcome of the
13 appeal.

14 (13) In addition to any other suspension or revocation
15 ordered under this section and as part of the sentence imposed
16 upon a person who violates section 625(1), (3), (4), ~~or~~ (5), OR
17 (7) or a local ordinance substantially corresponding to
18 section 625(1) or (3) while operating a commercial motor vehicle,
19 the court shall order the secretary of state to suspend the vehi-
20 cle group designations on the person's operator's or chauffeur's
21 license in accordance with section 319b(1)(c). If the vehicle
22 was transporting hazardous material required to have a placard
23 pursuant to 49 C.F.R. parts 100 to 199, the court shall order the
24 secretary of state to suspend the vehicle group designations on
25 the person's operator's or chauffeur's license in accordance with
26 section 319b(1)(d). The court shall not order the secretary of

1 state to issue a restricted license that would permit the person
2 to operate a commercial motor vehicle.

3 (14) In addition to any other suspension or revocation
4 ordered under this section and as part of the sentence imposed
5 upon a person who is convicted of a violation of section 625(1),
6 (3), (4), ~~or~~ (5), OR (7) or a local ordinance substantially
7 corresponding to section 625(1) or (3) while operating a commer-
8 cial motor vehicle within 10 years of a prior conviction, the
9 court shall order the secretary of state to revoke the vehicle
10 group designations on the person's operator's or chauffeur's
11 license in accordance with section 319b(1)(e). The court shall
12 not order the secretary of state to issue a restricted license
13 that would permit the person to operate a commercial motor
14 vehicle. As used in this subsection, "prior conviction" means a
15 conviction under section 625(1), (3), (4), ~~or~~ (5), OR (7),
16 former section 625(1) or (2), or former section 625b, a local
17 ordinance substantially corresponding to section 625(1) or (3),
18 former section 625(1) or (2), or former section 625b, or a law of
19 another state substantially corresponding to section 625(1), (3),
20 (4), ~~or~~ (5), OR (7), former section 625(1) or (2), or former
21 section 625b involving the operation of a commercial motor vehi-
22 cle, or a conviction under section 625m, a local ordinance sub-
23 stantially corresponding to section 625m, or a law of another
24 state substantially corresponding to section 625m.

25 (15) As used in this section, "work location" means, as
26 applicable, the specific place or places of employment or the

1 territory or territories regularly visited by the person in
2 pursuance of the person's occupation, or both.

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

12 (a) If the person is arrested for a violation of section
13 625(1), (3), (4), (5), ~~or~~ (6), OR (7), section 625a(5), or sec-
14 tion 625m, or a local ordinance substantially corresponding to
15 section 625(1), (3), or (6), section 625a(5), or section 625m.

16 (b) If the person is arrested for felonious driving, negli-
17 gent homicide, manslaughter, or murder resulting from the opera-
18 tion of a motor vehicle, and the peace officer had reasonable
19 grounds to believe the person was operating the vehicle while
20 impaired by or under the influence of intoxicating liquor or a
21 controlled substance or a combination of intoxicating liquor and
22 a controlled substance, or while having an alcohol content of
23 0.10 grams or more per 100 milliliters of blood, per 210 liters
24 of breath, or per 67 milliliters of urine, or if the person is
25 less than 21 years of age while having any bodily alcohol
26 content. As used in this subdivision, "any bodily alcohol
27 content" means either of the following:

1 (i) An alcohol content of not less than 0.02 grams or more
2 than 0.07 grams per 100 milliliters of blood, per 210 liters of
3 breath, or per 67 milliliters of urine.

4 (ii) Any presence of alcohol within a person's body result-
5 ing from the consumption of intoxicating liquor, other than con-
6 sumption of intoxicating liquor as part of a generally recognized
7 religious service or ceremony.

8 (2) A person who is afflicted with hemophilia, diabetes, or
9 a condition requiring the use of an anticoagulant under the
10 direction of a physician is not considered to have given consent
11 to the withdrawal of blood.

12 (3) The tests shall be administered as provided in section
13 625a(6).

14 Sec. 625h. (1) The drunk driving prevention equipment and
15 training fund is created as a separate fund in the state
16 treasury. Money in the fund shall be expended only as provided
17 in subsection (2). The state treasurer shall credit to the fund
18 all money received for that purpose under section 320e, and as
19 otherwise provided by law. The state treasurer shall invest
20 money in the fund in the same manner as surplus funds are
21 invested under section ~~143~~ 3 of Act No. 105 of the Public Acts
22 of ~~1985~~ 1855, being section 21.143 of the Michigan Compiled
23 Laws. Earnings from the fund shall be credited to the fund.
24 Money in the fund at the end of the fiscal year shall remain in
25 the fund, and shall not revert to the general fund.

26 (2) The department of state police shall administer the
27 fund. Money in the fund shall be used only to administer the

1 fund, to purchase and maintain breath alcohol testing equipment,
 2 and to provide training to law enforcement personnel of this
 3 state in the use of that breath alcohol testing equipment.

4 (3) The department of treasury shall, before November 1 of
 5 each year, notify the department of state police of the balance
 6 in the fund at the close of the preceding fiscal year.

7 (4) The department of state police shall promulgate rules to
 8 implement subsection (2).

9 (5) The drunk driving caseflow assistance fund is created as
 10 a separate fund in the state treasury. The purpose of the fund
 11 is to promote the timely disposition of cases in which the
 12 defendant is charged with a violation of section 625(1) or (3) of
 13 this act ~~, section 15a(1) or (3) of the Michigan snowmobile act,~~
 14 ~~Act No. 74 of the Public Acts of 1966, being section 257.1515a of~~
 15 ~~the Michigan Compiled Laws, or section 171(1) or (3) of the~~
 16 ~~marine safety act, Act No. 303 of the Public Acts of 1967, being~~
 17 ~~section 281.1171 of the Michigan Compiled Laws; OR~~
 18 SECTION 80176(1) OR (3) OF PART 801 (MARINE SAFETY) OR 82127(1)
 19 OR (3) OF PART 821 (SNOWMOBILES) OF THE NATURAL RESOURCES AND
 20 ENVIRONMENTAL PROTECTION ACT, ACT NO. 451 OF THE PUBLIC ACTS OF
 21 1994, BEING SECTIONS 324.80176 AND 324.82127 OF THE MICHIGAN
 22 COMPILED LAWS, or a local ordinance substantially corresponding
 23 to section 625(1), ~~or (3), OR (7) of this act, section 15a(1)~~
 24 ~~or (3) of Act No. 74 of the Public Acts of 1966, or section~~
 25 ~~171(1) or (3) of Act No. 303 of the Public Acts of 1967 OR SEC-~~
 26 TION 80176(1) OR (3) OR 82127(1) OR (3) OF ACT NO. 451 OF THE

1 PUBLIC ACTS OF 1994. Money in the fund shall be expended only as
2 provided in subsection (7).

3 (6) The state treasurer shall credit the drunk driving case-
4 flow assistance fund with deposits of proceeds from the collec-
5 tion of revenue from license reinstatement fees as provided for
6 in section 320e, and all income from investment credited to the
7 fund by the state treasurer. The state treasurer may invest
8 money contained in the drunk driving caseflow assistance fund in
9 any manner authorized by law for the investment of state money.
10 However, an investment shall not interfere with any apportion-
11 ment, allocation, or payment of money as required by this
12 section. The state treasurer shall credit to the fund all income
13 earned as a result of an investment. Money in the fund at the
14 end of the fiscal year shall remain in the fund and shall not
15 revert to the general fund.

16 (7) The state court administrator, at the direction of the
17 supreme court and upon confirmation of the amount by the state
18 treasurer, shall distribute from the drunk driving caseflow
19 assistance fund the total amount available in a fiscal year to
20 each district of the district court and each municipal court as
21 provided in this section. The state court administrator, after
22 reimbursement of costs as provided in this subsection, shall dis-
23 tribute the balance of the drunk driving caseflow assistance fund
24 annually to each district of the district court and each municipi-
25 pal court in an amount determined by multiplying the amount
26 available for distribution by a fraction, the numerator of which
27 is the number of cases in which the defendant was charged with a

1 violation of section 625(1), ~~or~~ (3), OR (7) of this act ~~or~~
2 ~~section 15a(1) or (3) of Act No. 74 of the Public Acts of 1968,~~
3 ~~or section 171(1) or (3) of Act No. 303 of the Public Acts of~~
4 ~~1967~~ OR SECTION 80176(1) OR (3) OR 82127(1) OR (3) OF ACT
5 NO. 451 OF THE PUBLIC ACTS OF 1994 or a local ordinance substan-
6 tially corresponding to section 625(1) or (3) of this act ~~or sec-~~
7 ~~tion 15a(1) or (3) of Act No. 74 of the Public Acts of 1968, or~~
8 ~~section 171(1) or (3) of Act No. 303 of the Public Acts of 1967~~
9 OR SECTION 80176(1) OR (3) OR 82127(1) OR (3) OF ACT NO. 451 OF
10 THE PUBLIC ACTS OF 1994 in the prior calendar year in that dis-
11 trict of the district court or that municipal court as certified
12 by the state court administrator and the denominator of which is
13 the total number of cases in all districts of the district court
14 and all municipal courts in which the defendant was charged with
15 a violation of section 625(1), ~~or~~ (3), OR (7) of this act ~~or~~
16 ~~section 15a(1) or (3) of Act No. 74 of the Public Acts of 1968,~~
17 ~~or section 171(1) or (3) of Act No. 303 of the Public Acts of~~
18 ~~1967~~ OR SECTION 80176(1) OR (3) OR 82127(1) OR (3) OF ACT
19 NO. 451 OF THE PUBLIC ACTS OF 1994 or a local ordinance substan-
20 tially corresponding to section 625(1) or (3) of this act ~~or sec-~~
21 ~~tion 15a(1) or (3) of Act No. 74 of the Public Acts of 1968, or~~
22 ~~section 171(1) or (3) of Act No. 303 of the Public Acts of 1967~~
23 OR SECTION 80176(1) OR (3) OR 82127(1) OR (3) OF ACT NO. 451 OF
24 THE PUBLIC ACTS OF 1994 in the calendar year. The state court
25 administrative office shall be reimbursed annually from the drunk
26 driving caseflow assistance fund for all reasonable costs
27 associated with the administration of this section, including

1 judicial and staff training, on-site management assistance, and
2 software development and conversion.

3 Sec. 625i. (1) The department of state police shall prepare
4 an annual report which shall be designated the Michigan annual
5 drunk driving audit. The secretary of state, circuit court, dis-
6 trict court, probate court, municipal courts, and local units of
7 government in this state shall cooperate with the department of
8 state police to provide information necessary for the preparation
9 of the report. A copy of the report prepared under this subsec-
10 tion shall be submitted to the governor, the secretary of the
11 senate, the clerk of the house of representatives, and the secre-
12 tary of state on June 1 of each year. The report shall contain
13 for each county in the state all of the following information
14 applicable to the immediately preceding calendar year:

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

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

22 (c) The number of alcohol related motor vehicle accidents,
23 other than those enumerated in subdivisions (a) and (b), includ-
24 ing the breakdown described in subdivision (a).

25 (d) The number of arrests made for violations of section
26 625(1)(a) or (b) or local ordinances substantially corresponding
27 to section 625(1)(a) or (b).

1 (e) The number of arrests made for violations of section
2 625(3) or local ordinances substantially corresponding to section
3 625(3).

4 (f) The number of arrests made for violations of
5 section 625(6) or local ordinances substantially corresponding to
6 section 625(6).

7 (g) The number of arrests made for violations of
8 section 625(4) or (5).

9 (h) The number of operator's or chauffeur's licenses sus-
10 pended pursuant to section 625f.

11 (i) The number of arrests made for violations of
12 section 625m or local ordinances substantially corresponding to
13 section 625m. ~~This subdivision shall apply after December 31,~~
14 ~~1992.~~

15 (J) THE NUMBER OF ARRESTS MADE FOR VIOLATIONS OF SECTION
16 625(7).

17 (2) The secretary of state shall compile a report of dispo-
18 sitions of charges for violations of section 625(1), (3), (4),
19 (5), ~~or~~ (6), OR (7) or section 625m or local ordinances sub-
20 stantially corresponding to section 625(1), (3), or (6) or
21 section 625m by each judge for inclusion in the annual report.
22 The report compiled by the secretary of state shall include
23 information regarding all of the following:

24 (a) The number of dismissals granted.

25 (b) The number of convictions entered.

26 (c) The number of acquittals entered.

1 (d) The number of licenses suspended, revoked, or
2 restricted.

3 (e) The average length of imprisonment imposed.

4 (f) The average length of community service imposed in lieu
5 of imprisonment.

6 (g) The average fine imposed.

7 (3) The secretary of state shall enter into a contract with
8 the university of Michigan transportation research institute, in
9 which the university of Michigan transportation research insti-
10 tute shall evaluate the effect and impact of the 1991 legislation
11 addressing drunk and impaired driving in this state and report
12 its findings to the governor and the legislature not later than
13 October 1, 1994.

14 Sec. 625m. (1) A person, whether licensed or not, who has
15 an alcohol content of 0.04 grams or more but not more than 0.07
16 grams per 100 milliliters of blood, per 210 liters of breath, or
17 per 67 milliliters of urine shall not operate a commercial motor
18 vehicle within this state.

19 (2) A peace officer may arrest a person without a warrant if
20 the peace officer has reasonable cause to believe that the person
21 was, at the time of an accident, the driver of a commercial motor
22 vehicle involved in the accident and was operating the vehicle in
23 violation of this section or of a local ordinance substantially
24 corresponding to this section.

25 (3) A person who is convicted of a violation of this section
26 or a local ordinance substantially corresponding to this section
27 is guilty of a misdemeanor punishable by imprisonment for not

1 more than 90 days or a fine of not more than \$300.00, or both,
2 together with costs of the prosecution. As part of the sentence,
3 the court shall order the secretary of state to suspend the vehi-
4 cle group designations on the person's operator's or chauffeur's
5 license pursuant to section 319b(1)(c) or, if the vehicle was
6 carrying hazardous material required to have a placard pursuant
7 to 49 C.F.R. parts 100 to 199, in accordance with section
8 319b(1)(d). The court shall not order the secretary of state to
9 issue a restricted license that would permit the person to oper-
10 ate a commercial motor vehicle.

11 (4) A person who violates this section or a local ordinance
12 substantially corresponding to this section within 10 years of a
13 prior conviction may be sentenced to imprisonment for not more
14 than 1 year or a fine of not more than \$1,000.00, or both. As
15 part of the sentence, the court shall order the secretary of
16 state to revoke the vehicle group designations on the person's
17 operator's or chauffeur's license pursuant to section
18 319b(1)(e). The court shall not order the secretary of state to
19 issue a restricted license that would permit the person to oper-
20 ate a commercial motor vehicle. As used in this subsection,
21 "prior conviction" means a conviction for a violation of this
22 section, section 625(1), (3), (4), ~~or~~ (5), OR (7), former sec-
23 tion 625(1) or (2), or former section 625b, a local ordinance
24 substantially corresponding to this section, section 625(1) or
25 (3), former section 625(1) or (2), or former section 625b, or a
26 law of another state substantially corresponding to this section,
27 section 625(1), (3), (4), or (5), former section 625(1) or (2),

1 or former section 625b, while operating a commercial motor
2 vehicle.

3 (5) When assessing points and taking license actions under
4 this act, the secretary of state and the court shall treat a con-
5 viction for an attempted violation of subsection (1), a local
6 ordinance substantially corresponding to subsection (1), or a law
7 of another state substantially corresponding to subsection (1)
8 the same as if the offense had been completed.

9 Sec. 727. If a person is arrested without a warrant in any
10 of the following cases, the arrested person shall, without unrea-
11 sonable delay, be arraigned by the magistrate who is nearest or
12 most accessible within the judicial district as provided in
13 section 13 of chapter IV of the code of criminal procedure, Act
14 No. 175 of the Public Acts of 1927, being section 764.13 of the
15 Michigan Compiled Laws, or, if a minor, taken before the probate
16 court within the county in which the offense charged is alleged
17 to have been committed:

18 (a) The person is arrested upon a charge of negligent
19 homicide.

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

23 (c) A person is arrested under section 626 or an ordinance
24 substantially corresponding to that section. If under the exist-
25 ing circumstances it does not appear that releasing the person
26 pending the issuance of a warrant will constitute a public

1 menace, the arresting officer may proceed as provided by
2 section 728.

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

12 Sec. 732. (1) Each municipal judge and each clerk of a
13 court of record shall keep a full record of every case in which a
14 person is charged with or cited for a violation of this act or a
15 local ordinance substantially corresponding to this act regulat-
16 ing the operation of vehicles on highways. Except as provided in
17 subsection (15), the municipal judge or clerk of the court of
18 record shall prepare and forward to the secretary of state an
19 abstract of the court record as follows:

20 (a) Within 14 days after a conviction, forfeiture of bail,
21 or entry of a civil infraction determination or default judgment,
22 upon a charge of or citation for violating this act or a local
23 ordinance corresponding to this act regulating the operation of
24 vehicles on highways.

25 (b) Immediately for each case charging a violation of
26 section 625(1), (3), (4), (5), ~~or~~ (6), OR (7), or a local
27 ordinance substantially corresponding to section 625(1), (3), or

1 (6) in which the charge is dismissed or the defendant is
2 acquitted.

3 (2) If a city or village department, bureau, or person is
4 authorized to accept a payment of money as a settlement for a
5 violation of a local ordinance corresponding to this act, the
6 city or village department, bureau, or person shall send a full
7 report of each case in which a person pays any amount of money to
8 the city or village department, bureau, or person to the secre-
9 tary of state upon a form prescribed by the secretary of state.

10 (3) The abstract or report required under this section shall
11 be made upon a form furnished by the secretary of state. An
12 abstract shall be certified by signature, stamp, or facsimile
13 signature of the person required to prepare the abstract as
14 correct. An abstract or report shall include all of the
15 following:

16 (a) The name, address, and date of birth of the person
17 charged or cited.

18 (b) The number of the person's operator's or chauffeur's
19 license, if any.

20 (c) The date and nature of the violation.

21 (d) The type of vehicle driven at the time of the violation
22 and, if the vehicle is a commercial motor vehicle, that vehicle's
23 group designation and indorsement classification.

24 (e) The date of the conviction, finding, forfeiture, judg-
25 ment, or civil infraction determination.

26 (f) Whether bail was forfeited.

1 (g) Any license revocation, restriction, suspension, or
2 denial ordered by the court pursuant to this act.

3 (h) Other information considered necessary to the secretary
4 of state.

5 (4) The clerk of the court also shall forward an abstract of
6 the court record to the secretary of state upon a person's con-
7 viction or civil infraction determination involving any of the
8 following:

9 (a) A violation of section 413, 414, or 479a of the Michigan
10 penal code, Act No. 328 of the Public Acts of 1931, being sec-
11 tions 750.413, 750.414, and 750.479a of the Michigan Compiled
12 Laws.

13 (b) A violation of section 1 of Act No. 214 of the Public
14 Acts of 1931, being section 752.191 of the Michigan Compiled
15 Laws.

16 (c) Negligent homicide, manslaughter, or murder resulting
17 from the operation of a motor vehicle.

18 (d) A violation of section 33b of the Michigan liquor con-
19 trol act, Act No. 8 of the Public Acts of the Extra Session of
20 1933, being section 436.33b of the Michigan Compiled Laws.

21 (e) An attempt to violate, a conspiracy to violate, or a
22 violation of part 74 or section 17766a of the public health code,
23 Act No. 368 of the Public Acts of 1978, being sections 333.7401
24 to 333.7461 and 333.17766a of the Michigan Compiled Laws, or a
25 local ordinance that prohibits conduct prohibited under part 74
26 or section 17766a of Act No. 368 of the Public Acts of 1978,
27 unless the convicted person is sentenced to life imprisonment or

1 a minimum term of imprisonment that exceeds 1 year for the
2 offense.

3 (f) An attempt to commit any of the offenses described in
4 subdivisions (a) to (d).

5 (5) As used in subsections (6) to (8), "felony in which a
6 motor vehicle was used" means a felony during the commission of
7 which the person operated a motor vehicle and while operating the
8 vehicle presented real or potential harm to persons or property
9 and 1 or more of the following circumstances existed:

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

11 (b) The vehicle was used to transport a victim of the
12 felony.

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

14 (d) The vehicle was necessary for the commission of the
15 felony.

16 (6) If a person is charged with a felony in which a motor
17 vehicle was used, other than a felony specified in subsection (4)
18 or section 319(1)(a) to (e), the prosecuting attorney shall
19 include the following statement on the complaint and information
20 filed in district or circuit court:

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

1 (7) If a juvenile is accused of an act, the nature of which
2 constitutes a felony in which a motor vehicle was used, other
3 than a felony specified in subsection (4) or section 319(1)(a) to
4 (e), the prosecuting attorney or juvenile division of the probate
5 court shall include the following statement on the petition filed
6 in the probate court:

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

15 (8) If the judge or juvenile court referee determines as
16 part of the sentence or disposition that the felony for which the
17 defendant was convicted or adjudicated and with respect to which
18 notice was given pursuant to subsection (6) or (7) is a felony in
19 which a motor vehicle was used, the clerk of the court shall for-
20 ward an abstract of the court record of that conviction to the
21 secretary of state.

22 (9) As used in subsections (10) and (11), "felony in which a
23 commercial motor vehicle was used" means a felony during the com-
24 mission of which the person operated a commercial motor vehicle
25 and while the person was operating the vehicle 1 or more of the
26 following circumstances existed:

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

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

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

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

7 (10) If a person is charged with a felony in which a commer-
8 cial motor vehicle was used and for which a vehicle group desig-
9 nation on a license is subject to suspension or revocation under
10 section 319b(1)(c)(iii), 319b(1)(d), or 319b(1)(e)(iii) or (vi),
11 the prosecuting attorney shall include the following statement on
12 the complaint and information filed in district or circuit
13 court:

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

22 (11) If the judge determines as part of the sentence that
23 the felony for which the defendant was convicted and with respect
24 to which notice was given pursuant to subsection (10) is a felony
25 in which a commercial motor vehicle was used, the clerk of the
26 court shall forward an abstract of the court record of that
27 conviction to the secretary of state.

1 (12) Every person required to forward abstracts to the
2 secretary of state under this section shall certify for the
3 period from January 1 through June 30 and for the period from
4 July 1 through December 31 that all abstracts required to be for-
5 warded during the period have been forwarded. The certification
6 shall be filed with the secretary of state not later than 28 days
7 after the end of the period covered by the certification. The
8 certification shall be made upon a form furnished by the secre-
9 tary of state and shall include all of the following:

10 (a) The name and title of the person required to forward
11 abstracts.

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

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

14 (d) The following statement:

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

19 (e) Other information the secretary of state considers
20 necessary.

21 (f) The signature of the person required to forward
22 abstracts.

23 (13) The failure, refusal, or neglect of a person to comply
24 with this section constitutes misconduct in office and is grounds
25 for removal from office.

26 (14) Except as provided in subsection (15), the secretary of
27 state shall keep all abstracts received under this section at the

1 secretary of state's main office and the abstracts shall be open
2 for public inspection during the office's usual business hours.
3 Each abstract shall be entered upon the master driving record of
4 the person to whom it pertains.

5 (15) Except for controlled substance offenses described in
6 subsection (4), the court shall not submit, and the secretary of
7 state shall discard and not enter on the master driving record,
8 an abstract for a conviction or civil infraction determination
9 for any of the following offenses:

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

11 (b) A nonmoving violation that is not the basis for the sec-
12 retary of state's suspension, revocation, or denial of an
13 operator's or chauffeur's license.

14 (c) A violation of chapter II that is not the basis for the
15 secretary of state's suspension, revocation, or denial of an
16 operator's or chauffeur's license.

17 (d) Except for a violation of section 33b of Act No. 8 of
18 the Public Acts of the Extra Session of 1933, ~~and section 624b,~~
19 a pedestrian, passenger, or bicycle violation.

20 (e) A violation of section 710e.

21 (16) The secretary of state shall discard and not enter on
22 the master driving record an abstract for a bond forfeiture that
23 occurred outside this state. However, the secretary of state
24 shall retain and enter on the master driving record an abstract
25 of an out-of-state bond forfeiture for an offense that occurred
26 after January 1, 1990 in connection with the operation of a
27 commercial motor vehicle.

1 (17) The secretary of state shall inform the courts of this
2 state of the nonmoving violations and violations of chapter II
3 that are used by the secretary of state as the basis for the sus-
4 pension, restriction, revocation, or denial of an operator's or
5 chauffeur's license.

6 (18) If a conviction or civil infraction determination is
7 reversed upon appeal, the person whose conviction or determina-
8 tion has been reversed may serve on the secretary of state a cer-
9 tified copy of the order of reversal. The secretary of state
10 shall enter the order in the proper book or index in connection
11 with the record of the conviction or civil infraction
12 determination.

13 (19) The secretary of state may permit a city or village
14 department, bureau, person, or court to modify the requirement as
15 to the time and manner of reporting a conviction, civil infrac-
16 tion determination, or settlement to the secretary of state if
17 the modification will increase the economy and efficiency of col-
18 lecting and utilizing the records. If the permitted abstract of
19 court record reporting a conviction, civil infraction determina-
20 tion, or settlement originates as a part of the written notice to
21 appear, authorized in section 728(1) or 742(1), the form of the
22 written notice and report shall be as prescribed by the secretary
23 of state.

24 (20) Except as provided in this act and notwithstanding any
25 other provision of law, a court shall not order expungement of
26 any violation reportable to the secretary of state under this
27 section.