

SUBSTITUTE FOR
SENATE BILL NO. 626
(As amended March 26, 1998)

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 321a, 624a, 624b, 625i, and 625n (MCL 257.321a, 257.624a, 257.624b, 257.625i, and 257.625n), sections 321a, 624a, and 625i as amended and section 624b as added by 1996 PA 493 and section 625n as added by 1996 PA 491, and by adding sections 904c, 904d, 904e, and 904f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 321a. (1) A person who fails to answer a citation, or
2 a notice to appear in court for a violation ~~of this act~~
3 REPORTABLE TO THE SECRETARY OF STATE UNDER SECTION 732 ~~or a local~~
4 ~~ordinance substantially corresponding to a provision of this~~
5 ~~act~~
6 _____, or for any matter pending, or who
7 fails to comply with an order or judgment ~~issued pursuant to~~

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1 ~~section 907~~ OF THE COURT, INCLUDING, BUT NOT LIMITED TO, PAYING
2 ALL FINES, COSTS, FEES, AND ASSESSMENTS, is guilty of a misde-
3 meanor PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A
4 FINE OF NOT MORE THAN \$100.00, OR BOTH. A violation of this sub-
5 section or failure to answer a citation or notice to ~~appeal~~
6 APPEAR FOR A VIOLATION OF section 33b(1) of the Michigan liquor
7 control act, ~~Act No. 8 of the Public Acts of the Extra Session~~
8 ~~of 1933, being section 436.33b of the Michigan Compiled Laws~~
9 1933 (EX SESS) PA 8, MCL 436.33B, or a local ordinance substan-
10 tially corresponding to that section shall not be considered a
11 violation for any purpose under section 320a.

12 (2) Except as provided in subsection (3), ~~and (4),~~ 28 days
13 or more after ~~the date of noncompliance~~ A PERSON FAILS TO
14 ANSWER A CITATION OR NOTICE TO APPEAR IN COURT, OR FOR ANY MATTER
15 PENDING, OR FAILS TO COMPLY with an order or judgment OF THE
16 COURT, INCLUDING, BUT NOT LIMITED TO, PAYING ALL FINES, COSTS,
17 FEES, AND ASSESSMENTS, the court shall give notice by mail at the
18 last known address of the person that if the person fails to
19 appear or fails to comply with the order or judgment ~~issued pur-~~
20 ~~suant to section 907, including, but not limited to, paying all~~
21 ~~finest and costs,~~ within 14 days after the notice is issued, the
22 secretary of state shall suspend the person's operator's or
23 chauffeur's license. If the person fails to appear or fails to
24 comply with the order or judgment ~~issued pursuant to section~~
25 ~~907, including, but not limited to, paying all fines and costs,~~
26 within the 14-day period, the court shall, within 14 days, inform
27 the secretary of state, who shall immediately suspend the license

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1 of the person. ~~and~~ THE SECRETARY OF STATE SHALL IMMEDIATELY
2 notify the person of the suspension by regular mail at the
3 person's last known address.

4 (3) If the person is charged with, or convicted of, a viola-
5 tion of section 625(1), (2), (3), (4), (5), ~~or~~ (6), OR (7) OR
6 SECTION 625M or a
7 local ordinance substantially corresponding to section 625(1),
8 (2), (3), or (6) OR SECTION 625M and the person fails to answer a
9 citation or a
10 notice to appear in court, or for any matter pending, or fails to
11 comply with an order or judgment of the court, including, but not
12 limited to, paying all fines, costs, and crime victim rights
13 assessments, the court shall immediately give notice by
14 first-class mail sent to the person's last known address that if
15 the person fails to appear within 7 days after the notice is
16 issued, or fails to comply with the order or judgment of the
17 court, including, but not limited to, paying all fines, costs,
18 and crime victim rights assessments, within 14 days after the
19 notice is issued, the secretary of state shall suspend the
20 person's operator's or chauffeur's license. If the person fails
21 to appear within the 7-day period, or fails to comply with the
22 order or judgment of the court, including, but not limited to,
23 paying all fines, costs, and crime victim rights assessments,
24 within the 14-day period, the court shall immediately inform the
25 secretary of state who shall immediately suspend the person's
26 operator's or chauffeur's license and notify the person of the
suspension by first-class mail sent to the person's last known
address.

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1 (4) If the person is charged with, or convicted of, a
2 violation of section 33b(1) of ~~Act No. 8 of the Public Acts of~~
3 ~~the Extra Session of 1933, being section 436.33b of the Michigan~~
4 ~~Compiled Laws~~ THE MICHIGAN LIQUOR CONTROL ACT, 1933 (EX SESS) PA
5 8, MCL 436.33B, section 624a, section 624b, or a local ordinance
6 substantially corresponding to those sections and the person
7 fails to answer a citation or a notice to appear in court issued
8 ~~pursuant to~~ UNDER section 33b of ~~Act No. 8 of the Public Acts~~
9 ~~of the Extra Session of 1933~~ THE MICHIGAN LIQUOR CONTROL ACT,
10 1933 (EX SESS) PA 8, MCL 436.33B, section 624a, section 624b, or
11 a local ordinance substantially corresponding to those sections
12 or fails to comply with an order or judgment of the court issued
13 pursuant to section 33b of ~~Act No. 8 of the Public Acts of the~~
14 ~~Extra Session of 1933~~ THE MICHIGAN LIQUOR CONTROL ACT, 1933 (EX
15 SESS) PA 8, MCL 436.33B, section 624a, section 624b, or a local
16 ordinance substantially corresponding to those sections includ-
17 ing, but not limited to, paying all fines and costs, the court
18 shall immediately give notice by first-class mail sent to the
19 person's last known address that if the person fails to appear
20 within 7 days after the notice is issued, or fails to comply with
21 the order or judgment of the court, including, but not limited
22 to, paying all fines and costs, within 14 days after the notice
23 is issued, the secretary of state shall suspend the person's
24 operator's or chauffeur's license. If the person fails to appear
25 within the 7-day period, or fails to comply with the order or
26 judgment of the court, including, but not limited to, paying all
27 fines and costs, within the 14-day period, the court shall

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1 immediately inform the secretary of state who shall immediately
2 suspend the person's operator's or chauffeur's license and notify
3 the person of the suspension by first-class mail sent to the
4 person's last known address.

5 (5) A suspension imposed under subsection (2) ~~—~~ OR (3) ~~—~~
6 ~~or (4) shall remain~~ REMAINS in effect until both of the follow-
7 ing occur:

8 (a) ~~The court informs the secretary of state that the~~
9 ~~person has appeared before the court and that all matters relat-~~
10 ~~ing to the violation or to the noncompliance with section 907 are~~
11 ~~resolved.~~ THE SECRETARY OF STATE IS NOTIFIED BY EACH COURT IN
12 WHICH THE PERSON FAILED TO ANSWER A CITATION OR NOTICE TO APPEAR
13 OR FAILED TO PAY A FINE OR COST THAT THE PERSON HAS ANSWERED THAT
14 CITATION OR NOTICE TO APPEAR OR PAID THAT FINE OR COST.

15 (b) The person has paid to the court a \$25.00 ~~driver~~
16 ~~license reinstatement~~ fee FOR EACH FAILURE TO ANSWER A CITATION
17 OR NOTICE TO APPEAR OR FAILURE TO PAY A FINE OR COST. ~~The~~
18 ~~increase in the reinstatement fee from \$10.00 to \$25.00 shall be~~
19 ~~imposed for a license that is suspended on or after April 5, 1988~~
20 ~~regardless of when the license was suspended.~~

21 (6) The court shall not notify the secretary of state, and
22 the secretary of state shall not suspend the person's license, if
23 the person fails to appear in response to a citation issued for,
24 or fails to comply with an order or judgment involving 1 or more
25 of the following infractions:

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

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1 (b) ~~A~~ EXCEPT FOR A VIOLATION OF SECTION 33B(1) OR (2) OF
2 THE MICHIGAN LIQUOR CONTROL ACT, 1933 (EX SESS) PA 8, MCL
3 436.33B, SECTION 624A OR 624B, OR A LOCAL ORDINANCE SUBSTANTIALLY
4 CORRESPONDING TO SECTION 33B(1) OR (2) OF THE MICHIGAN LIQUOR
5 CONTROL ACT, 1933 (EX SESS) PA 8, MCL 436.33B, OR SECTION 624A OR
6 624B, A pedestrian, passenger, or bicycle violation.

7 (7) The court may notify a person who has done either of the
8 following, that if the person does not appear within 10 days
9 after the notice is issued, the court will inform the secretary
10 of state of the person's failure to appear:

11 (a) Failed to answer 2 or more parking violation notices or
12 citations for violating a provision of this act or an ordinance
13 substantially corresponding to a provision of this act pertaining
14 to handicapper parking. ~~issued or served after September 19,~~
15 ~~1989.~~

16 (b) Failed to answer 6 or more parking violation notices or
17 citations ~~, issued or served after March 31, 1981,~~ regarding
18 illegal parking.

19 (8) The secretary of state, upon being informed of the fail-
20 ure of a person to appear or comply as provided in subsection
21 (7), shall not issue a license to the person or renew a license
22 for the person until both of the following occur:

23 (a) The court informs the secretary of state that the person
24 has resolved all outstanding matters regarding the notices or
25 citations.

26 (b) The person has paid to the court a \$25.00 ~~driver~~
27 ~~license reinstatement~~ fee. ~~The increase in the reinstatement~~

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1 ~~fee from \$10.00 to \$25.00 shall be imposed for a license that is~~
2 ~~reinstated on or after April 5, 1988 regardless of when issuance~~
3 ~~or renewal of the license was denied.~~ If the court determines
4 that the person is ~~not~~ responsible for ~~any of the~~ ONLY 1
5 PARKING VIOLATION UNDER SUBSECTION (7)(A) OR LESS THAN 6 parking
6 violations UNDER SUBSECTION (7)(B) for which the person's license
7 was ~~suspended~~ NOT ISSUED OR RENEWED under this subsection, the
8 court ~~shall~~ MAY waive payment of the fee.

9 (9) Not less than 28 days after a person fails to appear in
10 response to a citation issued for, or fails to comply with an
11 order or judgment involving, a state civil infraction described
12 in chapter 88 of the revised judicature act of 1961, ~~Act No. 236~~
13 ~~of the Public Acts of 1961, being sections 600.8801 to 600.8831~~
14 ~~of the Michigan Compiled Laws~~ 1961 PA 236, MCL 600.8801 TO
15 600.8831, the court shall give notice by ordinary mail, addressed
16 to the person's last known address, that if the person fails to
17 appear or fails to comply with the order or judgment described in
18 this subsection within 14 days after the notice is issued, the
19 court will give to the secretary of state notice of that
20 failure. Upon receiving notice of that failure, the secretary of
21 state shall not issue or renew an operator's or chauffeur's
22 license for the person until both of the following occur:

23 (a) The court informs the secretary of state that the person
24 has resolved all outstanding matters regarding each notice or
25 citation.

26 (b) The person has paid to the court a \$25.00 ~~driver~~
27 ~~license reinstatement~~ fee. If the court determines that the

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1 person is not responsible for any violation for which the
2 person's license was not issued or renewed under this subsection,
3 the court shall waive the ~~driver license reinstatement~~ fee.

4 (10) For the purposes of subsections (5)(a), (8)(a), and
5 (9)(a), the court shall give to the person a copy of the informa-
6 tion being transmitted to the secretary of state. Upon showing
7 that copy, the person shall not be arrested or issued a citation
8 for driving on a suspended license, on an expired license, or
9 without a license on the basis of any matter resolved under sub-
10 section (5)(a), (8)(a), or (9)(a), even if the information being
11 sent to the secretary of state has not yet been received or
12 recorded by the department.

13 (11) ~~Sixty percent~~ SIX DOLLARS of ~~the driver license~~
14 ~~reinstatement fees~~ EACH FEE received under ~~subsections~~
15 SUBSECTION (5)(b), (8)(b), or (9)(b) shall be transmitted by the
16 court to the secretary of state on a monthly basis. The funds
17 received by the secretary of state ~~pursuant to~~ UNDER this sub-
18 section shall be deposited in the state general fund and shall be
19 used to defray the expenses of the secretary of state in process-
20 ing the suspension and reinstatement of driver licenses under
21 this section.

22 (12) Section 819 does not apply to a reinstatement fee col-
23 lected for an operator's or chauffeur's license that is not
24 issued or renewed ~~pursuant to~~ UNDER section 8827 of ~~Act~~
25 ~~No. 236 of the Public Acts of 1961, being section 600.8827 of the~~
26 ~~Michigan Compiled Laws~~ THE REVISED JUDICATURE ACT OF 1961, 1961
27 PA 236, MCL 600.8827.

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1 Sec. 624a. (1) Except as provided in subsection (2), a
2 person shall not transport or possess alcoholic liquor in a con-
3 tainer that is open or uncapped or upon which the seal is broken
4 within the passenger compartment of a vehicle upon a highway, or
5 within the passenger compartment of a moving vehicle in any place
6 open to the general public or generally accessible to motor vehi-
7 cles, including an area designated for the parking of vehicles,
8 in this state.

9 (2) A person may transport or possess alcoholic liquor in a
10 container that is open or uncapped or upon which the seal is
11 broken within the passenger compartment of a vehicle upon a high-
12 way or other place open to the general public or generally acces-
13 sible to motor vehicles, including an area designated for the
14 parking of vehicles in this state, if the vehicle does not have a
15 trunk or compartment separate from the passenger compartment, the
16 container is enclosed or encased, and the container is not
17 readily accessible to the occupants of the vehicle.

18 (3) A person who violates this section is guilty of a
19 misdemeanor. As part of the sentence, the person may be ordered
20 to perform community service and undergo substance abuse screen-
21 ing and assessment at his or her own expense as described in
22 section 33b(1) of the Michigan liquor control act, ~~Act No. 8 of~~
23 ~~the Public Acts of the Extra Session of 1933, being~~
24 ~~section 436.33 of the Michigan Compiled Laws~~ 1933 (EX SESS)
25 PA 8, MCL 436.33. A court shall not accept a plea of guilty or
26 nolo contendere for a violation of this section from a person
27 charged solely with a violation of section 625(6).

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1 ~~-(4) Immediately upon the entry of a conviction for a~~
2 ~~violation of subsection (1), the court shall consider all prior~~
3 ~~convictions for a violation of subsection (1) or section 624b(1),~~
4 ~~or a local ordinance or law of another state substantially corre-~~
5 ~~sponding to this section or section 624b(1), and the court shall~~
6 ~~do the following:~~

7 ~~(a) If the court finds that the person has 1 such prior con-~~
8 ~~viction, the court shall order the secretary of state to suspend~~
9 ~~the operator's or chauffeur's license of the person for not less~~
10 ~~than 90 days and not more than 180 days. The court may order the~~
11 ~~secretary of state to issue to the person a restricted license~~
12 ~~after the first 30 days of the period of the suspension in the~~
13 ~~manner provided for in section 319(7). In the case of a person~~
14 ~~who does not possess an operator's or chauffeur's license, the~~
15 ~~secretary of state shall deny the application for an operator's~~
16 ~~or chauffeur's license for the applicable suspension period.~~

17 ~~(b) If the court finds that the person has 2 or more such~~
18 ~~prior convictions, the court shall order the secretary of state~~
19 ~~to suspend the operator's or chauffeur's license of the person~~
20 ~~for not less than 180 days and not more than 1 year. The court~~
21 ~~may order the secretary of state to issue to the person a~~
22 ~~restricted license after the first 60 days of the period of the~~
23 ~~suspension in the manner provided for in section 319(7). In the~~
24 ~~case of a person who does not possess an operator or chauffeur~~
25 ~~license, the secretary of state shall deny the application for an~~
26 ~~operator's or chauffeur's license for the applicable suspension~~
27 ~~period.~~

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1 ~~(5) If a restricted license is allowed under this section,~~
2 ~~the court shall not order the secretary of state to issue a~~
3 ~~restricted license unless the person states under oath, and the~~
4 ~~court finds based upon the record in open court, that the person~~
5 ~~is unable to take public transportation to and from his or her~~
6 ~~work location, place of alcohol or drug education treatment,~~
7 ~~court probation department, court-ordered community service pro-~~
8 ~~gram, or educational institution, or a place of regularly occur-~~
9 ~~ring medical treatment for a serious condition, or in the course~~
10 ~~of the person's employment or occupation and does not have any~~
11 ~~family members or others able to provide transportation. The~~
12 ~~court order under subsection (4) and the restricted license shall~~
13 ~~indicate the work location of the person to whom it is issued,~~
14 ~~the approved route or routes and permitted times of travel, and~~
15 ~~shall permit the person to whom it is issued only to drive under~~
16 ~~1 or more of the following circumstances:~~

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

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

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

21 ~~(d) To and from the person's residence and the court proba-~~
22 ~~tion department, or a court-ordered community service program, or~~
23 ~~both.~~

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

26 ~~(f) To and from the person's residence or work location and~~
27 ~~a place of regularly occurring medical treatment for a serious~~

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1 ~~condition for the person or a member of the person's household or~~
2 ~~immediate family.~~

3 (4) ~~-(6)-~~ The court shall immediately forward ~~the surren-~~
4 ~~dered license and~~ an abstract of conviction to the secretary of
5 state. ~~A suspension ordered under this subsection shall be in~~
6 ~~addition to any other suspension of the person's operator's or~~
7 ~~chauffeur's license. If the judgment is appealed to circuit~~
8 ~~court, the court may, ex parte, order the secretary of state to~~
9 ~~stay the suspension issued pursuant to this section pending the~~
10 ~~outcome of the appeal.~~

11 (5) ~~-(7)-~~ This section does not apply to a passenger in a
12 chartered vehicle authorized to operate by the Michigan depart-
13 ment of transportation.

14 Sec. 624b. (1) A person less than 21 years of age shall not
15 knowingly transport or possess, in a motor vehicle, alcoholic
16 liquor unless the person is employed by a licensee under the
17 Michigan liquor control act, ~~Act No. 8 of the Public Acts of the~~
18 ~~Extra Session of 1933, being sections 436.1 to 436.58 of the~~
19 ~~Michigan Compiled Laws~~ 1933 (EX SESS) PA 8, MCL 436.1 TO 436.58,
20 a common carrier designated by the liquor control commission
21 ~~pursuant to Act No. 8 of the Public Acts of the Extra Session of~~
22 ~~1933~~ UNDER THE MICHIGAN LIQUOR CONTROL ACT, 1933 (EX SESS) PA 8,
23 MCL 436.1 TO 436.58, the liquor control commission, or an agent
24 of the liquor control commission and is transporting or having
25 the alcoholic liquor in a motor vehicle under the person's con-
26 trol during regular working hours and in the course of the
27 person's employment. This section does not prevent a person less

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1 than 21 years of age from knowingly transporting alcoholic liquor
2 in a motor vehicle if a person at least 21 years of age is
3 present inside the motor vehicle. A person who violates this
4 subsection is guilty of a misdemeanor. As part of the sentence,
5 the person may be ordered to perform community service and
6 undergo substance abuse screening and assessment at his or her
7 own expense as described in section 33b(1) of ~~Act No. 8 of the~~
8 ~~Extra Session of 1933~~ THE MICHIGAN LIQUOR CONTROL ACT, 1933 (EX
9 SESS) PA 8, MCL 436.1 TO 463.58.

10 (2) Within 30 days after the conviction for a violation of
11 subsection (1), which conviction has become final, complaint may
12 be made by the arresting law enforcement officer or the officer's
13 superior before the court from which the warrant was issued,
14 which complaint shall be under oath and shall contain a descrip-
15 tion of the motor vehicle in which alcoholic liquor was possessed
16 or transported by the person less than 21 years of age in commit-
17 ting the violation and requesting that the motor vehicle be
18 impounded as provided in this section. Upon the filing of the
19 complaint, the court shall issue to the owner of the motor vehi-
20 cle an order to show cause why the motor vehicle should not be
21 impounded. The order to show cause shall have a date and time
22 fixed in the order for a hearing, which date shall not be less
23 than 10 days after the issuance of the order and shall be served
24 by delivering a true copy to the owner not less than 3 full days
25 before the date of hearing or, if the owner cannot be located, by
26 sending a true copy by certified mail to the last known address
27 of the owner. If the owner is a nonresident of the state,

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1 service may be made upon the secretary of state as provided in
2 section 403.

3 (3) If the court determines upon the hearing of the order to
4 show cause, from competent and relevant evidence, that at the
5 time of the commission of the violation the motor vehicle was
6 being driven by the person less than 21 years of age with the
7 express or implied consent or knowledge of the owner in violation
8 of subsection (1), and that the use of the motor vehicle is not
9 needed by the owner in the direct pursuit of the owner's employ-
10 ment or the actual operation of the owner's business, the court
11 may authorize the impounding of the vehicle for a period, to be
12 determined by the court, of not less than 15 days or more than 30
13 days. The court's order authorizing the impounding of the vehi-
14 cle shall authorize a law enforcement officer to take possession
15 without other process of the motor vehicle wherever located and
16 to store the vehicle in a public or private garage at the expense
17 and risk of the owner of the vehicle. The owner of the vehicle
18 may appeal the order to the circuit court and the provisions gov-
19 erning the taking of appeals from judgments for damages shall
20 apply to the appeal. This section does not prevent a bona fide
21 lienholder from exercising rights under a lien.

22 (4) A person who knowingly transfers title to a motor vehi-
23 cle for the purpose of avoiding this section is guilty of a
24 misdemeanor.

25 ~~-(5) Immediately upon the entry of a conviction or a probate~~
26 ~~court order of disposition for a violation of subsection (1) or~~
27 ~~section 624a, the court shall consider all prior convictions for~~

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1 ~~a violation of subsection (1) or section 624a, or a local~~
2 ~~ordinance or law of another state substantially corresponding to~~
3 ~~this section or section 624a, and the court shall do 1 of the~~
4 ~~following:~~

5 ~~(a) If the court finds that the person has 1 such prior con-~~
6 ~~viction, the court shall order the secretary of state to suspend~~
7 ~~the operator's or chauffeur's license of the person for a period~~
8 ~~of not less than 90 days and not more than 180 days. The court~~
9 ~~may order the secretary of state to issue to the person a~~
10 ~~restricted license after the first 30 days of the period of the~~
11 ~~suspension in the manner provided for in section 319(7). In the~~
12 ~~case of a person who does not possess an operator's or~~
13 ~~chauffeur's license, the secretary of state shall deny the appli-~~
14 ~~cation for an operator's or chauffeur's license for the applica-~~
15 ~~ble suspension period.~~

16 ~~(b) If the court finds that the person has 2 or more such~~
17 ~~prior convictions, the court shall order the secretary of state~~
18 ~~to suspend the operator's or chauffeur's license of the person~~
19 ~~for a period of not less than 180 days and not more than 1 year.~~
20 ~~The court may order the secretary of state to issue to the person~~
21 ~~a restricted license after the first 60 days of the period of the~~
22 ~~suspension in the manner provided for in section 319(7). In the~~
23 ~~case of a person who does not possess an operator's or~~
24 ~~chauffeur's license, the secretary of state shall deny the appli-~~
25 ~~cation for an operator's or chauffeur's license for the applica-~~
26 ~~ble suspension period.~~

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1 ~~(6) If a restricted license is allowed under this section,~~
2 ~~the court shall not order the secretary of state to issue a~~
3 ~~restricted license unless the person states under oath, and the~~
4 ~~court finds based upon the record in open court, that the person~~
5 ~~is unable to take public transportation to and from his or her~~
6 ~~work location, place of alcohol or drug education treatment,~~
7 ~~court probation department, court-ordered community service pro-~~
8 ~~gram, or educational institution, or a place of regularly occur-~~
9 ~~ring medical treatment for a serious condition, or in the course~~
10 ~~of the person's occupation or employment and does not have any~~
11 ~~family members or others able to provide transportation. The~~
12 ~~court order under subsection (5) and the restricted license shall~~
13 ~~indicate the work location of the person to whom it is issued,~~
14 ~~the approved route or routes and permitted times of travel, and~~
15 ~~shall permit the person to whom it is issued only to drive under~~
16 ~~1 or more of the following circumstances:~~

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

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

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

21 ~~(d) To and from the person's residence and the court proba-~~
22 ~~tion department, or a court-ordered community service program, or~~
23 ~~both.~~

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

26 ~~(f) To and from the person's residence or work location and~~
27 ~~a place of regularly occurring medical treatment for a serious~~

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1 ~~condition for the person or a member of the person's household or~~
2 ~~immediate family.~~

3 (5) ~~-(7)-~~ The court shall immediately forward ~~the surren-~~
4 ~~dered license and~~ an abstract of conviction to the secretary of
5 state. ~~A suspension ordered under this subsection shall be in~~
6 ~~addition to any other suspension of the person's operator's or~~
7 ~~chauffeur's license. If the judgment is appealed to circuit~~
8 ~~court, the court may, ex parte, order the secretary of state to~~
9 ~~stay the suspension issued pursuant to this section pending the~~
10 ~~outcome of the appeal.~~

11 (6) ~~-(8)-~~ A law enforcement agency, upon determining that a
12 person less than 18 years of age allegedly violated this section,
13 shall notify the parent or parents, custodian, or guardian of the
14 person as to the nature of the violation if the name of a parent,
15 guardian, or custodian is reasonably ascertainable by the law
16 enforcement agency. The notice required by this subsection shall
17 be made not later than 48 hours after the law enforcement agency
18 determines that the person who allegedly violated this section is
19 less than 18 years of age and may be made in person, by tele-
20 phone, or by first-class mail.

21 (7) ~~-(9)-~~ As used in this section, "alcoholic liquor" means
22 that term as defined in section 2(a) of ~~Act No. 8 of the Public~~
23 ~~Acts of the Extra Session of 1933, being section 436.2 of the~~
24 ~~Michigan Compiled Laws- THE MICHIGAN LIQUOR CONTROL ACT, 1933 (EX~~
25 ~~SESS) PA 8, MCL 436.2.~~

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

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1 drunk driving audit. The secretary of state, circuit court,
2 district court, ~~probate~~ FAMILY DIVISION OF CIRCUIT court,
3 municipal courts, and local units of government in this state
4 shall cooperate with the department of state police to provide
5 information necessary for the preparation of the report. A copy
6 of the report prepared under this subsection shall be submitted
7 to the governor, the secretary of the senate, the clerk of the
8 house of representatives, and the secretary of state ~~on June~~ BY JULY
9 each year. The report shall contain for each county in the state
10 all of the following information applicable to the immediately
11 preceding calendar year:

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

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

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

22 (d) The number of arrests made for violations of section
23 625(1)(a) or (b) or local ordinances substantially corresponding
24 to section 625(1)(a) or (b).

25 (e) The number of arrests made for violations of section
26 625(3) or local ordinances substantially corresponding to section
27 625(3).

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

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

6 (H) THE NUMBER OF ARRESTS MADE FOR VIOLATIONS OF
7 SECTION 625(7).

8 (I) ~~(h)~~ The number of operator's or chauffeur's licenses
9 suspended pursuant to section 625f.

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

14 (2) The secretary of state shall compile a report of dispo-
15 sitions of charges for violations of section 624A, 624B, 625(1),
16 (3), (4),
17 (5), ~~or~~ (6), OR (7), or section 625m ~~or section 33b(1) or (2) of~~
18 ~~the Michigan liquor control act, Act No. 8 of the Public Acts of~~
19 ~~the Extra Session of 1933, being section 436.33b of the Michigan~~
20 ~~Compiled Laws 1933 (EX SESS) PA 8, MCL 436.33B, or local ordi-~~
21 ~~nances substantially corresponding to section 624A, 624B, 625(1),~~
22 ~~(3), or (6),~~
23 ~~or section 625m or section 33b(1) or (2) of Act No. 8 of the~~
24 ~~Public Acts of the Extra Session of 1933 1933 (EX SESS) PA 8,~~
25 ~~MCL 436.33B,~~ by each judge for inclusion in the annual report.
26 The report compiled by the secretary of state shall include
information regarding all of the following:

(a) The number of dismissals granted.

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- 1 (b) The number of convictions entered.
- 2 (c) The number of acquittals entered.
- 3 ~~(d) The number of licenses suspended, revoked, or~~
- 4 ~~restricted.~~
- 5 (D) ~~(e)~~ The average length of imprisonment imposed.
- 6 (E) ~~(f)~~ The average length of community service imposed in lieu
- 7 of imprisonment.
- 8 (F) ~~(g)~~ The average fine imposed.
- 9 (G) THE NUMBER OF VEHICLES IMMOBILIZED UNDER SECTION 904E.
- 10 (H) THE NUMBER OF RESTRICTED REGISTRATION PLATES ISSUED
- 11 UNDER SECTION 904D.
- 12 (I) THE NUMBER OF VEHICLES ORDERED FORFEITED UNDER SECTION
- 13 625N.
- 14 ~~-(3) The secretary of state shall enter into a contract with~~
- 15 ~~the university of Michigan transportation research institute, in~~
- 16 ~~which the university of Michigan transportation research insti-~~
- 17 ~~tute shall evaluate the effect and impact of the 1991 legislation~~
- 18 ~~addressing drunk and impaired driving in this state and report~~
- 19 ~~its findings to the governor and the legislature not later than~~
- 20 ~~October 1, 1994.~~
- 21 Sec. 625n. (1) ~~Except as otherwise provided in this sec-~~
- 22 ~~tion and in~~ IN addition to any other penalty provided for in
- 23 this act OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SEC-
- 24 TION 625, the ~~judgment of sentence for a conviction for a viola-~~
- 25 ~~tion of section 625(1), a violation of section 625(3) described~~
- 26 ~~in section 625(9)(b) or (c), or a violation of section 625(4) or~~
- 27 ~~(5) may require~~ COURT SHALL ORDER 1 of the following with regard

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1 to ~~the~~ A vehicle ~~used in the offense~~ SUBJECT TO FORFEITURE
2 UNDER THIS SECTION if the defendant owns the vehicle in whole or
3 in part or leases the vehicle:

4 (a) Forfeiture of the vehicle if the defendant owns the
5 vehicle in whole or in part.

6 (b) Return of the vehicle to the lessor if the defendant
7 leases the vehicle.

8 (2) The vehicle may be seized pursuant to an order of sei-
9 zure issued by the court having jurisdiction upon a showing of
10 probable cause that the vehicle is subject to forfeiture or
11 return to the lessor.

12 (3) IF A VEHICLE IS SEIZED BEFORE DISPOSITION OF THE CRIMI-
13 NAL PROCEEDINGS, A DEFENDANT WHO IS AN OWNER OR LESSEE OF THE
14 VEHICLE MAY MOVE THE COURT HAVING JURISDICTION OVER THE PROCEED-
15 INGS TO REQUIRE THE SEIZING AGENCY TO FILE A LIEN AGAINST THE
16 VEHICLE AND TO RETURN THE VEHICLE TO THE OWNER OR LESSEE PENDING
17 DISPOSITION OF THE CRIMINAL PROCEEDINGS. THE COURT SHALL HEAR
18 THE MOTION WITHIN 7 DAYS AFTER THE MOTION IS FILED. IF THE
19 DEFENDANT ESTABLISHES AT THE HEARING THAT HE OR SHE HOLDS THE
20 LEGAL TITLE OF THE VEHICLE OR THAT HE OR SHE HAS A LEASEHOLD
21 INTEREST AND THAT IT IS NECESSARY FOR HIM OR HER OR A MEMBER OF
22 HIS OR HER FAMILY TO USE THE VEHICLE PENDING THE OUTCOME OF THE
23 FORFEITURE ACTION, THE COURT MAY ORDER THE SEIZING AGENCY TO
24 RETURN THE VEHICLE TO THE OWNER OR LESSEE. IF THE COURT ORDERS
25 THE RETURN OF THE VEHICLE TO THE OWNER OR LESSEE, THE COURT SHALL
26 ORDER THE SEIZING AGENCY TO FILE A LIEN AGAINST THE VEHICLE.

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1 (4) ~~(3)~~ The forfeiture of a vehicle is subject to the
2 interest of the holder of a security interest who did not have
3 prior knowledge of or consent to the violation.

4 (5) ~~(4)~~ Within ~~3~~ 7 days after the defendant's conviction
5 for ~~a violation described in subsection (1)~~ AN OFFENSE THAT
6 REQUIRES THE FORFEITURE OR RETURN TO THE LESSOR OF HIS OR HER
7 VEHICLE UNDER THIS SECTION, ~~the court shall notify the defendant,~~
8 ~~his or her attorney, and the prosecuting attorney if the court~~
9 ~~intends to consider imposing~~ a sanction
10 ~~under this section. Within 3 days after this~~
11 ~~notice,~~ the prosecuting attorney shall give notice BY FIRST-CLASS
12 MAIL OR OTHER PROCESS to THE DEFENDANT AND HIS OR HER ATTORNEY, all
13 owners of the vehicle, and any person
14 holding a security interest in the vehicle that ~~the court may~~
14 ~~require~~ forfeiture or return of the vehicle IS REQUIRED.

15 ~~(5) If a vehicle is seized before disposition of the crimi-~~
16 ~~nal proceedings, a defendant who is an owner or lessee of the~~
17 ~~vehicle may move the court having jurisdiction over the proceed-~~
18 ~~ings to require the seizing agency to file a lien against the~~
19 ~~vehicle and to return the vehicle to the owner or lessee pending~~
20 ~~disposition of the criminal proceedings. The court shall hear~~
21 ~~the motion within 7 days after the motion is filed. If the~~
22 ~~defendant establishes at the hearing that he or she holds the~~
23 ~~legal title of the vehicle or that he or she has a leasehold~~
24 ~~interest and that it is necessary for him or her or a member of~~
25 ~~his or her family to use the vehicle pending the outcome of the~~
26 ~~forfeiture action, the court may order the seizing agency to~~
27 ~~return the vehicle to the owner or lessee. If the court orders~~

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1 ~~the return of the vehicle to the owner or lessee, the court shall~~
2 ~~order the seizing agency to file a lien against the vehicle.~~

3 (6) Within 14 days after notice HAS BEEN GIVEN by the prose-
4 cuting attorney ~~is given~~ under subsection ~~(4)~~ (5), an owner,
5 lessee, or holder of a security interest may file a claim of
6 interest in the vehicle ~~—Within~~ WITH THE COURT. IF NO CLAIM
7 IS FILED, THE COURT SHALL ORDER THE VEHICLE FORFEITED OR RETURNED
8 TO THE LESSOR. IF A CLAIM IS FILED, THE COURT SHALL HOLD A HEAR-
9 ING WITHIN 21 days after the expiration of the period for filing
10 claims. ~~, but before sentencing~~ AT THE HEARING, the court shall
11 ~~hold a hearing to~~ determine the legitimacy of any claim, the
12 extent of any co-owner's equity interest, and the liability of
13 the defendant to any co-lessee.

14 (7) If a vehicle is forfeited under this section, the unit
15 of government that seized the vehicle shall sell the vehicle and
16 dispose of the proceeds in the following order of priority:

17 (A) PAY THE PROPER EXPENSES OF THE PROCEEDINGS FOR FORFEI-
18 TURE AND SALE, INCLUDING, BUT NOT LIMITED TO, EXPENSES INCURRED
19 DURING THE SEIZURE PROCESS AND EXPENSES FOR MAINTAINING CUSTODY
20 OF THE PROPERTY, ADVERTISING, AND COURT COSTS.

21 (B) ~~(a)~~ Pay any outstanding security interest of a secured
22 party who did not have prior knowledge of or consent to the com-
23 mission of the violation.

24 (C) ~~(b)~~ Pay the equity interest of a co-owner who did not
25 have prior knowledge of or consent to the commission of the
26 violation.

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1 (D) ~~(c)~~ Satisfy any order of restitution entered in the
2 prosecution for the violation.

3 (E) ~~(d)~~ Pay the claim of each person who shows that he or
4 she is a victim of the violation to the extent that the claim is
5 not covered by an order of restitution.

6 (F) ~~(e)~~ Pay any outstanding lien against the property that
7 has been imposed by a governmental unit.

8 ~~(f) Pay the proper expenses of the proceedings for forfei-~~
9 ~~ture and sale, including, but not limited to, expenses incurred~~
10 ~~during the seizure process and expenses for maintaining custody~~
11 ~~of the property, advertising, and court costs.~~

12 (g) The balance remaining after the payment of items (a)
13 through (f) shall be distributed by the court having jurisdiction
14 over the forfeiture proceedings to the unit or units of govern-
15 ment substantially involved in effecting the forfeiture.
16 Seventy-five percent of the money received by a unit of govern-
17 ment under this subdivision shall be used to enhance enforcement
18 of the criminal laws and 25% of the money shall be used to imple-
19 ment the crime victim's rights act, ~~Act No. 87 of the Public~~
20 ~~Acts of 1985, being sections 780.751 to 780.834 of the Michigan~~
21 ~~Compiled Laws~~ 1985 PA 87, MCL 780.751 TO 780.834. A unit of
22 government receiving money under this subdivision shall report
23 annually to the department of management and budget the amount of
24 money received under this subdivision that was used to enhance
25 enforcement of the criminal laws and the amount that was used to
26 implement the crime victim's rights act.

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1 (8) The court may order the defendant to pay to a co-lessee
2 any liability determined under subsection (6). The order may be
3 enforced in the same manner as a civil judgment.

4 (9) The return of a vehicle to the lessor under this section
5 does not affect or impair the lessor's rights or the defendant's
6 obligations under the lease.

7 (10) A person who knowingly conceals, sells, gives away, or
8 otherwise transfers or disposes of a vehicle with the intent to
9 avoid forfeiture or return of the vehicle to the lessor under
10 this section is guilty of a ~~felony~~ MISDEMEANOR punishable by
11 imprisonment for not more than ~~4 years~~ 1 YEAR or a fine of not
12 more than ~~\$2,000.00~~ \$1,000.00, or both.

13 (11) THE FAILURE OF THE COURT OR PROSECUTOR TO COMPLY WITH
14 ANY TIME LIMIT SPECIFIED IN THIS SECTION DOES NOT PRECLUDE THE
15 COURT FROM ORDERING FORFEITURE OF A VEHICLE OR ITS RETURN TO A
16 LESSOR, UNLESS THE COURT FINDS THAT THE OWNER OR CLAIMANT SUFF-
17 FERED SUBSTANTIAL PREJUDICE AS A RESULT OF THE FAILURE.

18 (12) THE FORFEITURE PROVISIONS OF THIS SECTION DO NOT PRE-
19 CLUDE THE PROSECUTING ATTORNEY FROM PURSUING A FORFEITURE PRO-
20 CEEDING UNDER ANY OTHER LAW OF THIS STATE OR A LOCAL ORDINANCE
21 SUBSTANTIALLY CORRESPONDING TO THIS SECTION.

22 SEC. 904C. (1) EXCEPT AS PROVIDED IN SUBSECTION (7), WHEN A
23 PEACE OFFICER DETAINS THE DRIVER OF A MOTOR VEHICLE FOR A VIOLA-
24 TION

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26

27 REPORTABLE TO THE SECRETARY OF STATE UNDER SECTION 732 AND

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1 DETERMINES THE PERSON WAS OPERATING THE VEHICLE UPON A HIGHWAY OR
2 OTHER PLACE OPEN TO THE GENERAL PUBLIC OR GENERALLY ACCESSIBLE TO
3 MOTOR VEHICLES, INCLUDING AN AREA DESIGNATED FOR THE PARKING OF
4 MOTOR VEHICLES, WITHIN THIS STATE WHILE THE PERSON'S LICENSE WAS
5 SUSPENDED, REVOKED, OR DENIED, OR HAS BEEN EXPIRED FOR 60 DAYS OR
6 MORE OR WHO HAS NEVER APPLIED FOR A LICENSE, THE PEACE OFFICER
7 SHALL DO ALL OF THE FOLLOWING:

8 (A) IMMEDIATELY CONFISCATE AND DESTROY THE VEHICLE'S
REGISTRATION
9 PLATE.

10 (B) ISSUE A TEMPORARY VEHICLE REGISTRATION PLATE FOR THE
11 VEHICLE IN A FORM PRESCRIBED BY THE SECRETARY OF STATE.

12 (C) PLACE THE TEMPORARY VEHICLE REGISTRATION PLATE ON THE
13 VEHICLE IN THE MANNER REQUIRED BY THE SECRETARY OF STATE.

14 (D) NOTIFY THE SECRETARY OF STATE THROUGH THE LAW ENFORCE-
15 MENT INFORMATION NETWORK IN A FORM PRESCRIBED BY THE SECRETARY OF
16 STATE THAT THE REGISTRATION PLATE WAS CONFISCATED AND DESTROYED,
17 AND A TEMPORARY PLATE WAS ISSUED.

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1 (2) A TEMPORARY VEHICLE REGISTRATION PLATE ISSUED UNDER THIS
2 SECTION IS VALID FOR 1 OF THE FOLLOWING TIME PERIODS:

3 (A) IF THE CASE IS NOT PROSECUTED, FOR 90 DAYS. THE PROSE-
4 CUTING ATTORNEY SHALL NOTIFY THE SECRETARY OF STATE IF A CASE
5 REFERRED TO THE PROSECUTING ATTORNEY IS NOT PROSECUTED. THE
6 ARRESTING LAW ENFORCEMENT AGENCY SHALL NOTIFY THE SECRETARY OF
7 STATE IF A CASE IS NOT REFERRED TO THE PROSECUTING ATTORNEY FOR
8 PROSECUTION.

9 (B) IF THE CASE IS PROSECUTED, UNTIL 14 DAYS AFTER THE CRIMI-
10 NAL CHARGES AGAINST THE PERSON ARE DISMISSED, THE PERSON PLEADS
11 GUILTY OR NOLO CONTENDERE TO OR IS FOUND GUILTY OF OR ACQUITTED
12 OF THOSE CHARGES, OR THE PERSON'S VEHICLE REGISTRATION IS ORDERED
13 CANCELED BY THE COURT, WHICHEVER OCCURS EARLIEST.

14 (3) [REDACTED]
15 [REDACTED]

16 [REDACTED] IF THE COURT FINDS THE PERSON WAS OPERATING THE
17 VEHICLE UPON A HIGHWAY OR OTHER PLACE OPEN TO THE GENERAL PUBLIC
18 OR GENERALLY ACCESSIBLE TO MOTOR VEHICLES, INCLUDING AN AREA DES-
19 IGNATED FOR THE PARKING OF MOTOR VEHICLES, WITHIN THIS STATE
20 WHILE THE PERSON'S LICENSE WAS SUSPENDED, REVOKED, OR DENIED, OR
21 HAS BEEN EXPIRED FOR 60 DAYS OR MORE OR WHO HAS NEVER APPLIED FOR
22 A LICENSE, IN ADDITION TO ANY OTHER PENALTIES UNDER THIS ACT, THE
23 COURT MAY APPLY 1 OF THE FOLLOWING:

24 (A) FOR 1 PRIOR SUSPENSION, REVOCATION, OR DENIAL OR ANY
25 COMBINATION OF 2 PRIOR SUSPENSIONS, REVOCATIONS, OR DENIALS UNDER
26 SECTION 904(2) OR (3) WITHIN THE PAST 7 YEARS, THE COURT SHALL
27 ORDER 1 OF THE FOLLOWING:

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1 (i) THE SECRETARY OF STATE TO ISSUE A RESTRICTED VEHICLE
2 REGISTRATION PLATE UNDER SECTION 904D FOR 1 OR MORE VEHICLES
3 OWNED OR LEASED IN WHOLE OR IN PART OR SUBSEQUENTLY PURCHASED OR
4 LEASED IN WHOLE OR IN PART BY THAT PERSON.

5 (ii) ONE OR MORE MOTOR VEHICLES OWNED OR LEASED IN WHOLE OR
6 IN PART BY THE DEFENDANT, IMMOBILIZED UNDER SECTION 904E.

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 (B) FOR ANY COMBINATION OF 3 PRIOR SUSPENSIONS, REVOCATIONS,
13 OR DENIALS UNDER SECTION 904(2) OR (3) WITHIN THE PAST 7 YEARS,
14 THE COURT SHALL ORDER THE VEHICLE OPERATED BY THE DEFENDANT AND
15 OWNED OR LEASED IN WHOLE OR IN PART BY THE DEFENDANT, FORFEITED
16 IN THE MANNER PROVIDED UNDER SECTION 625N.

17 (4) THE DEFENDANT SHALL PROVIDE THE COURT WITH THE VEHICLE
18 IDENTIFICATION NUMBER AND REGISTRATION PLATE NUMBER OF ALL VEHICLES
19 OWNED OR LEASED IN WHOLE OR
20 IN PART BY THE DEFENDANT AND THE NAME, ADDRESS, AND ANY OTHER
21 INFORMATION THE COURT REQUIRES FOR EACH OWNER, LESSEE, OR LESSOR
22 OF ALL VEHICLES OWNED OR LEASED IN WHOLE OR IN PART BY THE
23 DEFENDANT.

24 (5) THE COURT SHALL NOT ORDER A RESTRICTED REGISTRATION
25 PLATE OR A VEHICLE IMMOBILIZED UNDER THIS SECTION IF THE
26 DEFENDANT IS NOT AN OWNER OR LESSEE OF THE VEHICLE OPERATED
DURING THE VIOLATION AND THE OWNER OR LESSEE OF THE VEHICLE DID

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1 NOT KNOWINGLY ALLOW THE PERSON TO COMMIT THE VIOLATION OR HAVE
2 REASON TO KNOW THE PERSON WOULD COMMIT THE VIOLATION.

3 (6) AN ORDER ISSUED UNDER SUBSECTION (3) SHALL NOT BE
4 SUSPENDED.

5 (7) THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

6 (A) A SUSPENSION, REVOCATION, OR DENIAL BASED ON A VIOLATION
7 OF THE SUPPORT AND PARENTING TIME ENFORCEMENT ACT, 1982 PA 295,
8 MCL 552.601 TO 552.650.

9 (B) AN INDIVIDUAL WHO HAS NO CURRENTLY EFFECTIVE SUSPENSION
10 OR DENIAL UNDER SECTION 321A OR WHO HAS 1 CURRENTLY EFFECTIVE
11 SUSPENSION OR DENIAL UNDER SECTION 321A BUT HAS NEVER VIOLATED A
12 CONDITION OF THAT SUSPENSION OR DENIAL, AND WHO HAS NO OTHER SUS-
13 PENSIONS OR REVOCATIONS OR DENIALS UNDER THIS ACT.

14 (C) A VEHICLE THAT IS REGISTERED IN ANOTHER STATE OR THAT IS
15 A RENTAL VEHICLE.

16 (D) ANY OF THE FOLLOWING VIOLATIONS:

17 (i) A VIOLATION OF CHAPTER II.

18 (ii) A VIOLATION OF CHAPTER V.

19 (iii) FAILURE TO CHANGE ADDRESS.

20 (iv) A PARKING VIOLATION.

21 (v) A BAD CHECK VIOLATION.

22 (vi) AN EQUIPMENT VIOLATION.

23 (vii) EXCEPT FOR A VIOLATION OF SECTION 624A OR 624B OF THIS
24 ACT OR SECTION 33B(1) OR (2) OF THE MICHIGAN LIQUOR CONTROL ACT,
25 1933 (EX SESS) PA 8, MCL 436.33B, OR A LOCAL ORDINANCE SUBSTANTIALLY
26 CORRESPONDING TO SECTION 624A OR 624B OF THIS ACT OR SECTION 33B(1)
OR (2) OF THE MICHIGAN LIQUOR CONTROL ACT, 1933 (EX SESS) PA 8, MCL
436.33B, A PEDESTRIAN, PASSENGER, OR BICYCLE VIOLATION.

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1 (viii) A VIOLATION OF A LOCAL ORDINANCE SUBSTANTIALLY
2 CORRESPONDING TO A VIOLATION DESCRIBED IN SUBPARAGRAPHS (i) TO
3 (vii).

4 SEC. 904D. (1) THE VEHICLE REGISTRATION RECORDS OF THE SEC-
5 RETARY OF STATE SHALL DISCLOSE WHICH VEHICLES ARE ASSIGNED A TEM-
6 PORARY REGISTRATION PLATE UNDER SECTION 625A OR 904C, OR A
7 RESTRICTED REGISTRATION PLATE, OR ARE IMMOBILIZED UNDER THIS
8 ACT.

9 (2) IF ORDERED BY THE COURT, THE SECRETARY OF STATE MAY
10 ISSUE A RESTRICTED REGISTRATION PLATE FOR A VEHICLE AFTER THE
11 APPLICANT PAYS THE SECRETARY OF STATE A \$125.00 SERVICE FEE, IN
12 ADDITION TO ANY OTHER APPLICABLE REGISTRATION FEES REQUIRED UNDER
13 THIS ACT. THE RESTRICTED REGISTRATION PLATE SHALL BE OF A MATE-
14 RIAL AND DESIGN SPECIFIED BY THE SECRETARY OF STATE, DISPLAYED IN
15 A MANNER SPECIFIED BY THE SECRETARY OF STATE, AND PROVIDED BY THE
16 SECRETARY OF STATE. THE SECRETARY OF STATE SHALL CONSULT WITH
17 THE DEPARTMENT OF STATE POLICE TO ENSURE THAT THE MATERIAL,
18 DESIGN, AND DISPLAY OF THE RESTRICTED REGISTRATION PLATE DOES NOT
19 COMPROMISE THE ABILITY OF LAW ENFORCEMENT AGENCIES TO ACCURATELY
20 IDENTIFY SPECIFIC VEHICLES.

21 (3) THE COURT SHALL NOT ORDER AND THE SECRETARY OF STATE
22 SHALL NOT ISSUE A RESTRICTED REGISTRATION PLATE FOR A VEHICLE
23 UNLESS EACH OWNER OR LESSOR OF THE VEHICLE SIGNS A WRITTEN STATE-
24 MENT ACKNOWLEDGING THAT THE VEHICLE WILL BE SUBJECT TO IMMOBILI-
25 ZATION UNDER SECTION 904E OR FORFEITURE UNDER SECTION 625N FOR
26 ANY VIOLATION SPECIFIED IN SECTION 625 OR 904C THAT IS COMMITTED

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1 BY THE PERSON WHO OPERATED THE VEHICLE DURING THE VIOLATION FOR
2 WHICH THE RESTRICTED REGISTRATION PLATE IS ISSUED.

3 (4) THE SECRETARY OF STATE SHALL ISSUE A RESTRICTED
4 REGISTRATION PLATE TO A PERSON WHO HAS SUBMITTED AN APPLICATION AND THE PROPER FEES FOR
5 A RESTRICTED REGISTRATION PLATE. THE RESTRICTED REGISTRATION
6 SHALL BE VALID FOR NOT MORE THAN 60 DAYS AFTER THE DATE OF
7 ISSUANCE.

8 (5) A RESTRICTED REGISTRATION PLATE SHALL BE ASSIGNED TO A
9 VEHICLE FOR ALL OF THE SUSPENSION, REVOCATION, OR DENIAL PERIOD
10 REMAINING WHEN THE PERSON VIOLATED SECTION 904 AS SHOWN ON THE
11 PERSON'S MASTER DRIVING RECORD, IN ADDITION TO THE PERIOD OF THE
12 SUSPENSION, REVOCATION, OR DENIAL IMPOSED UNDER SECTION 904.

13 (6) IF THE EXPIRATION DATE OF THE REGISTRATION PLATE
14 REPLACED BY THE RESTRICTED REGISTRATION PLATE IS WITHIN THE
15 PERIOD THAT THE RESTRICTED REGISTRATION PLATE IS ASSIGNED TO THE
16 VEHICLE, THE RESTRICTED REGISTRATION PLATE SHALL EXPIRE ON THE
17 EXPIRATION DATE PROVIDED FOR IN SECTION 226 BUT MAY BE RENEWED
18 UNDER SECTION 227. IF THE RESTRICTED REGISTRATION PLATE EXPIRES
19 BEFORE THE EXPIRATION DATE PROVIDED IN SECTION 226, AN APPLICA-
20 TION FOR A DUPLICATE REGULAR REGISTRATION PLATE FOR THE REMAINDER
21 OF THE REGULAR REGISTRATION PERIOD MAY BE MADE UNDER
22 SECTION 804.

23 (7) THE OWNER OF A VEHICLE SHALL NOT OPERATE A VEHICLE UPON
24 WHICH A RESTRICTED REGISTRATION PLATE IS ORDERED TO BE PLACED OR
25 ALLOW ANOTHER PERSON TO OPERATE THAT VEHICLE UNLESS HE OR SHE
26 KNOWS OR HAS REASON TO KNOW THAT THE RESTRICTED REGISTRATION
27 PLATE IS PROPERLY PLACED ON THAT VEHICLE.

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1 (8) THE OWNER OF A VEHICLE SHALL NOT ALLOW A PERSON HE OR
2 SHE KNOWS OR HAS REASON TO KNOW IS PROHIBITED BY THE ISSUANCE OF
3 A RESTRICTED REGISTRATION PLATE FROM OPERATING THAT VEHICLE TO
4 OPERATE THAT VEHICLE.

5 (9) A PERSON WHO KNOWS OR HAS REASON TO KNOW THAT HE OR SHE
6 IS PROHIBITED BY THE ISSUANCE OF A RESTRICTED REGISTRATION PLATE
7 FROM OPERATING THAT VEHICLE SHALL NOT OPERATE THAT VEHICLE.

8 (10) A PERSON WHO VIOLATES SUBSECTION (7), (8), OR (9) IS
9 GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE
10 THAN 1 YEAR OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

11 (11) THE SECRETARY OF STATE SHALL NOT ISSUE A NEW REGISTRA-
12 TION PLATE FOR A VEHICLE DURING THE PERIOD FOR WHICH A RESTRICTED
13 REGISTRATION PLATE IS ASSIGNED TO THAT VEHICLE.

14 (12) EACH SERVICE FEE COLLECTED UNDER THIS SECTION SHALL BE
15 DEPOSITED IN THE GENERAL FUND IN THE STATE TREASURY AND USED
16 FIRST TO DEFRAY THE SECRETARY OF STATE'S EXPENSE IN ADMINISTERING
17 THE RESTRICTED REGISTRATION PLATE, IMMOBILIZATION, AND FORFEITURE
18 PROGRAMS PROVIDED FOR UNDER THIS ACT.

19 SEC. 904E. (1) A COURT SHALL ORDER A VEHICLE IMMOBILIZED
20 UNDER SECTION 625 OR 904C BY THE INSTALLATION OF A DEVICE THAT
21 LOCKS THE IGNITION, WHEELS, OR STEERING OF THE VEHICLE IN A
22 MANNER THAT PROHIBITS ANY PERSON FROM OPERATING THE VEHICLE OR BY
23 USING ANY AVAILABLE TECHNOLOGY THAT PROHIBITS ANY PERSON FROM
24 OPERATING THE VEHICLE. IF
25 A VEHICLE IS IMMOBILIZED UNDER THIS SECTION, THE COURT MAY ORDER
26 THE VEHICLE STORED AT A LOCATION AND IN A MANNER CONSIDERED
27 APPROPRIATE BY THE COURT. THE COURT MAY ORDER THE PERSON CON-
VICTED OF VIOLATING SECTION 625 OR 904(1) TO PAY THE COST OF
IMMOBILIZING AND STORING THE VEHICLE.

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1 (2) A VEHICLE SHALL BE IMMOBILIZED FOR ALL OF THE
2 SUSPENSION, REVOCATION, OR DENIAL PERIOD THAT REMAINS OF THE SUS-
3 PENSION, REVOCATION, OR DENIAL PERIOD THAT THE PERSON VIOLATED
4 WHEN VIOLATING SECTION 904 AS SHOWN ON THE PERSON'S MASTER DRIV-
5 ING RECORD IN ADDITION TO THE PERIOD OF THE SUSPENSION, REVOCA-
6 TION, OR DENIAL IMPOSED UNDER SECTION 904.

7 (3) A PERSON SHALL NOT REMOVE OR BYPASS OR ATTEMPT TO REMOVE
8 OR BYPASS A DEVICE THAT HE OR SHE KNOWS OR HAS REASON TO KNOW HAS
9 BEEN INSTALLED ON A VEHICLE BY COURT ORDER TO IMMOBILIZE THE
10 VEHICLE UNDER THIS SECTION. A PERSON WHO VIOLATES THIS SUBSEC-
11 TION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR
12 NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN \$1,000.00, OR
13 BOTH.

14 SEC. 904F. (1) IF THE SECRETARY OF STATE RECEIVES 3 OR MORE
15 CONVICTION ABSTRACTS INDICATING A PERSON HAS ON SEPARATE OCCA-
16 SIONS WITHIN THE PAST 7 YEARS CONTINUED TO OPERATE ANY MOTOR
17 VEHICLE IN VIOLATION OF SECTION 904, THE SECRETARY OF STATE MAY
18 GIVE THE PERSON WRITTEN NOTICE THAT THE SECRETARY OF STATE MAY
19 DENY OR REFUSE TO CONDUCT ANY TRANSACTION IN THAT PERSON'S NAME
20 THAT REQUIRES A MONETARY PAYMENT UNDER THIS ACT OR THE NATURAL
21 RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL
22 324.101 TO 324.90106, UNTIL ALL SUSPENSIONS, REVOCATIONS, AND
23 DENIALS TERMINATE AND THE PERSON HAS PAID THE SECRETARY OF STATE A
24 \$25.00 SERVICE FEE UNDER THIS SECTION, OR THE CIRCUIT COURT ORDERS
25 OTHERWISE. THE NOTICE SHALL BE SENT BY FIRST-CLASS MAIL TO THE
26 LAST KNOWN ADDRESS OF THE PERSON AS SHOWN BY THE RECORDS OF THE
27 SECRETARY OF STATE.

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1 (2) THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

2 (A) A SUSPENSION, REVOCATION, OR DENIAL BASED ON A VIOLATION
3 OF THE SUPPORT AND PARENTING TIME ENFORCEMENT ACT, 1982 PA 295,
4 MCL 552.601 TO 552.650.

5 (B) AN INDIVIDUAL WHO HAS NO CURRENTLY EFFECTIVE SUSPENSION
6 OR DENIAL UNDER SECTION 321A OR WHO HAS 1 CURRENTLY EFFECTIVE
7 SUSPENSION OR DENIAL UNDER SECTION 321A BUT HAS NEVER VIOLATED A
8 CONDITION OF THAT SUSPENSION OR DENIAL, AND WHO HAS NO OTHER SUS-
9 PENSIONS OR REVOCATIONS OR DENIALS UNDER THIS ACT.

10 (C) A VEHICLE THAT IS REGISTERED IN ANOTHER STATE OR THAT IS
11 A RENTAL VEHICLE.

12 (D) ANY OF THE FOLLOWING VIOLATIONS:

13 (i) A VIOLATION OF CHAPTER II.

14 (ii) A VIOLATION OF CHAPTER V.

15 (iii) FAILURE TO CHANGE ADDRESS.

16 (iv) A PARKING VIOLATION.

17 (v) A BAD CHECK VIOLATION.

18 (vi) AN EQUIPMENT VIOLATION.

19 (vii) A PEDESTRIAN, PASSENGER, OR BICYCLE VIOLATION OTHER
20 THAN A VIOLATION OF SECTION 33B(1) OR (2) OF THE MICHIGAN LIQUOR
21 CONTROL ACT, 1933 (EX SESS) PA 8, MCL 436.33B, SECTION 624A, OR
22 SECTION 624B.

23 (viii) A VIOLATION OF A LOCAL ORDINANCE SUBSTANTIALLY CORRE-
24 SPONDING TO A VIOLATION DESCRIBED IN SUBPARAGRAPHS (i) TO (vii).

25 (3) THE SERVICE FEE COLLECTED UNDER THIS SECTION SHALL BE
26 DEPOSITED IN THE GENERAL FUND OF THE STATE TREASURY AND USED

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1 FIRST TO DEFRAY THE SECRETARY OF STATE'S EXPENSE IN ADMINISTERING
2 THIS SECTION.

3 Enacting section 1. This amendatory act takes effect 9 months
4 after the date of its enactment.

5 Enacting section 2. This amendatory act does not take
6 effect unless all of the following bills of the 89th Legislature
7 are enacted into law:

8 (a) Senate Bill No. 268.

9 (b) Senate Bill No. 269.

10 (c) Senate Bill No. 271.

11 (d) Senate Bill No. 625.

12 (e) Senate Bill No. 627.

13 (f) Senate Bill No. 870.

14 (g) Senate Bill No. 953.

15 (h) Senate Bill No. 989.

16 (i) Senate Bill No. 990.

17 (j) Senate Bill No. 991.

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]