

HOUSE BILL No. 4210

January 30, 1997, Introduced by Reps. Wetters, Harder, Cropsey, Law, Goschka, Voorhees, Jellema, Whyman, LeTarte, Bobier, McNutt, Nye, Middaugh, DeVuyst, Gernaat, Fitzgerald, Richner, Green and Galloway and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 204a, 322, 625b, 625h, 625k, and 625l (MCL 257.204a, 257.322, 257.625b, 257.625h, 257.625k, and 257.625l), section 204a as amended by 1996 PA 102, sections 625b, 625k, and 625l as amended by 1994 PA 450, and section 625h as amended by 1996 PA 59, and by adding sections 622a, 625n, 625o, and 625p.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 204a. (1) The secretary of state shall create and
2 maintain a computerized central file that provides an individual,
3 historical driving record for a person, including a nonresident,
4 with respect to all of the following:

5 (a) A license issued to the person under chapter 3.

6 (b) A conviction or civil infraction determination entered
7 against the person for a violation of this act or a local

1 ordinance substantially corresponding to a provision of this
2 act. IF THE CONVICTION IS FOR A VIOLATION OF SECTION 625 OR 625M
3 OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 625
4 OR 625M, THE RECORD OF CONVICTION SHALL INCLUDE THE LOWEST BLOOD
5 ALCOHOL CONTENT SAMPLE FOR EACH CONVICTION AS RECORDED ON AN EVI-
6 DENTIAL BREATH ALCOHOL TEST INSTRUMENT ADMINISTERED TO THE PERSON
7 PURSUANT TO RULES PROMULGATED BY THE DEPARTMENT OF STATE POLICE
8 UNDER SECTION 625H OR NOTICE THAT A CHEMICAL TEST WAS NOT
9 ADMINISTERED.

10 (c) A failure of the person to comply with an order or judg-
11 ment issued pursuant to section 907.

12 (d) A cancellation, denial, revocation, suspension, or
13 restriction of the person's operating privilege under this act.

14 (e) An accident in which the person is involved.

15 (f) A conviction of the person for an offense described in
16 section 319e.

17 (g) Any other information received by the secretary of state
18 regarding the person that is required to be maintained as part of
19 the person's driving record as provided by law.

20 (2) A secretary of state certified computer-generated or
21 paper copy of an order, record, or paper maintained in the com-
22 puterized central file of the secretary of state is admissible in
23 evidence in the same manner as the original and is prima facie
24 proof of the contents of and the facts stated in the original.

25 (3) An order, record, or paper generated by the computerized
26 central file of the secretary of state may be certified
27 electronically by the generating computer. The certification

1 shall be a certification of the order, record, or paper as it
2 appeared on a specific date.

3 (4) A court or the office of the clerk of a court of this
4 state which is electronically connected by a terminal device to
5 the computerized central file of the secretary of state may
6 receive into and use as evidence in any case the
7 computer-generated certified information obtained by the terminal
8 device from the file. A duly authorized employee of a court of
9 record of this state may order a record for an individual from a
10 secretary of state computer terminal device located in, and under
11 the control of, the court, and certify in writing that the docu-
12 ment was produced from the terminal and that the document was not
13 altered in any way.

14 Sec. 322. (1) The secretary of state shall appoint a hear-
15 ing officer to hear appeals from persons aggrieved by a final
16 determination of the secretary of state denying an application
17 for an operator's or chauffeur's license, suspending,
18 RESTRICTING, or revoking an operator's or chauffeur's license, or
19 other license action. THE APPEAL OF A PERSON SHALL BE IN WRITING
20 AND FILED WITH THE SECRETARY OF STATE WITHIN 14 DAYS AFTER THE
21 FINAL DETERMINATION. UPON NOTICE OF THE APPEAL, THE HEARING
22 OFFICER SHALL REQUIRE PRODUCTION OF ALL DOCUMENTS FILED IN CON-
23 NECTION WITH THE MATTER, TOGETHER WITH A TRANSCRIPT OF ANY TESTI-
24 MONY WHICH MAY HAVE BEEN TAKEN AND MAY TAKE SUCH ADDITIONAL TES-
25 TIMONY AS HE OR SHE CONSIDERS ADVISABLE.

26 (2) IN ANY HEARING OR MATTER PROPERLY PENDING BEFORE THE
27 HEARING OFFICER, THE hearing officer may: ~~issue~~

1 (A) ISSUE subpoenas to compel attendance of witnesses in any
2 matter or hearing properly pending before the officer. ~~, issue~~

3 (B) ISSUE process to compel attendance. ~~, and punish~~

4 (C) PUNISH for contempt any witness failing to appear or
5 testify in accordance with the rules and practice in circuit
6 courts so far as the same can be made to apply. ~~The hearing~~
7 ~~officer may swear~~

8 (D) SWEAR witnesses, ~~and~~ administer oaths, and exemplify
9 records in any matter coming before the officer. ~~The hearing~~
10 ~~officer may after~~

11 (E) AFTER hearing affirm, modify, or set aside, a final
12 determination of the secretary of state denying an application
13 for an operator's or chauffeur's license or suspending,
14 RESTRICTING, or revoking an operator's or chauffeur's license, or
15 any other license action. ~~The appeal shall be in writing and~~
16 ~~shall be filed with the secretary of state within 14 days after~~
17 ~~the final determination. The hearing officer shall thereupon~~
18 ~~require production of all documents filed in connection with the~~
19 ~~matter, together with a transcript of any testimony which may~~
20 ~~have been taken and may take such additional testimony as he may~~
21 ~~deem advisable.~~

22 (3) AFTER HEARING A MATTER OF DENIAL OR REVOCATION PURSUANT
23 TO SECTION 303(1)(E) OR SECTION 303(2)(C), (D), OR (E), IF THE
24 HEARING OFFICER ISSUES A RESTRICTED LICENSE TO A PERSON, THE
25 HEARING OFFICER SHALL DO ALL OF THE FOLLOWING:

26 (A) REQUIRE THAT THE ISSUANCE OF THE RESTRICTED LICENSE
27 INCLUDE THE INSTALLATION OF A FUNCTIONING IGNITION INTERLOCK

1 DEVICE THAT MEETS OR EXCEEDS THE MODEL SPECIFICATIONS OF THE
2 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION FOR BREATH ALCOHOL
3 IGNITION INTERLOCK DEVICES (BAIID) SET FORTH IN 57 F.R. p.11772,
4 APRIL 7, 1992, ON EACH MOTOR VEHICLE THE PERSON OWNS OR INTENDS
5 TO OPERATE, THE COSTS OF WHICH SHALL BE BORNE BY THE PERSON WHOSE
6 LICENSE IS RESTRICTED.

7 (B) REQUIRE THE DEVICE BE SET TO RENDER THE MOTOR VEHICLE
8 INOPERABLE IF THE DEVICE DETECTS A BLOOD ALCOHOL CONTENT OF 0.02%
9 OR MORE BY WEIGHT OF ALCOHOL IN THE PERSON WHO OFFERS A BREATH
10 SAMPLE.

11 (C) NOT ISSUE THE RESTRICTED LICENSE UNTIL VERIFICATION OF
12 INSTALLATION OF AN IGNITION INTERLOCK DEVICE IS RECEIVED BY THE
13 SECRETARY OF STATE.

14 (D) REQUIRE PERIODIC MONITORING OF AN INSTALLED IGNITION
15 INTERLOCK DEVICE BY THE MANUFACTURER OR INSTALLER.

16 (E) REQUIRE THAT IF MONITORING INDICATES THE DEVICE HAS BEEN
17 CIRCUMVENTED, TAMPERED WITH, OR BYPASSED, THAT FACT SHALL IMMEDI-
18 ATELY BE COMMUNICATED TO THE SECRETARY OF STATE.

19 SEC. 622A. THE ACCIDENT REPORT FORM REQUIRED BY THIS CHAP-
20 TER SHALL INCLUDE, WHEN APPLICABLE, WHETHER AN IGNITION INTERLOCK
21 DEVICE WAS INSTALLED IN A VEHICLE INVOLVED IN AN ACCIDENT.

22 Sec. 625b. (1) A person arrested for a misdemeanor viola-
23 tion of section 625(1), (3), or (6) or section 625m or a local
24 ordinance substantially corresponding to section 625(1), (3), or
25 (6) or section 625m shall be arraigned on the citation, com-
26 plaint, or warrant not more than 14 days after the arrest for the
27 violation or, if an arrest warrant is issued or reissued, not

1 more than 14 days after the issued or reissued arrest warrant is
2 served, whichever is later. The court shall not dismiss a case
3 or impose any other sanction for a failure to comply with this
4 time limit. The time limit does not apply to a violation of
5 section 625(1) punishable under section 625(7)(d) or a violation
6 of section 625(1), (3), or (6) or section 625m joined with a
7 felony charge.

8 (2) The court shall schedule a pretrial conference between
9 the prosecuting attorney, the defendant, and the defendant's
10 attorney in each case in which the defendant is charged with a
11 misdemeanor violation of section 625(1), (3), or (6) or
12 section 625m or a local ordinance substantially corresponding to
13 section 625(1), (3), or (6) or section 625m. The pretrial con-
14 ference shall be held not more than 35 days after the person's
15 arrest for the violation or, if an arrest warrant is issued or
16 reissued, not more than 35 days after the issued or reissued
17 arrest warrant is served, whichever is later. If the court has
18 only 1 judge who sits in more than 1 location in that district,
19 the pretrial conference shall be held not more than 42 days after
20 the person's arrest for the violation or, if an arrest warrant is
21 issued or reissued, not more than 42 days after the date the
22 issued or reissued arrest warrant is served, whichever is later.
23 The court shall not dismiss a case or impose any other sanction
24 for a failure to comply with the applicable time limit. The 35-
25 and 42-day time limits do not apply to a violation of
26 section 625(1) punishable under section 625(7)(d) or a violation
27 of section 625(1), (3), or (6) or section 625m joined with a

1 felony charge. The court shall order the defendant to attend the
2 pretrial conference and may accept a plea by the defendant at the
3 conclusion of the pretrial conference. The court may adjourn the
4 pretrial conference upon the motion of a party for good cause
5 shown. Not more than 1 adjournment shall be granted to a party,
6 and the length of an adjournment shall not exceed 14 days.

7 (3) Except for delay attributable to the unavailability of
8 the defendant, a witness, or material evidence or due to an
9 interlocutory appeal or exceptional circumstances, but not a
10 delay caused by docket congestion, the court shall finally adju-
11 dicate, by a plea of guilty or nolo contendere, entry of a ver-
12 dict, or other final disposition, a case in which the defendant
13 is charged with a misdemeanor violation of section 625(1), (3),
14 or (6) or section 625m or a local ordinance substantially corre-
15 sponding to section 625(1), (3), or (6) or section 625m, within
16 77 days after the person is arrested for the violation or, if an
17 arrest warrant is issued or reissued, not more than 77 days after
18 the date the issued or reissued arrest warrant is served, which-
19 ever is later. The court shall not dismiss a case or impose any
20 other sanction for a failure to comply with this time limit. The
21 77-day time limit does not apply to a violation of section 625(1)
22 punishable under section 625(7)(d) or a violation of
23 section 625(1), (3), or (6) or section 625m joined with a felony
24 charge.

25 (4) Before accepting a plea of guilty or nolo contendere
26 under section 625 or a local ordinance substantially
27 corresponding to section 625(1), (2), (3), or (6), the court

1 shall advise the accused of the maximum possible term of
2 imprisonment and the maximum possible fine that may be imposed
3 for the violation, and shall advise the defendant that the maxi-
4 mum possible license sanctions that may be imposed will be based
5 upon the master driving record maintained by the secretary of
6 state pursuant to section 204a.

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

20 (6) Immediately upon acceptance by the court of a plea of
21 guilty or nolo contendere or upon entry of a verdict of guilty
22 for a violation of section 625(1), (3), (4), (5), or (6) or a
23 local ordinance substantially corresponding to section 625(1),
24 (3), or (6), whether or not the person is eligible to be sen-
25 tenced as a multiple offender, the court shall consider all prior
26 convictions currently entered upon the person's Michigan driving
27 record, except convictions the court determines upon the

1 defendant's motion to be constitutionally invalid, and shall
2 impose the following licensing sanctions:

3 (a) For a conviction under section 625(4) or (5), the court
4 shall order the secretary of state to revoke the person's
5 operator's or chauffeur's license and shall not order the secre-
6 tary of state to issue a restricted license to the person.

7 (b) For a conviction under section 625(1) or a local ordi-
8 nance substantially corresponding to section 625(1):

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

25 (ii) If the court finds that the person has 1 prior convic-
26 tion within 7 years for a violation of section 625(3) or former
27 section 625b, a local ordinance substantially corresponding to

1 section 625(3) or former section 625b, or a law of another state
2 substantially corresponding to section 625(3) or former
3 section 625b, the court shall order the secretary of state to
4 suspend the person's operator's or chauffeur's license for not
5 less than 6 months or more than 2 years. If the court finds com-
6 pelling circumstances under subsection (10) sufficient to warrant
7 the issuance of a restricted license to a person, the court may
8 order the secretary of state to issue to the person a restricted
9 license during all or any portion of the suspension, except that
10 a restricted license shall not be issued during the first 60 days
11 of the suspension. FURTHER, IF EITHER THE PRIOR OR CURRENT CON-
12 VICTION OCCURRED AFTER OCTOBER 1, 1997 AND THE RECORD OF THE CON-
13 VICTION CONTAINS A BREATH ALCOHOL CONTENT RECORD OF 0.20% OR
14 MORE, THE COURT, FOR THE DURATION OF THE SUSPENSION AND RESTRIC-
15 TION PERIOD, SHALL DO ALL OF THE FOLLOWING:

16 (A) REQUIRE THAT THE ISSUANCE OF THE RESTRICTED LICENSE
17 INCLUDE THE INSTALLATION OF A FUNCTIONING IGNITION INTERLOCK
18 DEVICE THAT MEETS OR EXCEEDS THE MODEL SPECIFICATIONS OF THE
19 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION SET FORTH IN 57
20 F.R. p.11772, APRIL 7, 1992, ON EACH MOTOR VEHICLE THE PERSON
21 OWNS OR INTENDS TO OPERATE, THE COSTS OF WHICH SHALL BE BORNE BY
22 THE PERSON WHOSE LICENSE IS RESTRICTED.

23 (B) REQUIRE THE DEVICE BE SET TO RENDER THE MOTOR VEHICLE
24 INOPERABLE IF THE DEVICE DETECTS AN ALCOHOL CONTENT OF 0.02 GRAMS
25 OR MORE PER 210 LITERS OF BREATH OF THE PERSON WHO OFFERS A
26 BREATH SAMPLE.

1 (C) ORDER THE SECRETARY OF STATE NOT TO ISSUE THE RESTRICTED
2 LICENSE UNTIL VERIFICATION OF INSTALLATION OF AN IGNITION
3 INTERLOCK DEVICE IS RECEIVED BY THE SECRETARY OF STATE.

4 (D) REQUIRE PERIODIC MONITORING OF AN INSTALLED IGNITION
5 INTERLOCK DEVICE BY THE MANUFACTURER OR INSTALLER.

6 (E) REQUIRE THAT IF MONITORING INDICATES THE DEVICE HAS BEEN
7 CIRCUMVENTED, THAT FACT SHALL IMMEDIATELY BE COMMUNICATED TO THE
8 COURT AND THE SECRETARY OF STATE.

9 (iii) 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 (4), or (5) or former section 625(1) or (2), a local ordinance
12 substantially corresponding to section 625(1) or former section
13 625(1) or (2), or a law of another state substantially corre-
14 sponding to section 625(1), (4), or (5) or former section 625(1)
15 or (2), or that the person has 2 or more prior convictions within
16 10 years for a violation of section 625(1), (3), (4), or (5),
17 former section 625(1) or (2), or former section 625b, a local
18 ordinance substantially corresponding to section 625(1) or (3),
19 former section 625(1) or (2), or former section 625b, or a law of
20 another state substantially corresponding to section 625(1), (3),
21 (4), or (5), former section 625(1) or (2), or former section
22 625b, the court shall order the secretary of state to revoke the
23 person's operator's or chauffeur's license and shall not order
24 the secretary of state to issue a restricted license to the
25 person.

26 (c) For a conviction under section 625(3) or a local
27 ordinance substantially corresponding to section 625(3):

1 (i) If the court finds that the convicted person has no
2 prior conviction within 7 years for a violation of section
3 625(1), (3), (4), or (5), former section 625(1) or (2), or former
4 section 625b, a local ordinance substantially corresponding to
5 section 625(1) or (3), former section 625(1) or (2), or former
6 section 625b, or a law of another state substantially correspond-
7 ing to section 625(1), (3), (4), or (5), former section 625(1) or
8 (2), or former section 625b, the court shall order the secretary
9 of state to suspend the person's operator's or chauffeur's
10 license for not less than 90 days or more than 1 year. However,
11 if the person is convicted of a violation of section 625(3) or a
12 local ordinance substantially corresponding to section 625(3) for
13 operating a vehicle when, due to the consumption of a controlled
14 substance or a combination of intoxicating liquor and a con-
15 trolled substance, the person's ability to operate the vehicle
16 was visibly impaired, the court shall order the secretary of
17 state to suspend the operator's or chauffeur's license of the
18 person for not less than 6 months or more than 1 year. If the
19 court finds compelling circumstances under subsection (10) suffi-
20 cient to warrant the issuance of a restricted license to a
21 person, the court may order the secretary of state to issue to
22 the person a restricted license during all or a specified portion
23 of the suspension.

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

1 (3), former section 625(1) or (2), or former section 625b, or a
2 law of another state substantially corresponding to section
3 625(1), (3), (4), or (5), former section 625(1) or (2), or former
4 section 625b, the court shall order the secretary of state to
5 suspend the person's operator's or chauffeur's license for not
6 less than 6 months or more than 2 years. If the court finds com-
7 pelling circumstances under subsection (10) sufficient to warrant
8 the issuance of a restricted license to a person, the court may
9 order the secretary of state to issue to the person a restricted
10 license during all or any portion of the suspension, except that
11 a restricted license shall not be issued during the first 60 days
12 of the suspension. FURTHER, IF EITHER THE PRIOR OR CURRENT CON-
13 VICTION OCCURRED AFTER OCTOBER 1, 1997 AND THE RECORD OF THE CON-
14 VICTION CONTAINS A BREATH ALCOHOL CONTENT RECORD OF 0.20% OR
15 MORE, THE COURT, FOR THE DURATION OF THE SUSPENSION AND RESTRIC-
16 TION PERIOD, SHALL DO ALL OF THE FOLLOWING:

17 (A) REQUIRE THAT THE ISSUANCE OF THE RESTRICTED LICENSE
18 INCLUDE THE INSTALLATION OF A FUNCTIONING IGNITION INTERLOCK
19 DEVICE THAT MEETS OR EXCEEDS THE MODEL SPECIFICATIONS OF THE
20 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION SET FORTH IN 57
21 F.R. p.11772, APRIL 7, 1992, ON EACH MOTOR VEHICLE THE PERSON
22 OWNS OR INTENDS TO OPERATE, THE COSTS OF WHICH SHALL BE BORNE BY
23 THE PERSON WHOSE LICENSE IS RESTRICTED.

24 (B) REQUIRE THE DEVICE BE SET TO RENDER THE MOTOR VEHICLE
25 INOPERABLE IF THE DEVICE DETECTS AN ALCOHOL CONTENT OF 0.02 GRAMS
26 OR MORE PER 210 LITERS OF BREATH OF THE PERSON WHO OFFERS A
27 BREATH SAMPLE.

1 (C) ORDER THE SECRETARY OF STATE NOT TO ISSUE THE RESTRICTED
2 LICENSE UNTIL VERIFICATION OF INSTALLATION OF AN IGNITION INTER-
3 LOCK DEVICE IS RECEIVED BY THE SECRETARY OF STATE.

4 (D) REQUIRE PERIODIC MONITORING OF AN INSTALLED IGNITION
5 INTERLOCK DEVICE BY THE MANUFACTURER OR INSTALLER.

6 (E) REQUIRE THAT IF MONITORING INDICATES THE DEVICE HAS BEEN
7 CIRCUMVENTED, THAT FACT SHALL IMMEDIATELY BE COMMUNICATED TO THE
8 COURT AND THE SECRETARY OF STATE.

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

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

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

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

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

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

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

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

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

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

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

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

12 (G) TO AND FROM THE PERSON'S RESIDENCE AND THE SITE WHERE
13 MONITORING OF THE IGNITION INTERLOCK DEVICE TAKES PLACE.

14 (8) ~~The~~ EXCEPT FOR WHEN AN IGNITION INTERLOCK DEVICE IS
15 MANDATORY UNDER SUBSECTION (6), THE court may order that the
16 restricted license issued ~~pursuant to~~ UNDER subsection (6)
17 include the requirement that the person shall not operate a motor
18 vehicle unless the vehicle is equipped with a functioning igni-
19 tion interlock device. The device shall be set to render the
20 motor vehicle inoperable if the device detects an alcohol content
21 of 0.02 grams or more per 210 liters of breath of the person who
22 offers a breath sample. The court may order installation of an
23 ignition interlock device on any motor vehicle that the person
24 owns or operates, the costs of which the person whose license is
25 restricted shall bear. THE COURT SHALL NOT ORDER THE INSTALLA-
26 TION OF AN IGNITION INTERLOCK DEVICE UNLESS THE MANUFACTURER OF
27 THE DEVICE HAS COMPLIED WITH SECTION 625K.

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

5 (10) The court shall not order the secretary of state to
6 issue a restricted license unless the person states under oath,
7 and the court finds pursuant to testimony taken in open court or
8 pursuant to statements contained in a sworn affidavit on a form
9 prescribed by the state court administrator, that both of the
10 following are true:

11 (a) The person needs vehicular transportation to and from
12 his or her work location, SITE WHERE MONITORING OF THE IGNITION
13 INTERLOCK DEVICE TAKES PLACE, place of alcohol or drug education
14 treatment, court probation department, court-ordered community
15 service program, or educational institution, or a place of regu-
16 larly occurring medical treatment for a serious condition, or in
17 the course of the person's employment or occupation.

18 (b) The person is unable to take public transportation and
19 does not have any family members or other individuals able to
20 provide transportation to a destination or for a purpose
21 described in subdivision (a).

22 (11) The court order issued under subsection (6) and the
23 restricted license shall indicate the permitted destinations of
24 the person or the permitted purposes for which the person may
25 operate a vehicle, the approved route or routes if specified by
26 the court, and permitted times of travel.

1 (12) Immediately upon acceptance by the court of a plea of
2 guilty or nolo contendere or upon entry of a verdict of guilty
3 for a violation of section 625(1), (3), (4), (5), or (6) or a
4 local ordinance substantially corresponding to section 625(1),
5 (3), or (6), the person shall surrender to the court his or her
6 operator's or chauffeur's license or permit. The court shall
7 immediately destroy the license or permit and forward an abstract
8 of conviction with court-ordered license sanctions to the secre-
9 tary of state. Upon receipt of, and pursuant to, the abstract of
10 conviction with court-ordered license sanctions, the secretary of
11 state shall suspend or revoke the person's license and, if
12 ordered by the court and the person is otherwise eligible for a
13 license, issue to the person a restricted license stating the
14 limited driving privileges indicated on the abstract. If the
15 judgment and sentence is appealed to circuit court, the court may
16 ex parte order the secretary of state to stay the suspension,
17 revocation, or restricted license issued pursuant to this section
18 pending the outcome of the appeal.

19 (13) In addition to any other suspension or revocation
20 ordered under this section and as part of the sentence imposed
21 upon a person who violates section 625(1), (3), (4), or (5) or a
22 local ordinance substantially corresponding to section 625(1) or
23 (3) while operating a commercial motor vehicle, the court shall
24 order the secretary of state to suspend the vehicle group desig-
25 nations on the person's operator's or chauffeur's license in
26 accordance with section 319b(1)(c). If the vehicle was
27 transporting hazardous material required to have a placard

1 pursuant to 49 C.F.R. parts 100 to 199, the court shall order the
2 secretary of state to suspend the vehicle group designations on
3 the person's operator's or chauffeur's license in accordance with
4 section 319b(1)(d). The court shall not order the secretary of
5 state to issue a restricted license that would permit the person
6 to operate a commercial motor vehicle.

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

1 (15) As used in this section, "work location" means, as
2 applicable, the specific place or places of employment or the
3 territory or territories regularly visited by the person in pur-
4 suance of the person's occupation, or both.

5 Sec. 625h. (1) The drunk driving prevention equipment and
6 training fund is created as a separate fund in the state
7 treasury. Money in the fund shall be expended only as provided
8 in subsection (2). The state treasurer shall credit to the fund
9 all money received for that purpose under section 320e, and as
10 otherwise provided by law. The state treasurer shall invest
11 money in the fund in the same manner as surplus funds are
12 invested under section 143 of ~~Act No. 105 of the Public Acts of~~
13 ~~1855, being section 21.143 of the Michigan Compiled Laws~~ 1855 PA
14 105, MCL 21.143. Earnings from the fund shall be credited to the
15 fund. Money in the fund at the end of the fiscal year shall
16 remain in the fund, and shall not revert to the general fund.

17 (2) The department of state police shall administer the
18 fund. Money in the fund shall be used only to administer the
19 fund, to purchase and maintain breath alcohol testing equipment,
20 and to provide training to law enforcement personnel of this
21 state in the use of that breath alcohol testing equipment.

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

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

1 (5) The drunk driving caseflow assistance fund is created as
2 a separate fund in the state treasury. The purpose of the fund
3 is to promote the timely disposition of cases in which the
4 defendant is charged with a violation of section 625(1) or (3) of
5 this act, section 82127(1) or (3) of part 821 (snowmobiles) of
6 the natural resources and environmental protection act, ~~Act~~
7 ~~No. 451 of the Public Acts of 1994, being section 324.82127 of~~
8 ~~the Michigan Compiled Laws~~ 1994 PA 451, MCL 324.82127, or sec-
9 tion 80176(1) or (3) of part 801 (marine safety) of ~~Act No. 451~~
10 ~~of the Public Acts of 1994, being section 324.80176 of the~~
11 ~~Michigan Compiled Laws~~ THE NATURAL RESOURCES AND ENVIRONMENTAL
12 PROTECTION ACT, 1994 PA 451, MCL 324.80176, or a local ordinance
13 substantially corresponding to section 625(1) or (3) of this act,
14 section 82127(1) or (3) of part 821 (SNOWMOBILES) of ~~Act No. 451~~
15 ~~of the Public Acts of 1994~~ THE NATURAL RESOURCES AND ENVIRONMEN-
16 TAL PROTECTION ACT, 1994 PA 451, MCL 324.82127, or section
17 80176(1) or (3) of part 801 (MARINE SAFETY) of ~~Act No. 451 of~~
18 ~~the Public Acts of 1994~~ THE NATURAL RESOURCES AND ENVIRONMENTAL
19 PROTECTION ACT, 1994 PA 451, MCL 324.80176. Money in the fund
20 shall be expended only as provided in subsection (7).

21 (6) The state treasurer shall credit the drunk driving case-
22 flow assistance fund with deposits of proceeds from the collec-
23 tion of revenue from license reinstatement fees as provided for
24 in section 320e, and all income from investment credited to the
25 fund by the state treasurer. The state treasurer may invest
26 money contained in the drunk driving caseflow assistance fund in
27 any manner authorized by law for the investment of state money.

1 However, an investment shall not interfere with any
2 apportionment, allocation, or payment of money as required by
3 this section. The state treasurer shall credit to the fund all
4 income earned as a result of an investment. Money in the fund at
5 the end of the fiscal year shall remain in the fund and shall not
6 revert to the general fund.

7 (7) The state court administrator, at the direction of the
8 supreme court and upon confirmation of the amount by the state
9 treasurer, shall distribute from the drunk driving caseflow
10 assistance fund the total amount available in a fiscal year to
11 each district of the district court and each municipal court as
12 provided in this section. The state court administrator, after
13 reimbursement of costs as provided in this subsection, shall dis-
14 tribute the balance of the drunk driving caseflow assistance fund
15 annually to each district of the district court and each municipi-
16 pal court in an amount determined by multiplying the amount
17 available for distribution by a fraction, the numerator of which
18 is the number of cases in which the defendant was charged with a
19 violation of section 625(1) or (3) of this act, section 82127(1)
20 or (3) of part 821 (SNOWMOBILES) ~~of Act No. 451 of the Public~~
21 ~~Acts of 1994,~~ or section 80176(1) or (3) of part 801 ~~of Act~~
22 ~~No. 451 of the Public Acts of 1994~~ (MARINE SAFETY) OF THE NATU-
23 RAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL
24 324.82127 AND 324.80176, or a local ordinance substantially cor-
25 responding to section 625(1) or (3) of this act, section 82127(1)
26 or (3) of part 821 (SNOWMOBILES) ~~of Act No. 451 of the Public~~
27 ~~Acts of 1994~~ or section 80176(1) or (3) of part 801 ~~of Act~~

1 ~~No. 451 of the Public Acts of 1994~~ (MARINE SAFETY) OF THE
2 NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451,
3 MCL 324.82127 AND 324.80176 in the prior calendar year in that
4 district of the district court or that municipal court as certi-
5 fied by the state court administrator and the denominator of
6 which is the total number of cases in all districts of the dis-
7 trict court and all municipal courts in which the defendant was
8 charged with a violation of section 625(1) or (3) of this act,
9 section 82127(1) or (3) of part 821 ~~of Act No. 451 of the Public~~
10 ~~Acts of 1994,~~ (SNOWMOBILES) or section 80176(1) or (3) of part
11 801 ~~of Act No. 451 of the Public Acts of 1994~~ (MARINE SAFETY)
12 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994
13 PA 451, MCL 324.82127 AND 324.80176 or a local ordinance substan-
14 tially corresponding to section 625(1) or (3) of this act, sec-
15 tion 82127(1) or (3) of part 821 of ~~Act No. 451 of the Public~~
16 ~~Acts of 1994,~~ (SNOWMOBILES) or section 80176(1) or (3) of part
17 801 ~~of Act No. 451 of the Public Acts of 1994~~ (MARINE SAFETY)
18 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994
19 PA 451, MCL 324.82127 AND 324.80176, in the calendar year. The
20 state court administrative office shall be reimbursed annually
21 from the drunk driving caseflow assistance fund for all reason-
22 able costs associated with the administration of this section,
23 including judicial and staff training, on-site management assist-
24 ance, and software development and conversion.

25 (8) AN INSTALLER OF IGNITION INTERLOCK DEVICES SHALL PROVIDE
26 AN IGNITION INTERLOCK DEVICE WITHOUT COST TO A PERSON WHOSE GROSS
27 INCOME FOR THE IMMEDIATELY PRECEDING TAX YEAR BASED ON HIS OR HER

1 STATE INCOME TAX RETURN WAS MORE THAN 100% BUT LESS THAN 150% OF
2 THE OFFICIAL POVERTY LINE FOR THAT SAME TAX YEAR ESTABLISHED IN
3 THE POVERTY GUIDELINES ISSUED BY THE SECRETARY OF HEALTH AND
4 HUMAN SERVICES UNDER AUTHORITY OF SECTION 673(2) OF THE COMMUNITY
5 SERVICES BLOCK GRANT ACT, SUBTITLE B OF TITLE VI OF THE OMNIBUS
6 BUDGET RECONCILIATION ACT OF 1981, PUBLIC LAW 97-35, 42
7 U.S.C. 9902. A PERSON IN WHOSE VEHICLE AN IGNITION INTERLOCK
8 DEVICE IS INSTALLED WITHOUT COST UNDER THIS SUBSECTION SHALL PAY
9 A MAINTENANCE FEE TO THE INSTALLER OF NOT TO EXCEED \$1.00 PER
10 DAY.

11 Sec. 625k. (1) The department shall approve an ignition
12 interlock device certified by a department-approved laboratory as
13 complying with the national highway traffic safety
14 administration's model specifications for breath alcohol ignition
15 interlock devices (BAIID), 57 F.R. p.11772,
16 ~~— April 7, 1992. —~~ Subject to subsection (4), the department
17 shall publish a list of all manufacturers of approved certified
18 devices.

19 (2) The manufacturer of an ignition interlock device shall
20 bear the cost of that device's certification.

21 (3) A laboratory that certifies an ignition interlock device
22 as provided in this section shall immediately notify the depart-
23 ment of that certification.

24 (4) The department shall not include the manufacturer of a
25 certified ignition interlock device on the list of manufacturers
26 published pursuant to subsection (1) unless the manufacturer has
27 filed COPIES OF ALL OF THE FOLLOWING with the department: ~~copies~~

1 of an affidavit that the ignition interlock device is both of the
2 following:

3 (A) A BOND EXECUTED AS PROVIDED IN SECTION 625o.

4 (B) EVIDENCE OF INSURANCE AS DESCRIBED IN SECTION 625N.

5 (C) AN AFFIDAVIT THAT THE IGNITION INTERLOCK DEVICE IS BOTH
6 OF THE FOLLOWING:

7 (i) ~~(a)~~ An alcohol concentration measuring device that
8 prevents a motor vehicle from being started at any time without
9 first determining through a deep lung sample the operator's
10 breath alcohol level.

11 (ii) ~~(b)~~ Calibrated to prevent the motor vehicle from
12 starting if the operator's breath alcohol level reaches a level
13 of 0.02 grams per 210 liters of breath as measured by the test.

14 (5) A manufacturer that has made a filing under subsection
15 (4) shall immediately notify the department if the device no
16 longer meets the requirements of subsection (4).

17 (6) The department shall notify the courts of a notice
18 received under subsection (5). If a court receives the notifica-
19 tion required by this subsection, the court shall not order
20 installation of the ignition interlock device described in the
21 notice, and shall order the replacement or removal of any of
22 those ignition interlock devices installed pursuant to a previous
23 order.

24 (7) A manufacturer shall provide to each person who has a
25 court-ordered ignition interlock device a copy of the information
26 filed with the department under subsection (4)(a) and (b). A
27 person who violates this subsection is guilty of a misdemeanor,

1 punishable by imprisonment for not more than 1 year, or a fine of
2 not more than \$1,000.00, or both, together with costs of the
3 prosecution.

4 (8) A person who knowingly provides false information to the
5 department under subsection ~~-(2)-~~ (3) or (4) is guilty of a
6 felony, punishable by imprisonment for not less than 5 years or
7 more than 10 years, or a fine of not less than \$5,000.00 or more
8 than \$10,000.00, or both, together with costs of the
9 prosecution.

10 (9) A person who negligently provides false information to
11 the department under subsection ~~-(3)-~~ (2) or (4) is guilty of a
12 misdemeanor, punishable by imprisonment for not more than 1 year,
13 or a fine of not more than \$1,000.00, or both, together with
14 costs of the prosecution.

15 (10) A person who knowingly fails to comply with
16 subsection (5) is guilty of a felony, punishable by imprisonment
17 for not less than 5 years or more than 10 years, or a fine of not
18 less than \$5,000.00 or more than \$10,000.00, or both, together
19 with costs of the prosecution.

20 (11) A person who negligently fails to comply with subsec-
21 tion (5) is guilty of a misdemeanor, punishable by imprisonment
22 for not more than 1 year, or a fine of not more than \$1,000.00,
23 or both, together with costs of the prosecution.

24 Sec. 6251. (1) The manufacturer of an ignition interlock
25 device shall design a warning label, and the person who has a
26 ~~court-ordered~~ COURT OR HEARING OFFICER ORDERED ignition
27 interlock device shall promptly affix that label to each ignition

1 interlock device upon installation. The label shall contain a
2 warning that any person tampering, circumventing, or otherwise
3 misusing the device is guilty of a misdemeanor punishable as pro-
4 vided by law.

5 (2) A person who has a ~~court-ordered~~ COURT OR HEARING
6 OFFICER ORDERED ignition interlock device installed and whose
7 driving privilege is restricted pursuant to section 625b OR BY A
8 HEARING OFFICER shall not request or solicit any other person to
9 blow into an ignition interlock device or to start a vehicle
10 equipped with the device for the purpose of providing the person
11 whose driving privilege is restricted with an operable vehicle.

12 (3) A person shall not blow into an ignition interlock
13 device or start a motor vehicle equipped with the device for the
14 purpose of providing an operable vehicle to a person who has a
15 ~~court-ordered~~ COURT OR HEARING OFFICER ORDERED interlock device
16 installed and whose driving privilege is restricted pursuant to
17 section 625b OR BY A HEARING OFFICER.

18 (4) A person shall not tamper with or circumvent the opera-
19 tion of an ignition interlock device.

20 (5) A person who violates ~~this section~~ SUBSECTION (2),
21 (3), OR (4) is guilty of a misdemeanor punishable by imprisonment
22 for not more than 6 months or a fine of not more than \$5,000.00,
23 or both.

24 (6) As used in this ~~section and sections 625b and 625k~~
25 ACT, "ignition interlock device" or "device" means an alcohol
26 concentration measuring device that prevents a motor vehicle from
27 being started at any time without first determining through a

1 deep lung sample the operator's breath alcohol level. The system
2 shall be calibrated so that the motor vehicle may not be started
3 if the breath alcohol level of the operator, as measured by the
4 test, reaches a level of 0.02 grams per 210 liters of breath.

5 (7) THE STATE, OR THE DEPARTMENT, ITS OFFICERS, EMPLOYEES,
6 OR AGENTS ARE NOT LIABLE IN ANY CLAIM OR ACTION THAT MAY ARISE,
7 DIRECTLY OR INDIRECTLY, OUT OF ANY ACT OR OMISSION BY A MANUFAC-
8 Turer, INSTALLER, OR SERVICING AGENT OF AN IGNITION INTERLOCK
9 DEVICE THAT RESULTS IN DAMAGE TO PERSONS OR PROPERTY.

10 (8) A PERSON SHALL NOT SELL, LEASE, OR INSTALL IN A VEHICLE
11 IN THIS STATE AN IGNITION INTERLOCK DEVICE UNLESS THE IGNITION
12 INTERLOCK DEVICE MANUFACTURER AND PROVIDER CARRIES LIABILITY
13 INSURANCE COVERING PRODUCT LIABILITY, INCLUDING, BUT NOT LIMITED
14 TO, INSURANCE TO INDEMNIFY THE DEPARTMENT AND ANY PERSON INJURED
15 AS A RESULT OF A DESIGN DEFECT OR THE CALIBRATION OR REMOVAL OF
16 THE IGNITION INTERLOCK DEVICE OR A MISREPRESENTATION ABOUT THE
17 IGNITION INTERLOCK DEVICE. THE INSURANCE REQUIRED BY THIS SUB-
18 SECTION SHALL BE IN AN AMOUNT OF NOT LESS THAN \$1,000,000.00 PER
19 INCIDENT.

20 (9) THE PROVIDER OF INSURANCE DESCRIBED IN THIS SECTION MAY
21 CANCEL THE INSURANCE UPON 30 DAYS' WRITTEN NOTICE TO THE DEPART-
22 MENT AND IS NOT LIABLE FOR A CLAIM ARISING FROM AN EVENT THAT
23 OCCURS AFTER THE EFFECTIVE DATE OF A CANCELLATION MADE IN COMPLI-
24 ANCE WITH THIS SECTION.

25 (10) AN IGNITION INTERLOCK DEVICE SHALL BE SERVICED AT
26 INTERVALS NOT TO EXCEED 60 DAYS. SERVICE SHALL INCLUDE, BUT NOT
27 BE LIMITED TO, PHYSICAL INSPECTION OF THE DEVICE AND VEHICLE FOR

1 TAMPERING CALIBRATION OF THE DEVICE AND MONITORING OF THE DATA
2 CONTAINED WITHIN THE DEVICE'S MEMORY. IF THE VEHICLE AND DEVICE
3 ARE NOT SERVICED AS REQUIRED, THE INSTALLER SHALL REPORT NONCOM-
4 PLIANCE TO THE APPROPRIATE COURT PERSONNEL WITHIN 48 HOURS. ONLY
5 AUTHORIZED EMPLOYEES OF THE MANUFACTURER OR THE DEPARTMENT MAY
6 OBSERVE THE INSTALLATION OF A DEVICE. REASONABLE SECURITY MEA-
7 SURES MUST BE TAKEN TO PREVENT THE CUSTOMER FROM OBSERVING THE
8 INSTALLATION OF A DEVICE OR OBTAINING ACCESS TO INSTALLATION
9 MATERIALS.

10 SEC. 625N. (1) A PERSON SHALL NOT SELL, LEASE, OR INSTALL
11 IN A VEHICLE IN THIS STATE AN IGNITION INTERLOCK DEVICE UNLESS
12 THE IGNITION INTERLOCK DEVICE MANUFACTURER CARRIES LIABILITY
13 INSURANCE COVERING PRODUCT LIABILITY, INCLUDING, BUT NOT LIMITED
14 TO, INSURANCE TO INDEMNIFY THE DEPARTMENT AND ANY PERSON INJURED
15 AS A RESULT OF A MALFUNCTION OR DESIGN DEFECT OF THE IGNITION
16 INTERLOCK DEVICE OR A MISREPRESENTATION ABOUT THE IGNITION INTER-
17 LOCK DEVICE.

18 (2) THE INSURANCE REQUIRED BY SUBSECTION (1) SHALL BE IN AN
19 AMOUNT OF NOT LESS THAN \$1,000,000.00 PER INCIDENT.

20 (3) THE PROVIDER OF INSURANCE DESCRIBED IN THIS SECTION MAY
21 CANCEL THE INSURANCE UPON 30 DAYS' WRITTEN NOTICE TO THE DEPART-
22 MENT AND IS NOT LIABLE FOR A CLAIM ARISING FROM AN EVENT THAT
23 OCCURS AFTER THE EFFECTIVE DATE OF A CANCELLATION MADE IN COMPLI-
24 ANCE WITH THIS SECTION.

25 SEC. 625O. (1) A PERSON SHALL NOT SELL, LEASE, OR INSTALL
26 IN A VEHICLE IN THIS STATE AN IGNITION INTERLOCK DEVICE UNLESS
27 THE MANUFACTURER OF THE DEVICE HAS OBTAINED AN EXECUTED BOND

1 DESCRIBED IN SUBSECTION (2) OR A RENEWAL CERTIFICATE FOR THAT
2 BOND.

3 (2) THE BOND REQUIRED UNDER SUBSECTION (1) SHALL BE IN THE
4 AMOUNT OF \$50,000.00 WITH A SURETY APPROVED BY THE DEPARTMENT AND
5 SHALL BE CONDITIONED TO INDEMNIFY OR REIMBURSE A PERSON WHO HAS
6 AN IGNITION INTERLOCK DEVICE INSTALLED ON HIS OR HER VEHICLE FOR
7 MONETARY LOSS CAUSED BY THE MANUFACTURER'S FRAUD, CHEATING, MIS-
8 REPRESENTATION, OR DEFAULTING ON A CONTRACTUAL OBLIGATION,
9 WHETHER THE FRAUD, CHEATING, MISREPRESENTATION, OR DEFAULTING WAS
10 DONE BY THE MANUFACTURER OR BY AN EMPLOYEE OR AGENT OF THE
11 MANUFACTURER.

12 (3) THE SURETY ON THE BOND DESCRIBED IN SUBSECTION (2) IS
13 REQUIRED TO MAKE INDEMNIFICATION OR REIMBURSEMENT FOR A MONETARY
14 LOSS ONLY AFTER FINAL JUDGMENT HAS BEEN ENTERED IN A COURT OF
15 RECORD AGAINST THE MANUFACTURER OR AN EMPLOYEE OR AGENT OF THE
16 MANUFACTURER. THE SURETY ON THE BOND MAY CANCEL THE BOND UPON 30
17 DAYS' WRITTEN NOTICE TO THE DEPARTMENT AND IS NOT LIABLE FOR A
18 LOSS ARISING FROM AN EVENT THAT OCCURS AFTER THE EFFECTIVE DATE
19 OF THE CANCELLATION.

20 SEC. 625P. THE SECRETARY OF STATE SHALL ENTER INTO A CON-
21 TRACT WITH THE UNIVERSITY OF MICHIGAN TRANSPORTATION RESEARCH
22 INSTITUTE, IN WHICH THE UNIVERSITY OF MICHIGAN TRANSPORTATION
23 RESEARCH INSTITUTE SHALL EVALUATE THE EFFECT AND IMPACT OF THE
24 1997 AMENDATORY ACT THAT ADDED THIS SECTION ADDRESSING DRIVING ON
25 A RESTRICTED LICENSE WITH AN IGNITION INTERLOCK DEVICE IN THIS
26 STATE AND REPORT ITS FINDINGS TO THE GOVERNOR AND THE LEGISLATURE
27 NOT LATER THAN DECEMBER 31, 1999. THE CIRCUIT COURTS, DISTRICT

1 COURTS, PROBATE COURTS, MUNICIPAL COURTS, AND LOCAL UNITS OF
2 GOVERNMENT IN THIS STATE SHALL COOPERATE WITH THE SECRETARY OF
3 STATE TO PROVIDE INFORMATION NECESSARY FOR THE PREPARATION OF THE
4 REPORT.

5 Enacting section 1. This amendatory act takes effect
6 October 1, 1997.