

HB 6177, As Passed Senate, December 14, 2000

November 30, 2000, Introduced by Rep. Garcia and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303, 319, 320a, 625, 625m, 732, and 904d (MCL 257.303, 257.319, 257.320a, 257.625, 257.625m, 257.732, and 257.904d), sections 303 and 732 as amended by 1999 PA 73, section 319 as amended by 2000 PA 152, section 320a as amended by 1999 PA 40, section 625 as amended by 2000 PA 77, section 625m as amended by 1998 PA 347, and section 904d as amended by 1999 PA 267.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 303. (1) The secretary of state shall not issue a
2 license under this act to any of the following:
3 (a) A person, as an operator, who is less than 18 years of
4 age, except as otherwise provided in this act.

07256'00

TVD

1 (b) A person, as a chauffeur, who is less than 18 years of
2 age, except as otherwise provided in this act.

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

5 (d) A person who has been convicted of or received a juve-
6 nile disposition for a violation of section 625(4) or (5), SEC-
7 TION 635A(4), or section 904(4) or (5).

8 (e) A person who has been convicted of or received a juve-
9 nile disposition for negligent homicide, manslaughter, or murder
10 resulting from the operation of a vehicle.

11 (f) A person who is an habitual violator of the criminal
12 laws relating to operating a vehicle while impaired by or under
13 the influence of intoxicating liquor, a controlled substance, or
14 a combination of intoxicating liquor and a controlled substance
15 or with an alcohol content of 0.10 grams or more per 100 millili-
16 ters of blood, per 210 liters of breath, or per 67 milliliters of
17 urine. Convictions of any of the following, whether under a law
18 of this state, a local ordinance substantially corresponding to a
19 law of this state, or a law of another state substantially corre-
20 sponding to a law of this state, are prima facie evidence that
21 the person is an habitual violator as described in this
22 subdivision:

23 (i) Any combination of 2 convictions within 7 years for any
24 of the following or a combination of 1 conviction for a violation
25 or attempted violation of section 625(6) and 1 conviction for any
26 of the following within 7 years:

1 (A) A violation or attempted violation of section 625(1),
2 (3), (4), (5), or (7), SECTION 653A(4), or section 904(4) or
3 (5).

4 (B) A violation of former section 625(1) or (2) or former
5 section 625b.

6 (C) A violation or attempted violation of section 625m.

7 (D) Negligent homicide, manslaughter, or murder resulting
8 from the operation of a vehicle or an attempt to commit any of
9 those crimes.

10 (ii) Any combination of 3 convictions within 10 years for
11 any of the following or 1 conviction for a violation or attempted
12 violation of section 625(6) and any combination of 2 convictions
13 for any of the following within 10 years, if any of the convic-
14 tions resulted from an arrest on or after January 1, 1992:

15 (A) A violation or attempted violation of section 625(1),
16 (3), (4), (5), or (7), SECTION 653A(4), or section 904(4) or
17 (5).

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

20 (C) A violation or attempted violation of section 625m.

21 (D) Negligent homicide, manslaughter, or murder resulting
22 from the operation of a vehicle or an attempt to commit any of
23 those crimes.

24 (g) A person who in the opinion of the secretary of state is
25 afflicted with or suffering from a physical or mental disability
26 or disease preventing that person from exercising reasonable and

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

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

5 (i) A person who is an habitually reckless driver. Two con-
6 victions within 7 years ~~of reckless driving under this act or~~
7 ~~any other law of this state relating to reckless driving or~~
8 ~~under~~ FOR VIOLATING ANY COMBINATION OF SECTION 626 OR SECTION
9 653A(3) OR a local ordinance of this state or a law of another
10 state ~~that defines the term "reckless driving"~~ substantially
11 similarly to ~~the law of this state~~ SECTION 626 OR SECTION
12 653A(3) are prima facie evidence that the person is an habitually
13 reckless driver.

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

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

23 (l) A person who has been convicted of, has received a juve-
24 nile disposition for, or has been determined responsible for 2 or
25 more moving violations under a law of this state, a local ordi-
26 nance substantially corresponding to a law of this state, or a
27 law of another state substantially corresponding to a law of this

1 state within the preceding 3 years, if the violations occurred
2 before issuance of an original license to the person in this or
3 another state.

4 (m) A nonresident including a foreign exchange student.

5 (n) A person who has failed to answer a citation or notice
6 to appear in court or for any matter pending or fails to comply
7 with an order or judgment of the court, including, but not
8 limited to, paying all fines, costs, fees, and assessments, in
9 violation of section 321a, until that person answers the citation
10 or notice to appear in court or for any matter pending or com-
11 plies with an order or judgment of the court, including, but not
12 limited to, paying all fines, costs, fees, and assessments, as
13 provided under section 321a.

14 (o) A person not licensed under this act who has been con-
15 victed of, has received a juvenile disposition for, or has been
16 determined responsible for a crime or civil infraction described
17 in section 319, 324, or 904. A person shall be denied a license
18 under this subdivision for the length of time corresponding to
19 the period of the licensing sanction that would have been imposed
20 under section 319, 324, or 904 if the person had been licensed at
21 the time of the violation.

22 (p) A person not licensed under this act who has been con-
23 victed of or received a juvenile disposition for committing a
24 crime described in section 319e. A person shall be denied a
25 license under this subdivision for the length of time that corre-
26 sponds to the period of the licensing sanction that would have

1 been imposed under section 319e if the person had been licensed
2 at the time of the violation.

3 (q) A person not licensed under this act who is determined
4 to have violated section 33b(1) of former 1933 (Ex Sess) PA 8,
5 section 703(1) of the Michigan liquor control code of 1998, 1998
6 PA 58, MCL 436.1703, or section 624a or 624b of this act. The
7 person shall be denied a license under this subdivision for a
8 period of time that corresponds to the period of the licensing
9 sanction that would have been imposed under those sections had
10 the person been licensed at the time of the violation.

11 (r) A person who has been convicted of a violation of sec-
12 tion 602a(4) or (5) of this act or a violation of section 479a(4)
13 or (5) of the Michigan penal code, 1931 PA 328, MCL 750.479a.

14 (2) Upon receiving the appropriate records of conviction,
15 the secretary of state shall revoke the operator's or chauffeur's
16 license of a person having any of the following, whether under a
17 law of this state, a local ordinance substantially corresponding
18 to a law of this state, or a law of another state substantially
19 corresponding to a law of this state:

20 (a) ~~Two~~ ANY COMBINATION OF 2 convictions ~~of reckless~~
21 ~~driving in violation of section 626~~ within 7 years ~~—~~ FOR ANY
22 OF THE FOLLOWING:

23 (i) RECKLESS DRIVING IN VIOLATION OF SECTION 626.

24 (ii) A VIOLATION OR ATTEMPTED VIOLATION OF SECTION 653A(3).

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

1 (c) Any combination of 2 convictions within 7 years for any
2 of the following or a combination of 1 conviction for a violation
3 or attempted violation of section 625(6) and 1 conviction for any
4 of the following within 7 years:

5 (i) A violation or attempted violation of section 625(1),
6 (3), (4), (5), or (7), SECTION 653A(4), or section 904(4) or
7 (5).

8 (ii) A violation of former section 625(1) or (2) or former
9 section 625b.

10 (iii) A violation or attempted violation of section 625m.

11 (iv) Negligent homicide, manslaughter, or murder resulting
12 from the operation of a vehicle or an attempt to commit any of
13 those crimes.

14 (d) One conviction for a violation or attempted violation of
15 section 625(4) or (5), SECTION 653A(4), or section 904(4) or
16 (5).

17 (e) One conviction of negligent homicide, manslaughter, or
18 murder resulting from the operation of a vehicle or an attempt to
19 commit any of those crimes.

20 (f) Any combination of 3 convictions within 10 years for any
21 of the following or 1 conviction for a violation or attempted
22 violation of section 625(6) and any combination of 2 convictions
23 for any of the following within 10 years, if any of the convic-
24 tions resulted from an arrest on or after January 1, 1992:

25 (i) A violation or attempted violation of section 625(1),
26 (3), (4), (5), or (7), SECTION 653A(4), or section 904(4) or
27 (5).

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

3 (iii) A violation or attempted violation of section 625m.

4 (iv) Negligent homicide, manslaughter, or murder resulting
5 from the operation of a vehicle or an attempt to commit any of
6 those crimes.

7 (g) A violation of section 602a(4) or (5) of this act or
8 section 479a(4) or (5) of the Michigan penal code, 1931 PA 328,
9 MCL 750.479a.

10 (3) The secretary of state shall revoke a license under sub-
11 section (2) notwithstanding a court order.

12 (4) The secretary of state shall not issue a license under
13 this act to a person whose license has been revoked under this
14 act or denied under subsection (1)(d), (e), (f), (i), (j), or (r)
15 until all of the following occur, as applicable:

16 (a) The later of the following:

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

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

22 (b) For a denial under subsection (1)(f), (i), or (j) based
23 on prima facie evidence, the person rebuts the presumption
24 resulting from the prima facie evidence by clear and convincing
25 evidence.

26 (c) The person meets the requirements of the department.

1 (5) Multiple convictions or civil infraction determinations
2 resulting from the same incident shall be treated as a single
3 violation for purposes of denial or revocation of a license under
4 this section.

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

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

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

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

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

16 Sec. 319. (1) The secretary of state shall immediately sus-
17 pend a person's license as provided in this section upon receiv-
18 ing a record of the person's conviction for a crime described in
19 this section, whether the conviction is under a law of this
20 state, a local ordinance substantially corresponding to a law of
21 this state, or a law of another state substantially corresponding
22 to a law of this state.

23 (2) The secretary of state shall suspend the person's
24 license for 1 year for any of the following crimes:

25 (a) Fraudulently altering or forging documents pertaining to
26 motor vehicles in violation of section 257.

1 (b) A violation of section 413 of the Michigan penal code,
2 1931 PA 328, MCL 750.413.

3 (c) A violation of section 1 of 1931 PA 214, MCL 752.191.

4 (d) Failing to stop and disclose identity at the scene of an
5 accident resulting in death or serious injury in violation of
6 section 617.

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

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

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

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

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

19 (f) A violation of section 602a(2) or (3) of this act or
20 section 479a(2) or (3) of the Michigan penal code, 1931 PA 328,
21 MCL 750.479a.

22 (3) The secretary of state shall suspend the person's
23 license for 90 days for any of the following crimes:

24 (a) Failing to stop and disclose identity at the scene of an
25 accident resulting in injury in violation of section 617a.

26 (b) ~~Reckless driving in~~ A violation of section 626 OR
27 SECTION 653A(3).

1 (c) Malicious destruction resulting from the operation of a
2 vehicle under section 382(1)(b), (c), or (d) of the Michigan
3 penal code, 1931 PA 328, MCL 750.382.

4 (d) A violation of section 703(2) of the Michigan liquor
5 control code of 1998, 1998 PA 58, MCL 436.1703.

6 (4) The secretary of state shall suspend the person's
7 license for 30 days for malicious destruction resulting from the
8 operation of a vehicle under section 382(1)(a) of the Michigan
9 penal code, 1931 PA 328, MCL 750.382.

10 (5) For perjury or making a false certification to the sec-
11 retary of state under any law requiring the registration of a
12 motor vehicle or regulating the operation of a vehicle on a high-
13 way, the secretary shall suspend the person's license as
14 follows:

15 (a) If the person has no prior conviction for an offense
16 described in this subsection within 7 years, for 90 days.

17 (b) If the person has 1 or more prior convictions for an
18 offense described in this subsection within 7 years, for 1 year.

19 (6) For a violation of section 414 of the Michigan penal
20 code, 1931 PA 328, MCL 750.414, the secretary of state shall sus-
21 pend the person's license as follows:

22 (a) If the person has no prior conviction for that offense
23 within 7 years, for 90 days.

24 (b) If the person has 1 or more prior convictions for that
25 offense within 7 years, for 1 year.

26 (7) For a violation of section 624a or 624b of this act or
27 section 703(1) of the Michigan liquor control code of 1998, 1998

1 PA 58, MCL 436.1703, the secretary of state shall suspend the
2 person's license as follows:

3 (a) If the person has 1 prior conviction for an offense
4 described in this subsection or section 33b(1) of former 1933 (Ex
5 Sess) PA 8, for 90 days. The secretary of state may issue the
6 person a restricted license after the first 30 days of
7 suspension.

8 (b) If the person has 2 or more prior convictions for an
9 offense described in this subsection or section 33b(1) of former
10 1933 (Ex Sess) PA 8, for 1 year. The secretary of state may
11 issue the person a restricted license after the first 60 days of
12 suspension.

13 (8) The secretary of state shall suspend the person's
14 license for a violation of section 625 or 625m as follows:

15 (a) For 180 days for a violation of section 625(1) if the
16 person has no prior convictions within 7 years. The secretary of
17 state may issue the person a restricted license during all or a
18 specified portion of the suspension, except that the secretary of
19 state shall not issue a restricted license during the first 30
20 days of suspension.

21 (b) For 90 days for a violation of section 625(3) if the
22 person has no prior convictions within 7 years. However, if the
23 person is convicted of a violation of section 625(3), for operat-
24 ing a vehicle when, due to the consumption of a controlled sub-
25 stance or a combination of intoxicating liquor and a controlled
26 substance, the person's ability to operate the vehicle was
27 visibly impaired, the secretary of state shall suspend the

1 person's license under this subdivision for 180 days. The
2 secretary of state may issue the person a restricted license
3 during all or a specified portion of the suspension.

4 (c) For 30 days for a violation of section 625(6) if the
5 person has no prior convictions within 7 years. The secretary of
6 state may issue the person a restricted license during all or a
7 specified portion of the suspension.

8 (d) For 90 days for a violation of section 625(6) if the
9 person has 1 or more prior convictions for that offense within 7
10 years.

11 (e) For 180 days for a violation of section 625(7) if the
12 person has no prior convictions within 7 years. The secretary of
13 state may issue the person a restricted license after the first
14 90 days of suspension.

15 (f) For 90 days for a violation of section 625m if the
16 person has no prior convictions within 7 years. The secretary of
17 state may issue the person a restricted license during all or a
18 specified portion of the suspension.

19 (9) For a violation of section 367c of the Michigan penal
20 code, 1931 PA 328, MCL 750.367c, the secretary of state shall
21 suspend the person's license as follows:

22 (a) If the person has no prior conviction for an offense
23 described in this subsection within 7 years, for 6 months.

24 (b) If the person has 1 or more convictions for an offense
25 described in this subsection within 7 years, for 1 year.

26 (10) For a violation of section 315(4), the secretary of
27 state may suspend the person's license for 6 months and shall

1 revoke the person's license for a second or subsequent conviction
2 as required under section 315(5).

3 (11) Except as provided in subsection (13), a suspension
4 under this section shall be imposed notwithstanding a court
5 order.

6 (12) If the secretary of state receives records of more than
7 1 conviction of a person resulting from the same incident, a sus-
8 pension shall be imposed only for the violation to which the
9 longest period of suspension applies under this section.

10 (13) The secretary of state may waive a suspension of a
11 person's license imposed under this act if the person submits
12 proof that a court in another state revoked, suspended, or
13 restricted his or her license for a period equal to or greater
14 than the period of a suspension prescribed under this act for the
15 violation and that the revocation, suspension, or restriction was
16 served for the violation, or may grant a restricted license.

17 (14) The secretary of state shall not issue a restricted
18 license to a person whose license is suspended under this section
19 unless a restricted license is authorized under this section and
20 the person is otherwise eligible for a license.

21 (15) The secretary of state shall not issue a restricted
22 license to a person under subsection (8) that would permit the
23 person to operate a commercial motor vehicle that hauls hazardous
24 material.

25 (16) A restricted license issued under this section shall
26 permit the person to whom it is issued to drive under 1 or more
27 of the following circumstances:

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

2 (b) To and from any combination of the following:

3 (i) The person's residence.

4 (ii) The person's work location.

5 (iii) An alcohol or drug education or treatment program as
6 ordered by the court.

7 (iv) The court probation department.

8 (v) A court-ordered community service program.

9 (vi) An educational institution at which the person is
10 enrolled as a student.

11 (vii) A place of regularly occurring medical treatment for a
12 serious condition for the person or a member of the person's
13 household or immediate family.

14 (17) While driving with a restricted license, the person
15 shall carry proof of his or her destination and the hours of any
16 employment, class, or other reason for traveling and shall dis-
17 play that proof upon a peace officer's request.

18 (18) Subject to subsection (20), as used in subsection (8),
19 "prior conviction" means a conviction for any of the following,
20 whether under a law of this state, a local ordinance substan-
21 tially corresponding to a law of this state, or a law of another
22 state substantially corresponding to a law of this state:

23 (a) Except as provided in subsection (19), a violation or
24 attempted violation of section 625(1), (3), (4), (5), (6), or
25 (7), section 625m, former section 625(1) or (2), or former sec-
26 tion 625b.

1 (b) Negligent homicide, manslaughter, or murder resulting
2 from the operation of a vehicle or an attempt to commit any of
3 those crimes.

4 (19) Except for purposes of the suspensions described in
5 subsection (8)(c) and (d), only 1 violation or attempted viola-
6 tion of section 625(6), a local ordinance substantially corre-
7 sponding to section 625(6), or a law of another state substan-
8 tially corresponding to section 625(6) may be used as a prior
9 conviction.

10 (20) If 2 or more convictions described in subsection (18)
11 are convictions for violations arising out of the same transac-
12 tion, only 1 conviction shall be used to determine whether the
13 person has a prior conviction.

14 Sec. 320a. (1) The secretary of state, within 10 days after
15 the receipt of a properly prepared abstract from this or another
16 state, shall record the date of conviction, civil infraction
17 determination, or probate court disposition, and the number of
18 points for each, based on the following formula, except as other-
19 wise provided in this section and section 629c:

20 (a) Manslaughter, negligent homicide, or a felony
21 resulting from the operation of a motor vehicle, ORV,
22 or snowmobile..... 6 points

23 (B) A VIOLATION OF SECTION 653A(4)..... 6 POINTS

24 (C) ~~(b)~~ A violation of section 625(1), (4), (5),
25 or (7), ~~beginning October 1, 2000,~~ section 81134 or
26 82127(1) of the natural resources and environmental
27 protection act, 1994 PA 451, MCL 324.81134 and

- 1 324.82127, or a law or ordinance substantially
2 corresponding to section 625(1), (4), (5), or (7) or,
3 ~~beginning October 1, 2000,~~ section 81134 or 82127(1)
4 of the natural resources and environmental protection
5 act, 1994 PA 451, MCL 324.81134 and 324.82127..... 6 points
6 (D) ~~(c)~~ Failing to stop and disclose identity at
7 the scene of an accident when required by law..... 6 points
8 (E) ~~(d)~~ Operating a motor vehicle in ~~a reckless~~
9 ~~manner~~ VIOLATION OF SECTION 626 OR SECTION 653A(3).... 6 points
10 (F) FLEEING OR ELUDING AN OFFICER..... 6 POINTS
11 (G) ~~(e)~~ Violation of any law or ordinance per-
12 taining to speed by exceeding the lawful maximum by
13 more than 15 miles per hour..... 4 points
14 (H) ~~(f)~~ Violation of section 625(3) or (6),
15 ~~beginning October 1, 2000,~~ section 81135 or 82127(3)
16 of the natural resources and environmental protection
17 act, 1994 PA 451, MCL 324.81135 and 324.82127, or a law
18 or ordinance substantially corresponding to section
19 625(3) or (6) or, ~~beginning October 1, 2000,~~ section
20 81135 or 82127(3) of the natural resources and environ-
21 mental protection act, 1994 PA 451, MCL 324.81135 and
22 324.82127..... 4 points
23 ~~(g) Fleeing or eluding an officer..... 6 points~~
24 (I) ~~(h)~~ Violation of section 626a or a law or
25 ordinance substantially corresponding to section 626a.. 4 points
26 (J) VIOLATION OF SECTION 653A(2)..... 4 POINTS

- 1 (K) ~~(i)~~ Violation of any law or ordinance
2 pertaining to speed by exceeding the lawful maximum by
3 more than 10 but not more than 15 miles per hour or
4 careless driving in violation of section 626b or a law
5 or ordinance substantially corresponding to section
6 626b..... 3 points
- 7 (l) ~~(j)~~ Violation of any law or ordinance per-
8 taining to speed by exceeding the lawful maximum by 10
9 miles per hour or less..... 2 points
- 10 (M) ~~(k)~~ Disobeying a traffic signal or stop
11 sign, or improper passing..... 3 points
- 12 (N) ~~(l)~~ Violation of section 624a, 624b, or a
13 law or ordinance substantially corresponding to section
14 624a or 624b..... 2 points
- 15 (O) ~~(m)~~ Violation of section 310e(4) or (6) or a
16 law or ordinance substantially corresponding to section
17 310e(4) or (6)..... 2 points
- 18 (P) ~~(n)~~ All other moving violations pertaining
19 to the operation of motor vehicles reported under this
20 section..... 2 points
- 21 (Q) ~~(o)~~ A refusal by a person less than 21 years
22 of age to submit to a preliminary breath test required
23 by a peace officer under section 625a..... 2 points
- 24 (2) Points shall not be entered for a violation of section
25 310e(14), 311, 625m, 658, 717, 719, 719a, or 723.
- 26 (3) Points shall not be entered for bond forfeitures.

1 (4) Points shall not be entered for overweight loads or for
2 defective equipment.

3 (5) If more than 1 conviction, civil infraction determina-
4 tion, or probate court disposition results from the same inci-
5 dent, points shall be entered only for the violation that
6 receives the highest number of points under this section.

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

13 (7) If a person violates a speed restriction established by
14 an executive order issued during a state of energy emergency as
15 provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of
16 state shall enter points for the violation pursuant to subsection
17 (1).

18 (8) The secretary of state shall enter 6 points upon the
19 record of a person whose license is suspended or denied pursuant
20 to section 625f. However, if a conviction, civil infraction
21 determination, or probate court disposition results from the same
22 incident, additional points for that offense shall not be
23 entered.

24 (9) If a Michigan driver commits a violation in another
25 state that would be a civil infraction if committed in Michigan,
26 and a conviction results solely because of the failure of the
27 Michigan driver to appear in that state to contest the violation,

1 upon receipt of the abstract of conviction by the secretary of
2 state, the violation shall be noted on the driver's record, but
3 no points shall be assessed against his or her driver's license.

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

9 (a) The person is under the influence of intoxicating
10 liquor, a controlled substance, or a combination of intoxicating
11 liquor and a controlled substance.

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

15 (2) The owner of a vehicle or a person in charge or in con-
16 trol of a vehicle shall not authorize or knowingly permit the
17 vehicle to be operated upon a highway or other place open to the
18 general public or generally accessible to motor vehicles, includ-
19 ing an area designated for the parking of motor vehicles, within
20 this state by a person who is under the influence of intoxicating
21 liquor, a controlled substance, or a combination of intoxicating
22 liquor and a controlled substance, who has an alcohol content of
23 0.10 grams or more per 100 milliliters of blood, per 210 liters
24 of breath, or per 67 milliliters of urine, or whose ability to
25 operate the motor vehicle is visibly impaired due to the consump-
26 tion of intoxicating liquor, a controlled substance, or a
27 combination of intoxicating liquor and a controlled substance.

1 (3) A person, whether licensed or not, shall not operate a
2 vehicle upon a highway or other place open to the general public
3 or generally accessible to motor vehicles, including an area des-
4 ignated for the parking of vehicles, within this state when, due
5 to the consumption of intoxicating liquor, a controlled sub-
6 stance, or a combination of intoxicating liquor and a controlled
7 substance, the person's ability to operate the vehicle is visibly
8 impaired. If a person is charged with violating subsection (1),
9 a finding of guilty under this subsection may be rendered.

10 (4) A person, whether licensed or not, who operates a motor
11 vehicle in violation of subsection (1) or (3) and by the opera-
12 tion of that motor vehicle causes the death of another person is
13 GUILTY OF A CRIME AS FOLLOWS:

14 (A) EXCEPT AS PROVIDED IN SUBDIVISION (B), THE PERSON IS
15 guilty of a felony punishable by imprisonment for not more than
16 15 years or a fine of not less than \$2,500.00 or more than
17 \$10,000.00, or both. The judgment of sentence may impose the
18 sanction permitted under section 625n. If the vehicle is not
19 ordered forfeited under section 625n, the court shall order vehi-
20 cle immobilization under section 904d in the judgment of
21 sentence.

22 (B) IF, AT THE TIME OF THE VIOLATION, THE PERSON IS OPERAT-
23 ING A MOTOR VEHICLE IN A MANNER PROSCRIBED UNDER SECTION 653A AND
24 CAUSES THE DEATH OF A POLICE OFFICER, FIREFIGHTER, OR OTHER EMER-
25 GENCY RESPONSE PERSONNEL, THE PERSON IS GUILTY OF A FELONY PUN-
26 ISHABLE BY IMPRISONMENT FOR NOT MORE THAN 20 YEARS OR A FINE OF
27 NOT LESS THAN \$2,500.00 OR MORE THAN \$10,000.00, OR BOTH. THIS

1 SUBDIVISION APPLIES REGARDLESS OF WHETHER THE PERSON IS CHARGED
2 WITH THE VIOLATION OF SECTION 653A. THE JUDGMENT OF SENTENCE MAY
3 IMPOSE THE SANCTION PERMITTED UNDER SECTION 625N. IF THE VEHICLE
4 IS NOT ORDERED FORFEITED UNDER SECTION 625N, THE COURT SHALL
5 ORDER VEHICLE IMMOBILIZATION UNDER SECTION 904D IN THE JUDGMENT
6 OF SENTENCE.

7 (5) A person, whether licensed or not, who operates a motor
8 vehicle in violation of subsection (1) or (3) and by the opera-
9 tion of that motor vehicle causes a serious impairment of a body
10 function of another person is guilty of a felony punishable by
11 imprisonment for not more than 5 years or a fine of not less than
12 \$1,000.00 or more than \$5,000.00, or both. The judgment of sen-
13 tence may impose the sanction permitted under section 625n. If
14 the vehicle is not ordered forfeited under section 625n, the
15 court shall order vehicle immobilization under section 904d in
16 the judgment of sentence. As used in this subsection, "serious
17 impairment of a body function" includes, but is not limited to, 1
18 or more of the following:

- 19 (a) Loss of a limb or use of a limb.
- 20 (b) Loss of a hand, foot, finger, or thumb or use of a hand,
21 foot, finger, or thumb.
- 22 (c) Loss of an eye or ear or use of an eye or ear.
- 23 (d) Loss or substantial impairment of a bodily function.
- 24 (e) Serious visible disfigurement.
- 25 (f) A comatose state that lasts for more than 3 days.
- 26 (g) Measurable brain damage or mental impairment.

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

2 (i) Subdural hemorrhage or subdural hematoma.

3 (6) A person who is less than 21 years of age, whether
4 licensed or not, shall not operate a vehicle upon a highway or
5 other place open to the general public or generally accessible to
6 motor vehicles, including an area designated for the parking of
7 vehicles, within this state if the person has any bodily alcohol
8 content. As used in this subsection, "any bodily alcohol
9 content" means either of the following:

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

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

17 (7) A person, whether licensed or not, is subject to the
18 following requirements:

19 (a) He or she shall not operate a vehicle in violation of
20 subsection (1), (3), (4), or (5) while another person who is less
21 than 16 years of age is occupying the vehicle. A person who vio-
22 lates this subdivision is guilty of a crime punishable as
23 follows:

24 (i) Except as provided in subparagraph (ii), a person who
25 violates this subdivision is guilty of a misdemeanor and shall be
26 sentenced to pay a fine of not less than \$200.00 or more than
27 \$1,000.00 and to 1 or more of the following:

1 (A) Imprisonment for not less than 5 days or more than 1
2 year. Not less than 48 hours of this imprisonment shall be
3 served consecutively. This term of imprisonment shall not be
4 suspended.

5 (B) Community service for not less than 30 days or more than
6 90 days.

7 (ii) If the violation occurs within 7 years of a prior con-
8 viction or within 10 years of 2 or more prior convictions, a
9 person who violates this subdivision is guilty of a felony and
10 shall be sentenced to pay a fine of not less than \$500.00 or more
11 than \$5,000.00 and to either of the following:

12 (A) Imprisonment under the jurisdiction of the department of
13 corrections for not less than 1 year or more than 5 years.

14 (B) Probation with imprisonment in the county jail for not
15 less than 30 days or more than 1 year and community service for
16 not less than 60 days or more than 180 days. Not less than 48
17 hours of this imprisonment shall be served consecutively. This
18 term of imprisonment shall not be suspended.

19 (b) He or she shall not operate a vehicle in violation of
20 subsection (6) while another person who is less than 16 years of
21 age is occupying the vehicle. A person who violates this subdi-
22 vision is guilty of a misdemeanor punishable as follows:

23 (i) Except as provided in subparagraph (ii), a person who
24 violates this subdivision may be sentenced to 1 or more of the
25 following:

26 (A) Community service for not more than 60 days.

1 (B) A fine of not more than \$500.00.

2 (C) Imprisonment for not more than 93 days.

3 (ii) If the violation occurs within 7 years of a prior con-
4 viction or within 10 years of 2 or more prior convictions, a
5 person who violates this subdivision shall be sentenced to pay a
6 fine of not less than \$200.00 or more than \$1,000.00 and to 1 or
7 more of the following:

8 (A) Imprisonment for not less than 5 days or more than 1
9 year. Not less than 48 hours of this imprisonment shall be
10 served consecutively. This term of imprisonment shall not be
11 suspended.

12 (B) Community service for not less than 30 days or more than
13 90 days.

14 (c) In the judgment of sentence under subdivision (a)(i) or
15 (b)(i), the court may, unless the vehicle is ordered forfeited
16 under section 625n, order vehicle immobilization as provided in
17 section 904d. In the judgment of sentence under subdivision
18 (a)(ii) or (b)(ii), the court shall, unless the vehicle is
19 ordered forfeited under section 625n, order vehicle immobiliza-
20 tion as provided in section 904d.

21 (d) This subsection does not prohibit a person from being
22 charged with, convicted of, or punished for a violation of sub-
23 section (4) or (5) that is committed by the person while violat-
24 ing this subsection. However, points shall not be assessed under
25 section 320a for both a violation of subsection (4) or (5) and a
26 violation of this subsection for conduct arising out of the same
27 transaction.

1 (8) If a person is convicted of violating subsection (1),
2 all of the following apply:

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

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

7 (ii) Imprisonment for not more than 93 days.

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

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

13 (i) Imprisonment for not less than 5 days or more than 1
14 year. Not less than 48 hours of the term of imprisonment imposed
15 under this subparagraph shall be served consecutively.

16 (ii) Community service for not less than 30 days or more
17 than 90 days.

18 (c) If the violation occurs within 10 years of 2 or more
19 prior convictions, the person is guilty of a felony and shall be
20 sentenced to pay a fine of not less than \$500.00 or more than
21 \$5,000.00 and to either of the following:

22 (i) Imprisonment under the jurisdiction of the department of
23 corrections for not less than 1 year or more than 5 years.

24 (ii) Probation with imprisonment in the county jail for not
25 less than 30 days or more than 1 year and community service for
26 not less than 60 days or more than 180 days. Not less than 48

1 hours of the imprisonment imposed under this subparagraph shall
2 be served consecutively.

3 (d) A term of imprisonment imposed under subdivision (b) or
4 (c) shall not be suspended.

5 (e) In the judgment of sentence under subdivision (a), the
6 court may order vehicle immobilization as provided in
7 section 904d. In the judgment of sentence under subdivision (b)
8 or (c), the court shall, unless the vehicle is ordered forfeited
9 under section 625n, order vehicle immobilization as provided in
10 section 904d.

11 (f) In the judgment of sentence under subdivision (b) or
12 (c), the court may impose the sanction permitted under
13 section 625n.

14 (9) A person who is convicted of violating subsection (2) is
15 guilty of a crime as follows:

16 (a) Except as provided in subdivisions (b) and (c), a misde-
17 meanor punishable by imprisonment for not more than 93 days or a
18 fine of not less than \$100.00 or more than \$500.00, or both.

19 (b) If the person operating the motor vehicle violated sub-
20 section (4), a felony punishable by imprisonment for not more
21 than 5 years or a fine of not less than \$1,500.00 or more than
22 \$10,000.00, or both.

23 (c) If the person operating the motor vehicle violated sub-
24 section (5), a felony punishable by imprisonment for not more
25 than 2 years or a fine of not less than \$1,000.00 or more than
26 \$5,000.00, or both.

1 (10) If a person is convicted of violating subsection (3),
2 all of the following apply:

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

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

7 (ii) Imprisonment for not more than 93 days.

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

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

13 (i) Imprisonment for not less than 5 days or more than 1
14 year. Not less than 48 hours of the term of imprisonment imposed
15 under this subparagraph shall be served consecutively.

16 (ii) Community service for not less than 30 days or more
17 than 90 days.

18 (c) If the violation occurs within 10 years of 2 or more
19 prior convictions, the person is guilty of a felony and shall be
20 sentenced to pay a fine of not less than \$500.00 or more than
21 \$5,000.00 and either of the following:

22 (i) Imprisonment under the jurisdiction of the department of
23 corrections for not less than 1 year or more than 5 years.

24 (ii) Probation with imprisonment in the county jail for not
25 less than 30 days or more than 1 year and community service for
26 not less than 60 days or more than 180 days. Not less than 48

1 hours of the imprisonment imposed under this subparagraph shall
2 be served consecutively.

3 (d) A term of imprisonment imposed under subdivision (b) or
4 (c) shall not be suspended.

5 (e) In the judgment of sentence under subdivision (a), the
6 court may order vehicle immobilization as provided in
7 section 904d. In the judgment of sentence under subdivision (b)
8 or (c), the court shall, unless the vehicle is ordered forfeited
9 under section 625n, order vehicle immobilization as provided in
10 section 904d.

11 (f) In the judgment of sentence under subdivision (b) or
12 (c), the court may impose the sanction permitted under
13 section 625n.

14 (11) If a person is convicted of violating subsection (6),
15 all of the following apply:

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

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

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

21 (b) If the violation occurs within 7 years of 1 or more
22 prior convictions, the person may be sentenced to 1 or more of
23 the following:

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

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

26 (iii) Imprisonment for not more than 93 days.

1 (12) In addition to imposing the sanctions prescribed under
2 this section, the court may order the person to pay the costs of
3 the prosecution under the code of criminal procedure, 1927
4 PA 175, MCL 760.1 to 776.22.

5 (13) A person sentenced to perform community service under
6 this section shall not receive compensation and shall reimburse
7 the state or appropriate local unit of government for the cost of
8 supervision incurred by the state or local unit of government as
9 a result of the person's activities in that service.

10 (14) If the prosecuting attorney intends to seek an enhanced
11 sentence under this section or a sanction under section 625n
12 based upon the defendant having 1 or more prior convictions, the
13 prosecuting attorney shall include on the complaint and informa-
14 tion, or an amended complaint and information, filed in district
15 court, circuit court, municipal court, or family division of cir-
16 cuit court, a statement listing the defendant's prior
17 convictions.

18 (15) If a person is charged with a violation of subsection
19 (1), (3), (4), (5), or (7) or section 625m, the court shall not
20 permit the defendant to enter a plea of guilty or nolo contendere
21 to a charge of violating subsection (6) in exchange for dismissal
22 of the original charge. This subsection does not prohibit the
23 court from dismissing the charge upon the prosecuting attorney's
24 motion.

25 (16) A prior conviction shall be established at sentencing
26 by 1 or more of the following:

1 (a) An abstract of conviction.

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

3 (c) An admission by the defendant.

4 (17) Except as otherwise provided in subsection (19), if a
5 person is charged with operating a vehicle while under the influ-
6 ence of a controlled substance or a combination of intoxicating
7 liquor and a controlled substance in violation of subsection (1)
8 or a local ordinance substantially corresponding to
9 subsection (1), the court shall require the jury to return a spe-
10 cial verdict in the form of a written finding or, if the court
11 convicts the person without a jury or accepts a plea of guilty or
12 nolo contendere, the court shall make a finding as to whether the
13 person was under the influence of a controlled substance or a
14 combination of intoxicating liquor and a controlled substance at
15 the time of the violation.

16 (18) Except as otherwise provided in subsection (19), if a
17 person is charged with operating a vehicle while his or her abil-
18 ity to operate the vehicle was visibly impaired due to his or her
19 consumption of a controlled substance or a combination of intoxi-
20 cating liquor and a controlled substance in violation of
21 subsection (3) or a local ordinance substantially corresponding
22 to subsection (3), the court shall require the jury to return a
23 special verdict in the form of a written finding or, if the court
24 convicts the person without a jury or accepts a plea of guilty or
25 nolo contendere, the court shall make a finding as to whether,
26 due to the consumption of a controlled substance or a combination
27 of intoxicating liquor and a controlled substance, the person's

1 ability to operate a motor vehicle was visibly impaired at the
2 time of the violation.

3 (19) A special verdict described in subsections (17) and
4 (18) is not required if a jury is instructed to make a finding
5 solely as to either of the following:

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

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

13 (20) If a jury or court finds under subsection (17), (18),
14 or (19) that the defendant operated a motor vehicle under the
15 influence of or while impaired due to the consumption of a con-
16 trolled substance or a combination of a controlled substance and
17 an intoxicating liquor, the court shall do both of the
18 following:

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

20 (b) On a form or forms prescribed by the state court admin-
21 istrator, forward to the department of state police a record that
22 specifies the penalties imposed by the court, including any term
23 of imprisonment, and any sanction imposed under section 625n or
24 904d.

25 (21) Except as otherwise provided by law, a record described
26 in subsection (20)(b) is a public record and the department of

1 state police shall retain the information contained on that
2 record for not less than 7 years.

3 (22) In a prosecution for a violation of subsection (6), the
4 defendant bears the burden of proving that the consumption of
5 intoxicating liquor was a part of a generally recognized reli-
6 gious service or ceremony by a preponderance of the evidence.

7 (23) Subject to subsection (25), as used in this section,
8 "prior conviction" means a conviction for any of the following,
9 whether under a law of this state, a local ordinance substan-
10 tially corresponding to a law of this state, or a law of another
11 state substantially corresponding to a law of this state:

12 (a) Except as provided in subsection (24), a violation or
13 attempted violation of subsection (1), (3), (4), (5), (6), or
14 (7), section 625m, former section 625(1) or (2), or former sec-
15 tion 625b.

16 (b) Negligent homicide, manslaughter, or murder resulting
17 from the operation of a vehicle or an attempt to commit any of
18 those crimes.

19 (C) A VIOLATION OF SECTION 653A(4).

20 (24) Except for purposes of the enhancement described in
21 subsection (11)(b), only 1 violation or attempted violation of
22 subsection (6), a local ordinance substantially corresponding to
23 subsection (6), or a law of another state substantially corre-
24 sponding to subsection (6) may be used as a prior conviction.

25 (25) If 2 or more convictions described in subsection (23)
26 are convictions for violations arising out of the same

1 transaction, only 1 conviction shall be used to determine whether
2 the person has a prior conviction.

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

8 (2) A peace officer may arrest a person without a warrant
9 under either of the following circumstances:

10 (a) The peace officer has reasonable cause to believe that
11 the person was, at the time of an accident, the driver of a com-
12 mercial motor vehicle involved in the accident and was operating
13 the vehicle in violation of this section or a local ordinance
14 substantially corresponding to this section.

15 (b) The person is found in the driver's seat of a commercial
16 motor vehicle parked or stopped on a highway or street within
17 this state if any part of the vehicle intrudes into the roadway
18 and the peace officer has reasonable cause to believe the person
19 was operating the vehicle in violation of this section or a local
20 ordinance substantially corresponding to this section.

21 (3) Except as otherwise provided in subsections (4) and (5),
22 a person who is convicted of a violation of this section or a
23 local ordinance substantially corresponding to this section is
24 guilty of a misdemeanor punishable by imprisonment for not more
25 than 93 days or a fine of not more than \$300.00, or both,
26 together with costs of the prosecution.

1 (4) A person who violates this section or a local ordinance
2 substantially corresponding to this section within 7 years of 1
3 prior conviction may be sentenced to imprisonment for not more
4 than 1 year or a fine of not more than \$1,000.00, or both.

5 (5) A person who violates this section or a local ordinance
6 substantially corresponding to this section within 10 years of 2
7 or more prior convictions is guilty of a felony and shall be sen-
8 tenced to pay a fine of not less than \$500.00 or more than
9 \$5,000.00 and to either of the following:

10 (a) Imprisonment under the jurisdiction of the department of
11 corrections for not less than 1 year or more than 5 years.

12 (b) Probation with imprisonment in the county jail for not
13 less than 30 days or more than 1 year and community service for
14 not less than 60 days or more than 180 days. Not less than 48
15 hours of the imprisonment imposed under this subdivision shall be
16 served consecutively.

17 (6) A term of imprisonment imposed under subsection (4) or
18 (5) shall not be suspended.

19 (7) Subject to subsection (9), as used in this section,
20 "prior conviction" means a conviction for any of the following,
21 whether under a law of this state, a local ordinance substan-
22 tially corresponding to a law of this state, or a law of another
23 state substantially corresponding to a law of this state:

24 (a) Except as provided in subsection (8), a violation or
25 attempted violation of this section, section 625(1), (3), (4),
26 (5), (6), or (7), former section 625(1) or (2), or former section
27 625b.

1 (b) Negligent homicide, manslaughter, or murder resulting
2 from the operation of a vehicle or an attempt to commit any of
3 those crimes.

4 (C) A VIOLATION OF SECTION 653A(4).

5 (8) Only 1 violation or attempted violation of
6 section 625(6), a local ordinance substantially corresponding to
7 section 625(6), or a law of another state substantially corre-
8 sponding to section 625(6) may be used as a prior conviction.

9 (9) If 2 or more convictions described in subsection (7) are
10 convictions for violations arising out of the same transaction,
11 only 1 conviction shall be used to determine whether the person
12 has a prior conviction.

13 Sec. 732. (1) Each municipal judge and each clerk of a
14 court of record shall keep a full record of every case in which a
15 person is charged with or cited for a violation of this act or a
16 local ordinance substantially corresponding to this act regulat-
17 ing the operation of vehicles on highways and, beginning October
18 1, 2000, with those offenses pertaining to the operation of ORVs
19 or snowmobiles for which points are assessed under section
20 320a(1)(b) or (f). Except as provided in subsection (15), the
21 municipal judge or clerk of the court of record shall prepare and
22 forward to the secretary of state an abstract of the court record
23 as follows:

24 (a) Within 14 days after a conviction, forfeiture of bail,
25 or entry of a civil infraction determination or default judgment
26 upon a charge of or citation for violating or attempting to

1 violate this act or a local ordinance substantially corresponding
2 to this act regulating the operation of vehicles on highways.

3 (b) Immediately for each case charging a violation of
4 section 625(1), (3), (4), (5), (6), or (7) or section 625m or a
5 local ordinance substantially corresponding to section 625(1),
6 (3), or (6) or section 625m in which the charge is dismissed or
7 the defendant is acquitted.

8 (c) Beginning October 1, 2000, immediately for each case
9 charging a violation of section 82127(1) or (3), 81134, or 81135
10 of the natural resources and environmental protection act, 1994
11 PA 451, MCL 324.82127, 324.81134, and 324.81135, or a local ordi-
12 nance substantially corresponding to those sections.

13 (2) If a city or village department, bureau, or person is
14 authorized to accept a payment of money as a settlement for a
15 violation of a local ordinance substantially corresponding to
16 this act, the city or village department, bureau, or person shall
17 send a full report of each case in which a person pays any amount
18 of money to the city or village department, bureau, or person to
19 the secretary of state upon a form prescribed by the secretary of
20 state.

21 (3) The abstract or report required under this section shall
22 be made upon a form furnished by the secretary of state. An
23 abstract shall be certified by signature, stamp, or facsimile
24 signature of the person required to prepare the abstract as
25 correct. An abstract or report shall include all of the
26 following:

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

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

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

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

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

11 (f) Whether bail was forfeited.

12 (g) Any license restriction, suspension, or denial ordered
13 by the court as provided by law.

14 (h) The vehicle identification number and registration plate
15 number of all vehicles that are ordered immobilized or
16 forfeited.

17 (i) Other information considered necessary to the secretary
18 of state.

19 (4) The clerk of the court also shall forward an abstract of
20 the court record to the secretary of state upon a person's con-
21 viction involving any of the following:

22 (a) A violation of section 413, 414, or 479a of the Michigan
23 penal code, 1931 PA 328, MCL 750.413, 750.414, and 750.479a.

24 (b) A violation of section 1 of 1931 PA 214, MCL 752.191.

25 (c) Negligent homicide, manslaughter, or murder resulting
26 from the operation of a vehicle.

1 (D) A VIOLATION OF SECTION 653A(4).

2 (E) ~~(d)~~ A violation of section 703 of the Michigan liquor
3 control code of 1998, 1998 PA 58, MCL 436.1703, or a local ordi-
4 nance substantially corresponding to that section.

5 (F) ~~(e)~~ An attempt to violate, a conspiracy to violate, or
6 a violation of part 74 or section 17766a of the public health
7 code, 1978 PA 368, MCL 333.7401 to 333.7461 and 333.17766a, or a
8 local ordinance that prohibits conduct prohibited under part 74
9 or section 17766a of the public health code, 1978 PA 368,
10 MCL 333.7401 to 333.7461 and 333.17766a, unless the convicted
11 person is sentenced to life imprisonment or a minimum term of
12 imprisonment that exceeds 1 year for the offense.

13 (G) ~~(f)~~ An attempt to commit an offense described in sub-
14 divisions (a) to ~~(d)~~ (E).

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

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

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

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

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

26 (6) If a person is charged with a felony in which a motor
27 vehicle was used, other than a felony specified in subsection (4)

1 or section 319, the prosecuting attorney shall include the
2 following statement on the complaint and information filed in
3 district or circuit court:

4 "You are charged with the commission of a felony in which a
5 motor vehicle was used. If you are convicted and the judge finds
6 that the conviction is for a felony in which a motor vehicle was
7 used, as defined in section 319 of the Michigan vehicle code,
8 1949 PA 300, MCL 257.319, your driver's license shall be sus-
9 pended by the secretary of state."

10 (7) If a juvenile is accused of an act, the nature of which
11 constitutes a felony in which a motor vehicle was used, other
12 than a felony specified in subsection (4) or section 319, the
13 prosecuting attorney or family division of circuit court shall
14 include the following statement on the petition filed in the
15 court:

16 "You are accused of an act the nature of which constitutes a
17 felony in which a motor vehicle was used. If the accusation is
18 found to be true and the judge or referee finds that the nature
19 of the act constitutes a felony in which a motor vehicle was
20 used, as defined in section 319 of the Michigan vehicle code,
21 1949 PA 300, MCL 257.319, your driver's license shall be sus-
22 pended by the secretary of state."

23 (8) If the court determines as part of the sentence or dis-
24 position that the felony for which the person was convicted or
25 adjudicated and with respect to which notice was given under sub-
26 section (6) or (7) is a felony in which a motor vehicle was used,

1 the clerk of the court shall forward an abstract of the court
2 record of that conviction to the secretary of state.

3 (9) As used in subsections (10) and (11), "felony in which a
4 commercial motor vehicle was used" means a felony during the com-
5 mission of which the person operated a commercial motor vehicle
6 and while the person was operating the vehicle 1 or more of the
7 following circumstances existed:

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

9 (b) The vehicle was used to transport a victim of the
10 felony.

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

12 (d) The vehicle was necessary for the commission of the
13 felony.

14 (10) If a person is charged with a felony in which a commer-
15 cial motor vehicle was used and for which a vehicle group desig-
16 nation on a license is subject to suspension or revocation under
17 section 319b(1)(c)(iii), 319b(1)(d), or 319b(1)(e)(iii), or
18 319b(1)(f)(i), the prosecuting attorney shall include the follow-
19 ing statement on the complaint and information filed in district
20 or circuit court:

21 "You are charged with the commission of a felony in which a
22 commercial motor vehicle was used. If you are convicted and the
23 judge finds that the conviction is for a felony in which a com-
24 mercial motor vehicle was used, as defined in section 319b of the
25 Michigan vehicle code, 1949 PA 300, MCL 257.319b, all vehicle
26 group designations on your driver's license shall be suspended or
27 revoked by the secretary of state."

1 (11) If the judge determines as part of the sentence that
2 the felony for which the defendant was convicted and with respect
3 to which notice was given under subsection (10) is a felony in
4 which a commercial motor vehicle was used, the clerk of the court
5 shall forward an abstract of the court record of that conviction
6 to the secretary of state.

7 (12) Every person required to forward abstracts to the sec-
8 retary of state under this section shall certify for the period
9 from January 1 through June 30 and for the period from July 1
10 through December 31 that all abstracts required to be forwarded
11 during the period have been forwarded. The certification shall
12 be filed with the secretary of state not later than 28 days after
13 the end of the period covered by the certification. The certifi-
14 cation shall be made upon a form furnished by the secretary of
15 state and shall include all of the following:

16 (a) The name and title of the person required to forward
17 abstracts.

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

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

20 (d) The following statement:

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

25 (e) Other information the secretary of state considers
26 necessary.

1 (f) The signature of the person required to forward
2 abstracts.

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

6 (14) Except as provided in subsection (15), the secretary of
7 state shall keep all abstracts received under this section at the
8 secretary of state's main office and the abstracts shall be open
9 for public inspection during the office's usual business hours.
10 Each abstract shall be entered upon the master driving record of
11 the person to whom it pertains.

12 (15) Except for controlled substance offenses described in
13 subsection (4), the court shall not submit, and the secretary of
14 state shall discard and not enter on the master driving record,
15 an abstract for a conviction or civil infraction determination
16 for any of the following violations:

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

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

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

24 (d) A pedestrian, passenger, or bicycle violation, other
25 than a violation of section 703(1) or (2) of the Michigan liquor
26 control code of 1998, 1998 PA 58, MCL 436.1703, or a local
27 ordinance substantially corresponding to section 703(1) or (2) of

1 the Michigan liquor control code of 1998, 1998 PA 58,
2 MCL 436.1703, or section 624a or 624b or a local ordinance sub-
3 stantially corresponding to section 624a or 624b.

4 (e) A violation of section 710e or a local ordinance sub-
5 stantially corresponding to section 710e.

6 (16) The secretary of state shall discard and not enter on
7 the master driving record an abstract for a bond forfeiture that
8 occurred outside this state. However, the secretary of state
9 shall retain and enter on the master driving record an abstract
10 of an out-of-state bond forfeiture for an offense that occurred
11 after January 1, 1990 in connection with the operation of a com-
12 mercial motor vehicle.

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

18 (18) If a conviction or civil infraction determination is
19 reversed upon appeal, the person whose conviction or determina-
20 tion has been reversed may serve on the secretary of state a cer-
21 tified copy of the order of reversal. The secretary of state
22 shall enter the order in the proper book or index in connection
23 with the record of the conviction or civil infraction
24 determination.

25 (19) The secretary of state may permit a city or village
26 department, bureau, person, or court to modify the requirement as
27 to the time and manner of reporting a conviction, civil

1 infraction determination, or settlement to the secretary of state
2 if the modification will increase the economy and efficiency of
3 collecting and utilizing the records. If the permitted abstract
4 of court record reporting a conviction, civil infraction determi-
5 nation, or settlement originates as a part of the written notice
6 as appear, authorized in section 728(1) or 742(1), the form of
7 the written notice and report shall be as prescribed by the sec-
8 retary of state.

9 (20) Except as provided in this act and notwithstanding any
10 other provision of law, a court shall not order expunction of any
11 violation reportable to the secretary of state under this
12 section.

13 Sec. 904d. (1) Vehicle immobilization applies as follows:

14 (a) For a conviction under section 625(1), (3), or (7) or a
15 local ordinance substantially corresponding to section 625(1) or
16 (3) with no prior convictions, the court may order vehicle immo-
17 bilization for not more than 180 days.

18 (b) For a conviction under section 625(4) or (5) with no
19 prior convictions, the court shall order vehicle immobilization
20 for not more than 180 days.

21 (c) For a conviction under section 625(1), (3), (4), (5), or
22 (7) within 7 years after a prior conviction, the court shall
23 order vehicle immobilization for not less than 90 days or more
24 than 180 days.

25 (d) For a conviction under section 625(1), (3), (4), (5), or
26 (7) within 10 years after 2 or more prior convictions, the court

1 shall order vehicle immobilization for not less than 1 year or
2 more than 3 years.

3 (2) For a conviction or civil infraction determination
4 resulting from a violation that occurred during a period of sus-
5 pension, revocation, or denial, the following apply:

6 (a) Except as provided in subdivision (b), for 1 prior sus-
7 pension, revocation, or denial under section 904(10), (11), or
8 (12) or former section 904(2) or (4) within the past 7 years, the
9 court may order vehicle immobilization for not more than 180
10 days.

11 (b) Except as provided in subdivisions (c) and (d), if the
12 person is convicted under section 904(4) or (5), the court shall
13 order vehicle immobilization for not more than 180 days.

14 (c) For any combination of 2 or 3 prior suspensions, revoca-
15 tions, or denials under section 904(10), (11), or (12) or former
16 section 904(2) or (4) within the past 7 years, the court shall
17 order vehicle immobilization for not less than 90 days or more
18 than 180 days.

19 (d) For any combination of 4 or more prior suspensions,
20 revocations, or denials under section 904(10), (11), or (12) or
21 former section 904(2) or (4) within the past 7 years, the court
22 shall order vehicle immobilization for not less than 1 year or
23 more than 3 years.

24 (3) The defendant shall provide to the court the vehicle
25 identification number and registration plate number of the vehi-
26 cle involved in the violation.

1 (4) The court may order vehicle immobilization under this
2 section under either of the following circumstances:

3 (a) The defendant is the owner, co-owner, lessee, or
4 co-lessee of the vehicle operated during the violation.

5 (b) The owner, co-owner, lessee, or co-lessee knowingly per-
6 mitted the vehicle to be operated in violation of section 625(2)
7 or section 904(2) regardless of whether a conviction resulted.

8 (5) An order required to be issued under this section shall
9 not be suspended.

10 (6) If a defendant is ordered imprisoned for the violation
11 for which immobilization is ordered, the period of immobilization
12 shall begin at the end of the period of imprisonment.

13 (7) This section does not apply to any of the following:

14 (a) A suspension, revocation, or denial based on a violation
15 of the support and parenting time enforcement act, 1982 PA 295,
16 MCL 552.601 to 552.650.

17 (b) A vehicle that is registered in another state or that is
18 a rental vehicle.

19 (c) A vehicle owned by the federal government, this state,
20 or a local unit of government of this state.

21 (d) A vehicle not subject to registration under
22 section 216.

23 (e) Any of the following:

24 (i) A violation of chapter II.

25 (ii) A violation of chapter V.

26 (iii) A violation for failure to change address.

- 1 (iv) A parking violation.
- 2 (v) A bad check violation.
- 3 (vi) An equipment violation.
- 4 (vii) A pedestrian, passenger, or bicycle violation, other
5 than a violation of section 703(1) or (2) of the Michigan liquor
6 control code of 1998, 1998 PA 58, MCL 436.1703, or a local ordi-
7 nance substantially corresponding to section 703(1) or (2) of the
8 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703,
9 or section 624a or 624b or a local ordinance substantially corre-
10 sponding to section 624a or 624b.
- 11 (viii) A violation of a local ordinance substantially corre-
12 sponding to a violation described in subparagraphs (i) to (vii).
- 13 (8) As used in this section:
- 14 (a) Subject to subsection (9), "prior conviction" means a
15 conviction for any of the following, whether under a law of this
16 state, a local ordinance substantially corresponding to a law of
17 this state, or a law of another state substantially corresponding
18 to a law of this state:
- 19 (i) Except as otherwise provided in this subparagraph, a
20 violation or attempted violation of section 625(1), (3), (4),
21 (5), (6), or (7), section 625m, former section 625(1) or (2), or
22 former section 625b. However, only 1 violation or attempted vio-
23 lation of section 625(6), a local ordinance substantially corre-
24 sponding to section 625(6), or a law of another state substan-
25 tially corresponding to section 625(6) may be used as a prior
26 conviction.

1 (ii) Negligent homicide, manslaughter, or murder resulting
2 from the operation of a vehicle or an attempt to commit any of
3 those crimes.

4 (iii) A VIOLATION OF SECTION 653A(3).

5 (b) "Vehicle immobilization" means requiring the motor vehi-
6 cle involved in the violation immobilized in a manner provided in
7 section 904e.

8 (9) If 2 or more convictions described in subsection (8)(a)
9 are convictions for violations arising out of the same incident,
10 only 1 conviction shall be used to determine whether the person
11 has a prior conviction.

12 Enacting section 1. this amendatory act does not take
13 effect unless House Bill No. 5549 of the 90th Legislature is
14 enacted into law.