



# HOUSE BILL No. 6177

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.

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) ~~(t)~~ 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.