

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 795

[A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 219, 303, 319, 625n, 626, 732a, and 904d (MCL
257.219, 257.303, 257.319, 257.625n, 257.626, 257.732a, and 257.904d),
section 219 as amended by 2005 PA 317, sections 303, 319, 626, 732a, and
904d as amended by 2008 PA 463, and section 625n as amended by 2008
PA 539, and by adding section 304.]

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 219. (1) The secretary of state shall refuse issuance of
2 a registration or a transfer of registration upon any of the
3 following grounds:

4 (a) The application contains a false or fraudulent statement,
5 the applicant has failed to furnish required information or
6 reasonable additional information requested by the secretary of

1 state, or the applicant is not entitled to the registration of the
2 vehicle under this act.

3 (b) The secretary of state has reasonable ground to believe
4 that the vehicle is a stolen or embezzled vehicle, or that the
5 granting of registration would constitute a fraud against the
6 rightful owner or other person having a valid lien upon the
7 vehicle.

8 (c) The registration of the vehicle is suspended or revoked
9 for any reason provided in the motor vehicle laws of this state.

10 (d) At the time of the application, the operator's or
11 chauffeur's license of the owner or co-owner or lessee or co-lessee
12 is suspended, revoked, or denied, **EXCEPT FOR AN APPLICANT WHO HAS**
13 **BEEN ISSUED A LICENSE UNDER SECTION 304**, or the operator has never
14 been licensed by this state for a third or subsequent violation of
15 section 625 or 625m, a local ordinance substantially corresponding
16 to section 625 or 625m, or a law of another state substantially
17 corresponding to section 625 or 625m, or for a fourth or subsequent
18 suspension or revocation under section 904.

19 (e) The required fee has not been paid.

20 (f) The applicant, at the time of applying for registration or
21 a transfer of registration other than a temporary registration
22 issued under section 226b, fails to present a certificate of
23 compliance or waiver for a motor vehicle as required under either
24 part 63 or part 65 of the natural resources and environmental
25 protection act, 1994 PA 451, MCL 324.6301 to 324.6321 and 324.6501
26 to 324.6539.

27 (g) The application for registration of a vehicle with an

1 elected gross weight of 55,000 pounds or more is not accompanied
2 with proof of payment of the federal highway use tax levied under
3 the surface transportation assistance act of 1982, Public Law 97-
4 424.

5 (2) The secretary of state shall refuse issuance of a
6 certificate of title or a salvage certificate of title upon any of
7 the following grounds:

8 (a) The application contains a false or fraudulent statement,
9 the applicant has failed to furnish required information or
10 reasonable additional information requested by the secretary of
11 state, or the applicant is not entitled to the issuance of a
12 certificate of title or salvage certificate of title under this
13 act.

14 (b) The secretary of state has reasonable ground to believe
15 that the vehicle is a stolen or embezzled vehicle or that the
16 issuance of a certificate of title or a salvage certificate of
17 title would constitute a fraud against the rightful owner or other
18 person having a valid security interest upon the vehicle.

19 (c) The required fee has not been paid.

20 (3) The secretary of state shall not issue a registration for
21 a vehicle for which a temporary registration plate was issued under
22 section 904c until the violation resulting in the issuance of the
23 plate is adjudicated or the vehicle is transferred to a person who
24 is subject to payment of a use tax under section 3 of the use tax
25 act, 1937 PA 94, MCL 205.93.

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

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

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

5 (c) A person whose license is suspended, revoked, denied, or
6 canceled in any state. If the suspension, revocation, denial, or
7 cancellation is not from the jurisdiction that issued the last
8 license to the person, the secretary of state may issue a license
9 after the expiration of 5 years from the effective date of the most
10 recent suspension, revocation, denial, or cancellation.

11 (d) A person who in the opinion of the secretary of state is
12 afflicted with or suffering from a physical or mental disability or
13 disease preventing that person from exercising reasonable and
14 ordinary control over a motor vehicle while operating the motor
15 vehicle upon the highways.

16 (e) A person who is unable to understand highway warning or
17 direction signs in the English language.

18 (f) 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 license,
21 original motorcycle indorsement, or an original or renewal of a
22 vehicle group designation or vehicle indorsement.

23 (g) A person who has been convicted of, has received a
24 juvenile disposition for, or has been determined responsible for 2
25 or more moving violations under a law of this state, a local
26 ordinance 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 state,
3 another state, or another country.

4 (h) A nonresident, including, but not limited to, a foreign
5 exchange student.

6 (i) A person who has failed to answer a citation or notice to
7 appear in court or for any matter pending or fails to comply with
8 an order or judgment of the court, including, but not limited to,
9 paying all fines, costs, fees, and assessments, in violation of
10 section 321a, until that person answers the citation or notice to
11 appear in court or for any matter pending or complies with an order
12 or judgment of the court, including, but not limited to, paying all
13 fines, costs, fees, and assessments, as provided under section
14 321a.

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

23 (k) A person not licensed under this act who has been
24 convicted of or received a juvenile disposition for committing a
25 crime described in section 319e. A person shall be denied a license
26 under this subdivision for the length of time that corresponds to
27 the period of the licensing sanction that would have been imposed

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

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

11 (m) A person whose commercial driver license application is
12 canceled under section 324(2).

13 (n) Unless otherwise eligible under section 307(1), a person
14 who is not a citizen of the United States.

15 (2) Upon receiving the appropriate records of conviction, the
16 secretary of state shall revoke the operator's or chauffeur's
17 license of a person and deny issuance of an operator's or
18 chauffeur's license to a person having any of the following,
19 whether under a law of this state, a local ordinance substantially
20 corresponding to a law of this state, a law of another state
21 substantially corresponding to a law of this state, or, **BEGINNING**
22 **OCTOBER 31, 2010**, a law of the United States substantially
23 corresponding to a law of this state:

24 (a) Any combination of 2 convictions within 7 years for
25 reckless driving in violation of section **626 BEFORE OCTOBER 31,**
26 **2010 OR, BEGINNING OCTOBER 31, 2010**, 626(2).

27 (b) Any combination of 2 or more convictions within 7 years

1 for any of the following:

2 (i) A felony in which a motor vehicle was used.

3 (ii) A violation or attempted violation of section 601b(2) or
4 (3), section 601c(1) or (2), section 602a(4) or (5), section 617,
5 section 653a(3) or (4), or section 904(4) or (5).

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

9 (iv) A violation or attempted violation of section 479a(4) or
10 (5) of the Michigan penal code, 1931 PA 328, MCL 750.479a.

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

15 (i) A violation or attempted violation of section 625, except a
16 violation of section 625(2), or a violation of any prior enactment
17 of section 625 in which the defendant operated a vehicle while
18 under the influence of intoxicating or alcoholic liquor or a
19 controlled substance, or a combination of intoxicating or alcoholic
20 liquor and a controlled substance, or while visibly impaired, or
21 with an unlawful bodily alcohol content.

22 (ii) A violation or attempted violation of section 625m.

23 (iii) A violation or attempted violation of former section 625b.

24 (d) One conviction for a violation or attempted violation of
25 section 315(5), section 601b(3), section 601c(2), section 602a(4)
26 or (5), section 617, section 625(4) or (5), ~~section 626(3) or (4),~~
27 section 653a(4), ~~or~~ section 904(4) or (5), **OR, BEGINNING OCTOBER**

1 31, 2010, SECTION 626(3) OR (4).

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

5 (f) One conviction for a violation or attempted violation of
6 section 479a(4) or (5) of the Michigan penal code, 1931 PA 328, MCL
7 750.479a.

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

13 (i) A violation or attempted violation of section 625, except a
14 violation of section 625(2), or a violation of any prior enactment
15 of section 625 in which the defendant operated a vehicle while
16 under the influence of intoxicating or alcoholic liquor or a
17 controlled substance, or a combination of intoxicating or alcoholic
18 liquor and a controlled substance, or while visibly impaired, or
19 with an unlawful bodily alcohol content.

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

21 (iii) A violation or attempted violation of former section 625b.

22 (3) The secretary of state shall revoke a license under
23 subsection (2) notwithstanding a court order unless the court order
24 complies with section 323.

25 (4) ~~The~~ **EXCEPT AS OTHERWISE PROVIDED UNDER SECTION 304, THE**
26 secretary of state shall not issue a license under this act to a
27 person whose license has been revoked under this act or revoked and

1 denied under subsection (2) until all of the following occur, as
2 applicable:

3 (a) The later of the following:

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

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

9 (b) For a denial under subsection (2)(a), (b), (c), and (g),
10 the person rebuts by clear and convincing evidence the presumption
11 resulting from the prima facie evidence that he or she is a
12 habitual offender. The convictions that resulted in the revocation
13 and denial constitute prima facie evidence that he or she is a
14 habitual offender.

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

16 (5) The secretary of state may deny issuance of an operator's
17 license as follows:

18 (a) Until the age of 17, to a person not licensed under this
19 act who was convicted of or received a juvenile disposition for
20 violating or attempting to violate section 411a(2) of the Michigan
21 penal code, 1931 PA 328, MCL 750.411a, involving a school when he
22 or she was less than 14 years of age. A person not issued a license
23 under this subdivision is not eligible to begin graduated licensing
24 training until he or she attains 16 years of age.

25 (b) To a person less than 21 years of age not licensed under
26 this act who was convicted of or received a juvenile disposition
27 for violating or attempting to violate section 411a(2) of the

1 Michigan penal code, 1931 PA 328, MCL 750.411a, involving a school
2 when he or she was 14 years of age or older, until 3 years after
3 the date of the conviction or juvenile disposition. A person not
4 issued a license under this subdivision is not eligible to begin
5 graduated licensing training or otherwise obtain an original
6 operator's or chauffeur's license until 3 years after the date of
7 the conviction or juvenile disposition.

8 (6) The secretary of state shall deny issuance of a vehicle
9 group designation to a person if the person has been disqualified
10 by the United States secretary of transportation from operating a
11 commercial motor vehicle.

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

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

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

22 (b) The vehicle was used to transport a victim of the 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 **SEC. 304. (1) EXCEPT AS PROVIDED IN SUBSECTION (3), THE**
27 **SECRETARY OF STATE SHALL ISSUE A RESTRICTED LICENSE TO A PERSON**

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1 WHOSE LICENSE WAS SUSPENDED OR RESTRICTED UNDER SECTION 319 OR
2 REVOKED OR DENIED UNDER SECTION 303 BASED ON EITHER OF THE
3 FOLLOWING:

4 (A) TWO OR MORE CONVICTIONS FOR VIOLATING SECTION 625(1) OR
5 (3) OR A LOCAL ORDINANCE OF THIS STATE SUBSTANTIALLY CORRESPONDING
6 TO SECTION 625(1) OR (3).

7 (B) ONE CONVICTION FOR VIOLATING SECTION 625(1) OR (3) OR A
8 LOCAL ORDINANCE OF THIS STATE SUBSTANTIALLY CORRESPONDING TO
9 SECTION 625(1) OR (3), PRECEDED BY 1 OR MORE CONVICTIONS FOR
10 VIOLATING A LOCAL ORDINANCE OR LAW OF ANOTHER STATE SUBSTANTIALLY
11 CORRESPONDING TO SECTION 625(1), (3), OR (6), OR A LAW OF THE
12 UNITED STATES SUBSTANTIALLY CORRESPONDING TO SECTION 625(1), (3),
13 OR (6).

14 (2) A RESTRICTED LICENSE ISSUED UNDER SUBSECTION (1) SHALL NOT
15 BE ISSUED UNTIL AFTER THE PERSON'S OPERATOR'S OR CHAUFFEUR'S
16 LICENSE HAS BEEN SUSPENDED OR REVOKED FOR 45 DAYS AND THE JUDGE
17 ASSIGNED TO A DWI/SOBRIETY COURT CERTIFIES TO THE SECRETARY OF
18 STATE THAT BOTH OF THE FOLLOWING CONDITIONS HAVE BEEN MET:

19 (A) THE PERSON HAS BEEN ADMITTED INTO A DWI/SOBRIETY COURT
20 [PROGRAM].

21 (B) AN IGNITION INTERLOCK DEVICE APPROVED, CERTIFIED, AND
22 INSTALLED AS REQUIRED UNDER SECTIONS 625K AND 625/ HAS BEEN
23 INSTALLED ON EACH MOTOR VEHICLE OWNED OR OPERATED, OR BOTH, BY THE
24 INDIVIDUAL.

25 (3) A RESTRICTED LICENSE SHALL NOT BE ISSUED UNDER SUBSECTION
26 (1) IF THE PERSON IS OTHERWISE INELIGIBLE FOR AN OPERATOR'S OR
27 CHAUFFEUR'S LICENSE UNDER THIS ACT, UNLESS THE PERSON'S
INELIGIBILITY IS BASED ON 1 OR MORE OF THE FOLLOWING:

- 1 (A) SECTION 303 (1) (I) OR (I) .
- 2 (B) SECTION 303 (2) (C) (i) OR (iii) .
- 3 (C) SECTION 303 (2) (G) (i) OR (iii) .
- 4 (D) SECTION 319 (4) , (5) , (6) , (7) , (8) (A) TO (E) , OR (9) .
- 5 (E) SECTION 319E (2) (A) OR (B) .
- 6 (F) SECTION 320 (1) (D) .
- 7 (G) SECTION 321A (1) , (2) , OR (3) .
- 8 (H) SECTION 323C .
- 9 (I) SECTION 625F (1) (A) .
- 10 (J) SECTION 732A (5) .
- 11 (K) SECTION 904 (10) .
- 12 (L) SECTION 82105A (2) OF THE NATURAL RESOURCES AND
13 ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.82105A.
- 14 (M) SECTION 3177 OF THE INSURANCE CODE OF 1956, 1956 PA 218,
15 MCL 500.3177.
- 16 (N) SECTION 10 OF THE MOTOR VEHICLE CLAIMS ACT, 1965 PA 198,
17 MCL 257.1110.
- 18 (4) A RESTRICTED LICENSE ISSUED UNDER SUBSECTION (1) PERMITS
19 THE PERSON TO WHOM IT IS ISSUED TO OPERATE ONLY THE VEHICLE
20 EQUIPPED WITH AN IGNITION INTERLOCK DEVICE DESCRIBED IN SUBSECTION
21 (2) (B) , TO TAKE ANY DRIVING SKILLS TEST REQUIRED BY THE SECRETARY
22 OF STATE, AND TO DRIVE TO AND FROM ANY COMBINATION OF THE FOLLOWING
23 LOCATIONS:
- 24 (A) THE PERSON'S RESIDENCE.
- 25 (B) THE PERSON'S WORKPLACE.
- 26 (C) THE PERSON'S SCHOOL.
- 27 (D) AN ALCOHOL OR DRUG EDUCATION OR TREATMENT PROGRAM AS

1 ORDERED BY THE COURT.

2 (5) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A RESTRICTED
3 LICENSE ISSUED UNDER SUBSECTION (1) IS EFFECTIVE UNTIL A HEARING
4 OFFICER ORDERS AN UNRESTRICTED LICENSE UNDER SECTION 322. THE
5 PERSON SHALL NOT BE CONSIDERED FOR AN UNRESTRICTED LICENSE UNTIL
6 THE LATER OF THE FOLLOWING EVENTS OCCURS:

7 (A) THE COURT NOTIFIES THE SECRETARY OF STATE THAT THE PERSON
8 HAS SUCCESSFULLY COMPLETED THE DWI/SOBRIETY COURT PROGRAM.

9 (B) THE MINIMUM PERIOD OF LICENSE SANCTION THAT WOULD HAVE
10 BEEN IMPOSED UNDER SECTION 303 OR 319 BUT FOR THIS SECTION HAS BEEN
11 COMPLETED.

12 (6) IF THE SECRETARY OF STATE RECEIVES A NOTIFICATION FROM THE
13 DWI/SOBRIETY COURT UNDER SECTION 1084(6) OF THE REVISED JUDICATURE
14 ACT OF 1961, 1961 PA 236, MCL 600.1084, THE SECRETARY OF STATE
15 SHALL SUMMARILY IMPOSE 1 OF THE FOLLOWING LICENSE SANCTIONS, AS
16 APPLICABLE:

17 (A) SUSPENSION FOR THE FULL LENGTH OF TIME PROVIDED UNDER
18 SECTION 319(8). HOWEVER, A RESTRICTED LICENSE SHALL NOT BE ISSUED
19 AS PROVIDED UNDER SECTION 319(8). THIS SUBDIVISION APPLIES IF THE
20 UNDERLYING CONVICTION OR CONVICTIONS WOULD HAVE SUBJECTED THE
21 PERSON TO A LICENSE SANCTION UNDER SECTION 319(8) IF THIS SECTION
22 DID NOT APPLY.

23 (B) A LICENSE REVOCATION AND DENIAL FOR THE FULL LENGTH OF
24 TIME PROVIDED UNDER SECTION 303. THE MINIMUM PERIOD OF LICENSE
25 REVOCATION AND DENIAL IMPOSED SHALL BE THE SAME AS IF THIS SECTION
26 DID NOT APPLY. THIS SUBDIVISION APPLIES IF THE UNDERLYING
27 CONVICTION OR CONVICTIONS WOULD HAVE CAUSED A LICENSE REVOCATION

1 AND DENIAL UNDER SECTION 303 IF THIS SECTION DID NOT APPLY.

2 (7) AFTER THE PERSON COMPLETES THE DWI/SOBRIETY COURT
3 INTERLOCK PILOT PROGRAM, THE FOLLOWING APPLY:

4 (A) THE RESTRICTED LICENSE ISSUED UNDER THIS SECTION SHALL BE
5 SUSPENDED OR REVOKED OR DENIED AS PROVIDED IN SUBSECTION (6),
6 UNLESS SET ASIDE UNDER SUBSECTION (5), IF ANY OF THE FOLLOWING
7 EVENTS OCCUR:

8 (i) THE PERSON OPERATES A MOTOR VEHICLE WITHOUT AN IGNITION
9 INTERLOCK DEVICE THAT MEETS THE CRITERIA UNDER SUBSECTION (2)(B).

10 (ii) THE PERSON REMOVES, OR CAUSES TO BE REMOVED, AN IGNITION
11 INTERLOCK DEVICE FROM A VEHICLE HE OR SHE OWNS OR OPERATES UNLESS
12 THE SECRETARY OF STATE HAS AUTHORIZED ITS REMOVAL UNDER SECTION
13 322A.

14 (iii) THE PERSON IS ARRESTED FOR A VIOLATION OF ANY OF THE
15 FOLLOWING:

16 (A) SECTION 625.

17 (B) A LOCAL ORDINANCE OF THIS STATE OR ANOTHER STATE
18 SUBSTANTIALLY CORRESPONDING TO SECTION 625.

19 (C) A LAW OF THE UNITED STATES SUBSTANTIALLY CORRESPONDING TO
20 SECTION 625.

21 (B) IF THE PERSON IS CONVICTED OF OR FOUND RESPONSIBLE FOR ANY
22 OFFENSE THAT REQUIRES THE SUSPENSION, REVOCATION, DENIAL, OR
23 CANCELLATION OF THE PERSON'S OPERATOR'S OR CHAUFFEUR'S LICENSE, THE
24 RESTRICTED LICENSE ISSUED UNDER THIS SECTION SHALL BE SUSPENDED
25 UNTIL THE REQUISITE PERIOD OF LICENSE SUSPENSION, REVOCATION,
26 DENIAL, OR CANCELLATION, AS APPROPRIATE, HAS ELAPSED.

27 (C) IF THE PERSON HAS FAILED TO PAY ANY COURT-ORDERED FINES OR

1 COSTS THAT RESULTED FROM THE OPERATION OF A VEHICLE, THE RESTRICTED
2 LICENSE ISSUED UNDER THIS SECTION SHALL BE SUSPENDED PENDING
3 PAYMENT OF THOSE FINES AND COSTS.

4 (8) ALL DRIVER RESPONSIBILITY FEES REQUIRED TO BE ASSESSED BY
5 THE SECRETARY OF STATE UNDER SECTION 732A FOR THE CONVICTION OR
6 CONVICTIONS THAT LED TO THE RESTRICTED LICENSE UNDER THIS SECTION
7 SHALL BE HELD IN ABEYANCE AS FOLLOWS:

8 (A) THE FEES SHALL BE HELD IN ABEYANCE DURING THE TIME THE
9 PERSON HAS A RESTRICTED LICENSE UNDER THIS SECTION AND IS
10 PARTICIPATING IN THE DWI/SOBRIETY COURT INTERLOCK PILOT PROJECT.

11 (B) AT THE END OF THE PERSON'S PARTICIPATION IN THE
12 DWI/SOBRIETY COURT PROGRAM, THE DRIVER RESPONSIBILITY FEES SHALL BE
13 ASSESSED AND PAID UNDER THE PAYMENT SCHEDULE DESCRIBED IN SECTION
14 732A.

15 (9) THE VEHICLE OF AN INDIVIDUAL ADMITTED TO THE DWI/SOBRIETY
16 COURT INTERLOCK PILOT PROJECT WHOSE VEHICLE WOULD OTHERWISE BE
17 SUBJECT TO IMMOBILIZATION OR FORFEITURE UNDER THIS ACT IS EXEMPT
18 FROM BOTH IMMOBILIZATION AND FORFEITURE UNDER SECTIONS 625N AND
19 904D IF BOTH OF THE FOLLOWING APPLY:

20 (A) THE PERSON IS A DWI/SOBRIETY COURT INTERLOCK PILOT PROGRAM
21 PARTICIPANT IN GOOD STANDING OR THE PERSON SUCCESSFULLY
22 SATISFACTORILY COMPLETES THE DWI/SOBRIETY COURT INTERLOCK PILOT
23 PROGRAM.

24 (B) THE PERSON DOES NOT SUBSEQUENTLY VIOLATE A LAW OF THIS
25 STATE FOR WHICH VEHICLE IMMOBILIZATION OR FORFEITURE IS A SANCTION.

26 (10) THIS SECTION ONLY APPLIES TO INDIVIDUALS ARRESTED FOR A
27 VIOLATION OF SECTION 625 ON OR AFTER THE EFFECTIVE DATE OF THE

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 1 AMENDATORY ACT THAT ADDED THIS SECTION.

2 (11) AS USED IN THIS SECTION:

3 (A) "DWI/SOBRIETY COURT" MEANS THAT TERM AS DEFINED IN SECTION
 4 1084 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL
 5 600.1084.

6 (B) "DWI/SOBRIETY COURT INTERLOCK PILOT PROJECT" AND
 7 "DWI/SOBRIETY COURT PROGRAM" MEAN THOSE TERMS AS DEFINED OR
 8 DESCRIBED IN SECTION 1084 OF THE REVISED JUDICATURE ACT OF 1961,
 9 1961 PA 236, MCL 600.1084.

[Sec. 319. (1) The secretary of state shall immediately suspend a person's license as provided in this section upon receiving a record of the person's conviction for a crime described in this section, whether the conviction is under a law of this state, a local ordinance substantially corresponding to a law of this state, a law of another state substantially corresponding to a law of this state, or, **BEGINNING OCTOBER 31, 2010**, a law of the United States substantially corresponding to a law of this state.

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

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

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

(c) A violation of section 1 of former 1931 PA 214, MCL 752.191, or section 626c.

(d) A felony in which a motor vehicle was used. As used in this section, "felony in which a motor vehicle was used" means a felony during the commission of which the person convicted operated a motor vehicle and while operating the vehicle presented real or potential harm to persons or property and 1 or more of the following circumstances existed:

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

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

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

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

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

(f) ~~A~~ **BEGINNING OCTOBER 31, 2010**, A violation of section 601d.

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

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

(b) A violation of section 601b(2), section 601c(1), section **653A(3)**, **SECTION 626 BEFORE OCTOBER 31, 2010, OR, BEGINNING OCTOBER 31, 2010, SECTION 626(2)**. ~~or section 653a(3)~~.

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

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

(4) The secretary of state shall suspend the person's license for 30 days for malicious destruction resulting from the operation of a

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vehicle under section 382(1)(a) of the Michigan penal code, 1931 PA 328,
MCL 750.382.

(5) For perjury or making a false certification to the secretary of state under any law requiring the registration of a motor vehicle or regulating the operation of a vehicle on a highway, or for conduct prohibited under section 324(1) or a local ordinance substantially corresponding to section 324(1), the secretary shall suspend the person's license as follows:

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

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

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

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

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

(7) For a violation of section 624a or 624b of this act or section 703(1) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, the secretary of state shall suspend the person's license as follows:

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

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

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

(a) For 180 days for a violation of section **625(1) OR (8) BEFORE OCTOBER 31, 2010 OR, BEGINNING OCTOBER 31, 2010, SECTION** 625(1)(a) or (b) or (8) if the person has no prior convictions within 7 years. The secretary of state may issue the person a restricted license during a specified portion of the suspension, except that the secretary of state shall not issue a restricted license during the first 30 days of suspension.

(b) For 90 days for a violation of section 625(3) if the person has no prior convictions within 7 years. However, if the person is convicted of a violation of section 625(3), for operating a vehicle when, due to the consumption of a controlled substance or a combination of alcoholic liquor and a controlled substance, the person's ability to operate the vehicle was visibly impaired, the secretary of state shall suspend the person's license under this subdivision for 180 days. The secretary of state may issue the person a restricted license during all or a specified portion of the suspension.

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

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

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

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

(g) ~~For~~ **BEGINNING OCTOBER 31, 2010, FOR** 1 year for a violation of section 625(1)(c) if the person has no prior convictions within 7 years or not more than 2 convictions within 10 years. The secretary of state may issue the person a restricted license, except that the secretary of state shall not issue a restricted license during the first 45 days of suspension.

(h) ~~The~~ **BEGINNING OCTOBER 31, 2010, THE** department shall order a person convicted of violating section 625(1)(c) not to operate a motor vehicle under a restricted license issued under subdivision (g) unless the vehicle is equipped with an ignition interlock device approved, certified, and installed as required under sections 625k and 625l. The ignition interlock device may be removed after the interlock device provider provides the department with verification that the person has operated the vehicle with no instances of reaching or exceeding a blood alcohol level of 0.025 grams per 210 liters of breath. **THIS SUBDIVISION DOES NOT PROHIBIT THE REMOVAL OF THE IGNITION INTERLOCK DEVICE FOR ANY OF THE FOLLOWING:**

(i) **A START-UP TEST FAILURE THAT OCCURS WITHIN THE FIRST 2 MONTHS AFTER INSTALLATION OF THE DEVICE. AS USED IN THIS SUBDIVISION, "START-UP TEST FAILURE" MEANS THAT THE IGNITION INTERLOCK DEVICE HAS PREVENTED THE MOTOR VEHICLE FROM BEING STARTED. MULTIPLE UNSUCCESSFUL ATTEMPTS AT 1 TIME TO START THE VEHICLE SHALL BE TREATED AS 1 START-UP TEST FAILURE ONLY UNDER THIS SUBPARAGRAPH.**

(ii) **A START-UP TEST FAILURE OCCURRING MORE THAN 2 MONTHS AFTER INSTALLATION OF THE DEVICE, IF NOT MORE THAN 15 MINUTES AFTER DETECTING THE START-UP TEST FAILURE THE PERSON DELIVERS A BREATH SAMPLE THAT THE IGNITION INTERLOCK DEVICE ANALYZES AS HAVING AN ALCOHOL LEVEL OF LESS THAN 0.025 GRAMS PER 210 LITERS OF BREATH.**

(iii) **A RETEST PROMPTED BY THE DEVICE, IF NOT MORE THAN 5 MINUTES AFTER DETECTING THE START-UP TEST FAILURE THE PERSON DELIVERS A BREATH SAMPLE THAT THE IGNITION INTERLOCK DEVICE ANALYZES AS HAVING AN ALCOHOL LEVEL OF LESS THAN 0.025 GRAMS PER 210 LITERS OF BREATH.**

(i) ~~If~~ **BEGINNING OCTOBER 31, 2010, IF** an individual violates the conditions of the restricted license issued under subdivision (g) or operates or attempts to operate a motor vehicle with a blood alcohol level of 0.025 grams per 210 liters of breath, the secretary of state shall impose an additional like period of suspension and restriction as prescribed under subdivision (g). This subdivision does not apply to a **REQUIRE AN ADDITIONAL LIKE PERIOD OF SUSPENSION AND RESTRICTION FOR ANY OF THE FOLLOWING:**

(i) **A start-up test failure within the first 2 months after installation of the ignition interlock device. As used in this subdivision, "start-up test failure" means that term as defined in R 257.313a of the Michigan administrative code. THE IGNITION INTERLOCK DEVICE HAS PREVENTED THE MOTOR VEHICLE FROM BEING STARTED. MULTIPLE UNSUCCESSFUL ATTEMPTS AT 1 TIME TO START THE VEHICLE SHALL BE TREATED AS 1 START-UP TEST FAILURE ONLY UNDER THIS SUBPARAGRAPH.**

(ii) **A START-UP TEST FAILURE OCCURRING MORE THAN 2 MONTHS AFTER INSTALLATION OF THE DEVICE, IF NOT MORE THAN 15 MINUTES AFTER DETECTING THE START-UP TEST FAILURE THE PERSON DELIVERS A BREATH SAMPLE THAT THE IGNITION INTERLOCK DEVICE ANALYZES AS HAVING AN ALCOHOL LEVEL OF LESS THAN 0.025 GRAMS PER 210 LITERS OF BREATH.**

(iii) **ANY RETEST PROMPTED BY THE DEVICE, IF NOT MORE THAN 5 MINUTES AFTER DETECTING THE START-UP TEST FAILURE THE PERSON DELIVERS A BREATH**

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SAMPLE THAT THE IGNITION INTERLOCK DEVICE ANALYZES AS HAVING AN ALCOHOL
LEVEL OF LESS THAN 0.025 GRAMS PER 210 LITERS OF BREATH.

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

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

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

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

(11) For a violation or attempted violation of section 411a(2) of the Michigan penal code, 1931 PA 328, MCL 750.411a, involving a school, the secretary of state shall suspend the license of a person 14 years of age or over but less than 21 years of age until 3 years after the date of the conviction or juvenile disposition for the violation. The secretary of state may issue the person a restricted license after the first 365 days of suspension.

(12) Except as provided in subsection (14), a suspension under this section shall be imposed notwithstanding a court order unless the court order complies with section 323.

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

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

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

(16) The secretary of state shall not issue a restricted license to a person under subsection (8) that would permit the person to operate a commercial motor vehicle.

(17) Except as provided in subsection (16), a restricted license issued under this section shall permit the person to whom it is issued to take any driving skills test required by the secretary of state and to operate a vehicle under 1 or more of the following circumstances:

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

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

(i) The person's residence.

(ii) The person's work location.

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

(iv) The court probation department.

(v) A court-ordered community service program.

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

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

(18) While driving with a restricted license, the person shall carry proof of his or her destination and the hours of any employment,

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class, or other reason for traveling and shall display that proof upon a
peace officer's request.

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

(a) Except as provided in subsection (20), a violation or attempted violation of any of the following:

(i) Section 625, except a violation of section 625(2), or a violation of any prior enactment of section 625 in which the defendant operated a vehicle while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled substance, or while visibly impaired, or with an unlawful bodily alcohol content.

(ii) Section 625m.

(iii) Former section 625b.

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

(c) ~~A~~ **BEGINNING OCTOBER 31, 2010, A** violation of section 601d or section 626(3) or (4).

(20) Except for purposes of the suspensions described in subsection (8)(c) and (d), only 1 violation or attempted violation of section 625(6), a local ordinance substantially corresponding to section 625(6), or a law of another state substantially corresponding to section 625(6) may be used as a prior conviction.

(21) If 2 or more convictions described in subsection (19) are convictions for violations arising out of the same transaction, only 1 conviction shall be used to determine whether the person has a prior conviction.]

10 Sec. 625n. (1) Except as otherwise provided in this section
11 **AND SECTION 304** and in addition to any other penalty provided for
12 in this act, the judgment of sentence for a conviction for a
13 violation of section 625(1) described in section 625(9)(b) or (c),
14 a violation of section 625(3) described in section 625(11)(b) or
15 (c), a violation of section 625(4), (5), or (7), or a violation of
16 section 904(4) or (5), **OR, BEGINNING OCTOBER 31, 2010, A VIOLATION**
17 **OF SECTION 626(3) OR (4)**, may require 1 of the following with
18 regard to the vehicle used in the offense if the defendant owns the
19 vehicle in whole or in part or leases the vehicle:

20 (a) Forfeiture of the vehicle if the defendant owns the
21 vehicle in whole or in part.

22 (b) Return of the vehicle to the lessor if the defendant
23 leases the vehicle.

24 (2) The vehicle may be seized ~~pursuant to an order of~~ **UNDER A**

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25 seizure **ORDER** issued by the court having jurisdiction upon a
26 showing of probable cause that the vehicle is subject to forfeiture
27 or return to the lessor.

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

4 (4) Within 14 days after the defendant's conviction for a
5 violation described in subsection (1), the prosecuting attorney may
6 file a petition with the court for the forfeiture of the vehicle or
7 to have the court order return of a leased vehicle to the lessor.
8 The prosecuting attorney shall give notice by first-class mail or
9 other process to the defendant and his or her attorney, to all
10 owners of the vehicle, and to any person holding a security
11 interest in the vehicle that the court may require forfeiture or
12 return of the vehicle.

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

1 seizing agency to file a lien against the vehicle.

2 (6) Within 14 days after notice by the prosecuting attorney is
3 given under subsection (4), the defendant, an owner, lessee, or
4 holder of a security interest may file a claim of interest in the
5 vehicle with the court. Within 21 days after the expiration of the
6 period for filing claims, but before or at sentencing, the court
7 shall hold a hearing to determine the legitimacy of any claim, the
8 extent of any co-owner's equity interest, the liability of the
9 defendant to any co-lessee, and whether to order the vehicle
10 forfeited or returned to the lessor. In considering whether to
11 order forfeiture, the court shall review the defendant's driving
12 record to determine whether the defendant has multiple convictions
13 under section 625 or a local ordinance substantially corresponding
14 to section 625, or multiple suspensions, restrictions, or denials
15 under section 904, or both. If the defendant has multiple
16 convictions under section 625 or multiple suspensions,
17 restrictions, or denials under section 904, or both, that factor
18 shall weigh heavily in favor of forfeiture.

19 (7) If a vehicle is forfeited under this section, the unit of
20 government that seized the vehicle shall sell the vehicle pursuant
21 to the procedures under section 252g(1) and dispose of the proceeds
22 in the following order of priority:

23 (a) Pay any outstanding security interest of a secured party
24 who did not have prior knowledge of or consent to the commission of
25 the violation.

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

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

3 (d) Pay any outstanding accrued towing and storage fees.

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

7 (f) Pay any outstanding lien against the property that has
8 been imposed by a governmental unit.

9 (g) Pay the proper expenses of the proceedings for forfeiture
10 and sale, including, but not limited to, expenses incurred during
11 the seizure process and expenses for maintaining custody of the
12 property, advertising, and court costs.

13 (h) The balance remaining after the payment of items (a)
14 through (g) shall be distributed by the court having jurisdiction
15 over the forfeiture proceedings to the unit or units of government
16 substantially involved in effecting the forfeiture. Seventy-five
17 percent of the money received by a unit of government under this
18 subdivision shall be used to enhance enforcement of the criminal
19 laws and 25% of the money shall be used to implement the **WILLIAM**
20 **VAN REGENMORTER** crime victim's rights act, 1985 PA 87, MCL 780.751
21 to 780.834. A unit of government receiving money under this
22 subdivision shall report annually to the department of management
23 and budget the amount of money received under this subdivision that
24 was used to enhance enforcement of the criminal laws and the amount
25 that was used to implement the **WILLIAM VAN REGENMORTER** crime
26 victim's rights act, 1985 PA 87, MCL 780.751 to 780.834.

27 (8) The court may order the defendant to pay to a co-lessee

1 any liability determined under subsection (6). The order may be
2 enforced in the same manner as a civil judgment.

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

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

11 (11) The failure of the court or prosecutor to comply with any
12 time limit specified in this section does not preclude the court
13 from ordering forfeiture of a vehicle or its return to a lessor,
14 unless the court finds that the owner or claimant suffered
15 substantial prejudice as a result of that failure.

16 (12) The forfeiture provisions of this section do not preclude
17 the prosecuting attorney from pursuing a forfeiture proceeding
18 under any other law of this state or a local ordinance
19 substantially corresponding to this section.

20 **Sec. 626. (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF**
21 **RECKLESS DRIVING PUNISHABLE AS PROVIDED IN THIS SECTION.**

22 (2) ~~(1) A~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A**
23 person who operates a vehicle upon a highway or a frozen public
24 lake, stream, or pond or other place open to the general public,
25 including, but not limited to, an area designated for the parking
26 of motor vehicles, in willful or wanton disregard for the safety of
27 persons or property is guilty of ~~reckless driving.~~

1 ~~— (2) Except as provided in subsections (3) and (4), a person~~
2 ~~who operates a vehicle in violation of subsection (1) is guilty of~~
3 a misdemeanor punishable by imprisonment for not more than 93 days
4 or a fine of not more than \$500.00, or both.

5 (3) ~~A-BEGINNING OCTOBER 31, 2010, A~~ person who operates a
6 vehicle in violation of subsection ~~(1)~~-(2) and by the operation of
7 that vehicle causes serious impairment of a body function to
8 another person is guilty of a felony punishable by imprisonment for
9 not more than 5 years or a fine of not less than \$1,000.00 or more
10 than \$5,000.00, or both. The judgment of sentence may impose the
11 sanction permitted under section 625n. If the vehicle is not
12 ordered forfeited under section 625n, the court shall order vehicle
13 immobilization under section 904d in the judgment of sentence.

14 (4) ~~A-BEGINNING OCTOBER 31, 2010, A~~ person who operates a
15 vehicle in violation of subsection ~~(1)~~-(2) and by the operation of
16 that vehicle causes the death of another person is guilty of a
17 felony punishable by imprisonment for not more than 15 years or a
18 fine of not less than \$2,500.00 or more than \$10,000.00, or both.
19 The judgment of sentence may impose the sanction permitted under
20 section 625n. If the vehicle is not ordered forfeited under section
21 625n, the court shall order vehicle immobilization under section
22 904d in the judgment of sentence.

23 (5) In a prosecution under subsection (4), the jury shall not
24 be instructed regarding the crime of moving violation causing
25 death.

26 Sec. 732a. (1) An individual, whether licensed or not, who
27 accumulates 7 or more points on his or her driving record pursuant

1 ~~to~~ **UNDER** sections 320a and 629c within a 2-year period for any
2 violation not listed under subsection (2) shall be assessed a
3 \$100.00 driver responsibility fee. For each additional point
4 accumulated above 7 points not listed under subsection (2), an
5 additional fee of \$50.00 shall be assessed. The secretary of state
6 shall collect the fees described in this subsection once each year
7 that the point total on an individual driving record is 7 points or
8 more.

9 (2) An individual, whether licensed or not, who violates any
10 of the following sections or another law or local ordinance that
11 substantially corresponds to those sections shall be assessed a
12 driver responsibility fee as follows:

13 (a) Upon posting an abstract indicating that an individual has
14 been found guilty for a violation of law listed or described in
15 this subdivision, the secretary of state shall assess a \$1,000.00
16 driver responsibility fee each year for 2 consecutive years:

17 (i) Manslaughter, negligent homicide, or a felony resulting
18 from the operation of a motor vehicle, ORV, or snowmobile.

19 (ii) Section 601b(2) or (3), 601c(1) or (2), ~~601d, 626(3) or~~
20 ~~(4), or 653a(3) or (4)~~ **OR, BEGINNING OCTOBER 31, 2010, SECTION 601D**
21 **OR 626(3) OR (4).**

22 (iii) Section 625(1), (4), or (5), section 625m, or section
23 81134 of the natural resources and environmental protection act,
24 1994 PA 451, MCL 324.81134, or a law or ordinance substantially
25 corresponding to section 625(1), (4), or (5), section 625m, or
26 section 81134 of the natural resources and environmental protection
27 act, 1994 PA 451, MCL 324.81134.

1 (iv) Failing to stop and disclose identity at the scene of an
2 accident when required by law.

3 (v) Fleeing or eluding an officer.

4 (b) Upon posting an abstract indicating that an individual has
5 been found guilty for a violation of law listed in this
6 subdivision, the secretary of state shall assess a \$500.00 driver
7 responsibility fee each year for 2 consecutive years:

8 (i) Section 625(3), (6), (7), or (8).

9 (ii) Section **626 OR, BEGINNING OCTOBER 31, 2010, SECTION**
10 626(2).

11 (iii) Section 904.

12 (iv) Section 3101, 3102(1), or 3103 of the insurance code of
13 1956, 1956 PA 218, MCL 500.3101, 500.3102, and 500.3103.

14 (c) Upon posting an abstract indicating that an individual has
15 been found guilty for a violation of section 301, the secretary of
16 state shall assess a \$150.00 driver responsibility fee each year
17 for 2 consecutive years.

18 (d) Upon posting an abstract indicating that an individual has
19 been found guilty or determined responsible for a violation listed
20 in section 328, the secretary of state shall assess a \$200.00
21 driver responsibility fee each year for 2 consecutive years.

22 (3) The secretary of state shall send a notice of the driver
23 responsibility assessment, as prescribed under subsection (1) or
24 (2), to the individual by regular mail to the address on the
25 records of the secretary of state. If payment is not received
26 within 30 days after the notice is mailed, the secretary of state
27 shall send a second notice that indicates that if payment is not

1 received within the next 30 days, the driver's driving privileges
2 will be suspended.

3 (4) The secretary of state may authorize payment by
4 installment for a period not to exceed 24 months.

5 (5) Except as otherwise provided under this subsection, if
6 payment is not received or an installment plan is not established
7 after the time limit required by the second notice prescribed under
8 subsection (3) expires, the secretary of state shall suspend the
9 driving privileges until the assessment and any other fees
10 prescribed under this act are paid. However, if the individual's
11 license to operate a motor vehicle is not otherwise required under
12 this act to be denied, suspended, or revoked, the secretary of
13 state shall reinstate the individual's operator's driving
14 privileges if the individual requests an installment plan under
15 subsection (4) and makes proper payment under that plan. Fees
16 required to be paid for the reinstatement of an individual's
17 operator's driving privileges as described under this subsection
18 shall, at the individual's request, be included in the amount to be
19 paid under the installment plan. If the individual establishes a
20 payment plan as described in this subsection and subsection (4) but
21 fails to make full or timely payments under that plan, the
22 secretary of state shall suspend the individual's driving
23 privileges. The secretary of state shall only reinstate a license
24 under this subsection once.

25 (6) A fee shall not be assessed under this section for 7
26 points or more on a driving record on October 1, 2003. Points
27 assigned after October 1, 2003 shall be assessed as prescribed

1 under subsections (1) and (2).

2 (7) A driver responsibility fee shall be assessed under this
3 section in the same manner for a conviction or determination of
4 responsibility for a violation or an attempted violation of a law
5 of this state, of a local ordinance substantially corresponding to
6 a law of this state, or of a law of another state substantially
7 corresponding to a law of this state.

8 (8) The fire protection fund is created within the state
9 treasury. The state treasurer may receive money or other assets
10 from any source for deposit into the fund. The state treasurer
11 shall direct the investment of the fund. The state treasurer shall
12 credit to the fund interest and earnings from fund investments.
13 Money in the fund at the close of the fiscal year shall remain in
14 the fund and shall not lapse to the general fund. The department of
15 energy, labor, and economic growth shall expend money from the
16 fund, upon appropriation, only for fire protection grants to
17 cities, villages, and townships with state owned facilities for
18 fire services, as provided in 1977 PA 289, MCL 141.951 to 141.956.

19 (9) The secretary of state shall transmit the fees collected
20 under this section to the state treasurer. The state treasurer
21 shall credit fee money received under this section in each fiscal
22 year as follows:

23 (a) The first \$65,000,000.00 shall be credited to the general
24 fund.

25 (b) If more than \$65,000,000.00 is collected under this
26 section, the next amount collected in excess of \$65,000,000.00 up
27 to \$68,500,000.00 shall be credited to the fire protection fund

1 created in this section.

2 (c) If more than \$100,000,000.00 is collected under this
3 section, the next amount collected in excess of \$100,000,000.00 up
4 to \$105,000,000.00 shall be credited to the fire protection fund
5 created in this section.

6 (d) Any amount collected after crediting the amounts under
7 subdivisions (a), (b), and (c) shall be credited to the general
8 fund.

9 (10) **THE COLLECTION OF ASSESSMENTS UNDER THIS SECTION IS**
10 **SUBJECT TO SECTION 304.**

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

12 (a) For a conviction under section 625(1), (3), (7), or (8) or
13 a local ordinance substantially corresponding to section 625(1) or
14 (3) with no prior convictions, or, **BEGINNING OCTOBER 31, 2010, FOR**
15 **A CONVICTION** under section 626(3) or (4), the court may order
16 vehicle immobilization for not more than 180 days.

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

20 (c) For a conviction under section 625(1), (3), (4), (5), (7),
21 or (8) within 7 years after a prior conviction, or, **BEGINNING**
22 **OCTOBER 31, 2010**, for a conviction under section 625(2), the court
23 shall order vehicle immobilization for not less than 90 days or
24 more than 180 days.

25 (d) ~~For~~ **BEFORE OCTOBER 31, 2010, FOR** a conviction under
26 section 625(1), (3), (4), (5), (7), or (8) after 2 or more prior
27 convictions **WITHIN 10 YEARS, OR, BEGINNING OCTOBER 31, 2010, FOR A**

1 **CONVICTION UNDER SECTION 625(1), (3), (4), (5), (7), OR (8) AFTER 2**
2 **OR MORE PRIOR CONVICTIONS,** the court shall order vehicle
3 immobilization for not less than 1 year or more than 3 years.

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

7 (a) Except as provided in subdivision (b), for 1 prior
8 suspension, revocation, or denial under section 904(10), (11), or
9 (12) or former section 904(2) or (4) within the past 7 years, the
10 court may order vehicle immobilization for not more than 180 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,
15 revocations, or denials under section 904(10), (11), or (12) or
16 former section 904(2) or (4) within the past 7 years, the court
17 shall order vehicle immobilization for not less than 90 days or
18 more 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 more
23 than 3 years.

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

27 (4) The court may order vehicle immobilization under this

1 section under either of the following circumstances:

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

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

7 (5) Except as otherwise provided in ~~subsection~~ **SUBSECTIONS**
8 (11) **AND (13)**, an order required to be issued under this section
9 shall not be suspended.

10 (6) If a defendant is ordered imprisoned for the violation for
11 which immobilization is ordered, the period of immobilization shall
12 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, MCL
16 552.601 to 552.650.

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

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

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

22 (e) Any of the following:

23 (i) A violation of chapter II.

24 (ii) A violation of chapter V.

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

26 (iv) A parking violation.

27 (v) A bad check violation.

1 (vi) An equipment violation.

2 (vii) A pedestrian, passenger, or bicycle violation, other than
3 a violation of section 703(1) or (2) of the Michigan liquor control
4 code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance
5 substantially corresponding to section 703(1) or (2) of the
6 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or
7 section 624a or 624b or a local ordinance substantially
8 corresponding to section 624a or 624b.

9 (viii) A violation of a local ordinance substantially
10 corresponding to a violation described in subparagraphs (i) to (vii).

11 (8) As used in this section:

12 (a) Subject to subsections (9) and (10), "prior conviction"
13 means a conviction for any of the following, whether under a law of
14 this state, a local ordinance substantially corresponding to a law
15 of this state, or a law of another state substantially
16 corresponding to a law of this state:

17 (i) Except as otherwise provided in subsection (10), a
18 violation or attempted violation of any of the following:

19 (A) Section 625, except a violation of section 625(2), or a
20 violation of any prior enactment of section 625 in which the
21 defendant operated a vehicle while under the influence of
22 intoxicating or alcoholic liquor or a controlled substance, or a
23 combination of intoxicating or alcoholic liquor and a controlled
24 substance, or while visibly impaired, or with an unlawful bodily
25 alcohol content.

26 (B) Section 625m.

27 (C) Former section 625b.

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

4 (iii) ~~A~~**BEGINNING OCTOBER 31, 2010, A** violation of section 601d
5 or section 626(3) or (4).

6 (b) "Vehicle immobilization" means requiring the motor vehicle
7 involved in the violation immobilized in a manner provided in
8 section 904e.

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

13 (10) Only 1 violation or attempted violation of section
14 625(6), a local ordinance substantially corresponding to section
15 625(6), or a law of another state substantially corresponding to
16 section 625(6) may be used as a prior conviction.

17 (11) ~~If~~**BEGINNING OCTOBER 31, 2010, IF** the person obtains a
18 restricted operator's or chauffeur's license from the secretary of
19 state and an ignition interlock device is properly installed in the
20 vehicle, the court shall suspend the immobilization order issued
21 under subsection (1)(c) for a conviction under section 625(2).

22 (12) ~~The~~**BEGINNING OCTOBER 31, 2010, THE** court may reinstate
23 vehicle immobilization issued under subsection (1)(c) for a
24 conviction under section 625(2) if an ignition interlock device is
25 tampered with, circumvented, or disabled, or if the person's
26 restricted operator's or chauffeur's license is suspended or
27 revoked.

1 (13) VEHICLE IMMOBILIZATION UNDER THIS SECTION IS SUBJECT TO
2 SECTION 304 IF THE DEFENDANT OBTAINS A RESTRICTED LICENSE UNDER
3 SECTION 304.

4 Enacting section 1. This amendatory act takes effect January
5 1, 2011.

6 Enacting section 2. This amendatory act does not take effect
7 unless House Bill No. 5273 of the 95th Legislature is enacted into
8 law.