

**SUBSTITUTE FOR  
SENATE BILL NO. 795**

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending sections 219, 303, 625n, 732a, and 904d (MCL 257.219,  
257.303, 257.625n, 257.732a, and 257.904d), section 219 as amended  
by 2005 PA 317, sections 303, 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,

1 the applicant has failed to furnish required information or  
2 reasonable additional information requested by the secretary of  
3 state, or the applicant is not entitled to the registration of the  
4 vehicle under this act.

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

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

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

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

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

1 to 324.6539.

2 (g) The application for registration of a vehicle with an  
3 elected gross weight of 55,000 pounds or more is not accompanied  
4 with proof of payment of the federal highway use tax levied under  
5 the surface transportation assistance act of 1982, Public Law 97-  
6 424.

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

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

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

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

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

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

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

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

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

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

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

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

25           (g) A person who has been convicted of, has received a  
26 juvenile disposition for, or has been determined responsible for 2  
27 or more moving violations under a law of this state, a local

1 ordinance substantially corresponding to a law of this state, or a  
2 law of another state substantially corresponding to a law of this  
3 state within the preceding 3 years, if the violations occurred  
4 before issuance of an original license to the person in this state,  
5 another state, or another country.

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

8 (i) A person who has failed to answer a citation or notice to  
9 appear in court or for any matter pending or fails to comply with  
10 an order or judgment of the court, including, but not limited to,  
11 paying all fines, costs, fees, and assessments, in violation of  
12 section 321a, until that person answers the citation or notice to  
13 appear in court or for any matter pending or complies with an order  
14 or judgment of the court, including, but not limited to, paying all  
15 fines, costs, fees, and assessments, as provided under section  
16 321a.

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

25 (k) A person not licensed under this act who has been  
26 convicted of or received a juvenile disposition for committing a  
27 crime described in section 319e. A person shall be denied a license

1 under this subdivision for the length of time that corresponds to  
2 the period of the licensing sanction that would have been imposed  
3 under section 319e if the person had been licensed at the time of  
4 the violation.

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

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

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

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

26 (a) Any combination of 2 convictions within 7 years for  
27 reckless driving in violation of section **626 BEFORE OCTOBER 31**,

1 2010 OR, BEGINNING OCTOBER 31, 2010, 626(2).

2 (b) Any combination of 2 or more convictions within 7 years  
3 for any of the following:

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

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

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

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

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

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

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

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

26 (d) One conviction for a violation or attempted violation of  
27 section 315(5), section 601b(3), section 601c(2), section 602a(4)

1 or (5), section 617, section 625(4) or (5), ~~section 626(3) or (4)~~,  
2 section 653a(4), ~~or~~ section 904(4) or (5), **OR, BEGINNING OCTOBER**  
3 **31, 2010, SECTION 626(3) OR (4).**

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

7 (f) One conviction for a violation or attempted violation of  
8 section 479a(4) or (5) of the Michigan penal code, 1931 PA 328, MCL  
9 750.479a.

10 (g) Any combination of 3 convictions within 10 years for any  
11 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 convictions  
14 resulted from an arrest on or after January 1, 1992:

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

27 (4) ~~The~~ **EXCEPT AS OTHERWISE PROVIDED UNDER SECTION 304, THE**



1 secretary of state shall not issue a license under this act to a  
2 person whose license has been revoked under this act or revoked and  
3 denied under subsection (2) until all of the following occur, as  
4 applicable:

5 (a) The later of the following:

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

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

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

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

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

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

27 (b) To a person less than 21 years of age not licensed under

1 this act who was convicted of or received a juvenile disposition  
2 for violating or attempting to violate section 411a(2) of the  
3 Michigan penal code, 1931 PA 328, MCL 750.411a, involving a school  
4 when he or she was 14 years of age or older, until 3 years after  
5 the date of the conviction or juvenile disposition. A person not  
6 issued a license under this subdivision is not eligible to begin  
7 graduated licensing training or otherwise obtain an original  
8 operator's or chauffeur's license until 3 years after the date of  
9 the conviction or juvenile disposition.

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

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

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

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

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

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

26 (d) The vehicle was necessary for the commission of the  
27 felony.

1           SEC. 304. (1) EXCEPT AS PROVIDED IN SUBSECTION (3), THE  
2 SECRETARY OF STATE SHALL ISSUE A RESTRICTED LICENSE TO A PERSON  
3 WHOSE LICENSE WAS SUSPENDED OR RESTRICTED UNDER SECTION 319 OR  
4 REVOKED OR DENIED UNDER SECTION 303 BASED ON EITHER OF THE  
5 FOLLOWING:

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

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

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

21           (A) THE PERSON HAS BEEN ADMITTED INTO A DWI/SOBRIETY COURT.

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

26           (3) A RESTRICTED LICENSE SHALL NOT BE ISSUED UNDER SUBSECTION  
27 (1) IF THE PERSON IS OTHERWISE INELIGIBLE FOR AN OPERATOR'S OR

1 CHAUFFEUR'S LICENSE UNDER THIS ACT, UNLESS THE PERSON'S  
2 INELIGIBILITY IS BASED ON 1 OR MORE OF THE FOLLOWING:

3 (A) SECTION 303(1)(I) OR (I).

4 (B) SECTION 303(2)(C) (i) OR (iii).

5 (C) SECTION 303(2)(G) (i) OR (iii).

6 (D) SECTION 319(4), (5), (6), (7), (8)(A) TO (E), OR (9).

7 (E) SECTION 319E(2)(A) OR (B).

8 (F) SECTION 320(1)(D).

9 (G) SECTION 321A(1), (2), OR (3).

10 (H) SECTION 323C.

11 (I) SECTION 625F(1)(A).

12 (J) SECTION 732A(5).

13 (K) SECTION 904(10).

14 (L) SECTION 82105A(2) OF THE NATURAL RESOURCES AND  
15 ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.82105A.

16 (M) SECTION 3177 OF THE INSURANCE CODE OF 1956, 1956 PA 218,  
17 MCL 500.3177.

18 (N) SECTION 10 OF THE MOTOR VEHICLE CLAIMS ACT, 1965 PA 198,  
19 MCL 257.1110.

20 (4) A RESTRICTED LICENSE ISSUED UNDER SUBSECTION (1) PERMITS  
21 THE PERSON TO WHOM IT IS ISSUED TO OPERATE ONLY THE VEHICLE  
22 EQUIPPED WITH AN IGNITION INTERLOCK DEVICE DESCRIBED IN SUBSECTION  
23 (2)(B), TO TAKE ANY DRIVING SKILLS TEST REQUIRED BY THE SECRETARY  
24 OF STATE, AND TO DRIVE TO AND FROM ANY COMBINATION OF THE FOLLOWING  
25 LOCATIONS:

26 (A) THE PERSON'S RESIDENCE.

27 (B) THE PERSON'S WORKPLACE.

1 (C) THE PERSON'S SCHOOL.

2 (D) AN ALCOHOL OR DRUG EDUCATION OR TREATMENT PROGRAM AS  
3 ORDERED BY THE COURT.

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

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

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

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

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

25 (B) A LICENSE REVOCATION AND DENIAL FOR THE FULL LENGTH OF  
26 TIME PROVIDED UNDER SECTION 303. THE MINIMUM PERIOD OF LICENSE  
27 REVOCATION AND DENIAL IMPOSED SHALL BE THE SAME AS IF THIS SECTION

1 DID NOT APPLY. THIS SUBDIVISION APPLIES IF THE UNDERLYING  
2 CONVICTION OR CONVICTIONS WOULD HAVE CAUSED A LICENSE REVOCATION  
3 AND DENIAL UNDER SECTION 303 IF THIS SECTION DID NOT APPLY.

4 (7) AFTER THE PERSON COMPLETES THE DWI/SOBRIETY COURT  
5 INTERLOCK PILOT PROGRAM, THE RESTRICTED LICENSE ISSUED UNDER THIS  
6 SECTION SHALL BE SUSPENDED OR REVOKED OR DENIED AS PROVIDED IN  
7 SUBSECTION (6) IF ANY OF THE FOLLOWING EVENTS OCCUR, UNLESS IT IS  
8 SET ASIDE UNDER SUBSECTION (5):

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

11 (B) THE PERSON REMOVES, OR CAUSES TO BE REMOVED, AN IGNITION  
12 INTERLOCK DEVICE FROM A VEHICLE HE OR SHE OWNS OR OPERATES UNLESS  
13 THE SECRETARY OF STATE HAS AUTHORIZED ITS REMOVAL UNDER SECTION  
14 322A.

15 (C) THE PERSON IS ARRESTED FOR A VIOLATION OF ANY OF THE  
16 FOLLOWING:

17 (i) SECTION 625.

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

20 (iii) A LAW OF THE UNITED STATES SUBSTANTIALLY CORRESPONDING TO  
21 SECTION 625.

22 (D) THE PERSON IS CONVICTED OF ANY OFFENSE THAT REQUIRES THE  
23 SUSPENSION, REVOCATION, DENIAL, OR CANCELLATION OF THE PERSON'S  
24 OPERATOR'S OR CHAUFFEUR'S LICENSE.

25 (E) THE PERSON HAS FAILED TO PAY ANY COURT-ORDERED FINES OR  
26 COSTS THAT RESULTED FROM THE OPERATION OF A VEHICLE.

27 (8) ALL DRIVER RESPONSIBILITY FEES REQUIRED TO BE ASSESSED BY

1 THE SECRETARY OF STATE UNDER SECTION 732A FOR THE CONVICTION OR  
2 CONVICTIONS THAT LED TO THE RESTRICTED LICENSE UNDER THIS SECTION  
3 SHALL BE HELD IN ABEYANCE AS FOLLOWS:

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

7 (B) AT THE END OF THE PERSON'S PARTICIPATION IN THE  
8 DWI/SOBRIETY COURT PROGRAM, THE DRIVER RESPONSIBILITY FEES SHALL BE  
9 ASSESSED AND PAID UNDER THE PAYMENT SCHEDULE DESCRIBED IN SECTION  
10 732A.

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

16 (A) THE PERSON IS A DWI/SOBRIETY COURT INTERLOCK PILOT PROGRAM  
17 PARTICIPANT IN GOOD STANDING.

18 (B) THE PERSON SUCCESSFULLY SATISFACTORILY COMPLETES THE  
19 DWI/SOBRIETY COURT INTERLOCK PILOT PROGRAM.

20 (C) THE PERSON DOES NOT SUBSEQUENTLY VIOLATE A LAW OF THIS  
21 STATE FOR WHICH VEHICLE IMMOBILIZATION OR FORFEITURE IS A SANCTION.

22 (10) AS USED IN THIS SECTION:

23 (A) "DWI/SOBRIETY COURT" MEANS THAT TERM AS DEFINED IN SECTION  
24 1084 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL  
25 600.1084.

26 (B) "DWI/SOBRIETY COURT INTERLOCK PILOT PROJECT" AND  
27 "DWI/SOBRIETY COURT PROGRAM" MEAN THOSE TERMS AS DEFINED OR

1 DESCRIBED IN SECTION 1084 OF THE REVISED JUDICATURE ACT OF 1961,  
2 1961 PA 236, MCL 600.1084.

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

13 (a) Forfeiture of the vehicle if the defendant owns the  
14 vehicle in whole or in part.

15 (b) Return of the vehicle to the lessor if the defendant  
16 leases the vehicle.

17 (2) The vehicle may be seized ~~pursuant to an order of~~ **UNDER A**  
18 seizure **ORDER** issued by the court having jurisdiction upon a  
19 showing of probable cause that the vehicle is subject to forfeiture  
20 or return to the lessor.

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

24 (4) Within 14 days after the defendant's conviction for a  
25 violation described in subsection (1), the prosecuting attorney may  
26 file a petition with the court for the forfeiture of the vehicle or  
27 to have the court order return of a leased vehicle to the lessor.



1 The prosecuting attorney shall give notice by first-class mail or  
2 other process to the defendant and his or her attorney, to all  
3 owners of the vehicle, and to any person holding a security  
4 interest in the vehicle that the court may require forfeiture or  
5 return of the vehicle.

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

22 (6) Within 14 days after notice by the prosecuting attorney is  
23 given under subsection (4), the defendant, an owner, lessee, or  
24 holder of a security interest may file a claim of interest in the  
25 vehicle with the court. Within 21 days after the expiration of the  
26 period for filing claims, but before or at sentencing, the court  
27 shall hold a hearing to determine the legitimacy of any claim, the

1 extent of any co-owner's equity interest, the liability of the  
2 defendant to any co-lessee, and whether to order the vehicle  
3 forfeited or returned to the lessor. In considering whether to  
4 order forfeiture, the court shall review the defendant's driving  
5 record to determine whether the defendant has multiple convictions  
6 under section 625 or a local ordinance substantially corresponding  
7 to section 625, or multiple suspensions, restrictions, or denials  
8 under section 904, or both. If the defendant has multiple  
9 convictions under section 625 or multiple suspensions,  
10 restrictions, or denials under section 904, or both, that factor  
11 shall weigh heavily in favor of forfeiture.

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

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

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

21 (c) Satisfy any order of restitution entered in the  
22 prosecution for the violation.

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

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

27 (f) Pay any outstanding lien against the property that has

1 been imposed by a governmental unit.

2 (g) Pay the proper expenses of the proceedings for forfeiture  
3 and sale, including, but not limited to, expenses incurred during  
4 the seizure process and expenses for maintaining custody of the  
5 property, advertising, and court costs.

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

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

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

26 (10) A person who knowingly conceals, sells, gives away, or  
27 otherwise transfers or disposes of a vehicle with the intent to

1 avoid forfeiture or return of the vehicle to the lessor under this  
2 section is guilty of a misdemeanor punishable by imprisonment for  
3 not more than 1 year or a fine of not more than \$1,000.00, or both.

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

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

13 Sec. 732a. (1) An individual, whether licensed or not, who  
14 accumulates 7 or more points on his or her driving record ~~pursuant~~  
15 ~~to~~ **UNDER** sections 320a and 629c within a 2-year period for any  
16 violation not listed under subsection (2) shall be assessed a  
17 \$100.00 driver responsibility fee. For each additional point  
18 accumulated above 7 points not listed under subsection (2), an  
19 additional fee of \$50.00 shall be assessed. The secretary of state  
20 shall collect the fees described in this subsection once each year  
21 that the point total on an individual driving record is 7 points or  
22 more.

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

27 (a) Upon posting an abstract indicating that an individual has

1 been found guilty for a violation of law listed or described in  
2 this subdivision, the secretary of state shall assess a \$1,000.00  
3 driver responsibility fee each year for 2 consecutive years:

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

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

9 (iii) Section 625(1), (4), or (5), section 625m, or section  
10 81134 of the natural resources and environmental protection act,  
11 1994 PA 451, MCL 324.81134, or a law or ordinance substantially  
12 corresponding to section 625(1), (4), or (5), section 625m, or  
13 section 81134 of the natural resources and environmental protection  
14 act, 1994 PA 451, MCL 324.81134.

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

17 (v) Fleeing or eluding an officer.

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

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

23 (ii) Section **626 OR, BEGINNING OCTOBER 31, 2010, SECTION**  
24 **626(2).**

25 (iii) Section 904.

26 (iv) Section 3101, 3102(1), or 3103 of the insurance code of  
27 1956, 1956 PA 218, MCL 500.3101, 500.3102, and 500.3103.

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

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

9           (3) The secretary of state shall send a notice of the driver  
10 responsibility assessment, as prescribed under subsection (1) or  
11 (2), to the individual by regular mail to the address on the  
12 records of the secretary of state. If payment is not received  
13 within 30 days after the notice is mailed, the secretary of state  
14 shall send a second notice that indicates that if payment is not  
15 received within the next 30 days, the driver's driving privileges  
16 will be suspended.

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

19           (5) Except as otherwise provided under this subsection, if  
20 payment is not received or an installment plan is not established  
21 after the time limit required by the second notice prescribed under  
22 subsection (3) expires, the secretary of state shall suspend the  
23 driving privileges until the assessment and any other fees  
24 prescribed under this act are paid. However, if the individual's  
25 license to operate a motor vehicle is not otherwise required under  
26 this act to be denied, suspended, or revoked, the secretary of  
27 state shall reinstate the individual's operator's driving

1 privileges if the individual requests an installment plan under  
2 subsection (4) and makes proper payment under that plan. Fees  
3 required to be paid for the reinstatement of an individual's  
4 operator's driving privileges as described under this subsection  
5 shall, at the individual's request, be included in the amount to be  
6 paid under the installment plan. If the individual establishes a  
7 payment plan as described in this subsection and subsection (4) but  
8 fails to make full or timely payments under that plan, the  
9 secretary of state shall suspend the individual's driving  
10 privileges. The secretary of state shall only reinstate a license  
11 under this subsection once.

12 (6) A fee shall not be assessed under this section for 7  
13 points or more on a driving record on October 1, 2003. Points  
14 assigned after October 1, 2003 shall be assessed as prescribed  
15 under subsections (1) and (2).

16 (7) A driver responsibility fee shall be assessed under this  
17 section in the same manner for a conviction or determination of  
18 responsibility for a violation or an attempted violation of a law  
19 of this state, of a local ordinance substantially corresponding to  
20 a law of this state, or of a law of another state substantially  
21 corresponding to a law of this state.

22 (8) The fire protection fund is created within the state  
23 treasury. The state treasurer may receive money or other assets  
24 from any source for deposit into the fund. The state treasurer  
25 shall direct the investment of the fund. The state treasurer shall  
26 credit to the fund interest and earnings from fund investments.  
27 Money in the fund at the close of the fiscal year shall remain in

1 the fund and shall not lapse to the general fund. The department of  
2 energy, labor, and economic growth shall expend money from the  
3 fund, upon appropriation, only for fire protection grants to  
4 cities, villages, and townships with state owned facilities for  
5 fire services, as provided in 1977 PA 289, MCL 141.951 to 141.956.

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

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

12 (b) If more than \$65,000,000.00 is collected under this  
13 section, the next amount collected in excess of \$65,000,000.00 up  
14 to \$68,500,000.00 shall be credited to the fire protection fund  
15 created in this section.

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

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

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

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

26 (a) For a conviction under section 625(1), (3), (7), or (8) or  
27 a local ordinance substantially corresponding to section 625(1) or



1 (3) with no prior convictions, or, **BEGINNING OCTOBER 31, 2010, FOR**  
2 **A CONVICTION** under section 626(3) or (4), the court may order  
3 vehicle immobilization for not more than 180 days.

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

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

12 (d) ~~For~~**BEFORE OCTOBER 31, 2010, FOR** a conviction under  
13 section 625(1), (3), (4), (5), (7), or (8) after 2 or more prior  
14 convictions **WITHIN 10 YEARS, OR, BEGINNING OCTOBER 31, 2010, FOR A**  
15 **CONVICTION UNDER SECTION 625(1), (3), (4), (5), (7), OR (8) AFTER 2**  
16 **OR MORE PRIOR CONVICTIONS**, the court shall order vehicle  
17 immobilization for not less than 1 year or more than 3 years.

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

21 (a) Except as provided in subdivision (b), for 1 prior  
22 suspension, revocation, or denial under section 904(10), (11), or  
23 (12) or former section 904(2) or (4) within the past 7 years, the  
24 court may order vehicle immobilization for not more than 180 days.

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

1 (c) For any combination of 2 or 3 prior suspensions,  
2 revocations, or denials under section 904(10), (11), or (12) or  
3 former section 904(2) or (4) within the past 7 years, the court  
4 shall order vehicle immobilization for not less than 90 days or  
5 more than 180 days.

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

11 (3) The defendant shall provide to the court the vehicle  
12 identification number and registration plate number of the vehicle  
13 involved in the violation.

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

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

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

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

24 (6) If a defendant is ordered imprisoned for the violation for  
25 which immobilization is ordered, the period of immobilization shall  
26 begin at the end of the period of imprisonment.

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

1 (a) A suspension, revocation, or denial based on a violation  
2 of the support and parenting time enforcement act, 1982 PA 295, MCL  
3 552.601 to 552.650.

4 (b) A vehicle that is registered in another state or that is a  
5 rental vehicle.

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

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

9 (e) Any of the following:

10 (i) A violation of chapter II.

11 (ii) A violation of chapter V.

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

13 (iv) A parking violation.

14 (v) A bad check violation.

15 (vi) An equipment violation.

16 (vii) A pedestrian, passenger, or bicycle violation, other than  
17 a violation of section 703(1) or (2) of the Michigan liquor control  
18 code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance  
19 substantially corresponding to section 703(1) or (2) of the  
20 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or  
21 section 624a or 624b or a local ordinance substantially  
22 corresponding to section 624a or 624b.

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

25 (8) As used in this section:

26 (a) Subject to subsections (9) and (10), "prior conviction"  
27 means a conviction for any of the following, whether under a law of

1 this state, a local ordinance substantially corresponding to a law  
2 of this state, or a law of another state substantially  
3 corresponding to a law of this state:

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

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

13 (B) Section 625m.

14 (C) Former section 625b.

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

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

20 (b) "Vehicle immobilization" means requiring the motor vehicle  
21 involved in the violation immobilized in a manner provided in  
22 section 904e.

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

27 (10) Only 1 violation or attempted violation of section

1 625(6), a local ordinance substantially corresponding to section  
2 625(6), or a law of another state substantially corresponding to  
3 section 625(6) may be used as a prior conviction.

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

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

15 (13) **VEHICLE IMMOBILIZATION UNDER THIS SECTION IS SUBJECT TO**  
16 **SECTION 304 IF THE DEFENDANT OBTAINS A RESTRICTED LICENSE UNDER**  
17 **SECTION 304.**

18 Enacting section 1. This amendatory act takes effect January  
19 1, 2011.

20 Enacting section 2. This amendatory act does not take effect  
21 unless Senate Bill No. 794 of the 95th Legislature is enacted into  
22 law.