

HOUSE BILL NO. 4701

April 22, 2021, Introduced by Reps. Howell, Meerman, LaGrand, Aiyash and Yaroch and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 319b, 625a, 625c, and 625g (MCL 257.319b, 257.625a, 257.625c, and 257.625g), section 319b as amended by 2015 PA 11, sections 625a and 625g as amended by 2017 PA 153, and section 625c as amended by 2014 PA 315, and by adding section 36d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 36d. "Other bodily fluid" means fluid from the human body**
2 **capable of revealing the presence of controlled substances or their**

1 **metabolites including, but not limited to, oral fluid or saliva.**

2 Sec. 319b. (1) The secretary of state shall immediately
3 suspend or revoke, as applicable, all commercial learners permits
4 or vehicle group designations on the operator's or chauffeur's
5 license of a person upon receiving notice of a conviction, bond
6 forfeiture, or civil infraction determination of the person, or
7 notice that a court or administrative tribunal has found the person
8 responsible, for a violation described in this subsection of a law
9 of this state, a local ordinance substantially corresponding to a
10 law of this state while the person was operating a commercial motor
11 vehicle, or a law of another state substantially corresponding to a
12 law of this state, or notice that the person has refused to submit
13 to a chemical test of his or her blood, breath, ~~or~~ urine, **or other**
14 **bodily fluid** for the purpose of determining the amount of alcohol
15 or presence of a controlled substance or both in the person's
16 blood, breath, ~~or~~ urine, **or other bodily fluid** while the person was
17 operating a commercial motor vehicle as required by a law or local
18 ordinance of this or another state. The period of suspension or
19 revocation is as follows:

20 (a) Suspension for 60 days, to run consecutively with any
21 commercial driver license action imposed under this section, if the
22 person is convicted of or found responsible for 1 of the following
23 while operating a commercial motor vehicle:

24 (i) Two serious traffic violations arising from separate
25 incidents within 36 months.

26 (ii) A violation of section 667, 668, 669, or 669a.

27 (iii) A violation of motor carrier safety regulations 49 CFR
28 392.10 or 392.11, as adopted by section 1a of the motor carrier
29 safety act of 1963, 1963 PA 181, MCL 480.11a.

1 (iv) A violation of section 57 of the pupil transportation act,
2 1990 PA 187, MCL 257.1857.

3 (v) A violation of motor carrier safety regulations 49 CFR
4 392.10 or 392.11, as adopted by **former** section 31 of the motor bus
5 transportation act, 1982 PA 432. ~~, MCL 474.131.~~

6 (vi) A violation of motor carrier safety regulations 49 CFR
7 392.10 or 392.11 while operating a commercial motor vehicle other
8 than a vehicle covered under subparagraph (iii), (iv), or (v).

9 (vii) A violation of commercial motor vehicle fraudulent
10 testing law.

11 (b) Suspension for 120 days, to be served consecutively with a
12 60-day suspension imposed under subdivision (a) (i), if the person is
13 convicted of or found responsible for 1 of the following arising
14 from separate incidents within 36 months while operating a
15 commercial motor vehicle:

16 (i) Three serious traffic violations.

17 (ii) Any combination of 2 violations described in subdivision
18 (a) (ii).

19 (c) Suspension for 1 year, to run consecutively with any
20 commercial driver license action imposed under this section, if the
21 person is convicted of or found responsible for 1 of the following:

22 (i) A violation of section 625(1), (3), (4), (5), (6), (7), or
23 (8), ~~section or 625m, or former section 625(1) or (2), or former~~
24 ~~section 625b,~~ while operating a commercial or noncommercial motor
25 vehicle.

26 (ii) Leaving the scene of an accident involving a commercial or
27 noncommercial motor vehicle operated by the person.

28 (iii) Except for a felony described in 49 CFR 383.51(b) (9), a

1 felony in which a commercial or noncommercial motor vehicle was
2 used.

3 (iv) A refusal of a peace officer's request to submit to a
4 chemical test of his or her blood, breath, ~~or~~urine, **or other**
5 **bodily fluid** to determine the amount of alcohol or presence of a
6 controlled substance or both in his or her blood, breath, ~~or~~urine,
7 **or other bodily fluid** while he or she was operating a commercial or
8 noncommercial motor vehicle as required by a law or local ordinance
9 of this state or another state.

10 (v) Operating a commercial motor vehicle in violation of a
11 suspension, revocation, denial, or cancellation that was imposed
12 for previous violations committed while operating a commercial
13 motor vehicle.

14 (vi) Causing a fatality through the negligent or criminal
15 operation of a commercial motor vehicle, including, but not limited
16 to, the crimes of motor vehicle manslaughter, motor vehicle
17 homicide, and negligent homicide.

18 (vii) A violation of commercial motor vehicle fraudulent
19 testing law.

20 (viii) Any combination of 3 violations described in subdivision
21 (a) (ii) arising from separate incidents within 36 months while
22 operating a commercial motor vehicle.

23 (d) Suspension for 3 years, to run consecutively with any
24 commercial driver license action imposed under this section, if the
25 person is convicted of or found responsible for an offense
26 enumerated in subdivision (c) (i) to (vi) in which a commercial motor
27 vehicle was used if the vehicle was carrying hazardous material
28 required to have a placard under 49 CFR parts ~~100-105~~ to 199.

29 (e) Revocation for life, to run consecutively with any

1 commercial driver license action imposed under this section, but
 2 with eligibility for reissue of a group vehicle designation after
 3 not less than 10 years and after approval by the secretary of
 4 state, if the person is convicted of or found responsible for 2
 5 violations or a combination of any 2 violations arising from 2 or
 6 more separate incidents involving any of the following:

7 (i) Section 625(1), (3), (4), (5), (6), (7), or (8), ~~section-or~~
 8 ~~625m, or former section 625(1) or (2), or former section 625b,~~
 9 while operating a commercial or noncommercial motor vehicle.

10 (ii) Leaving the scene of an accident involving a commercial or
 11 noncommercial motor vehicle operated by the licensee.

12 (iii) Except for a felony described in 49 CFR 383.51(b)(9), a
 13 felony in which a commercial or noncommercial motor vehicle was
 14 used.

15 (iv) A refusal of a request of a police officer to submit to a
 16 chemical test of his or her blood, breath, ~~or~~ urine, **or other**
 17 **bodily fluid** for the purpose of determining the amount of alcohol
 18 or presence of a controlled substance or both in his or her blood
 19 while he or she was operating a commercial or noncommercial motor
 20 vehicle in this state or another state.

21 (v) Operating a commercial motor vehicle in violation of a
 22 suspension, revocation, denial, or cancellation that was imposed
 23 for previous violations committed while operating a commercial
 24 motor vehicle.

25 (vi) Causing a fatality through the negligent or criminal
 26 operation of a commercial motor vehicle, including, but not limited
 27 to, the crimes of motor vehicle manslaughter, motor vehicle
 28 homicide, and negligent homicide.

29 (f) Revocation for life if a person is convicted of or found

1 responsible for any of the following:

2 (i) One violation of a felony in which a commercial motor
3 vehicle was used and that involved the manufacture, distribution,
4 or dispensing of a controlled substance or possession with intent
5 to manufacture, distribute, or dispense a controlled substance.

6 (ii) A conviction of any offense described in subdivision (c)
7 or (d) after having been approved for the reissuance of a vehicle
8 group designation under subdivision (e).

9 (iii) A conviction of a violation of chapter LXXXIII-A of the
10 Michigan penal code, 1931 PA 328, MCL 750.543a to 750.543z.

11 (2) The secretary of state shall immediately deny, cancel, or
12 revoke a hazardous material indorsement on the operator's or
13 chauffeur's license of a person with a vehicle group designation
14 upon receiving notice from a federal government agency that the
15 person poses a security risk warranting denial, cancellation, or
16 revocation under the uniting and strengthening America by providing
17 appropriate tools required to intercept and obstruct terrorism (USA
18 PATRIOT ~~ACT~~ **Act**) act of 2001, Public Law 107-56. The denial,
19 cancellation, or revocation cannot be appealed under section 322 or
20 323 and remains in effect until the secretary of state receives a
21 federal government notice that the person does not pose a security
22 risk in the transportation of hazardous materials.

23 (3) The secretary of state shall immediately suspend or
24 revoke, as applicable, all commercial learners permits or vehicle
25 group designations on a person's operator's or chauffeur's license
26 upon receiving notice of a conviction, bond forfeiture, or civil
27 infraction determination of the person, or notice that a court or
28 administrative tribunal has found the person responsible, for a
29 violation of section 319d(4) or 319f, a local ordinance

1 substantially corresponding to section 319d(4) or 319f, or a law or
2 local ordinance of another state, the United States, Canada, the
3 United Mexican States, or a local jurisdiction of either of these
4 countries substantially corresponding to section 319d(4) or 319f,
5 while operating a commercial motor vehicle. The period of
6 suspension or revocation ~~, which shall~~ **must** run consecutively with
7 any commercial driver license action imposed under this section ~~,~~
8 **and** is as follows:

9 (a) Suspension for 180 days if the person is convicted of or
10 found responsible for a violation of section 319d(4) or 319f while
11 operating a commercial motor vehicle.

12 (b) Suspension for 180 days if the person is convicted of or
13 found responsible for a violation of section 319d(4) or 319f while
14 operating a commercial motor vehicle that is either carrying
15 hazardous material required to have a placard under 49 CFR parts
16 ~~100-105~~ to 199 or designed to carry 16 or more passengers,
17 including the driver.

18 (c) Suspension for 2 years if the person is convicted of or
19 found responsible for 2 violations, in any combination, of section
20 319d(4) or 319f while operating a commercial motor vehicle arising
21 from 2 or more separate incidents during a 10-year period.

22 (d) Suspension for 3 years if the person is convicted of or
23 found responsible for 3 or more violations, in any combination, of
24 section 319d(4) or 319f while operating a commercial motor vehicle
25 arising from 3 or more separate incidents during a 10-year period.

26 (e) Suspension for 3 years if the person is convicted of or
27 found responsible for 2 or more violations, in any combination, of
28 section 319d(4) or 319f while operating a commercial motor vehicle
29 carrying hazardous material required to have a placard under 49 CFR

1 parts ~~100~~**105** to 199, or designed to carry 16 or more passengers,
2 including the driver, arising from 2 or more separate incidents
3 during a 10-year period.

4 (4) The secretary of state shall suspend or revoke, as
5 applicable, any privilege to operate a commercial motor vehicle as
6 directed by the federal government or its designee.

7 (5) For the purpose of this section only, a bond forfeiture or
8 a determination by a court of original jurisdiction or an
9 authorized administrative tribunal that a person has violated the
10 law is considered a conviction.

11 (6) The secretary of state shall suspend or revoke a vehicle
12 group designation under subsection (1) or deny, cancel, or revoke a
13 hazardous material endorsement under subsection (2) notwithstanding
14 a suspension, restriction, revocation, or denial of an operator's
15 or chauffeur's license or vehicle group designation under another
16 section of this act or a court order issued under another section
17 of this act or a local ordinance substantially corresponding to
18 another section of this act.

19 (7) A conviction, bond forfeiture, or civil infraction
20 determination, or notice that a court or administrative tribunal
21 has found a person responsible for a violation described in this
22 subsection while the person was operating a noncommercial motor
23 vehicle counts against the person who holds a license to operate a
24 commercial motor vehicle the same as if the person had been
25 operating a commercial motor vehicle at the time of the violation.
26 For the purpose of this subsection, a noncommercial motor vehicle
27 does not include a recreational vehicle used off-road. This
28 subsection applies to the following state law violations or a local
29 ordinance substantially corresponding to any of those violations or

1 a law of another state or out-of-state jurisdiction substantially
2 corresponding to any of those violations:

3 (a) Operating a vehicle in violation of section 625.

4 (b) Refusing to submit to a chemical test of his or her blood,
5 breath, ~~or~~ urine, **or other bodily fluid** for the purpose of
6 determining the amount of alcohol or the presence of a controlled
7 substance or both in the person's blood, breath, ~~or~~ urine, **or other**
8 **bodily fluid** as required by a law or local ordinance of this or
9 another state.

10 (c) Leaving the scene of an accident.

11 (d) Using a vehicle to commit a felony.

12 (8) When determining the applicability of conditions listed in
13 this section, the secretary of state shall consider only violations
14 that occurred after January 1, 1990.

15 (9) When determining the applicability of conditions listed in
16 subsection (1)(a) or (b), the secretary of state shall count only
17 from incident date to incident date.

18 (10) As used in this section:

19 (a) "Felony in which a commercial motor vehicle was used"
20 means a felony during the commission of which the person convicted
21 operated a commercial motor vehicle and while the person was
22 operating the vehicle 1 or more of the following circumstances
23 existed:

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

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

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

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

29 (b) "Serious traffic violation" means any of the following:

1 (i) A traffic violation that occurs in connection with an
2 accident in which a person died.

3 (ii) Reckless driving.

4 (iii) Excessive speeding as defined in regulations promulgated
5 under 49 USC 31301 to 31317.

6 (iv) Improper lane use.

7 (v) Following too closely.

8 (vi) Operating a commercial motor vehicle without obtaining any
9 vehicle group designation on the person's license.

10 (vii) Operating a commercial motor vehicle without either
11 having an operator's or chauffeur's license in the person's
12 possession or providing proof to the court, not later than the date
13 by which the person must appear in court or pay a fine for the
14 violation, that the person held a valid vehicle group designation
15 and indorsement on the date that the citation was issued.

16 (viii) Operating a commercial motor vehicle while in possession
17 of an operator's or chauffeur's license that has a vehicle group
18 designation but does not have the appropriate vehicle group
19 designation or indorsement required for the specific vehicle group
20 being operated or the passengers or type of cargo being
21 transported.

22 (ix) Beginning October 28, 2013, a violation of section 602b(2)
23 or (3).

24 (x) Any other serious traffic violation as defined in 49 CFR
25 383.5 or as prescribed under this act.

26 Sec. 625a. (1) A peace officer may arrest a person without a
27 warrant under either of the following circumstances:

28 (a) The peace officer has reasonable cause to believe the
29 person was, at the time of an accident in this state, the operator

1 of a vehicle involved in the accident and was operating the vehicle
2 in violation of section 625 or a local ordinance substantially
3 corresponding to section 625.

4 (b) The person is found in the driver's seat of a vehicle
5 parked or stopped on a highway or street within this state if any
6 part of the vehicle intrudes into the roadway and the peace officer
7 has reasonable cause to believe the person was operating the
8 vehicle in violation of section 625 or a local ordinance
9 substantially corresponding to section 625.

10 (2) A peace officer who has reasonable cause to believe that a
11 person was operating a vehicle upon a public highway or other place
12 open to the public or generally accessible to motor vehicles,
13 including an area designated for the parking of vehicles, within
14 this state and that the person by the consumption of alcoholic
15 liquor, a controlled substance, or other intoxicating substance or
16 a combination of them may have affected his or her ability to
17 operate a vehicle, or reasonable cause to believe that a person was
18 operating a commercial motor vehicle within the state while the
19 person's blood, breath, ~~or~~urine, **or other bodily fluid** contained
20 any measurable amount of alcohol, a controlled substance, or any
21 other intoxicating substance or while the person had any detectable
22 presence of alcoholic liquor, a controlled substance or any other
23 intoxicating substance, or any combination of them, or reasonable
24 cause to believe that a person who is less than 21 years of age was
25 operating a vehicle upon a public highway or other place open to
26 the public or generally accessible to motor vehicles, including an
27 area designated for the parking of vehicles, within this state
28 while the person had any bodily alcohol content as that term is
29 defined in section 625(6), may require the person to submit to a

1 preliminary chemical breath analysis. The following provisions
2 apply to a preliminary chemical breath analysis administered under
3 this subsection:

4 (a) A peace officer may arrest a person based in whole or in
5 part upon the results of a preliminary chemical breath analysis.

6 (b) The results of a preliminary chemical breath analysis are
7 admissible in a criminal prosecution for a crime enumerated in
8 section 625c(1) or in an administrative hearing for 1 or more of
9 the following purposes:

10 (i) To assist the court or hearing officer in determining a
11 challenge to the validity of an arrest. This subparagraph does not
12 limit the introduction of other competent evidence offered to
13 establish the validity of an arrest.

14 (ii) As evidence of the defendant's breath alcohol content, if
15 offered by the defendant to rebut testimony elicited on cross-
16 examination of a defense witness that the defendant's breath
17 alcohol content was higher at the time of the charged offense than
18 when a chemical test was administered under subsection (6).

19 (iii) As evidence of the defendant's breath alcohol content, if
20 offered by the prosecution to rebut testimony elicited on cross-
21 examination of a prosecution witness that the defendant's breath
22 alcohol content was lower at the time of the charged offense than
23 when a chemical test was administered under subsection (6).

24 (c) A person who submits to a preliminary chemical breath
25 analysis remains subject to the requirements of sections 625c,
26 625d, 625e, and 625f for purposes of chemical tests described in
27 those sections.

28 (d) Except as provided in subsection (5), a person who refuses
29 to submit to a preliminary chemical breath analysis upon a lawful

1 request by a peace officer is responsible for a civil infraction.

2 (3) A peace officer shall use the results of a preliminary
3 chemical breath analysis conducted under this section to determine
4 whether to order a person out-of-service under section 319d. A
5 peace officer shall order out-of-service as required under section
6 319d a person who was operating a commercial motor vehicle and who
7 refuses to submit to a preliminary chemical breath analysis as
8 provided in this section. This section does not limit use of other
9 competent evidence by the peace officer to determine whether to
10 order a person out-of-service under section 319d.

11 (4) A person who was operating a commercial motor vehicle and
12 who is requested to submit to a preliminary chemical breath
13 analysis **or oral fluid field test** under this section must be
14 advised that refusing a peace officer's request to take a test
15 described in this section is a misdemeanor punishable by
16 imprisonment for not more than 93 days or a fine of not more than
17 \$100.00, or both, and will result in the issuance of a 24-hour out-
18 of-service order.

19 (5) A person who was operating a commercial motor vehicle and
20 who refuses to submit to a preliminary chemical breath analysis **or**
21 **oral fluid field test** upon a peace officer's lawful request is
22 guilty of a misdemeanor punishable by imprisonment for not more
23 than 93 days or a fine of not more than \$100.00, or both.

24 (6) The following provisions apply to chemical tests and
25 analysis of a person's blood, urine, ~~ex~~breath, **or other bodily**
26 **fluid** other than a preliminary chemical breath analysis:

27 (a) The amount of alcohol or presence of a controlled
28 substance or other intoxicating substance in a driver's blood, ~~ex~~
29 urine, **or other bodily fluid** or the amount of alcohol in a person's

1 breath at the time alleged as shown by chemical analysis of the
2 person's blood, urine, ~~ex~~-breath, **or other bodily fluid** is
3 admissible into evidence in any civil or criminal proceeding and is
4 presumed to be the same as at the time the person operated the
5 vehicle.

6 (b) A person arrested for a crime described in section 625c(1)
7 must be advised of all of the following:

8 (i) If he or she takes a chemical test of his or her blood,
9 urine, ~~ex~~-breath, **or other bodily fluid** administered at the request
10 of a peace officer, he or she has the right to demand that a person
11 of his or her own choosing administer 1 of the chemical tests.

12 (ii) The results of the test are admissible in a judicial
13 proceeding as provided under this act and will be considered with
14 other admissible evidence in determining the defendant's innocence
15 or guilt.

16 (iii) He or she is responsible for obtaining a chemical analysis
17 of a test sample obtained at his or her own request.

18 (iv) If he or she refuses the request of a peace officer to
19 take a test described in subparagraph (i), a test must not be given
20 without a court order, but the peace officer may seek to obtain a
21 court order.

22 (v) Refusing a peace officer's request to take a test
23 described in subparagraph (i) will result in the suspension of his
24 or her operator's or chauffeur's license and vehicle group
25 designation or operating privilege and in the addition of 6 points
26 to his or her driver record.

27 (c) A sample or specimen of urine, ~~ex~~-breath, **or other bodily**
28 **fluid** must be taken and collected in a reasonable manner. Only a
29 licensed physician, or an individual operating under the delegation

1 of a licensed physician under section 16215 of the public health
2 code, 1978 PA 368, MCL 333.16215, qualified to withdraw blood and
3 acting in a medical environment, may withdraw blood at a peace
4 officer's request to determine the amount of alcohol or presence of
5 a controlled substance or other intoxicating substance in the
6 person's blood, as provided in this subsection. Liability for a
7 crime or civil damages predicated on the act of withdrawing or
8 analyzing blood and related procedures does not attach to a
9 licensed physician or individual operating under the delegation of
10 a licensed physician who withdraws or analyzes blood or assists in
11 the withdrawal or analysis in accordance with this act unless the
12 withdrawal or analysis is performed in a negligent manner.

13 (d) A chemical test described in this subsection must be
14 administered at the request of a peace officer having reasonable
15 grounds to believe the person has committed a crime described in
16 section 625c(1). A person who takes a chemical test administered at
17 a peace officer's request as provided in this section must be given
18 a reasonable opportunity to have a person of his or her own
19 choosing administer 1 of the chemical tests described in this
20 subsection within a reasonable time after his or her detention. The
21 test results are admissible and must be considered with other
22 admissible evidence in determining the defendant's innocence or
23 guilt. If the person charged is administered a chemical test by a
24 person of his or her own choosing, the person charged is
25 responsible for obtaining a chemical analysis of the test sample.

26 (e) If, after an accident, the driver of a vehicle involved in
27 the accident is transported to a medical facility and a sample of
28 the driver's blood **or other bodily fluid** is withdrawn at that time
29 for medical treatment, the results of a chemical analysis of that

1 sample are admissible in any civil or criminal proceeding to show
2 the amount of alcohol or presence of a controlled substance or
3 other intoxicating substance in the person's blood **or other bodily**
4 **fluid** at the time alleged, regardless of whether the person had
5 been offered or had refused a chemical test. The medical facility
6 or person performing the chemical analysis shall disclose the
7 results of the analysis to a prosecuting attorney who requests the
8 results for use in a criminal prosecution as provided in this
9 subdivision. A medical facility or person disclosing information in
10 compliance with this subsection is not civilly or criminally liable
11 for making the disclosure.

12 (f) If, after an accident, the driver of a vehicle involved in
13 the accident is deceased, a sample of the decedent's blood **or other**
14 **bodily fluid** must be withdrawn in a manner directed by the medical
15 examiner to determine the amount of alcohol or the presence of a
16 controlled substance or other intoxicating substance, or any
17 combination of them, in the decedent's blood. The medical examiner
18 shall give the results of the chemical analysis of the sample to
19 the law enforcement agency investigating the accident and that
20 agency shall forward the results to the department of state police.

21 (g) The department of state police shall promulgate uniform
22 rules in compliance with the administrative procedures act of 1969,
23 1969 PA 306, MCL 24.201 to 24.328, for the administration of
24 chemical tests for the purposes of this section. An instrument used
25 for a preliminary chemical breath analysis may be used for a
26 chemical test described in this subsection if approved under rules
27 promulgated by the department of state police.

28 (7) The provisions of subsection (6) relating to chemical
29 testing do not limit the introduction of any other admissible

1 evidence bearing upon any of the following questions:

2 (a) Whether the person was impaired by, or under the influence
3 of, alcoholic liquor, a controlled substance or other intoxicating
4 substance, or a combination of alcoholic liquor, a controlled
5 substance, or other intoxicating substance.

6 (b) Whether the person had an alcohol content of 0.08 grams or
7 more per 100 milliliters of blood, per 210 liters of breath, or per
8 67 milliliters of urine or, beginning October 1, 2021, the person
9 had an alcohol content of 0.10 grams or more per 100 milliliters of
10 blood, per 210 liters of breath, or per 67 milliliters of urine.

11 (c) If the person is less than 21 years of age, whether the
12 person had any bodily alcohol content within his or her body. As
13 used in this subdivision, "any bodily alcohol content" means either
14 of the following:

15 (i) An alcohol content of 0.02 grams or more but less than 0.08
16 grams per 100 milliliters of blood, per 210 liters of breath, or
17 per 67 milliliters of urine or, beginning October 1, 2021, the
18 person had an alcohol content of 0.02 grams or more but less than
19 0.10 grams or more per 100 milliliters of blood, per 210 liters of
20 breath, or per 67 milliliters of urine.

21 (ii) Any presence of alcohol within a person's body resulting
22 from the consumption of alcoholic liquor, other than the
23 consumption of alcoholic liquor as a part of a generally recognized
24 religious service or ceremony.

25 (8) If a chemical test described in subsection (6) is
26 administered, the test results must be made available to the person
27 charged or the person's attorney upon written request to the
28 prosecution, with a copy of the request filed with the court. The
29 prosecution shall furnish the results at least 2 days before the

1 day of the trial. The prosecution shall offer the test results as
2 evidence in that trial. Failure to fully comply with the request
3 bars the admission of the results into evidence by the prosecution.

4 (9) A person's refusal to submit to a chemical test as
5 provided in subsection (6) is admissible in a criminal prosecution
6 for a crime described in section 625c(1) only to show that a test
7 was offered to the defendant, but not as evidence in determining
8 the defendant's innocence or guilt. The jury must be instructed
9 accordingly.

10 (10) As used in this section:

11 (a) "Controlled substance" means that term as defined in
12 section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

13 (b) "Intoxicating substance" means that term as defined in
14 section 625.

15 Sec. 625c. (1) A person who operates a vehicle upon a public
16 highway or other place open to the general public or generally
17 accessible to motor vehicles, including an area designated for the
18 parking of vehicles, within this state is considered to have given
19 consent to chemical tests of his or her blood, breath, ~~or~~ urine, **or**
20 **other bodily fluid** for the purpose of determining the amount of
21 alcohol or presence of a controlled substance or other intoxicating
22 substance, or any combination of them, in his or her blood, ~~or~~
23 urine, **or other bodily fluid** or the amount of alcohol in his or her
24 breath in all of the following circumstances:

25 (a) If the person is arrested for a violation of section
26 625(1), (3), (4), (5), (6), (7), or (8), section 625a(5), or
27 section 625m or a local ordinance substantially corresponding to
28 section 625(1), (3), (6), or (8), section 625a(5), or section 625m.

29 (b) If the person is arrested for a violation of section 601d,

1 section 626(3) or (4), or manslaughter, or murder resulting from
2 the operation of a motor vehicle, and the peace officer had
3 reasonable grounds to believe the person was operating the vehicle
4 in violation of section 625.

5 (2) A person who is afflicted with hemophilia, diabetes, or a
6 condition requiring the use of an anticoagulant under the direction
7 of a physician is not considered to have given consent to the
8 withdrawal of blood.

9 (3) The tests ~~shall~~**must** be administered as provided in
10 section 625a(6).

11 (4) As used in this section:

12 (a) "Controlled substance" means that term as defined in
13 section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

14 (b) "Intoxicating substance" means that term as defined in
15 section 625.

16 Sec. 625g. (1) If a person refuses a chemical test offered
17 under section 625a(6), the peace officer who requested the person
18 to submit to the chemical test shall comply with subdivisions (a)
19 and (b). If a person submits to the chemical test or a chemical
20 test is performed under a court order and the test reveals an
21 unlawful alcohol content, or the presence of a controlled substance
22 or other intoxicating substance, or any combination of them, the
23 peace officer who requested the person to submit to the test shall
24 do all of the following, other than subdivision (b) (i):

25 (a) On behalf of the secretary of state, immediately
26 confiscate the person's license or permit to operate a motor
27 vehicle and, if the person is otherwise eligible for a license or
28 permit, issue a temporary license or permit to the person. The
29 temporary license or permit must be on a form provided by the

1 secretary of state.

2 (b) Except as provided in subsection (2), immediately do all
3 of the following:

4 (i) Forward a copy of the written report of the person's
5 refusal to submit to a chemical test required under section 625d to
6 the secretary of state.

7 (ii) Notify the secretary of state by means of the law
8 enforcement information network that a temporary license or permit
9 was issued to the person.

10 (iii) Destroy the person's driver's license or permit.

11 (2) If a person submits to a chemical test offered under
12 section 625a(6) that requires an analysis of blood, ~~or~~ urine, **or**
13 **other bodily fluid** and a report of the results of that chemical
14 test is not immediately available, the peace officer who requested
15 the person to submit to the test shall comply with subsection
16 (1) (a) and (b) (ii) and indicate in the notice under subsection
17 (1) (b) (ii) that a subsequent chemical test is pending. If the report
18 reveals an unlawful alcohol content, or the presence of a
19 controlled substance or other intoxicating substance, or any
20 combination of them, the peace officer who requested the person to
21 submit to the test shall immediately comply with subsection
22 (1) (b) (iii). If the report does not reveal an unlawful alcohol
23 content, or the presence of a controlled substance or other
24 intoxicating substance, or any combination of them, the peace
25 officer who requested the person to submit to the test shall
26 immediately notify the person of the test results and immediately
27 return the person's license or permit by first-class mail to the
28 address provided at the time of arrest.

29 (3) A temporary license or permit issued under this section is

1 valid for 1 of the following time periods:

2 (a) If the case is not prosecuted, for 90 days after issuance
3 or until the person's license or permit is suspended under section
4 625f, whichever occurs earlier. The prosecuting attorney shall
5 notify the secretary of state if a case referred to the prosecuting
6 attorney is not prosecuted. The arresting law enforcement agency
7 shall notify the secretary of state if a case is not referred to
8 the prosecuting attorney for prosecution.

9 (b) If the case is prosecuted, until the criminal charges
10 against the person are dismissed, the person is acquitted of those
11 charges, or the person's license or permit is suspended,
12 restricted, or revoked.

13 (4) As used in this section:

14 (a) "Controlled substance" means that term as defined in
15 section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

16 (b) "Intoxicating substance" means that term as defined in
17 section 625.

18 (c) "Unlawful alcohol content" means any of the following, as
19 applicable:

20 (i) If the person tested is less than 21 years of age, 0.02
21 grams or more of alcohol per 100 milliliters of blood, per 210
22 liters of breath, or per 67 milliliters of urine.

23 (ii) If the person tested was operating a commercial motor
24 vehicle within this state, 0.04 grams or more of alcohol per 100
25 milliliters of blood, per 210 liters of breath, or per 67
26 milliliters of urine.

27 (iii) If the person tested is not a person described in
28 subparagraph (i) or (ii), 0.08 grams or more of alcohol per 100
29 milliliters of blood, per 210 liters of breath, or per 67

1 milliliters of urine or, beginning October 1, 2021, 0.10 grams or
2 more of alcohol per 100 milliliters of blood, per 210 liters of
3 breath, or per 67 milliliters of urine.

4 Enacting section 1. This amendatory act takes effect 90 days
5 after the date it is enacted into law.