

Act No. 51
Public Acts of 1999
Approved by the Governor
June 15, 1999
Filed with the Secretary of State
June 15, 1999
EFFECTIVE DATE: October 1, 1999

STATE OF MICHIGAN
90TH LEGISLATURE
REGULAR SESSION OF 1999

Introduced by Reps. Richardville, Hager, Gilbert, DeRossett, Julian, Toy, Patterson, Howell, Caul, Faunce, Garcia, Mortimer, Woronchak, Bradstreet, Van Woerkom, Vander Roest and Bishop

ENROLLED HOUSE BILL No. 4648

AN ACT to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending section 904d (MCL 257.904d), as added by 1998 PA 358.

The People of the State of Michigan enact:

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

- (a) For a conviction under section 625(1), (3), or (7) or a local ordinance substantially corresponding to section 625(1) or (3) with no prior convictions, the court may order vehicle immobilization for not more than 180 days.
- (b) For a conviction under section 625(4) or (5) with no prior convictions, the court shall order vehicle immobilization for not more than 180 days.
- (c) For a conviction under section 625(1), (3), (4), (5), or (7) within 7 years after a prior conviction, the court shall order vehicle immobilization for not less than 90 days or more than 180 days.
- (d) For a conviction under section 625(1), (3), (4), (5), or (7) within 10 years after 2 or more prior convictions, the court shall order vehicle immobilization for not less than 1 year or more than 3 years.

- (2) For a conviction or civil infraction determination occurring during a period of suspension, revocation, or denial, the following apply:
- (a) Except as provided in subdivision (b), for 1 prior suspension, revocation, or denial under section 904(10), (11), or (12) within the past 7 years, the court may order vehicle immobilization for not more than 180 days.
 - (b) Except as provided in subdivisions (c) and (d), if the person is convicted under section 904(4) or (5), the court shall order vehicle immobilization for not more than 180 days.
 - (c) For any combination of 2 or 3 prior suspensions, revocations, or denials under section 904(10), (11), or (12) within the past 7 years, the court shall order vehicle immobilization for not less than 90 days or more than 180 days.
 - (d) For any combination of 4 or more prior suspensions, revocations, or denials under section 904(10), (11), or (12) within the past 7 years, the court shall order vehicle immobilization for not less than 1 year or more than 3 years.
- (3) The defendant shall provide to the court the vehicle identification number and registration plate number of the vehicle involved in the violation.
- (4) The court may order vehicle immobilization under this section under either of the following circumstances:
- (a) The defendant is the owner, co-owner, lessee, or co-lessee of the vehicle operated during the violation.
 - (b) The owner, co-owner, lessee, or co-lessee knowingly permitted the vehicle to be operated in violation of section 625(2) or section 904(1) regardless of whether a conviction resulted.
- (5) An order required to be issued under this section shall not be suspended.
- (6) If a defendant is ordered imprisoned for the violation for which immobilization is ordered, the period of immobilization shall begin at the end of the period of imprisonment.
- (7) This section does not apply to any of the following:
- (a) A suspension, revocation, or denial based on a violation of the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650.
 - (b) A vehicle that is registered in another state or that is a rental vehicle.
 - (c) Any of the following:
 - (i) A violation of chapter II.
 - (ii) A violation of chapter V.
 - (iii) A violation for failure to change address.
 - (iv) A parking violation.
 - (v) A bad check violation.
 - (vi) An equipment violation.
 - (vii) A pedestrian, passenger, or bicycle violation, other than a violation of section 703(1) or (2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance substantially corresponding to section 703(1) or (2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or section 624a or 624b or a local ordinance substantially corresponding to section 624a or 624b.
 - (viii) A violation of a local ordinance substantially corresponding to a violation described in subparagraphs (i) to (vi).
- (8) As used in this section:
- (a) Subject to subsection (9), "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:
 - (i) Except as otherwise provided in this subparagraph, a violation or attempted violation of section 625(1), (3), (4), (5), (6), or (7), section 625m, former section 625(1) or (2), or former section 625b. However, 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.
 - (ii) Negligent homicide, manslaughter, or murder resulting from the operation of a vehicle or an attempt to commit any of those crimes.
 - (b) "Vehicle immobilization" means requiring the motor vehicle involved in the violation immobilized in a manner provided in section 904e.
- (9) If 2 or more convictions described in subsection (8)(a) are convictions for violations arising out of the same incident, only 1 conviction shall be used to determine whether the person has a prior conviction.

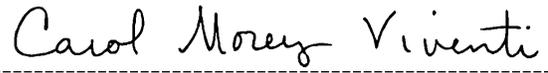
Enacting section 1. This amendatory act takes effect October 1, 1999.

Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 556 of the 90th Legislature is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved -----

Governor.