

**SUBSTITUTE FOR
HOUSE BILL NO. 5854**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 625, 904, 904a, and 905 (MCL 257.625, 257.904,
257.904a, and 257.905), section 625 as amended by 2017 PA 153,
section 904 as amended by 2018 PA 212, and section 904a as amended
by 1985 PA 53, and by adding section 83; and to repeal acts and
parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 83. "Specialty court program" means a program under any**
2 **of the following:**

3 **(a) A drug treatment court, as that term is defined in section**
4 **1060 of the revised judicature act of 1961, 1961 PA 236, MCL**
5 **600.1060, in which the participant is an adult.**



(b) A DWI/sobriety court, as that term is defined in section 1084 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1084.

(c) A hybrid of the programs under subdivisions (a) and (b).

(d) A mental health court, as that term is defined in section 1090 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1090.

(e) A veterans treatment court, as that term is defined in section 1200 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1200.

Sec. 625. (1) A person, whether licensed or not, shall not operate a vehicle ~~upon~~ on a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state if the person is operating while intoxicated. As used in this section, "operating while intoxicated" means any of the following:

(a) The person is under the influence of alcoholic liquor, a controlled substance, or other intoxicating substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance.

(b) The person has an alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning October 1, 2021, the person has an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(c) The person has an alcohol content of 0.17 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(2) The owner of a vehicle or a person in charge or in control



1 of a vehicle shall not authorize or knowingly permit the vehicle to
2 be operated ~~upon~~~~on~~ a highway or other place open to the general
3 public or generally accessible to motor vehicles, including an area
4 designated for the parking of motor vehicles, within this state by
5 a person if any of the following apply:

6 (a) The person is under the influence of alcoholic liquor, a
7 controlled substance, other intoxicating substance, or a
8 combination of alcoholic liquor, a controlled substance, or other
9 intoxicating substance.

10 (b) The person has an alcohol content of 0.08 grams or more
11 per 100 milliliters of blood, per 210 liters of breath, or per 67
12 milliliters of urine or, beginning October 1, 2021, the person has
13 an alcohol content of 0.10 grams or more per 100 milliliters of
14 blood, per 210 liters of breath, or per 67 milliliters of urine.

15 (c) The person's ability to operate the motor vehicle is
16 visibly impaired due to the consumption of alcoholic liquor, a
17 controlled substance, or other intoxicating substance, or a
18 combination of alcoholic liquor, a controlled substance, or other
19 intoxicating substance.

20 (3) A person, whether licensed or not, shall not operate a
21 vehicle ~~upon~~~~on~~ a highway or other place open to the general public
22 or generally accessible to motor vehicles, including an area
23 designated for the parking of vehicles, within this state when, due
24 to the consumption of alcoholic liquor, a controlled substance, or
25 other intoxicating substance, or a combination of alcoholic liquor,
26 a controlled substance, or other intoxicating substance, the
27 person's ability to operate the vehicle is visibly impaired. If a
28 person is charged with violating subsection (1), a finding of
29 guilty under this subsection may be rendered.



1 (4) A person, whether licensed or not, who operates a motor
2 vehicle in violation of subsection (1), (3), or (8) and by the
3 operation of that motor vehicle causes the death of another person
4 is guilty of a crime as follows:

5 (a) Except as provided in subdivisions (b) and (c), the person
6 is guilty of a felony punishable by imprisonment for not more than
7 15 years or a fine of not less than \$2,500.00 or more than
8 \$10,000.00, or both. The judgment of sentence may impose the
9 sanction permitted under section 625n. If the vehicle is not
10 ordered forfeited under section 625n, the court shall order vehicle
11 immobilization under section 904d in the judgment of sentence.

12 (b) If the violation occurs while the person has an alcohol
13 content of 0.17 grams or more per 100 milliliters of blood, per 210
14 liters of breath, or per 67 milliliters of urine, and within 7
15 years of a prior conviction, the person is guilty of a felony
16 punishable by imprisonment for not more than 20 years or a fine of
17 not less than \$2,500.00 or more than \$10,000.00, or both. The
18 judgment of sentence may impose the sanction permitted under
19 section 625n. If the vehicle is not ordered forfeited under section
20 625n, the court shall order vehicle immobilization under section
21 904d in the judgment of sentence.

22 (c) If, at the time of the violation, the person is operating
23 a motor vehicle in a manner proscribed under section 653a and
24 causes the death of a police officer, firefighter, or other
25 emergency response personnel, the person is guilty of a felony
26 punishable by imprisonment for not more than 20 years or a fine of
27 not less than \$2,500.00 or more than \$10,000.00, or both. This
28 subdivision applies regardless of whether the person is charged
29 with the violation of section 653a. The judgment of sentence may



1 impose the sanction permitted under section 625n. If the vehicle is
2 not ordered forfeited under section 625n, the court shall order
3 vehicle immobilization under section 904d in the judgment of
4 sentence.

5 (5) A person, whether licensed or not, who operates a motor
6 vehicle in violation of subsection (1), (3), or (8) and by the
7 operation of that motor vehicle causes a serious impairment of a
8 body function of another person is guilty of a crime as follows:

9 (a) Except as provided in subdivision (b), the person is
10 guilty of a felony punishable by imprisonment for not more than 5
11 years or a fine of not less than \$1,000.00 or more than \$5,000.00,
12 or both. The judgment of sentence may impose the sanction permitted
13 under section 625n. If the vehicle is not ordered forfeited under
14 section 625n, the court shall order vehicle immobilization under
15 section 904d in the judgment of sentence.

16 (b) If the violation occurs while the person has an alcohol
17 content of 0.17 grams or more per 100 milliliters of blood, per 210
18 liters of breath, or per 67 milliliters of urine, and within 7
19 years of a prior conviction, the person is guilty of a felony
20 punishable by imprisonment for not more than 10 years or a fine of
21 not less than \$1,000.00 or more than \$5,000.00, or both. The
22 judgment of sentence may impose the sanction permitted under
23 section 625n. If the vehicle is not ordered forfeited under section
24 625n, the court shall order vehicle immobilization under section
25 904d in the judgment of sentence.

26 (6) A person who is less than 21 years of age, whether
27 licensed or not, shall not operate a vehicle ~~upon~~**on** a highway or
28 other place open to the general public or generally accessible to
29 motor vehicles, including an area designated for the parking of



1 vehicles, within this state if the person has any bodily alcohol
2 content. As used in this subsection, "any bodily alcohol content"
3 means either of the following:

4 (a) An alcohol content of 0.02 grams or more but less than
5 0.08 grams per 100 milliliters of blood, per 210 liters of breath,
6 or per 67 milliliters of urine or, beginning October 1, 2021, the
7 person has an alcohol content of 0.02 grams or more but less than
8 0.10 grams per 100 milliliters of blood, per 210 liters of breath,
9 or per 67 milliliters of urine.

10 (b) Any presence of alcohol within a person's body resulting
11 from the consumption of alcoholic liquor, other than consumption of
12 alcoholic liquor as a part of a generally recognized religious
13 service or ceremony.

14 (7) A person, whether licensed or not, is subject to the
15 following requirements:

16 (a) He or she shall not operate a vehicle in violation of
17 subsection (1), (3), (4), (5), or (8) while another person who is
18 less than 16 years of age is occupying the vehicle. A person who
19 violates this subdivision is guilty of a crime punishable as
20 follows:

21 (i) Except as provided in subparagraph (ii), a person who
22 violates this subdivision is guilty of a misdemeanor and must be
23 sentenced to pay a fine of not less than \$200.00 or more than
24 \$1,000.00 and to 1 or more of the following:

25 (A) Imprisonment for not ~~less than 5 days or more than 1 year.~~
26 ~~Not less than 48 hours of this imprisonment must be served~~
27 ~~consecutively. This term of imprisonment must not be suspended.~~

28 (B) Community service for not less than 30 days or more than
29 90 days.



(ii) If the violation occurs within 7 years of a prior conviction or after 2 or more prior convictions, regardless of the number of years that have elapsed since any prior conviction, a person who violates this subdivision is guilty of a felony and must be sentenced to pay a fine of not less than \$500.00 or more than \$5,000.00 and to either of the following:

(A) Imprisonment under the jurisdiction of the department of corrections for not less than 1 year or more than 5 years.

(B) Probation with imprisonment in the county jail for not less than 30 days or more than 1 year and community service for not less than 60 days or more than 180 days. Not less than 48 hours of this imprisonment must be served consecutively. ~~This term of imprisonment must not be suspended.~~

(iii) A term of imprisonment imposed under subparagraph (ii) (A) or (B) must not be suspended unless the defendant agrees to participate in a specialty court program and successfully completes the program.

(b) He or she shall not operate a vehicle in violation of subsection (6) while another person who is less than 16 years of age is occupying the vehicle. A person who violates this subdivision is guilty of a misdemeanor punishable as follows:

(i) Except as provided in subparagraph (ii), a person who violates this subdivision may be sentenced to 1 or more of the following:

(A) Community service for not more than 60 days.

(B) A fine of not more than \$500.00.

(C) Imprisonment for not more than 93 days.

(ii) If the violation occurs within 7 years of a prior conviction or after 2 or more prior convictions, regardless of the



1 number of years that have elapsed since any prior conviction, a
2 person who violates this subdivision must be sentenced to pay a
3 fine of not less than \$200.00 or more than \$1,000.00 and to 1 or
4 more of the following:

5 (A) Imprisonment for not less than 5 days or more than 1 year.
6 ~~Not less than 48 hours of this imprisonment must be served~~
7 ~~consecutively.~~ This term of imprisonment must not be suspended
8 **unless the defendant agrees to participate in a specialty court**
9 **program and successfully completes the program.**

10 (B) Community service for not less than 30 days or more than
11 90 days.

12 (c) In the judgment of sentence under subdivision (a) (i) or
13 (b) (i), the court may, unless the vehicle is ordered forfeited under
14 section 625n, order vehicle immobilization as provided in section
15 904d. In the judgment of sentence under subdivision (a) (ii) or
16 (b) (ii), the court shall, unless the vehicle is ordered forfeited
17 under section 625n, order vehicle immobilization as provided in
18 section 904d.

19 (d) This subsection does not prohibit a person from being
20 charged with, convicted of, or punished for a violation of
21 subsection (4) or (5) that is committed by the person while
22 violating this subsection. However, points shall not be assessed
23 under section 320a for both a violation of subsection (4) or (5)
24 and a violation of this subsection for conduct arising out of the
25 same transaction.

26 (8) A person, whether licensed or not, shall not operate a
27 vehicle ~~upon~~ **on** a highway or other place open to the general public
28 or generally accessible to motor vehicles, including an area
29 designated for the parking of vehicles, within this state if the



1 person has in his or her body any amount of a controlled substance
2 listed in schedule 1 under section 7212 of the public health code,
3 1978 PA 368, MCL 333.7212, or a rule promulgated under that
4 section, or of a controlled substance described in section
5 7214(a)(iv) of the public health code, 1978 PA 368, MCL 333.7214.

6 (9) If a person is convicted of violating subsection (1) or
7 (8), all of the following apply:

8 (a) Except as otherwise provided in subdivisions (b) and (c),
9 the person is guilty of a misdemeanor punishable by 1 or more of
10 the following:

11 (i) Community service for not more than 360 hours.

12 (ii) Imprisonment for not more than 93 days, or, if the person
13 is convicted of violating subsection (1)(c), imprisonment for not
14 more than 180 days.

15 (iii) A fine of not less than \$100.00 or more than \$500.00, or,
16 if the person is guilty of violating subsection (1)(c), a fine of
17 not less than \$200.00 or more than \$700.00.

18 (b) If the violation occurs within 7 years of a prior
19 conviction, the person must be sentenced to pay a fine of not less
20 than \$200.00 or more than \$1,000.00 and 1 or more of the following:

21 (i) Imprisonment for not less than 5 days or more than 1 year.
22 ~~Not less than 48 hours of the term of imprisonment imposed under~~
23 ~~this subparagraph must be served consecutively.~~

24 (ii) Community service for not less than 30 days or more than
25 90 days.

26 (c) If the violation occurs after 2 or more prior convictions,
27 regardless of the number of years that have elapsed since any prior
28 conviction, the person is guilty of a felony and must be sentenced
29 to pay a fine of not less than \$500.00 or more than \$5,000.00 and



1 to either of the following:

2 (i) Imprisonment under the jurisdiction of the department of
3 corrections for not less than 1 year or more than 5 years.

4 (ii) Probation with imprisonment in the county jail for not
5 less than 30 days or more than 1 year and community service for not
6 less than 60 days or more than 180 days. Not less than 48 hours of
7 the imprisonment imposed under this subparagraph must be served
8 consecutively.

9 (d) A term of imprisonment imposed under subdivision (b) or
10 (c) must not be suspended **unless the defendant agrees to**
11 **participate in a specialty court program and successfully completes**
12 **the program.**

13 (e) In the judgment of sentence under subdivision (a), the
14 court may order vehicle immobilization as provided in section 904d.
15 In the judgment of sentence under subdivision (b) or (c), the court
16 shall, unless the vehicle is ordered forfeited under section 625n,
17 order vehicle immobilization as provided in section 904d.

18 (f) In the judgment of sentence under subdivision (b) or (c),
19 the court may impose the sanction permitted under section 625n.

20 (10) A person who is convicted of violating subsection (2) is
21 guilty of a crime as follows:

22 (a) Except as provided in subdivisions (b) and (c), a
23 misdemeanor punishable by imprisonment for not more than 93 days or
24 a fine of not less than \$100.00 or more than \$500.00, or both.

25 (b) If the person operating the motor vehicle violated
26 subsection (4), a felony punishable by imprisonment for not more
27 than 5 years or a fine of not less than \$1,500.00 or more than
28 \$10,000.00, or both.

29 (c) If the person operating the motor vehicle violated



1 subsection (5), a felony punishable by imprisonment for not more
2 than 2 years or a fine of not less than \$1,000.00 or more than
3 \$5,000.00, or both.

4 (11) If a person is convicted of violating subsection (3), all
5 of the following apply:

6 (a) Except as otherwise provided in subdivisions (b) and (c),
7 the person is guilty of a misdemeanor punishable by 1 or more of
8 the following:

9 (i) Community service for not more than 360 hours.

10 (ii) Imprisonment for not more than 93 days.

11 (iii) A fine of not more than \$300.00.

12 (b) If the violation occurs within 7 years of 1 prior
13 conviction, the person must be sentenced to pay a fine of not less
14 than \$200.00 or more than \$1,000.00, and 1 or more of the
15 following:

16 (i) Imprisonment for not less than 5 days or more than 1 year.
17 ~~Not less than 48 hours of the term of imprisonment imposed under~~
18 ~~this subparagraph must be served consecutively.~~

19 (ii) Community service for not less than 30 days or more than
20 90 days.

21 (c) If the violation occurs after 2 or more prior convictions,
22 regardless of the number of years that have elapsed since any prior
23 conviction, the person is guilty of a felony and must be sentenced
24 to pay a fine of not less than \$500.00 or more than \$5,000.00 and
25 either of the following:

26 (i) Imprisonment under the jurisdiction of the department of
27 corrections for not less than 1 year or more than 5 years.

28 (ii) Probation with imprisonment in the county jail for not
29 less than 30 days or more than 1 year and community service for not



1 less than 60 days or more than 180 days. Not less than 48 hours of
2 the imprisonment imposed under this subparagraph must be served
3 consecutively.

4 (d) A term of imprisonment imposed under subdivision (b) or
5 (c) must not be suspended **unless the defendant agrees to**
6 **participate in a specialty court program and successfully completes**
7 **the program.**

8 (e) In the judgment of sentence under subdivision (a), the
9 court may order vehicle immobilization as provided in section 904d.
10 In the judgment of sentence under subdivision (b) or (c), the court
11 shall, unless the vehicle is ordered forfeited under section 625n,
12 order vehicle immobilization as provided in section 904d.

13 (f) In the judgment of sentence under subdivision (b) or (c),
14 the court may impose the sanction permitted under section 625n.

15 (12) If a person is convicted of violating subsection (6), all
16 of the following apply:

17 (a) Except as otherwise provided in subdivision (b), the
18 person is guilty of a misdemeanor punishable by 1 or both of the
19 following:

20 (i) Community service for not more than 360 hours.

21 (ii) A fine of not more than \$250.00.

22 (b) If the violation occurs within 7 years of 1 or more prior
23 convictions, the person may be sentenced to 1 or more of the
24 following:

25 (i) Community service for not more than 60 days.

26 (ii) A fine of not more than \$500.00.

27 (iii) Imprisonment for not more than 93 days.

28 (13) In addition to imposing the sanctions prescribed under
29 this section, the court may order the person to pay the costs of



1 the prosecution under the code of criminal procedure, 1927 PA 175,
2 MCL 760.1 to 777.69.

3 (14) A person sentenced to perform community service under
4 this section must not receive compensation and must reimburse the
5 state or appropriate local unit of government for the cost of
6 supervision incurred by the state or local unit of government as a
7 result of the person's activities in that service.

8 (15) If the prosecuting attorney intends to seek an enhanced
9 sentence under this section or a sanction under section 625n based
10 ~~upon~~ ~~on~~ the defendant having 1 or more prior convictions, the
11 prosecuting attorney shall include on the complaint and
12 information, or an amended complaint and information, filed in
13 district court, circuit court, municipal court, or family division
14 of circuit court, a statement listing the defendant's prior
15 convictions.

16 (16) If a person is charged with a violation of subsection
17 (1), (3), (4), (5), (7), or (8) or section 625m, the court shall
18 not permit the defendant to enter a plea of guilty or nolo
19 contendere to a charge of violating subsection (6) in exchange for
20 dismissal of the original charge. This subsection does not prohibit
21 the court from dismissing the charge ~~upon~~ ~~on~~ the prosecuting
22 attorney's motion.

23 (17) A prior conviction must be established at sentencing by 1
24 or more of the following:

25 (a) A copy of a judgment of conviction.

26 (b) An abstract of conviction.

27 (c) A transcript of a prior trial or a plea-taking or
28 sentencing proceeding.

29 (d) A copy of a court register of actions.



1 (e) A copy of the defendant's driving record.

2 (f) Information contained in a presentence report.

3 (g) An admission by the defendant.

4 (18) Except as otherwise provided in subsection (20), if a
5 person is charged with operating a vehicle while under the
6 influence of a controlled substance or other intoxicating substance
7 or a combination of alcoholic liquor, a controlled substance, or
8 other intoxicating substance in violation of subsection (1) or a
9 local ordinance substantially corresponding to subsection (1), the
10 court shall require the jury to return a special verdict in the
11 form of a written finding or, if the court convicts the person
12 without a jury or accepts a plea of guilty or nolo contendere, the
13 court shall make a finding as to whether the person was under the
14 influence of a controlled substance or other intoxicating substance
15 or a combination of alcoholic liquor, a controlled substance, or
16 other intoxicating substance at the time of the violation.

17 (19) Except as otherwise provided in subsection (20), if a
18 person is charged with operating a vehicle while his or her ability
19 to operate the vehicle was visibly impaired due to his or her
20 consumption of a controlled substance or other intoxicating
21 substance or a combination of alcoholic liquor, a controlled
22 substance, or other intoxicating substance in violation of
23 subsection (3) or a local ordinance substantially corresponding to
24 subsection (3), the court shall require the jury to return a
25 special verdict in the form of a written finding or, if the court
26 convicts the person without a jury or accepts a plea of guilty or
27 nolo contendere, the court shall make a finding as to whether, due
28 to the consumption of a controlled substance or a combination of
29 alcoholic liquor, a controlled substance, or other intoxicating



1 substance, the person's ability to operate a motor vehicle was
2 visibly impaired at the time of the violation.

3 (20) A special verdict described in subsections (18) and (19)
4 is not required if a jury is instructed to make a finding solely as
5 to either of the following:

6 (a) Whether the defendant was under the influence of a
7 controlled substance or a combination of alcoholic liquor, a
8 controlled substance, or other intoxicating substance at the time
9 of the violation.

10 (b) Whether the defendant was visibly impaired due to his or
11 her consumption of a controlled substance or a combination of
12 alcoholic liquor, a controlled substance, or other intoxicating
13 substance at the time of the violation.

14 (21) If a jury or court finds under subsection (18), (19), or
15 (20) that the defendant operated a motor vehicle under the
16 influence of or while impaired due to the consumption of a
17 controlled substance or a combination of a controlled substance, an
18 alcoholic liquor, or other intoxicating substance, the court shall
19 do both of the following:

20 (a) Report the finding to the secretary of state.

21 (b) On a form or forms prescribed by the state court
22 administrator, forward to the department of state police a record
23 that specifies the penalties imposed by the court, including any
24 term of imprisonment, and any sanction imposed under section 625n
25 or 904d.

26 (22) Except as otherwise provided by law, a record described
27 in subsection (21)(b) is a public record and the department of
28 state police shall retain the information contained on that record
29 for not less than 7 years.



1 (23) In a prosecution for a violation of subsection (6), the
2 defendant bears the burden of proving that the consumption of
3 alcoholic liquor was a part of a generally recognized religious
4 service or ceremony by a preponderance of the evidence.

5 (24) The court may order as a condition of probation that a
6 person convicted of violating subsection (1) or (8), or a local
7 ordinance substantially corresponding to subsection (1) or (8),
8 shall not operate a motor vehicle unless that vehicle is equipped
9 with an ignition interlock device approved, certified, and
10 installed as required under sections 625k and 625l.

11 (25) As used in this section:

12 (a) "Intoxicating substance" means any substance, preparation,
13 or a combination of substances and preparations other than alcohol
14 or a controlled substance, that is either of the following:

15 (i) Recognized as a drug in any of the following publications
16 or their supplements:

17 (A) The official United States Pharmacopoeia.

18 (B) The official Homeopathic Pharmacopoeia of the United
19 States.

20 (C) The official National Formulary.

21 (ii) A substance, other than food, taken into a person's body,
22 including, but not limited to, vapors or fumes, that is used in a
23 manner or for a purpose for which it was not intended, and that may
24 result in a condition of intoxication.

25 (b) "Prior conviction" means a conviction for any of the
26 following, whether under a law of this state, a local ordinance
27 substantially corresponding to a law of this state, a law of the
28 United States substantially corresponding to a law of this state,
29 or a law of another state substantially corresponding to a law of



1 this state, subject to subsection (27):

2 (i) Except as provided in subsection (26), a violation or
3 attempted violation of any of the following:

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

11 (B) Section 625m.

12 (C) Former section 625b.

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

16 (iii) Section 601d or 626(3) or (4).

17 (26) Except for purposes of the enhancement described in
18 subsection (12)(b), only 1 violation or attempted violation of
19 subsection (6), a local ordinance substantially corresponding to
20 subsection (6), or a law of another state substantially
21 corresponding to subsection (6) may be used as a prior conviction.

22 (27) If 2 or more convictions described in subsection (25) are
23 convictions for violations arising out of the same transaction,
24 only 1 conviction must be used to determine whether the person has
25 a prior conviction.

26 Sec. 904. (1) A person whose operator's or chauffeur's license
27 or registration certificate has been suspended or revoked, whose
28 application for license has been denied, or who has never applied
29 for a license, shall not operate a motor vehicle ~~upon~~ **on** a highway



1 or other place open to the general public or generally accessible
2 to motor vehicles, including an area designated for the parking of
3 motor vehicles, within this state.

4 (2) A person shall not knowingly permit a motor vehicle owned
5 by the person to be operated ~~upon-on~~ a highway or other place open
6 to the general public or generally accessible to motor vehicles,
7 including an area designated for the parking of vehicles, within
8 this state by a person whose license or registration certificate is
9 suspended or revoked, whose application for license has been
10 denied, or who has never applied for a license, except as permitted
11 under this act.

12 (3) Except as otherwise provided in this section, a person who
13 violates subsection (1) or (2) is guilty of a misdemeanor
14 punishable as follows:

15 (a) For a first violation, by imprisonment for not more than
16 93 days or a fine of not more than \$500.00, or both. Unless the
17 vehicle was stolen or used with the permission of a person who did
18 not knowingly permit an unlicensed driver to operate the vehicle,
19 the registration plates of the vehicle shall be canceled by the
20 secretary of state ~~upon-on~~ notification by a peace officer.

21 (b) For a violation that occurs after a prior conviction, by
22 imprisonment for not more than 1 year or a fine of not more than
23 \$1,000.00, or both. Unless the vehicle was stolen, the registration
24 plates of the vehicle shall be canceled by the secretary of state
25 ~~upon-on~~ notification by a peace officer.

26 (4) A person who operates a motor vehicle in violation of
27 subsection (1) or a person whose operator's or chauffeur's license
28 or registration certificate has been suspended or revoked by
29 another state who operates a motor vehicle during the period of



1 suspension or revocation and who, by operation of that motor
2 vehicle, causes the death of another person is guilty of a felony
3 punishable by imprisonment for not more than 15 years or a fine of
4 not less than \$2,500.00 or more than \$10,000.00, or both. This
5 subsection does not apply to a person whose operator's or
6 chauffeur's license was suspended because that person failed to
7 answer a citation or comply with an order or judgment under section
8 321a.

9 (5) A person who operates a motor vehicle in violation of
10 subsection (1) or a person whose operator's or chauffeur's license
11 or registration certificate has been suspended or revoked by
12 another state who operates a motor vehicle during the period of
13 suspension or revocation and who, by operation of that motor
14 vehicle, causes the serious impairment of a body function of
15 another person is guilty of a felony punishable by imprisonment for
16 not more than 5 years or a fine of not less than \$1,000.00 or more
17 than \$5,000.00, or both. This subsection does not apply to a person
18 whose operator's or chauffeur's license was suspended because that
19 person failed to answer a citation or comply with an order or
20 judgment under section 321a.

21 (6) In addition to being subject to any other penalty provided
22 for in this act, if a person is convicted under subsection (4) or
23 (5), the court may impose the sanction permitted under section
24 625n. If the vehicle is not ordered forfeited under section 625n,
25 the court shall order vehicle immobilization under section 904d in
26 the judgment of sentence.

27 (7) A person shall not knowingly permit a motor vehicle owned
28 by the person to be operated ~~upon~~**on** a highway or other place open
29 to the general public or generally accessible to motor vehicles,



1 including an area designated for the parking of vehicles, within
2 this state, by a person whose license or registration certificate
3 is suspended or revoked, whose application for license has been
4 denied, or who has never been licensed except as permitted by this
5 act. If a person permitted to operate a motor vehicle in violation
6 of this subsection causes the serious impairment of a body function
7 of another person by operation of that motor vehicle, the person
8 knowingly permitting the operation of that motor vehicle is guilty
9 of a felony punishable by imprisonment for not more than 2 years,
10 or a fine of not less than \$1,000.00 or more than \$5,000.00, or
11 both. If a person permitted to operate a motor vehicle in violation
12 of this subsection causes the death of another person by operation
13 of that motor vehicle, the person knowingly permitting the
14 operation of that motor vehicle is guilty of a felony punishable by
15 imprisonment for not more than 5 years, or a fine of not less than
16 \$1,000.00 or more than \$5,000.00, or both.

17 (8) If the prosecuting attorney intends to seek an enhanced
18 sentence under this section based ~~upon~~ **on** the defendant having 1 or
19 more prior convictions, the prosecuting attorney shall include on
20 the complaint and information, or an amended complaint and
21 information, filed in district court, circuit court, municipal
22 court, or family division of circuit court, a statement listing the
23 defendant's prior convictions.

24 (9) A prior conviction under this section shall be established
25 at or before sentencing by 1 or more of the following:

- 26 (a) A copy of a judgment of conviction.
27 (b) An abstract of conviction.
28 (c) A transcript of a prior trial, plea, or sentencing.
29 (d) A copy of a court register of action.



1 (e) A copy of the defendant's driving record.

2 (f) Information contained in a presentence report.

3 (g) An admission by the defendant.

4 (10) Subject to section 732a(11)(c), ~~upon-on~~ receiving a
5 record of a person's conviction or civil infraction determination
6 for the unlawful operation of a motor vehicle or a moving violation
7 reportable under section 732 while the person's operator's or
8 chauffeur's license is suspended or revoked, the secretary of state
9 immediately shall impose an additional like period of suspension or
10 revocation. This subsection applies only if the violation occurs
11 during a suspension of definite length or if the violation occurs
12 before the person is approved for a license following a revocation.

13 (11) ~~Upon-On~~ receiving a record of a person's conviction or
14 civil infraction determination for the unlawful operation of a
15 motor vehicle or a moving violation reportable under section 732
16 while the person's operator's or chauffeur's license is
17 indefinitely suspended or whose application for a license has been
18 denied, the secretary of state immediately shall impose a 30-day
19 period of suspension or denial.

20 (12) ~~Upon-On~~ receiving a record of the conviction, bond
21 forfeiture, or a civil infraction determination of a person for
22 unlawful operation of a motor vehicle requiring a vehicle group
23 designation while the designation is suspended or revoked under
24 section 319b, or while the person is disqualified from operating a
25 commercial motor vehicle by the United States Secretary of
26 Transportation or under 49 USC 31301 to 31317, the secretary of
27 state immediately shall impose an additional like period of
28 suspension or revocation. This subsection applies only if the
29 violation occurs during a suspension of definite length or if the



1 violation occurs before the person is approved for a license
2 following a revocation.

3 (13) If the secretary of state receives records of more than 1
4 conviction or civil infraction determination resulting from the
5 same incident, all of the convictions or civil infraction
6 determinations shall be treated as a single violation for purposes
7 of imposing an additional period of suspension or revocation under
8 subsection (10), (11), or (12).

9 (14) Before a person is arraigned before a district court
10 magistrate or judge on a charge of violating this section, the
11 arresting officer shall obtain the person's driving record from the
12 secretary of state and shall furnish the record to the court. The
13 driving record of the person may be obtained from the secretary of
14 state's computer information network.

15 (15) This section does not apply to a person who operates a
16 vehicle solely for the purpose of protecting human life or property
17 if the life or property is endangered and summoning prompt aid is
18 essential.

19 (16) A person whose vehicle group designation is suspended or
20 revoked and who has been notified as provided in section 212 of
21 that suspension or revocation, or whose application for a vehicle
22 group designation has been denied as provided in this act, or who
23 has never applied for a vehicle group designation and who operates
24 a commercial motor vehicle within this state, except as permitted
25 under this act, while any of those conditions exist is guilty of a
26 misdemeanor punishable, except as otherwise provided in this
27 section, by imprisonment for not ~~less than 3 days or~~ more than 93
28 days or a fine of not more than \$100.00, or both.

29 (17) If a person has a second or subsequent suspension or



1 revocation under this section within 7 years as indicated on the
 2 person's Michigan driving record, the court shall proceed as
 3 provided in section 904d.

4 (18) Any period of suspension or revocation required under
 5 subsection (10), (11), or (12) does not apply to a person who has
 6 only 1 currently effective suspension or denial on his or her
 7 Michigan driving record under section 321a and was convicted of or
 8 received a civil infraction determination for a violation that
 9 occurred during that suspension or denial. This subsection may only
 10 be applied once during the person's lifetime.

11 (19) For purposes of this section, a person who never applied
 12 for a license includes a person who applied for a license, was
 13 denied, and never applied again.

14 Sec. 904a. Any person, not exempt from license under this act,
 15 who ~~shall operate~~ **operates** a motor vehicle ~~upon~~ **on** the highways of
 16 this state and who is unable to show that he or she has been issued
 17 a license to operate a motor vehicle by any state or foreign
 18 country valid within the **last** 3 years ~~preceding~~ **before operating**
 19 **the vehicle**, is guilty of a misdemeanor ~~, and upon conviction shall~~
 20 ~~be punished by imprisonment~~ **punishable by imprisonment** for not more
 21 than 90 days, or ~~by~~ a fine of not less than \$50.00 ~~nor~~ **or** more than
 22 \$100.00, or both. Any person convicted of a second offense under
 23 this section ~~shall be punished by imprisonment~~ **is guilty of a**
 24 **misdemeanor punishable by imprisonment** for not ~~less than 2~~ **nor** more
 25 than 90 days, or ~~by~~ a fine of \$100.00, or both.

26 Sec. 905. (1) Any person who ~~shall forge~~ **forges** or, without
 27 authority, ~~sign~~ **signs** any evidence of ability to respond in damages
 28 as required by the secretary of state ~~in the administration of~~
 29 **under** chapter 5, and any person who ~~shall violate~~ **violates** any



provisions of chapter 5 for which no penalty is otherwise provided,
~~shall be~~ **is** guilty of a misdemeanor ~~and upon conviction shall be~~
~~fined~~ **punishable by a fine of** not less than \$100.00 ~~nor or~~ more
 than \$1,000.00, or ~~imprisoned~~ **imprisonment for** not more than 90
 days, or both.

(2) Any person whose operator's or chauffeur's license or
 registration card or other privilege to operate a motor vehicle has
 been suspended or revoked and restoration ~~thereof~~ or issuance of a
 new license or registration is contingent ~~upon~~ **on** the furnishing of
 proof of financial responsibility, and who during ~~such the~~
 suspension or revocation or in the absence of full authorization
 from the secretary of state drives any motor vehicle ~~upon~~ **on** any
 highway, or knowingly permits any motor vehicle owned by ~~such the~~
 person to be operated by another person ~~upon~~ **on** any highway except
 as permitted ~~hereunder shall be punished by a fine of~~ **under this**
act, is guilty of a misdemeanor punishable by a fine of not more
 than \$500.00 ~~and by or imprisonment for a period of not less than 2~~
~~days nor for not~~ more than 1 year, or ~~by both. such fine and~~
~~imprisonment.~~

Enacting section 1. Section 905 of the Michigan vehicle code,
 1949 PA 300, MCL 257.905[1], is repealed.

