

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 5123

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending section 904 (MCL 257.904), as amended by 1994 PA  
450.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 904. (1) A person whose operator's or chauffeur's  
2 license or registration certificate has been suspended or revoked  
3 and who has been notified as provided in section 212 of that sus-  
4 pension or revocation, whose application for license has been  
5 denied, or who has never applied for a license, shall not operate  
6 a motor vehicle upon a highway or other place open to the general  
7 public or generally accessible to motor vehicles, including an  
8 area designated for the parking of motor vehicles, ~~within~~  
9 WITHIN this state.

**HB 5123, As Passed Senate, September 22, 1998**

House Bill No. 5123

2

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

9 (3) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A person  
10 who violates ~~this~~ subsection (1) OR (2) is guilty of a misde-  
11 meanor punishable as follows:

12 (a) For a first violation, by imprisonment for not more than  
13 ~~90~~ 93 days or a fine of not more than \$500.00, or both. Unless  
14 the vehicle was stolen or used with the permission of a person  
15 who did not knowingly permit an unlicensed driver to operate the  
16 vehicle, the registration plates of the vehicle shall be  
17 ~~cancelled~~ CANCELED by the secretary of state upon notification  
18 by a ~~court~~ PEACE OFFICER.

19 (b) For a second or subsequent violation, by imprisonment  
20 for not more than 1 year or a fine of not more than \$1,000.00, or  
21 both. Unless the vehicle was stolen, the registration plates of  
22 the vehicle shall be ~~cancelled~~ CANCELED by the secretary of  
23 state upon notification by a ~~court~~ PEACE OFFICER.

24 (4) A PERSON WHO OPERATES A MOTOR VEHICLE IN VIOLATION OF  
25 SUBSECTION (1) AND WHO, BY OPERATION OF THAT MOTOR VEHICLE,  
26 CAUSES THE SERIOUS IMPAIRMENT OF A BODY FUNCTION OF ANOTHER  
27 PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT

**HB 5123, As Passed Senate, September 22, 1998**

House Bill No. 5123

3

1 MORE THAN 5 YEARS OR A FINE OF NOT LESS THAN \$1,000.00 OR MORE  
2 THAN \$5,000.00, OR BOTH. AS USED IN THIS SUBSECTION AND  
3 SUBSECTION (6), "SERIOUS IMPAIRMENT OF A BODY FUNCTION" INCLUDES,  
4 BUT IS NOT LIMITED TO, 1 OR MORE OF THE FOLLOWING:

5 (A) LOSS OF A LIMB OR LOSS OF USE OF A LIMB.

6 (B) LOSS OF A FOOT, HAND, FINGER, OR THUMB OR LOSS OF USE OF  
7 A FOOT, HAND, FINGER, OR THUMB.

8 (C) LOSS OF AN EYE OR EAR OR LOSS OF USE OF AN EYE OR EAR.

9 (D) LOSS OR SUBSTANTIAL IMPAIRMENT OF A BODILY FUNCTION.

10 (E) SERIOUS VISIBLE DISFIGUREMENT.

11 (F) A COMATOSE STATE THAT LASTS FOR MORE THAN 3 DAYS.

12 (G) MEASURABLE BRAIN OR MENTAL IMPAIRMENT.

13 (H) A SKULL FRACTURE OR OTHER SERIOUS BONE FRACTURE.

14 (I) SUBDURAL HEMORRHAGE OR SUBDURAL HEMATOMA.

15 (5) IN ADDITION TO BEING SUBJECT TO ANY OTHER PENALTY PRO-  
16 VIDED FOR IN THIS ACT, IF A PERSON IS CONVICTED UNDER SUBSECTION  
17 (4), THE COURT MAY IMPOSE THE SANCTION PERMITTED UNDER  
18 SECTION 625N OR 904D. IF THE VIOLATION OCCURS WITHIN 7 YEARS OF  
19 A PRIOR CONVICTION OR WITHIN 10 YEARS OF 2 OR MORE PRIOR CONVIC-  
20 TIONS, THE COURT SHALL ORDER VEHICLE IMMOBILIZATION UNDER  
21 SECTION 904D IN THE JUDGMENT OF SENTENCE.

22 (6) A PERSON SHALL NOT KNOWINGLY PERMIT A MOTOR VEHICLE  
23 OWNED BY THE PERSON TO BE OPERATED UPON A HIGHWAY OR OTHER PLACE  
24 OPEN TO THE GENERAL PUBLIC OR GENERALLY ACCESSIBLE TO MOTOR VEHI-  
25 CLES, INCLUDING AN AREA DESIGNATED FOR THE PARKING OF VEHICLES,  
26 WITHIN THIS STATE, BY A PERSON WHOSE LICENSE OR REGISTRATION  
27 CERTIFICATE IS SUSPENDED OR REVOKED, WHOSE APPLICATION FOR

**HB 5123, As Passed Senate, September 22, 1998**

House Bill No. 5123

4

1 LICENSE HAS BEEN DENIED, OR WHO HAS NEVER BEEN LICENSED EXCEPT AS  
2 PERMITTED BY THIS ACT. IF A PERSON PERMITTED TO OPERATE A MOTOR  
3 VEHICLE IN VIOLATION OF THIS SUBSECTION CAUSES THE SERIOUS  
4 IMPAIRMENT OF A BODY FUNCTION OF ANOTHER PERSON BY OPERATION OF  
5 THAT MOTOR VEHICLE, THE PERSON KNOWINGLY PERMITTING THE OPERATION  
6 OF THAT MOTOR VEHICLE IS GUILTY OF A FELONY PUNISHABLE BY IMPRIS-  
7 ONMENT FOR NOT MORE THAN 2 YEARS, OR A FINE OF NOT LESS THAN  
8 \$1,000.00 OR MORE THAN \$5,000.00, OR BOTH.

9       (7) ~~—(2)—~~ Upon receiving a record of a person's conviction  
10 OR CIVIL INFRACTION DETERMINATION for THE unlawful operation of a  
11 motor vehicle OR A MOVING VIOLATION OF THIS ACT OR A LOCAL ORDI-  
12 NANCE SUBSTANTIALLY CORRESPONDING TO THIS ACT while the person's  
13 OPERATOR'S OR CHAUFFEUR'S license is suspended or revoked, ~~—or of~~  
14 ~~a person's conviction or civil infraction determination for a~~  
15 ~~moving violation of the vehicle laws of this state or a political~~  
16 ~~subdivision of this state while the person's license is suspended~~  
17 ~~or revoked,~~ the secretary of state immediately shall ~~—extend the~~  
18 ~~period of the first~~ IMPOSE AN ADDITIONAL LIKE PERIOD OF suspen-  
19 sion or revocation. ~~—for an additional like period.~~ This subsec-  
20 tion applies only if the violation occurs during a suspension of  
21 definite length or if the violation occurs before the person is  
22 approved for a license following a revocation.

23       (8) UPON RECEIVING A RECORD OF A PERSON'S CONVICTION OR  
24 CIVIL INFRACTION DETERMINATION FOR THE UNLAWFUL OPERATION OF A  
25 MOTOR VEHICLE OR A MOVING VIOLATION OF THIS ACT OR A LOCAL ORDI-  
26 NANCE SUBSTANTIALLY CORRESPONDING TO THIS ACT WHILE THE PERSON'S  
27 OPERATOR'S OR CHAUFFEUR'S LICENSE IS EXPIRED FOR 60 DAYS OR MORE,

**HB 5123, As Passed Senate, September 22, 1998**

House Bill No. 5123

5

1 INDEFINITELY SUSPENDED, OR WHOSE APPLICATION FOR A LICENSE HAS  
2 BEEN DENIED, THE SECRETARY OF STATE IMMEDIATELY SHALL IMPOSE AN  
3 ADDITIONAL 30-DAY PERIOD OF SUSPENSION OR DENIAL.

4       (9) ~~-(3)-~~ Upon receiving a record of the conviction, bond  
5 forfeiture, or a civil infraction determination of a person for  
6 unlawful operation of a motor vehicle requiring a ~~class 1, class~~  
7 ~~2, or class 3 indorsement or~~ vehicle group designation while the  
8 ~~indorsement or~~ designation is suspended pursuant to section  
9 319a or 319b, or revoked, the secretary of state immediately  
10 shall ~~extend the period of suspension or revocation for~~ IMPOSE  
11 an additional like period OF SUSPENSION OR REVOCATION. A PRIOR  
12 CONVICTION SHALL BE ESTABLISHED AS PROVIDED IN SECTION 625(16).  
13 This subsection applies only if the violation occurs during a  
14 suspension of definite length, if the violation occurs before the  
15 person is approved for a license following a revocation, or if  
16 the person operates a commercial vehicle while disqualified under  
17 the commercial motor vehicle safety act of 1986, title XII of  
18 Public Law 99-570, 100 Stat. 3207-170.

19       (10) ~~-(4)-~~ If the secretary of state receives records of  
20 more than 1 conviction or civil infraction determination result-  
21 ing from the same incident, all of the convictions or civil  
22 infraction determinations shall be treated as a single violation  
23 for purposes of ~~extending the~~ IMPOSING AN ADDITIONAL period of  
24 suspension or revocation under subsection ~~-(2) or (3)-~~ (7), (8),  
25 OR (9).

26       (11) ~~-(5)-~~ Before a person is arraigned before a district  
27 court magistrate or judge on a charge of violating this section,

**HB 5123, As Passed Senate, September 22, 1998**

House Bill No. 5123

6

1 the arresting officer shall obtain the person's driving record  
2 from the secretary of state and shall furnish the record to the  
3 court. The driving record of the person may be obtained from the  
4 secretary of state's computer information network.

5 (12) ~~-(6)-~~ This section does not apply to a person who oper-  
6 ates a vehicle solely for the purpose of protecting human life or  
7 property if the life or property is endangered and summoning  
8 prompt aid is essential.

9 (13) ~~-(7)-~~ A person whose vehicle group designation is sus-  
10 pended or revoked and who has been notified as provided in sec-  
11 tion 212 of that suspension or revocation, or whose application  
12 for a vehicle group designation has been denied as provided in  
13 this act, or who has never applied for a vehicle group designa-  
14 tion and who operates a commercial motor vehicle within this  
15 state, except as permitted under this act, while any of those  
16 conditions exist is guilty of a misdemeanor punishable, except as  
17 otherwise provided in this section, by imprisonment for not less  
18 than 3 days or more than ~~-90-~~ 93 days or a fine of not more than  
19 \$100.00, or both.

20 (14) IF A PERSON HAS A SECOND OR SUBSEQUENT SUSPENSION OR  
21 REVOCATION UNDER THIS SECTION WITHIN 7 YEARS AS INDICATED ON THE  
22 PERSON'S MICHIGAN DRIVING RECORD, THE COURT SHALL PROCEED AS PRO-  
23 VIDED IN SECTION 904D.

24 (15) THIS SECTION DOES NOT APPLY TO A PERSON WHO HAS 1 CUR-  
25 RENTLY EFFECTIVE SUSPENSION OR DENIAL ON HIS OR HER MICHIGAN  
26 DRIVING RECORD UNDER SECTION 321A AND HAS NEVER BEEN CONVICTED OF

**HB 5123, As Passed Senate, September 22, 1998**

House Bill No. 5123

7

1 OR RECEIVED A CIVIL INFRACTION DETERMINATION FOR A VIOLATION THAT  
2 OCCURRED DURING THAT SUSPENSION OR DENIAL.

3 (16) FOR PURPOSES OF THIS SECTION, A PERSON WHO NEVER  
4 APPLIED FOR A LICENSE INCLUDES A PERSON WHO APPLIED FOR A  
5 LICENSE, WAS DENIED, AND NEVER APPLIED AGAIN.

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

8 Enacting section 2. This amendatory act does not take  
9 effect unless all of the following bills of the 89th Legislature  
10 are enacted into law:

11 (a) Senate Bill No. 268.

12 (b) Senate Bill No. 269.

13 (c) Senate Bill No. 625.

14 (d) Senate Bill No. 627.

15 (e) Senate Bill No. 869.

16 (f) Senate Bill No. 870.

17 (g) Senate Bill No. 953.

18 (h) House Bill No. 4210.

19 (i) House Bill No. 4576.

20 (i) House Bill No. 4576.

21 (j) House Bill No. 4959.

22 (k) House Bill No. 4960.

23 (l) House Bill No. 4961.

24 (m) House Bill No. 5122.

25 (n) House Bill No. 5951.

26 (o) House Bill No. 5952.

**HB 5123, As Passed Senate, September 22, 1998**

House Bill No. 5123

8

- 1 (p) House Bill No. 5953.
- 2 (q) House Bill No. 5954.
- 3 (r) House Bill No. 5955.
- 4 (s) House Bill No. 5956.