

SENATE BILL NO. 870

February 10, 1998, Introduced by Senator GOUGEON and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303, 310d, 319, 319b, 320a, 625, 625a, 625b, 625c, 625i, 625m, 727, and 732 (MCL 257.303, 257.310d, 257.319, 257.319b, 257.320a, 257.625, 257.625a, 257.625b, 257.625c, 257.625i, 257.625m, 257.727, and 257.732), sections 303 and 319 as amended by 1996 PA 587, section 310d as amended by 1991 PA 99, section 319b as amended by 1996 PA 404, sections 320a, 625i, and 732 as amended by 1996 PA 493, sections 625, 625a, and 625m as amended by 1996 PA 491, sections 625b and 625c as amended by 1994 PA 450, and section 727 as amended by 1993 PA 301.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

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

5 (c) A person whose license has been suspended during the
6 period for which the license was suspended.

7 (d) A person who has been convicted of or received a probate
8 court disposition for a violation of section 625(4), ~~or~~ (5), OR
9 (7).

10 (e) A person who has been convicted of or received a probate
11 court disposition for negligent homicide, manslaughter, or murder
12 resulting from the operation of a motor vehicle.

13 (f) A person who is an habitual violator of the criminal
14 laws relating to operating a vehicle while impaired by or under
15 the influence of intoxicating liquor, a controlled substance, or
16 a combination of intoxicating liquor and a controlled substance
17 or with an alcohol content of 0.10 grams or more per 100 millili-
18 ters of blood, per 210 liters of breath, or per 67 milliliters of
19 urine. Convictions of any of the following, whether under a law
20 of this state, a local ordinance substantially corresponding to a
21 law of this state, or a law of another state substantially corre-
22 sponding to a law of this state, are prima facie evidence that
23 the person is an habitual violator as described in this
24 subdivision:

25 (i) Any combination of 2 convictions within 7 years for any
26 of the following:

1 (A) A violation of section 625(1), (4), ~~or~~ (5), OR (7).

2 (B) A violation of former section 625(1) or (2).

3 (ii) Any combination of 3 convictions within 10 years for
4 any of the following if any of the convictions resulted from an
5 arrest on or after January 1, 1992:

6 (A) A violation of section 625(1), (3), (4), ~~or~~ (5), OR
7 (7).

8 (B) A violation of former section 625(1) or (2) or former
9 section 625b.

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

15 (h) A person who is unable to understand highway warning or
16 direction signs in the English language.

17 (i) A person who is an habitually reckless driver. Two con-
18 victions within 7 years of reckless driving under this act or any
19 other law of this state relating to reckless driving or under a
20 local ordinance of this state or a law of another state that
21 defines the term "reckless driving" substantially similarly to
22 the law of this state are prima facie evidence that the person is
23 an habitually reckless driver.

24 (j) A person who is an habitual criminal. Two convictions
25 of a felony in which a motor vehicle was used in this or another
26 state are prima facie evidence that the person is an habitual
27 criminal.

1 (k) A person who is unable to pass a knowledge, skill, or
2 ability test administered by the secretary of state in connection
3 with the issuance of an original operator's or chauffeur's
4 license, original motorcycle indorsement, or an original or
5 renewal of a vehicle group designation or vehicle indorsement.

6 (l) A person who has been convicted of, has received a pro-
7 bate court disposition for, or has been determined responsible
8 for 2 or more moving violations under a law of this state, a
9 local ordinance substantially corresponding to a law of this
10 state, or a law of another state substantially corresponding to a
11 law of this state within the preceding 3 years, if the violations
12 occurred before issuance of an original license to the person in
13 this or another state.

14 (m) A nonresident including a foreign exchange student.

15 (n) A person not licensed under this act who has been con-
16 victed of, has received a probate court disposition for, or has
17 been determined responsible for a crime or civil infraction
18 described in section 319, 324, or 904. A person shall be denied
19 a license under this subdivision for the length of time corre-
20 sponding to the period of the licensing sanction that would have
21 been imposed under section 319, 324, or 904 if the person had
22 been licensed at the time of the violation.

23 (o) A person not licensed under this act who has been con-
24 victed of or received a probate court disposition for committing
25 a crime described in section 319e. A person shall be denied a
26 license under this subdivision for the length of time that
27 corresponds to the period of the licensing sanction that would

1 have been imposed under section 319e if the person had been
2 licensed at the time of the violation.

3 (p) A person not licensed under this act who is determined
4 to have violated section 33b(1) of the Michigan liquor control
5 act, ~~Act No. 8 of the Public Acts of the Extra Session of 1933,~~
6 ~~being section 436.33b of the Michigan Compiled Laws~~ 1933 (EX
7 SESS) PA 8, MCL 436.33B, or section 624a or 624b. The person
8 shall be denied a license under this subdivision for a period of
9 time that corresponds to the period of the licensing sanction
10 that would have been imposed under those sections had the person
11 been licensed at the time of the violation.

12 (q) A person who has been convicted of a violation of sec-
13 tion 602a(4) or (5) OF THIS ACT or a violation of section 479a(4)
14 or (5) of the Michigan penal code, ~~Act No. 328 of the Public~~
15 ~~Acts of 1931, being section 750.479a of the Michigan Compiled~~
16 ~~Laws~~ 1931 PA 328, MCL 750.479A.

17 (2) Upon receiving the appropriate records of conviction,
18 the secretary of state shall revoke the operator's or chauffeur's
19 license of a person having any of the following, whether under a
20 law of this state, a local ordinance substantially corresponding
21 to a law of this state, or a law of another state substantially
22 corresponding to a law of this state:

23 (a) Two convictions of reckless driving in violation of sec-
24 tion 626 within 7 years.

25 (b) Two convictions of a felony in which a motor vehicle was
26 used within 7 years.

1 (c) Any combination of 2 convictions within 7 years for any
2 of the following:

3 (i) A violation of section 625(1).

4 (ii) A violation of former section 625(1) or (2).

5 (iii) A violation of section 625(4), ~~or~~ (5), OR (7).

6 (iv) Negligent homicide, manslaughter, or murder resulting
7 from the operation of a motor vehicle.

8 (d) One conviction under section 625(4), ~~or~~ (5), OR (7).

9 (e) One conviction of negligent homicide, manslaughter, or
10 murder resulting from the operation of a motor vehicle.

11 (f) Any combination of 3 convictions within 10 years for any
12 of the following if any of the convictions resulted from an
13 arrest on or after January 1, 1992:

14 (i) A violation of section 625(1), (3), (4), ~~or~~ (5), OR
15 (7).

16 (ii) A violation of former section 625(1) or (2) or former
17 section 625b.

18 (iii) Negligent homicide, manslaughter, or murder resulting
19 from the operation of a motor vehicle.

20 (g) A violation of section 602a(4) or (5) of this act or
21 section 479a(4) or (5) of the Michigan penal code, ~~Act No. 328~~
22 ~~of the Public Acts of 1931, being section 750.479a of the~~
23 ~~Michigan Compiled Laws~~ 1931 PA 328, MCL 750.479A.

24 (3) The secretary of state shall revoke a license under sub-
25 section (2) notwithstanding a court order issued under section
26 625, section 625b, former section 625(1) or (2), or former
27 section 625b or a local ordinance substantially corresponding to

1 section 625, section 625b, former section 625(1) or (2), or
2 former section 625b.

3 (4) The secretary of state shall not issue a license under
4 this act to a person whose license has been revoked under this
5 act or denied under subsection (1)(d), (e), (f), (i), or (j)
6 until both of the following occur:

7 (a) The later of the following:

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

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

13 (b) The person meets the requirements of the department.

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

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

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

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

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

1 (d) The vehicle was necessary for the commission of the
2 felony.

3 Sec. 310d. (1) A license issued under this act to a person
4 not previously licensed in this or in another state shall be des-
5 ignated as probationary for 3 years after the date of issuance.
6 During the first 12 months of probation, the license may be sus-
7 pended or probationary terms and conditions may be imposed upon
8 failure of the licensee to appear before a magistrate, as pro-
9 vided in this chapter, or upon conviction of the licensee or
10 determination of the licensee's responsibility for a moving vio-
11 lation in this state. The period of suspension or the probation-
12 ary terms and conditions shall not be for more than 12 months and
13 shall be determined by the secretary of state at an examination
14 of the driver by the secretary of state.

15 (2) If a license is suspended or probationary terms and con-
16 ditions are imposed by a ~~probate~~ judge OF THE PROBATE COURT OR
17 FAMILY DIVISION OF CIRCUIT COURT, the period during which the
18 suspension or probationary terms and conditions are in effect
19 shall be deducted from the period of suspension or probationary
20 terms and conditions imposed at an examination of the driver by
21 the secretary of state pursuant to subsection (1). If a license
22 is suspended or probationary terms and conditions are imposed by
23 ~~the probate~~ A judge OF THE PROBATE COURT OR FAMILY DIVISION OF
24 CIRCUIT COURT, the ~~probate~~ court shall include the suspension,
25 probationary terms, and conditions, and the period during which
26 the suspension, probationary terms, and conditions apply, on the
27 abstract which the court forwards to the secretary of state.

1 (3) Upon completion of the first 12 months of probation, the
2 secretary of state may require a licensee to be reexamined by the
3 secretary of state if the licensee's driving record contains any
4 of the following:

5 (a) A conviction ~~—, OR~~ civil infraction determination ~~—, or~~
6 ~~probate court disposition of~~ FOR a moving violation ~~—which—~~ THAT
7 was assessed 4 or more points as provided in section 320a.

8 (b) Three convictions ~~—, OR~~ 3 civil infraction determina-
9 tions, ~~—3 probate court dispositions,~~ or a combination of con-
10 victions ~~—, AND~~ civil infraction determinations ~~—, and probate~~
11 ~~court dispositions~~ ~~—which—~~ THAT equals 3, for moving violations.

12 (c) A total of 6 or more points as provided in section
13 320a.

14 (d) A conviction ~~—, OR~~ civil infraction determination ~~—, or~~
15 ~~probate court disposition of~~ FOR a moving violation and an acci-
16 dent for which the official police report indicates the licensee
17 had been drinking intoxicating liquor.

18 (e) A conviction ~~—, OR~~ civil infraction determination ~~—, or~~
19 ~~probate court disposition of~~ FOR a moving violation and an acci-
20 dent for which the official police report indicates a moving vio-
21 lation on the part of the licensee.

22 (f) Three accidents for which the official police report
23 indicates a moving violation on the part of the licensee.

24 (g) A suspension pursuant to section 625f.

25 (4) The probationary period shall be extended beyond 3 years
26 and the secretary of state may reexamine a licensee as provided
27 in subsection (3) ~~—, if~~ any of the following occur and are

1 recorded on the licensee's driving record during the last 10
2 months of the probationary period:

3 (a) A moving violation resulting in a conviction or civil
4 infraction determination.

5 (b) An accident for which the official police report indi-
6 cates a moving violation on the part of the licensee.

7 (c) An accident for which the official police report indi-
8 cates the licensee had been drinking intoxicating liquor.

9 (d) A license suspension for a reason other than a mental or
10 physical disability.

11 (5) The probationary period shall be extended pursuant to
12 subsection (4) until the licensee completes 10 consecutive months
13 without a moving violation, accident, or suspension enumerated in
14 subsection (4).

15 (6) ~~The secretary of state, upon~~ UPON completion of a
16 reexamination, THE SECRETARY OF STATE may suspend or impose pro-
17 bationary terms and conditions on the license of a probationary
18 licensee, except that a reexamination for subsection (3)(d), (e),
19 or (f) shall not result in a license suspension or the imposition
20 of probationary terms or conditions.

21 (7) For 24 months immediately after a licensee's probation-
22 ary period, the secretary of state may require the licensee to be
23 reexamined by the secretary of state if the licensee's driver
24 record has a total of 9 or more points, as provided in section
25 320a, imposed in a period of 2 years and if the licensee's record
26 contains 1 or more of the following:

1 (a) A conviction ~~or probate court disposition,~~ for a
2 violation of section 625(1) OR (7) or former section 625(1) or
3 (2), a local ordinance substantially corresponding to section
4 625(1) or former section 625(1) or (2), or a law of another state
5 substantially corresponding to section 625(1) OR (7) or former
6 section 625(1) or (2).

7 (b) A conviction ~~or probate court disposition~~ for driving
8 while visibly impaired due to consumption of intoxicating liquor,
9 a controlled substance, or a combination of intoxicating liquor
10 and a controlled substance.

11 (c) A suspension of the licensee's license pursuant to sec-
12 tion 625f.

13 (d) An accident for which the official police report indi-
14 cates a moving violation on the part of the licensee.

15 (e) An accident for which the official police report indi-
16 cates the licensee had been drinking intoxicating liquor.

17 (8) ~~The secretary of state, upon~~ UPON completion of a
18 reexamination pursuant to subsection (7), THE SECRETARY OF STATE
19 may suspend the license of the licensee, except that a reexamina-
20 tion for subsection (7)(d) or (e) shall not result in a license
21 suspension or restriction.

22 (9) If a licensee fails to appear for a reexamination sched-
23 uled by the secretary of state pursuant to this section, the
24 licensee's license may be suspended immediately and remain sus-
25 pended until the licensee appears for a reexamination by the sec-
26 retary of state.

1 (10) Notice of a reexamination required under this section
2 shall be given by first class mail to the last known address of
3 the licensee.

4 (11) For purposes of this section:

5 (a) Upon conviction for a moving violation, the date of the
6 arrest for the violation shall be used in determining whether the
7 conviction occurred within the probationary period.

8 (b) Upon entry of a civil infraction determination for a
9 moving violation, the date of issuance of a citation for a civil
10 infraction shall be used in determining whether the civil infrac-
11 tion determination occurred within the probationary period.

12 (c) Information of a reexamination shall not be placed on a
13 driver's record unless the secretary of state suspends a license
14 or imposes probationary terms and conditions.

15 (d) A suspension shall be considered part of a driving
16 record from the date the suspension is imposed until the suspen-
17 sion is terminated.

18 (e) The date of the official police report shall be used in
19 determining whether a licensee was driving a motor vehicle
20 involved in an accident for which the official police report
21 indicates a moving violation on the part of the licensee or indi-
22 cates the licensee had been drinking intoxicating liquor.

23 Sec. 319. (1) The secretary of state shall immediately sus-
24 pend a person's license for not less than 90 days or more than 2
25 years upon receiving a record of the person's conviction for any
26 of the following crimes or attempts to commit any of the
27 following crimes, whether the conviction is under a law of this

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

4 (a) Fraudulently altering or forging documents pertaining to
5 motor vehicles, in violation of section 257.

6 (b) Perjury or making a false certification to the secretary
7 of state under any law requiring the registration of a motor
8 vehicle or regulating the operation of a motor vehicle on a
9 highway.

10 (c) A violation of section 413 or 414 of the Michigan penal
11 code, ~~Act No. 328 of the Public Acts of 1931, being sections~~
12 ~~750.413 and 750.414 of the Michigan Compiled Laws~~ 1931 PA 328,
13 MCL 750.413 AND 750.414, or a violation of section 1 of ~~Act~~
14 ~~No. 214 of the Public Acts of 1931, being section 752.191 of the~~
15 ~~Michigan Compiled Laws~~ 1931 PA 214, MCL 752.191.

16 (d) A conviction for reckless driving in violation of sec-
17 tion 626.

18 (e) Failing to stop and disclose identity at the scene of an
19 accident resulting in death or injury in violation of section 617
20 or 617a.

21 (f) A felony in which a motor vehicle was used. As used in
22 this section, "felony in which a motor vehicle was used" means a
23 felony during the commission of which the person convicted oper-
24 ated a motor vehicle and while operating the vehicle presented
25 real or potential harm to persons or property and 1 or more of
26 the following circumstances existed:

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

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

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

5 (iv) The vehicle was necessary for the commission of the
6 felony.

7 (2) The secretary of state shall suspend the license of a
8 person convicted of malicious destruction resulting from the
9 operation of a motor vehicle under section 382 of the Michigan
10 penal code, ~~Act No. 328 of the Public Acts of 1931, being sec-~~
11 ~~tion 750.382 of the Michigan Compiled Laws~~ 1931 PA 328,
12 MCL 750.382, for not more than 1 year as ordered by the court as
13 part of the sentence.

14 (3) The secretary of state shall immediately suspend a
15 person's license for the period specified in the abstract of con-
16 viction upon receiving the person's license and abstract of con-
17 viction forwarded to the secretary of state pursuant to section
18 367c of the Michigan penal code, ~~Act No. 328 of the Public Acts~~
19 ~~of 1931, being section 750.367c of the Michigan Compiled Laws~~
20 1931 PA 328, MCL 750.367C.

21 (4) Except as otherwise provided in subsection (9), if a
22 court has not ordered a suspension of a person's license under
23 this act for a violation described in subdivision (a), (b), (c),
24 or (d) for a period equal to or greater than the suspension
25 period prescribed under subdivision (a), (b), (c), or (d) for the
26 violation, the secretary of state shall suspend the license as
27 follows, notwithstanding a court order issued under

1 section 625(1), (3), or (6), section 625b, former section 625(1)
2 or (2), or former section 625b or a local ordinance substantially
3 corresponding to section 625(1), (3), or (6), section 625b,
4 former section 625(1) or (2), or former section 625b:

5 (a) For not less than 90 days or more than 1 year upon
6 receiving a record of the person's conviction for a violation of
7 section 625(3), a local ordinance substantially corresponding to
8 section 625(3), or a law of another state substantially corre-
9 sponding to section 625(3) if the person has no prior convictions
10 within 7 years for a violation of section 625(1), (3), (4), ~~or~~
11 (5), OR (7), former section 625(1) or (2), or former section
12 625b, a local ordinance substantially corresponding to section
13 625(1) or (3), former section 625(1) or (2), or former section
14 625b, or a law of another state substantially corresponding to
15 section 625(1), (3), (4), ~~or~~ (5), OR (7), former section 625(1)
16 or (2), or former section 625b. However, if the person is con-
17 victed of a violation of section 625(3), a local ordinance sub-
18 stantially corresponding to section 625(3), or a law of another
19 state substantially corresponding to section 625(3) for operating
20 a vehicle when, due to the consumption of a controlled substance
21 or a combination of intoxicating liquor and a controlled sub-
22 stance, the person's ability to operate the vehicle was visibly
23 impaired, the secretary of state shall suspend the person's
24 license under this subdivision for not less than 6 months or more
25 than 1 year.

26 (b) For not less than 6 months or more than 2 years upon
27 receiving a record of the person's conviction if the person has

1 the following convictions, whether under the law of this state, a
2 local ordinance substantially corresponding to a law of this
3 state, or a law of another state substantially corresponding to a
4 law of this state:

5 (i) One conviction under section 625(1) or former section
6 625(1) or (2).

7 (ii) Any combination of 2 convictions under section 625(3)
8 or former section 625b within a 7-year period.

9 (iii) One conviction under section 625(1) or former section
10 625(1) or (2) and 1 conviction under section 625(3) or former
11 section 625b within a 7-year period.

12 (iv) One conviction under section 625(4), ~~or~~ (5), OR (7)
13 followed by 1 conviction under section 625(3) within a 7-year
14 period.

15 (c) For not less than 30 days or more than 90 days upon
16 receiving a record of the person's conviction for a violation of
17 section 625(6), a local ordinance substantially corresponding to
18 section 625(6), or a law of another state substantially corre-
19 sponding to section 625(6) if the person has no prior convictions
20 within 7 years for a violation of section 625(1), (3), (4), (5),
21 ~~or~~ (6), OR (7), former section 625(1) or (2), or former section
22 625b, a local ordinance substantially corresponding to section
23 625(1), (3), or (6), former section 625(1) or (2), or former sec-
24 tion 625b, or a law of another state substantially corresponding
25 to section 625(1), (3), (4), (5), ~~or~~ (6), OR (7), former sec-
26 tion 625(1) or (2), or former section 625b.

1 (d) For not less than 90 days or more than 1 year upon
2 receiving a record of the person's conviction for a violation of
3 section 625(6), a local ordinance substantially corresponding to
4 section 625(6), or a law of another state substantially corre-
5 sponding to section 625(6) if the person has 1 or more prior con-
6 victions within 7 years for a violation of section 625(1), (3),
7 (4), (5), ~~or~~ (6), OR (7), former section 625(1) or (2), or
8 former section 625b, a local ordinance substantially correspond-
9 ing to section 625(1), (3), or (6), former section 625(1) or (2),
10 or former section 625b, or a law of another state substantially
11 corresponding to section 625(1), (3), (4), (5), ~~or~~ (6), OR (7),
12 former section 625(1) or (2), or former section 625b.

13 (5) Upon receiving a certificate of conviction under section
14 33b(2) of the Michigan liquor control act, ~~Act No. 8 of the~~
15 ~~Public Acts of the Extra Session of 1933, being section 436.33b~~
16 ~~of the Michigan Compiled Laws~~ 1933 (EX SESS) PA 8, MCL 436.33B,
17 or a local ordinance or law of another state substantially corre-
18 sponding to section 33b(2) of ~~Act No. 8 of the Public Acts of~~
19 ~~the Extra Session of 1933~~ THE MICHIGAN LIQUOR CONTROL ACT, 1933
20 (EX SESS) PA 8, MCL 436.33B, the secretary of state shall suspend
21 pursuant to court order the person's operator's or chauffeur's
22 license for 90 days. A suspension under this subsection shall be
23 in addition to any other suspension of the person's license.

24 (6) Upon receiving the record of a person's conviction for a
25 violation of section 602a(2) or (3) of this act or section
26 479a(2) or (3) of ~~Act No. 328 of the Public Acts of 1931, being~~
27 ~~section 750.479a of the Michigan Compiled Laws~~ THE MICHIGAN

1 PENAL CODE, 1931 PA 328, MCL 750.479A, the secretary of state
2 immediately shall suspend the person's license for the period
3 ordered by the court as part of the sentence or disposition.

4 (7) Upon receiving an abstract of conviction for a violation
5 of section 33b(1) of ~~Act No. 8 of the Public Acts of the Extra~~
6 ~~Session of 1933, being section 436.33b of the Michigan Compiled~~
7 ~~Laws~~ THE MICHIGAN LIQUOR CONTROL ACT, 1933 (EX SESS) PA 8,
8 MCL 436.33B, or section 624a or 624b or a local ordinance sub-
9 stantially corresponding to those sections, the secretary of
10 state shall suspend the person's operator's or chauffeur's
11 license for the period of time described in section 33b(4) of
12 ~~Act No. 8 of the Public Acts of the Extra Session of 1933~~ THE
13 MICHIGAN LIQUOR CONTROL ACT, 1933 (EX SESS) PA 8, MCL 436.33B, or
14 section 624a or 624b notwithstanding any court order to the con-
15 trary and, if applicable, issue a restricted license as ordered
16 by the court in the manner provided for in section 33b of ~~Act~~
17 ~~No. 8 of the Public Acts of the Extra Session of 1933~~ THE
18 MICHIGAN LIQUOR CONTROL ACT 1933 (EX SESS) PA 8, MCL 436.33B, or
19 section 624a or 624b. If the person does not possess an
20 operator's or chauffeur's license, the secretary of state shall
21 deny the person's application for an operator's or chauffeur's
22 license for the applicable suspension period.

23 (8) Except as provided in subsection (10), a suspension
24 under this section shall be imposed notwithstanding a court order
25 issued under section ~~625(1), (3), (4), (5), or (6)~~ 625 or sec-
26 tion 625b or a local ordinance substantially corresponding to
27 section ~~625(1), (3), or (6)~~ 625 or section 625b.

1 (9) If the secretary of state receives records of more than
2 1 conviction of a person resulting from the same incident, a sus-
3 pension shall be imposed only for the violation to which the
4 longest period of suspension applies under this section.

5 (10) The secretary of state may waive a suspension of a
6 person's license imposed under subsection (4)(a), (b), (c), or
7 (d) if the person submits proof that a court in another state
8 revoked, suspended, or restricted his or her license for a period
9 equal to or greater than the period of a suspension prescribed
10 under subsection (4)(a), (b), (c), or (d) for the violation and
11 that the revocation, suspension, or restriction was served for
12 the violation, or may grant a restricted license.

13 Sec. 319b. (1) The secretary of state shall immediately
14 suspend or revoke, as applicable, all vehicle group designations
15 on the operator's or chauffeur's license of a person upon receiv-
16 ing notice of a conviction, bond forfeiture, or civil infraction
17 determination of the person, or notice that a court or adminis-
18 trative tribunal has found the person responsible, for a viola-
19 tion described in this subsection of a law of this state, a local
20 ordinance substantially corresponding to a law of this state, or
21 a law of another state substantially corresponding to a law of
22 this state, or notice that the person has refused to submit to a
23 chemical test of his or her blood, breath, or urine for the pur-
24 pose of determining the amount of alcohol or presence of a con-
25 trolled substance or both in the person's blood while the person
26 was operating a commercial motor vehicle as required by a law or

1 local ordinance of this or another state. The period of
2 suspension or revocation is as follows:

3 (a) Suspension for 60 days if the licensee is convicted of
4 or found responsible for 2 serious traffic violations while oper-
5 ating a commercial motor vehicle arising from separate incidents
6 within 36 months.

7 (b) Suspension for 120 days if the licensee is convicted of
8 or found responsible for 3 serious traffic violations while oper-
9 ating a commercial motor vehicle arising from separate incidents
10 within 36 months.

11 (c) Suspension for 1 year if the licensee is convicted of or
12 found responsible for 1 of the following:

13 (i) A violation of section 625(1), (3), (4), ~~or~~ (5), OR
14 (7), section 625m, ~~or~~ former section 625(1) or (2), or former
15 section 625b, ~~or~~ a local ordinance substantially corresponding
16 to section 625(1) or (3), section 625m, ~~or~~ former section
17 625(1) or (2), or former section 625b, or a law of another state
18 substantially corresponding to section 625(1), (3), (4), ~~or~~
19 (5), OR (7), section 625m, ~~or~~ former section 625(1) or (2), or
20 former section 625b, while operating a commercial motor vehicle.

21 (ii) Leaving the scene of an accident involving a commercial
22 motor vehicle operated by the licensee.

23 (iii) A felony in which a commercial motor vehicle was
24 used.

25 (iv) A refusal to submit to a chemical test of his or her
26 blood, breath, or urine for the purpose of determining the amount
27 of alcohol or presence of a controlled substance or both in his

1 or her blood, BREATH, OR URINE while he or she was operating a
2 commercial motor vehicle as required by a law or local ordinance
3 of this state or another state.

4 (v) A 6-point violation as provided in section 320a while
5 operating a commercial motor vehicle.

6 (d) Suspension for 3 years if the licensee is convicted of
7 or found responsible for an offense enumerated in subdivision
8 (c)(i) to (iv) in which a commercial motor vehicle was used if
9 the vehicle was carrying hazardous material required to have a
10 placard pursuant to 49 C.F.R. parts 100 to 199.

11 (e) Revocation for not less than 10 years and until the
12 person is approved for the issuance of a vehicle group designa-
13 tion if a licensee is convicted of or found responsible for 1 of
14 the following:

15 (i) Any combination of ~~2 violations under~~ ACTS ARISING OUT
16 OF SEPARATE INCIDENTS THAT VIOLATE section 625(1), (3), (4), ~~or~~
17 (5), OR (7), section 625m, ~~or~~ former section 625(1) or (2), or
18 former section 625b, a local ordinance substantially correspond-
19 ing to section 625(1) or (3), section 625m, ~~or~~ former section
20 625(1) or (2), or former section 625b, or a law of another state
21 substantially corresponding to section 625(1), (3), (4), ~~or~~
22 (5), OR (7), section 625m, or former section 625(1) or (2), or
23 former section 625b, while driving a commercial motor vehicle.

24 (ii) Two violations of leaving the scene of an accident
25 involving a commercial motor vehicle operated by the licensee.

26 (iii) Two violations of a felony in which a commercial motor
27 vehicle was used.

1 (iv) Two refusals of a request of a police officer to submit
2 to a chemical test of his or her blood, breath, or urine for the
3 purpose of determining the amount of alcohol or presence of a
4 controlled substance or both in his or her blood, BREATH, OR
5 URINE while he or she was operating a commercial motor vehicle in
6 this state or another state, ~~which~~ IF THOSE refusals occurred
7 in separate incidents.

8 (v) Two violations, in any combination, of the offenses enu-
9 merated under subparagraph (i), (ii), (iii), or (iv) arising from
10 2 or more separate incidents.

11 (vi) One violation of a felony in which a commercial motor
12 vehicle was used and that involved the manufacture,
13 ~~distribution, or dispensing~~ CREATION, OR DELIVERY of a con-
14 trolled substance or possession with intent to manufacture,
15 ~~distribute, or dispense~~ CREATE, OR DELIVER a controlled
16 substance.

17 (2) The secretary of state shall immediately suspend all
18 vehicle group designations on the operator's or chauffeur's
19 license of a person upon receiving notice of a conviction, bond
20 forfeiture, or civil infraction determination of the person, or
21 notice that a court or administrative tribunal has found the
22 person responsible, for a violation of section 319d(4) or 319f, a
23 local ordinance substantially corresponding to section 319d(4) or
24 319f, or a law or local ordinance of another state, the United
25 States, Canada, Mexico, or a local jurisdiction of either of
26 these countries substantially corresponding to section 319d(4) or
27 319f, while operating a commercial motor vehicle. ~~as defined in~~

1 ~~section 7a.~~ The period of suspension or revocation is as
2 follows:

3 (a) Suspension for 90 days if the licensee is convicted of
4 or found responsible for a violation of section 319d(4) or 319f
5 while operating a commercial motor vehicle.

6 (b) Suspension for 180 days if the licensee is convicted of
7 or found responsible for a violation of section 319d(4) or 319f
8 while operating a commercial motor vehicle either carrying haz-
9 ardous material required to have a placard pursuant to 49
10 C.F.R. parts 100 to 199, or that is designed to carry 16 or more
11 passengers, including the driver.

12 (c) Suspension for 1 year if the licensee is convicted of or
13 found responsible for 2 violations, in any combination, of sec-
14 tion 319d(4) or 319f while operating a commercial motor vehicle
15 arising from 2 or more separate incidents during a 10-year
16 period.

17 (d) Suspension for 3 years if the licensee is convicted of
18 or found responsible for 3 or more violations, in any combina-
19 tion, of section 319d(4) or 319f while operating a commercial
20 motor vehicle arising from 3 or more separate incidents during a
21 10-year period.

22 (e) Suspension for 3 years if the licensee is convicted of
23 or found responsible for 2 or more violations, in any combina-
24 tion, of section 319d(4) or 319f while operating a commercial
25 motor vehicle carrying hazardous material required to have a
26 placard ~~pursuant to~~ UNDER 49 C.F.R. parts 100 to 199, or
27 designed to carry 16 or more passengers, including the driver,

1 arising from 2 or more separate incidents during a 10-year
2 period.

3 (3) As used in this section:

4 (a) "Felony in which a commercial motor vehicle was used"
5 means a felony during the commission of which the person con-
6 victed operated a commercial motor vehicle and while the person
7 was operating the vehicle 1 or more of the following circum-
8 stances existed:

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

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

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

13 (iv) The vehicle was necessary for the commission of the
14 felony.

15 (b) "Serious traffic violation" means a traffic violation
16 that occurs in connection with an accident in which a person
17 ~~died~~ DIES, careless driving, excessive speeding as defined in
18 the federal administrative regulations promulgated to implement
19 the commercial motor vehicle safety act of 1986, title XII of
20 Public Law 99-570, 100 Stat. 3207-170, improper lane use, fol-
21 lowing too closely, or any other serious traffic violation as
22 defined in 49 C.F.R. 383.5 or as prescribed under this act.

23 (4) For the purpose of this section only, a bond forfeiture
24 or a determination by a court of original jurisdiction or by an
25 authorized administrative tribunal that a person has violated the
26 law is considered a conviction.

1 (5) The secretary of state shall suspend or revoke a vehicle
2 group designation under subsection (1) notwithstanding a
3 suspension, restriction, revocation, or denial of an operator's
4 or chauffeur's license or vehicle group designation under another
5 section of this act or a court order issued under another section
6 of this act or a local ordinance substantially corresponding to
7 another section of this act.

8 (6) ~~The secretary of state, when~~ WHEN determining the
9 applicability of conditions listed in this section, THE SECRETARY
10 OF STATE shall only consider violations that occurred after
11 January 1, 1990.

12 Sec. 320a. (1) The secretary of state, within 10 days after
13 the receipt of a properly prepared abstract from this or another
14 state, shall record the date of conviction, civil infraction
15 determination, or probate court disposition, and the number of
16 points for each, based on the following formula, except as other-
17 wise provided in this section and section 629c:

18 (a) Manslaughter, negligent homicide, or a felony
19 resulting from the operation of a motor vehicle..... 6 points

20 (b) A violation OR ATTEMPTED VIOLATION of section
21 625(1), (4), (5), OR (7) or a law or ordinance substan-
22 tially corresponding to section 625(1), (4) (5), or (7) 6 points

23 ~~(c) A violation or attempted violation of section~~
24 ~~625(4) or (5)..... 6 points~~

25 (C) ~~(d)~~ Failing to stop and disclose identity at
26 the scene of an accident when required by law..... 6 points

- 1 (D) ~~(e)~~ Operating a motor vehicle in a reckless
2 manner..... 6 points
- 3 (E) ~~(f)~~ Violation of any law or ordinance per-
4 taining to speed by exceeding the lawful maximum by
5 more than 15 miles per hour..... 4 points
- 6 (F) ~~(g)~~ Violation of section 625(3) or (6) or a
7 law or ordinance substantially corresponding to section
8 625(3) or (6)..... 4 points
- 9 (G) ~~(h)~~ Fleeing or eluding an officer..... 6 points
- 10 (H) ~~(i)~~ Violation of section 626a or a law or
11 ordinance substantially corresponding to section 626a.. 4 points
- 12 (I) ~~(j)~~ Violation of any law or ordinance per-
13 taining to speed by exceeding the lawful maximum by
14 more than 10 but not more than 15 miles per hour or
15 careless driving in violation of section 626b or a law
16 or ordinance substantially corresponding to section
17 626b..... 3 points
- 18 (J) ~~(k)~~ Violation of any law or ordinance per-
19 taining to speed by exceeding the lawful maximum by 10
20 miles per hour or less..... 2 points
- 21 (K) ~~(l)~~ Disobeying a traffic signal or stop
22 sign, or improper passing..... 3 points
- 23 (L) ~~(m)~~ Violation of section 624a, 624b, or a
24 law or ordinance substantially corresponding to section
25 624a or 624b..... 2 points

1 (M) ~~(n)~~ Until April 1, 2002, violation of
2 section 310e(4) or (6) or a law or ordinance
3 substantially corresponding to section 310e(4) or (6).. 2 points

4 (N) ~~(o)~~ All other moving violations pertaining
5 to the operation of motor vehicles reported under this
6 section..... 2 points

7 (O) ~~(p)~~ A refusal by a person less than 21 years
8 of age to submit to a preliminary breath test required
9 by a peace officer under section 625a..... 2 points

10 (2) Points shall not be entered for a violation of
11 section 310e(15), 311, 625m, 658, 717, 719, 719a, or 723.

12 (3) Points shall not be entered for bond forfeitures.

13 (4) Points shall not be entered for overweight loads or for
14 defective equipment.

15 (5) If more than 1 conviction, civil infraction determina-
16 tion, or probate court disposition results from the same inci-
17 dent, points shall be entered only for the violation that
18 receives the highest number of points under this section.

19 (6) If a person has accumulated 9 points as provided in this
20 section, the secretary of state may call the person in for an
21 interview as to the person's driving ability and record after due
22 notice as to time and place of the interview. If the person
23 fails to appear as provided in this subsection, the secretary of
24 state shall add 3 points to the person's record.

25 (7) If a person violates a speed restriction established by
26 an executive order issued during a state of energy emergency as
27 provided by ~~Act No. 191 of the Public Acts of 1982, being~~

1 ~~sections 10.81 to 10.89 of the Michigan Compiled Laws~~ 1982 PA
2 191, MCL 10.81 TO 10.89, the secretary of state shall enter
3 points for the violation pursuant to subsection (1).

4 (8) The secretary of state shall enter 6 points upon the
5 record of a person whose license is suspended or denied pursuant
6 to section 625f. However, if a conviction, civil infraction
7 determination, or probate court disposition results from the same
8 incident, additional points for that offense shall not be
9 entered.

10 (9) If a Michigan driver commits a violation in another
11 state that would be a civil infraction if committed in Michigan,
12 and a conviction results solely because of the failure of the
13 Michigan driver to appear in that state to contest the violation,
14 upon receipt of the abstract of conviction by the secretary of
15 state, the violation shall be noted on the driver's record, but
16 no points shall be assessed against his or her driver's license.

17 Sec. 625. (1) A person, whether licensed or not, shall not
18 operate a vehicle upon a highway or other place open to the gen-
19 eral public or generally accessible to motor vehicles, including
20 an area designated for the parking of vehicles, within this state
21 if either of the following applies:

22 (a) The person is under the influence of intoxicating
23 liquor, a controlled substance, or a combination of intoxicating
24 liquor and a controlled substance.

25 (b) The person has an alcohol content of 0.10 grams or more
26 per 100 milliliters of blood, per 210 liters of breath, or per 67
27 milliliters of urine.

1 (2) The owner of a vehicle or a person in charge or in
2 control of a vehicle shall not authorize or knowingly permit the
3 vehicle to be operated upon a highway or other place open to the
4 general public or generally accessible to motor vehicles, includ-
5 ing an area designated for the parking of motor vehicles, within
6 this state by a person who is under the influence of intoxicating
7 liquor, a controlled substance, or a combination of intoxicating
8 liquor and a controlled substance or who has an alcohol content
9 of 0.10 grams or more per 100 milliliters of blood, per 210
10 liters of breath, or per 67 milliliters of urine.

11 (3) A person, whether licensed or not, shall not operate a
12 vehicle upon a highway or other place open to the general public
13 or generally accessible to motor vehicles, including an area des-
14 ignated for the parking of vehicles, within this state when, due
15 to the consumption of an intoxicating liquor, a controlled sub-
16 stance, or a combination of an intoxicating liquor and a con-
17 trolled substance, the person's ability to operate the vehicle is
18 visibly impaired. If a person is charged with violating subsec-
19 tion (1), (4), (5), OR (7), a finding of guilty under this sub-
20 section may be rendered.

21 (4) A person, whether licensed or not, who operates a motor
22 vehicle in violation of subsection (1) or (3) and by the opera-
23 tion of that motor vehicle causes the death of another person is
24 guilty of a felony punishable by imprisonment for not more than
25 15 years or a fine of not less than \$2,500.00 or more than
26 \$10,000.00, or both. The judgment of sentence may impose the
27 sanction permitted under section 625n.

1 (5) A person, whether licensed or not, who operates a motor
2 vehicle in violation of subsection (1) or (3) and by the opera-
3 tion of that motor vehicle causes a serious impairment of a body
4 function of another person is guilty of a felony punishable by
5 imprisonment for not more than 5 years or a fine of not less than
6 \$1,000.00 or more than \$5,000.00, or both. The judgment of sen-
7 tence may impose the sanction permitted under section 625n. As
8 used in this subsection, "serious impairment of a body function"
9 includes, but is not limited to, 1 or more of the following:

- 10 (a) Loss of a limb or use of a limb.
11 (b) Loss of a hand, foot, finger, or thumb or use of a hand,
12 foot, finger, or thumb.
13 (c) Loss of an eye or ear or use of an eye or ear.
14 (d) Loss or substantial impairment of a bodily function.
15 (e) Serious visible disfigurement.
16 (f) A comatose state that lasts for more than 3 days.
17 (g) Measurable brain damage or mental impairment.
18 (h) A skull fracture or other serious bone fracture.
19 (i) Subdural hemorrhage or subdural hematoma.

20 (6) A person who is less than 21 years of age, whether
21 licensed or not, shall not operate a vehicle upon a highway or
22 other place open to the general public or generally accessible to
23 motor vehicles, including an area designated for the parking of
24 vehicles, within this state if the person has any bodily alcohol
25 content. As used in this subsection, "any bodily alcohol
26 content" means either of the following:

1 (a) An alcohol content of not less than 0.02 grams or more
2 than 0.07 grams per 100 milliliters of blood, per 210 liters of
3 breath, or per 67 milliliters of urine.

4 (b) Any presence of alcohol within a person's body resulting
5 from the consumption of intoxicating liquor, other than consump-
6 tion of intoxicating liquor as a part of a generally recognized
7 religious service or ceremony.

8 (7) A PERSON WHO OPERATES OR ATTEMPTS TO OPERATE A VEHICLE
9 IN VIOLATION OF SUBSECTION (1), (3), (4), OR (5) WHILE ANOTHER
10 PERSON WHO IS LESS THAN 16 YEARS OF AGE IS OCCUPYING THE VEHICLE
11 IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT
12 MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.
13 THIS SECTION DOES NOT PROHIBIT A PERSON FROM BEING CHARGED WITH,
14 CONVICTED OF, OR PUNISHED FOR A VIOLATION OF SUBSECTION (1), (3),
15 (4), OR (5) THAT IS COMMITTED BY THE PERSON WHILE VIOLATING THIS
16 SUBSECTION. HOWEVER, POINTS SHALL NOT BE ASSESSED UNDER SECTION
17 320A FOR BOTH A VIOLATION OF SUBSECTION (1), (3), (4), OR (5) AND
18 A VIOLATION OF THIS SUBSECTION FOR CONDUCT ARISING OUT OF THE
19 SAME TRANSACTION.

20 (8) ~~(7)~~ If a person is convicted of violating subsection
21 (1), all of the following apply:

22 (a) Except as otherwise provided in subdivisions (b) and
23 (d), the person is guilty of a misdemeanor punishable by 1 or
24 more of the following:

25 (i) Community service for not more than 45 days.

26 (ii) Imprisonment for not more than 90 days.

1 (iii) A fine of not less than \$100.00 or more than \$500.00.

2 (b) If the violation occurs within 7 years of a prior
3 conviction, the person shall be sentenced to pay a fine of not
4 less than \$200.00 or more than \$1,000.00 and either of the
5 following:

6 (i) Community service for not less than 10 days or more than
7 90 days and may be imprisoned for not more than 1 year.

8 (ii) Imprisonment for not less than 48 consecutive hours or
9 more than 1 year and may be sentenced to community service for
10 not more than 90 days.

11 (c) A term of imprisonment imposed under subdivision (b)(ii)
12 shall not be suspended.

13 (d) If the violation occurs within 10 years of 2 or more
14 prior convictions, the person is guilty of a felony and shall be
15 sentenced to pay a fine of not less than \$500.00 or more than
16 \$5,000.00 and to either of the following:

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

19 (ii) Probation with imprisonment in the county jail for not
20 less than 30 days or more than 1 year. Not less than 48 hours of
21 the imprisonment imposed under this subparagraph shall be served
22 consecutively.

23 (e) The term of imprisonment imposed under subdivision (d)
24 shall not be suspended.

25 (f) The judgment of sentence under this subsection may
26 impose the sanction permitted under section 625n.

1 (g) As used in this subsection, "prior conviction" means a
2 conviction for a violation or attempted violation of subsection
3 (1), (4), ~~or~~ (5), OR (7) or former section 625(1) or (2), a
4 local ordinance substantially corresponding to subsection (1) or
5 former section 625(1) or (2), or a law of another state substan-
6 tially corresponding to subsection (1), (4), ~~or~~ (5), OR (7) or
7 former section 625(1) or (2).

8 (9) ~~(8)~~ A person who is convicted of violating subsection
9 (2) is guilty of a misdemeanor punishable by imprisonment for not
10 more than 90 days or a fine of not less than \$100.00 or more than
11 \$500.00, or both.

12 (10) ~~(9)~~ If a person is convicted of violating subsection
13 (3), all of the following apply:

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

17 (i) Community service for not more than 45 days.

18 (ii) Imprisonment for not more than 90 days.

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

20 (b) If the violation occurs within 7 years of 1 prior con-
21 viction, the person shall be sentenced to pay a fine of not less
22 than \$200.00 or more than \$1,000.00, and either of the
23 following:

24 (i) Community service for not less than 10 days or more than
25 90 days and may be sentenced to imprisonment for not more than 1
26 year.

1 (ii) Imprisonment for not more than 1 year and may be
2 sentenced to community service for not more than 90 days.

3 (c) If the violation occurs within 10 years of 2 or more
4 prior convictions, the person shall be sentenced to pay a fine of
5 not less than \$200.00 or more than \$1,000.00, and either of the
6 following:

7 (i) Community service for not less than 10 days or more than
8 90 days and may be sentenced to imprisonment for not more than 1
9 year.

10 (ii) Imprisonment for not more than 1 year and may be sen-
11 tenced to community service for not more than 90 days.

12 (d) The judgment of sentence under subdivision (b) or (c)
13 may impose the sanction permitted under section 625n.

14 (e) As used in this subsection, "prior conviction" means a
15 conviction for a violation or attempted violation of subsection
16 (1), (3), (4), ~~or~~ (5), OR (7), former section 625(1) or (2), or
17 former section 625b, a local ordinance substantially correspond-
18 ing to subsection (1) or (3), former section 625(1) or (2), or
19 former section 625b, or a law of another state substantially cor-
20 responding to subsection (1), (3), (4), ~~or~~ (5), OR (7), former
21 section 625(1) or (2), or former section 625b.

22 (11) ~~(10)~~ If a person is convicted of violating
23 subsection (6), all of the following apply:

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

1 (i) Community service for not more than 45 days.

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

3 (b) If the violation occurs within 7 years of 1 or more
4 prior convictions, the person may be sentenced to 1 or both of
5 the following:

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

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

8 (c) As used in this subsection, "prior conviction" means a
9 conviction for a violation or attempted violation of subsection
10 (1), (3), (4), (5), ~~or~~ (6), OR (7), former section 625(1) or
11 (2), or former section 625b, a local ordinance substantially cor-
12 responding to subsection (1), (3), or (6), former section 625(1)
13 or (2), or former section 625b, or a law of another state sub-
14 stantially corresponding to subsection (1), (3), (4), (5), ~~or~~
15 (6), OR (7), former section 625(1) or (2), or former section
16 625b.

17 (12) ~~(11)~~ In addition to imposing the sanctions prescribed
18 under subsection (4), (5), (7), ~~(9), or~~ (8), (10), OR (11), the
19 court may order the person to pay the costs of the prosecution
20 under the code of criminal procedure, ~~Act No. 175 of the Public~~
21 ~~Acts of 1927, being sections 760.1 to 776.22 of the Michigan~~
22 ~~Compiled Laws~~ 1927 PA 175, MCL 760.1 TO 776.22.

23 (13) ~~(12)~~ The court shall impose licensing sanctions pur-
24 suant to section 625b.

25 (14) ~~(13)~~ A person sentenced to perform community service
26 under this section shall not receive compensation and shall
27 reimburse the state or appropriate local unit of government for

1 the cost of supervision incurred by the state or local unit of
2 government as a result of the person's activities in that
3 service.

4 (15) ~~(14)~~ If the prosecuting attorney intends to seek an
5 enhanced sentence under subsection ~~(7)(b)~~ (8)(B) or (d),
6 subsection ~~(9)(b)~~ (10)(B) or (c), or subsection ~~(10)(b)~~
7 (11)(B) based upon the defendant having 1 or more prior convic-
8 tions, the prosecuting attorney shall include on the complaint
9 and information, or an amended complaint and information, filed
10 in district court, circuit court, recorder's court, municipal
11 court, ~~or probate court~~ OR FAMILY DIVISION OF CIRCUIT COURT a
12 statement listing the defendant's prior convictions.

13 (16) ~~(15)~~ If a person is charged with a violation of sub-
14 section (1), ~~or~~ (3), (4), (5), OR (7), the court shall not
15 permit the defendant to enter a plea of guilty or nolo contendere
16 to a charge of violating subsection (6) in exchange for dismissal
17 of the original charge. This subsection does not prohibit the
18 court from dismissing the charge upon the prosecuting attorney's
19 motion.

20 (17) ~~(16)~~ A prior conviction shall be established at sen-
21 tencing by 1 or more of the following:

- 22 (a) An abstract of conviction.
23 (b) A copy of the defendant's driving record.
24 (c) An admission by the defendant.

25 (18) ~~(17)~~ A person who is convicted of an attempted viola-
26 tion of subsection (1), (3), (4), (5), ~~or~~ (6), OR (7) or a
27 local ordinance substantially corresponding to subsection (1),

1 (3), or (6) shall be punished as if the offense had been
2 completed.

3 (19) ~~(18)~~ When assessing points and taking licensing
4 action under this act, the secretary of state and the court shall
5 treat a conviction of an attempted violation of subsection (1),
6 (3), (4), (5), ~~or~~ (6), OR (7) or a local ordinance substan-
7 tially corresponding to subsection (1), (3), or (6) or a law of
8 another state substantially corresponding to subsection (1), (3),
9 (4), (5), ~~or~~ (6), OR (7) the same as if the offense had been
10 completed.

11 (20) ~~(19)~~ Except as otherwise provided in subsection
12 ~~(21)~~ (22), if a person is charged with operating a vehicle
13 while under the influence of a controlled substance or a combina-
14 tion of intoxicating liquor and a controlled substance in viola-
15 tion of subsection (1) or a local ordinance substantially corre-
16 sponding to subsection (1), the court shall require the jury to
17 return a special verdict in the form of a written finding or, if
18 the court convicts the person without a jury or accepts a plea of
19 guilty or nolo contendere, the court shall make a finding as to
20 whether the person was under the influence of a controlled sub-
21 stance or a combination of intoxicating liquor and a controlled
22 substance at the time of the violation.

23 (21) ~~(20)~~ Except as otherwise provided in subsection
24 ~~(21)~~ (22), if a person is charged with operating a vehicle
25 while his or her ability to operate the vehicle was visibly
26 impaired due to his or her consumption of a controlled substance
27 or a combination of intoxicating liquor and a controlled

1 substance in violation of subsection (3) or a local ordinance
2 substantially corresponding to subsection (3), the court shall
3 require the jury to return a special verdict in the form of a
4 written finding or, if the court convicts the person without a
5 jury or accepts a plea of guilty or nolo contendere, the court
6 shall make a finding as to whether, due to the consumption of a
7 controlled substance or a combination of intoxicating liquor and
8 a controlled substance, the person's ability to operate a motor
9 vehicle was visibly impaired at the time of the violation.

10 (22) ~~(21)~~ A special verdict described in subsections
11 ~~(19)~~ (20) and ~~(20)~~ (21) is not required if a jury is
12 instructed to make a finding solely as to either of the
13 following:

14 (a) Whether the defendant was under the influence of a con-
15 trolled substance or a combination of intoxicating liquor and a
16 controlled substance at the time of the violation.

17 (b) Whether the defendant was visibly impaired due to his or
18 her consumption of a controlled substance or a combination of
19 intoxicating liquor and a controlled substance at the time of the
20 violation.

21 (23) ~~(22)~~ If a jury or court makes a finding under subsec-
22 tion ~~(19)~~ (20), ~~(20)~~ (21), or ~~(21)~~ (22) that the defendant
23 operated a motor vehicle under the influence of or while impaired
24 due to the consumption of a controlled substance or a combination
25 of a controlled substance and an intoxicating liquor, the court
26 shall do both of the following:

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

2 (b) On a form or forms prescribed by the state court
3 administrator, forward to the department of state police a record
4 that specifies the penalties imposed by the court, including any
5 term of imprisonment, any licensing sanction imposed under
6 section 625b, and any sanction imposed under section 625n.

7 (24) ~~(23)~~ Except as otherwise provided by law, a record
8 described in subsection ~~(22)(b)~~ (23)(B) is a public record and
9 the department of state police shall retain the information con-
10 tained on that record for not less than 7 years.

11 (25) ~~(24)~~ In a prosecution for a violation of subsection
12 (6), the defendant bears the burden of proving that the consump-
13 tion of intoxicating liquor was a part of a generally recognized
14 religious service or ceremony by a preponderance of the
15 evidence.

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

18 (a) The peace officer has reasonable cause to believe the
19 person was, at the time of an accident in this state, the opera-
20 tor of a vehicle involved in the accident and was operating the
21 vehicle in violation of section ~~625(1), (3), or (6)~~ 625 or a
22 local ordinance substantially corresponding to section ~~625(1),~~
23 ~~(3), or (6)~~ 625.

24 (b) The person is found in the driver's seat of a vehicle
25 parked or stopped on a highway or street within this state if any
26 part of the vehicle intrudes into the roadway and the peace
27 officer has reasonable cause to believe the person was operating

1 the vehicle in violation of section ~~625(1), (3), or (6)~~ 625 or
2 a local ordinance substantially corresponding to section ~~625(1),~~
3 ~~(3), or (6)~~ 625.

4 (2) A peace officer who has reasonable cause to believe that
5 a person was operating a vehicle upon a public highway or other
6 place open to the public or generally accessible to motor vehi-
7 cles, including an area designated for the parking of vehicles,
8 within this state and that the person by the consumption of
9 intoxicating liquor may have affected his or her ability to oper-
10 ate a vehicle, or reasonable cause to believe that a person was
11 operating a commercial motor vehicle within the state while the
12 person's blood, breath, or urine contained any measurable amount
13 of alcohol or while the person had any detectable presence of
14 intoxicating liquor, or reasonable cause to believe that a person
15 who is less than 21 years of age was operating a vehicle upon a
16 public highway or other place open to the public or generally
17 accessible to motor vehicles, including an area designated for
18 the parking of vehicles, within this state while the person had
19 any bodily alcohol content as that term is defined in section
20 625(6), may require the person to submit to a preliminary chemi-
21 cal breath analysis. The following provisions apply with respect
22 to a preliminary chemical breath analysis administered ~~pursuant~~
23 ~~to~~ UNDER this subsection:

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

26 (b) The results of a preliminary chemical breath analysis
27 are admissible in a criminal prosecution for a crime enumerated

1 in section 625c(1) or in an administrative hearing for 1 or more
2 of the following purposes:

3 (i) To assist the court or hearing officer in determining a
4 challenge to the validity of an arrest. This subparagraph does
5 not limit the introduction of other competent evidence offered to
6 establish the validity of an arrest.

7 (ii) As evidence of the defendant's breath alcohol content,
8 if offered by the defendant.

9 (iii) As evidence of the defendant's breath alcohol content,
10 if offered by the prosecution to rebut testimony or other evi-
11 dence, including but not limited to testimony elicited on
12 cross-examination of a prosecution witness, that is offered or
13 elicited to prove that the defendant's breath alcohol content was
14 lower at the time of the charged offense than when a chemical
15 test was administered ~~pursuant to~~ UNDER subsection (6).

16 (c) A person who submits to a preliminary chemical breath
17 analysis remains subject to the requirements of sections 625c,
18 625d, 625e, and 625f for purposes of chemical tests described in
19 those sections.

20 (d) Except as provided in subsection (5), a person who
21 refuses to submit to a preliminary chemical breath analysis upon
22 a lawful request by a peace officer is responsible for a civil
23 infraction.

24 (3) A peace officer shall use the results of a preliminary
25 chemical breath analysis conducted pursuant to this section to
26 determine whether to order a person out-of-service under
27 section 319d. A peace officer shall order out-of-service as

1 required under section 319d a person who was operating a
2 commercial motor vehicle and who refuses to submit to a prelimi-
3 nary chemical breath analysis as provided in this section. This
4 section does not limit use of other competent evidence by the
5 peace officer to determine whether to order a person
6 out-of-service under section 319d.

7 (4) A person who was operating a commercial motor vehicle
8 and who is requested to submit to a preliminary chemical breath
9 analysis under this section shall be advised that refusing a
10 peace officer's request to take a test described in this section
11 is a misdemeanor punishable by imprisonment for not more than 90
12 days or a fine of not more than \$100.00, or both, and will result
13 in the issuance of a 24-hour out-of-service order.

14 (5) A person who was operating a commercial motor vehicle
15 and who refuses to submit to a preliminary chemical breath analy-
16 sis upon a peace officer's lawful request is guilty of a misde-
17 meanor punishable by imprisonment for not more than 90 days or a
18 fine of not more than \$100.00, or both.

19 (6) The following provisions apply with respect to chemical
20 tests and analysis of a person's blood, urine, or breath, other
21 than preliminary chemical breath analysis:

22 (a) The amount of alcohol or presence of a controlled sub-
23 stance or both in a driver's blood or urine or the amount of
24 alcohol in a person's breath at the time alleged as shown by
25 chemical analysis of the person's blood, urine, or breath is
26 admissible into evidence in any civil or criminal proceeding.

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

3 (i) If he or she takes a chemical test of his or her blood,
4 urine, or breath administered at the request of a peace officer,
5 he or she has the right to demand that a person of his or her own
6 choosing administer 1 of the chemical tests.

7 (ii) The results of the test are admissible in a judicial
8 proceeding as provided under this act and will be considered with
9 other ~~competent~~ RELEVANT evidence in determining the
10 defendant's innocence or guilt.

11 (iii) He or she is responsible for obtaining a chemical
12 analysis of a test sample obtained pursuant to his or her own
13 request.

14 (iv) If he or she refuses the request of a peace officer to
15 take a test described in subparagraph (i), a test shall not be
16 given without a court order, but the peace officer may seek to
17 obtain ~~such a~~ THE court order.

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

23 (c) A sample or specimen of urine or breath shall be taken
24 and collected in a reasonable manner. Only a licensed physician,
25 or an individual operating under the delegation of a licensed
26 physician under section 16215 of the public health code, ~~Act~~
27 ~~No. 368 of the Public Acts of 1978, being section 333.16215 of~~

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

13 (d) A chemical test described in this subsection shall 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
17 at a peace officer's request as provided in this section shall be
18 given 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.
21 The test results are admissible and shall be considered with
22 other ~~competent~~ RELEVANT evidence in determining the
23 defendant's innocence or guilt. If the person charged is admin-
24 istered a chemical test by a person of his or her own choosing,
25 the person charged is responsible for obtaining a chemical analy-
26 sis of the test sample.

1 (e) If, after an accident, the driver of a vehicle involved
2 in the accident is transported to a medical facility and a sample
3 of the driver's blood is withdrawn at that time for medical
4 treatment, the results of a chemical analysis of that sample are
5 admissible in any civil or criminal proceeding to show the amount
6 of alcohol or presence of a controlled substance or both in the
7 person's blood at the time alleged, regardless of whether the
8 person had been offered or had refused a chemical test. The med-
9 ical facility or person performing the chemical analysis shall
10 disclose the results of the analysis to a prosecuting attorney
11 who requests the results for use in a criminal prosecution as
12 provided in this subdivision. A medical facility or person dis-
13 closing information in compliance with this subsection is not
14 civilly or criminally liable for making the disclosure.

15 (f) If, after an accident, the driver of a vehicle involved
16 in the accident is deceased, a sample of the decedent's blood
17 shall be withdrawn in a manner directed by the medical examiner
18 to determine the amount of alcohol or the presence of a con-
19 trolled substance, or both, in the decedent's blood. The medical
20 examiner shall give the results of the chemical analysis of the
21 sample to the law enforcement agency investigating the accident
22 and that agency shall forward the results to the department of
23 state police.

24 (g) The department of state police shall promulgate uniform
25 rules ~~pursuant to~~ UNDER the administrative procedures act of
26 1969, ~~Act No. 306 of the Public Acts of 1969, being~~
27 ~~sections 24.201 to 24.328 of the Michigan Compiled Laws~~ 1969 PA

1 306, MCL 24.201 TO 24.328, for the administration of chemical
2 tests for the purposes of this section. An instrument used for a
3 preliminary chemical breath analysis may be used for a chemical
4 test described in this subsection if approved under rules promul-
5 gated by the department of state police.

6 (7) The provisions of subsection (6) relating to chemical
7 testing do not limit the introduction of any other ~~competent~~
8 RELEVANT evidence bearing upon the question of whether a person
9 was impaired by, or under the influence of, intoxicating liquor
10 or a controlled substance, or a combination of intoxicating
11 liquor and a controlled substance, or whether the person had an
12 alcohol content of 0.10 grams or more per 100 milliliters of
13 blood, per 210 liters of breath, or per 67 milliliters of urine,
14 or if the person is less than 21 years of age, whether the person
15 had any bodily alcohol content within his or her body. As used
16 in this section, "any bodily alcohol content" means either of the
17 following:

18 (a) An alcohol content of not less than 0.02 grams or more
19 than 0.07 grams per 100 milliliters of blood, per 210 liters of
20 breath, or per 67 milliliters of urine.

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

25 (8) If a chemical test described in subsection (6) is admin-
26 istered, the test results shall be made available to the person
27 charged or the person's attorney upon written request to the

1 prosecution, with a copy of the request filed with the court.
2 The prosecution shall furnish the results at least 2 days before
3 the day of the trial. The prosecution shall offer the test
4 results as evidence in that trial. Failure to fully comply with
5 the request bars the admission of the results into evidence by
6 the prosecution.

7 (9) Except in a prosecution relating solely to a violation
8 of section 625(1)(b) or (6), the amount of alcohol in the
9 driver's blood, breath, or urine at the time alleged as shown by
10 chemical analysis of the person's blood, breath, or urine gives
11 rise to the following presumptions:

12 (a) If there were at the time 0.07 grams or less of alcohol
13 per 100 milliliters of the defendant's blood, per 210 liters of
14 the defendant's breath, or per 67 milliliters of the defendant's
15 urine, it is presumed that the defendant's ability to operate a
16 motor vehicle was not impaired due to the consumption of intoxi-
17 cating liquor and that the defendant was not under the influence
18 of intoxicating liquor.

19 (b) If there were at the time more than 0.07 grams but less
20 than 0.10 grams of alcohol per 100 milliliters of the defendant's
21 blood, per 210 liters of the defendant's breath, or per 67 milli-
22 liters of the defendant's urine, it is presumed that the
23 defendant's ability to operate a vehicle was impaired within the
24 provisions of section 625(3) due to the consumption of intoxicat-
25 ing liquor.

26 (c) If there were at the time 0.10 grams or more of alcohol
27 per 100 milliliters of the defendant's blood, per 210 liters of

1 the breath, or per 67 milliliters of the defendant's urine, it is
2 presumed that the defendant was under the influence of intoxicat-
3 ing liquor.

4 (10) A person's refusal to submit to a chemical test as pro-
5 vided 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 shall be instructed
9 accordingly.

10 Sec. 625b. (1) A person arrested for a misdemeanor viola-
11 tion of section 625(1), (3), ~~or~~ (6), OR (7) or section 625m or
12 a local ordinance substantially corresponding to section 625(1),
13 (3), or (6) or section 625m shall be arraigned on the citation,
14 complaint, or warrant not more than 14 days after the arrest for
15 the violation or, if an arrest warrant is issued or reissued, not
16 more than 14 days after the issued or reissued arrest warrant is
17 served, whichever is later. The court shall not dismiss a case
18 or impose any other sanction for a failure to comply with this
19 time limit. The time limit does not apply to a violation of
20 section 625(1) punishable under section ~~625(7)(d)~~ 625(8)(D) or
21 a violation of section 625(1), (3), ~~or~~ (6), OR (7) or
22 section 625m joined with a felony charge.

23 (2) The court shall schedule a pretrial conference between
24 the prosecuting attorney, the defendant, and the defendant's
25 attorney in each case in which the defendant is charged with a
26 misdemeanor violation of section 625(1), (3), ~~or~~ (6), OR (7) or
27 section 625m or a local ordinance substantially corresponding to

1 section 625(1), (3), or (6) or section 625m. The pretrial
2 conference shall be held not more than 35 days after the person's
3 arrest for the violation or, if an arrest warrant is issued or
4 reissued, not more than 35 days after the issued or reissued
5 arrest warrant is served, whichever is later. If the court has
6 only 1 judge who sits in more than 1 location in that district,
7 the pretrial conference shall be held not more than 42 days after
8 the person's arrest for the violation or, if an arrest warrant is
9 issued or reissued, not more than 42 days after the date the
10 issued or reissued arrest warrant is served, whichever is later.
11 The court shall not dismiss a case or impose any other sanction
12 for a failure to comply with the applicable time limit. The 35-
13 and 42-day time limits do not apply to a violation of
14 section 625(1) punishable under section ~~625(7)(d)~~ 625(8)(D) or
15 a violation of section 625(1), (3), ~~or~~ (6), OR (7) or
16 section 625m joined with a felony charge. The court shall order
17 the defendant to attend the pretrial conference and may accept a
18 plea by the defendant at the conclusion of the pretrial
19 conference. The court may adjourn the pretrial conference upon
20 the motion of a party for good cause shown. Not more than 1
21 adjournment shall be granted to a party, and the length of an
22 adjournment shall not exceed 14 days.

23 (3) Except for delay attributable to the unavailability of
24 the defendant, a witness, or material evidence or due to an
25 interlocutory appeal or exceptional circumstances, but not a
26 delay caused by docket congestion, the court shall finally
27 adjudicate, by a plea of guilty or nolo contendere, entry of a

1 verdict, or other final disposition, a case in which the
2 defendant is charged with a misdemeanor violation of
3 section 625(1), (3), ~~or~~ (6), OR (7) or section 625m or a local
4 ordinance substantially corresponding to section 625(1), (3), or
5 (6) or section 625m, within 77 days after the person is arrested
6 for the violation or, if an arrest warrant is issued or reissued,
7 not more than 77 days after the date the issued or reissued
8 arrest warrant is served, whichever is later. The court shall
9 not dismiss a case or impose any other sanction for a failure to
10 comply with this time limit. The 77-day time limit does not
11 apply to a violation of section 625(1) punishable under section
12 ~~625(7)(d)~~ 625(8)(D) or a violation of section 625(1), (3), ~~or~~
13 (6), OR (7) or section 625m joined with a felony charge.

14 (4) Before accepting a plea of guilty or nolo contendere
15 under section 625 or a local ordinance substantially correspond-
16 ing to section 625(1), (2), (3), or (6), the court shall advise
17 the accused of the maximum possible term of imprisonment and the
18 maximum possible fine that may be imposed for the violation, and
19 shall advise the defendant that the maximum possible license
20 sanctions that may be imposed will be based upon the master driv-
21 ing record maintained by the secretary of state pursuant to
22 section 204a.

23 (5) Before imposing sentence, other than court-ordered
24 license sanctions, for a violation of section 625(1), (3), (4),
25 (5), ~~or~~ (6), OR (7) or a local ordinance substantially corre-
26 sponding to section 625(1), (3), or (6), the court shall order
27 the person to undergo screening and assessment by a person or

1 agency designated by the office of substance abuse services to
2 determine whether the person is likely to benefit from rehabili-
3 tative services, including alcohol or drug education and alcohol
4 or drug treatment programs. As part of the sentence, the court
5 may order the person to participate in and successfully complete
6 1 or more appropriate rehabilitative programs. The person shall
7 pay for the costs of the screening, reassessment, and rehabilita-
8 tive services.

9 (6) Immediately upon acceptance by the court of a plea of
10 guilty or nolo contendere or upon entry of a verdict of guilty
11 for a violation of section 625(1), (3), (4), (5), ~~or~~ (6), OR
12 (7) or a local ordinance substantially corresponding to section
13 625(1), (3), or (6), whether or not the person is eligible to be
14 sentenced as a multiple offender, the court shall consider all
15 prior convictions currently entered upon the person's Michigan
16 driving record, except convictions the court determines upon the
17 defendant's motion to be constitutionally invalid, and shall
18 impose the following licensing sanctions:

19 (a) For a conviction under section 625(4), ~~or~~ (5), OR (7),
20 the court shall order the secretary of state to revoke the
21 person's operator's or chauffeur's license and shall not order
22 the secretary of state to issue a restricted license to the
23 person.

24 (b) For a conviction under section 625(1) or a local ordi-
25 nance substantially corresponding to section 625(1):

26 (i) If the court finds that the person has no prior
27 convictions within 7 years for a violation of section 625(1),

1 (3), (4), ~~or~~ (5), OR (7), former section 625(1) or (2), or
2 former section 625b, a local ordinance substantially correspond-
3 ing to section 625(1) or (3), former section 625(1) or (2) or
4 former section 625b, or a law of another state substantially cor-
5 responding to section 625(1), (3), (4), ~~or~~ (5), OR (7), former
6 section 625(1) or (2), or former section 625b, the court shall
7 order the secretary of state to suspend the person's operator's
8 or chauffeur's license for not less than 6 months or more than
9 2 years. If the court finds compelling circumstances under sub-
10 section (10) sufficient to warrant the issuance of a restricted
11 license to a person, the court may order the secretary of state
12 to issue to the person a restricted license during all or a spec-
13 ified portion of the suspension, except that a restricted license
14 shall not be issued during the first 30 days of the suspension.

15 (ii) If the court finds that the person has 1 prior convic-
16 tion within 7 years for a violation of section 625(3) or former
17 section 625b, a local ordinance substantially corresponding to
18 section 625(3) or former section 625b, or a law of another state
19 substantially corresponding to section 625(3) or former
20 section 625b, the court shall order the secretary of state to
21 suspend the person's operator's or chauffeur's license for not
22 less than 6 months or more than 2 years. If the court finds com-
23 pelling circumstances under subsection (10) sufficient to warrant
24 the issuance of a restricted license to a person, the court may
25 order the secretary of state to issue to the person a restricted
26 license during all or any portion of the suspension, except that

1 a restricted license shall not be issued during the first 60 days
2 of the suspension.

3 (iii) If the court finds that the person has 1 or more prior
4 convictions within 7 years for a violation of section 625(1),
5 (4), ~~or~~ (5), OR (7) or former section 625(1) or (2), a local
6 ordinance substantially corresponding to section 625(1) or former
7 section 625(1) or (2), or a law of another state substantially
8 corresponding to section 625(1), (4), ~~or~~ (5), OR (7) or former
9 section 625(1) or (2), or that the person has 2 or more prior
10 convictions within 10 years for a violation of section 625(1),
11 (3), (4), ~~or~~ (5), OR (7), former section 625(1) or (2), or
12 former section 625b, a local ordinance substantially correspond-
13 ing to section 625(1) or (3), former section 625(1) or (2), or
14 former section 625b, or a law of another state substantially cor-
15 responding to section 625(1), (3), (4), ~~or~~ (5), OR (7), former
16 section 625(1) or (2), or former section 625b, the court shall
17 order the secretary of state to revoke the person's operator's or
18 chauffeur's license and shall not order the secretary of state to
19 issue a restricted license to the person.

20 (c) For a conviction under section 625(3) or a local ordi-
21 nance substantially corresponding to section 625(3):

22 (i) If the court finds that the convicted person has no
23 prior conviction within 7 years for a violation of section
24 625(1), (3), (4), ~~or~~ (5), OR (7), former section 625(1) or (2),
25 or former section 625b, a local ordinance substantially corre-
26 sponding to section 625(1) or (3), former section 625(1) or (2),
27 or former section 625b, or a law of another state substantially

1 corresponding to section 625(1), (3), (4), ~~or~~ (5), OR (7),
2 former section 625(1) or (2), or former section 625b, the court
3 shall order the secretary of state to suspend the person's
4 operator's or chauffeur's license for not less than 90 days or
5 more than 1 year. However, if the person is convicted of a vio-
6 lation of section 625(3) or a local ordinance substantially cor-
7 responding to section 625(3) for operating a vehicle when, due to
8 the consumption of a controlled substance or a combination of
9 intoxicating liquor and a controlled substance, the person's
10 ability to operate the vehicle was visibly impaired, the court
11 shall order the secretary of state to suspend the operator's or
12 chauffeur's license of the person for not less than 6 months or
13 more than 1 year. If the court finds compelling circumstances
14 under subsection (10) sufficient to warrant the issuance of a
15 restricted license to a person, the court may order the secretary
16 of state to issue to the person a restricted license during all
17 or a specified portion of the suspension.

18 (ii) If the court finds that the person has 1 prior convic-
19 tion within 7 years for a violation of section 625(1), (3), (4),
20 ~~or~~ (5), OR (7), former section 625(1) or (2), or former section
21 625b, a local ordinance substantially corresponding to section
22 625(1) or (3), former section 625(1) or (2), or former section
23 625b, or a law of another state substantially corresponding to
24 section 625(1), (3), (4), ~~or~~ (5), OR (7), former section 625(1)
25 or (2), or former section 625b, the court shall order the secre-
26 tary of state to suspend the person's operator's or chauffeur's
27 license for not less than 6 months or more than 2 years. If the

1 court finds compelling circumstances under subsection (10)
2 sufficient to warrant the issuance of a restricted license to a
3 person, the court may order the secretary of state to issue to
4 the person a restricted license during all or any portion of the
5 suspension, except that a restricted license shall not be issued
6 during the first 60 days of the suspension.

7 (iii) If the court finds that the person has 2 or more prior
8 convictions within 10 years for a violation of section 625(1),
9 (3), (4), ~~or~~ (5), OR (7), former section 625(1) or (2), or
10 former section 625b, a local ordinance substantially correspond-
11 ing to section 625(1) or (3), former section 625(1) or (2), or
12 former section 625b, or a law of another state substantially cor-
13 responding to section 625(1), (3), (4), ~~or~~ (5), OR (7), former
14 section 625(1) or (2), or former section 625b, the court shall
15 order the secretary of state to revoke the person's operator's or
16 chauffeur's license and shall not order the secretary of state to
17 issue a restricted license to the person.

18 (d) For a conviction under section 625(6) or a local ordi-
19 nance substantially corresponding to section 625(6):

20 (i) If the court finds that the convicted person has no
21 prior conviction within 7 years for a violation of section
22 625(1), (3), (4), (5), ~~or~~ (6), OR (7), former section 625(1) or
23 (2), or former section 625b, a local ordinance substantially cor-
24 responding to section 625(1), (3), or (6), former section 625(1)
25 or (2), or former section 625b, or a law of another state sub-
26 stantially corresponding to section 625(1), (3), (4), (5), ~~or~~
27 (6), OR (7), former section 625(1) or (2), or former

1 section 625b, the court shall order the secretary of state to
2 suspend the operator's or chauffeur's license of the person for
3 not less than 30 days or more than 90 days. The court may order
4 the secretary of state to issue to the person a restricted
5 license during all or a specified portion of the suspension.

6 (ii) If the court finds that the person has 1 or more prior
7 convictions within 7 years for a violation of section 625(1),
8 (3), (4), (5), ~~or~~ (6), OR (7), former section 625(1) or (2), or
9 former section 625b, a local ordinance substantially correspond-
10 ing to section 625(1), (3), or (6), former section 625(1) or (2),
11 or former section 625b, or a law of another state substantially
12 corresponding to section 625(1), (3), (4), (5), ~~or~~ (6), OR (7),
13 former section 625(1) or (2), or former section 625b, the court
14 shall order the secretary of state to suspend the operator's or
15 chauffeur's license of the person for not less than 90 days or
16 more than 1 year. The court may order the secretary of state to
17 issue to the person a restricted license during all or any por-
18 tion of the suspension, except that a restricted license shall
19 not be issued during the first 90 days of the suspension.

20 (7) A restricted license issued pursuant to an order under
21 subsection (6) shall permit the person to whom it is issued to
22 drive under 1 or more of the following circumstances:

- 23 (a) To and from the person's residence and work location.
24 (b) In the course of the person's employment or occupation.
25 (c) To and from the person's residence and an alcohol or
26 drug education or treatment program as ordered by the court.

1 (d) To and from the person's residence and the court
2 probation department or a court-ordered community service
3 program, or both.

4 (e) To and from the person's residence and an educational
5 institution at which the person is enrolled as a student.

6 (f) To and from the person's residence or work location and
7 a place of regularly occurring medical treatment for a serious
8 condition for the person or a member of the person's household or
9 immediate family.

10 (8) The court may order that the restricted license issued
11 pursuant to subsection (6) include the requirement that the
12 person shall not operate a motor vehicle unless the vehicle is
13 equipped with a functioning ignition interlock device. The
14 device shall be set to render the motor vehicle inoperable if the
15 device detects an alcohol content of 0.02 grams or more per 210
16 liters of breath of the person who offers a breath sample. The
17 court may order installation of an ignition interlock device on
18 any motor vehicle that the person owns or operates, the costs of
19 which the person whose license is restricted shall bear.

20 (9) The court shall not order the secretary of state under
21 subsection (6) to issue a restricted license that would permit a
22 person to operate a commercial motor vehicle that hauls hazardous
23 materials.

24 (10) The court shall not order the secretary of state to
25 issue a restricted license unless the person states under oath,
26 and the court finds pursuant to testimony taken in open court or
27 pursuant to statements contained in a sworn affidavit on a form

1 prescribed by the state court administrator, that both of the
2 following are true:

3 (a) The person needs vehicular transportation to and from
4 his or her work location, place of alcohol or drug education
5 treatment, court probation department, court-ordered community
6 service program, or educational institution, or a place of regu-
7 larly occurring medical treatment for a serious condition, or in
8 the course of the person's employment or occupation.

9 (b) The person is unable to take public transportation and
10 does not have any family members or other individuals able to
11 provide transportation to a destination or for a purpose
12 described in subdivision (a).

13 (11) The court order issued under subsection (6) and the
14 restricted license shall indicate the permitted destinations of
15 the person or the permitted purposes for which the person may
16 operate a vehicle, the approved route or routes if specified by
17 the court, and permitted times of travel.

18 (12) Immediately upon acceptance by the court of a plea of
19 guilty or nolo contendere or upon entry of a verdict of guilty
20 for a violation of section 625(1), (3), (4), (5), ~~or~~ (6), OR
21 (7) or a local ordinance substantially corresponding to
22 section 625(1), (3), or (6), the person shall surrender to the
23 court his or her operator's or chauffeur's license or permit.
24 The court shall immediately destroy the license or permit and
25 forward an abstract of conviction with court-ordered license
26 sanctions to the secretary of state. Upon receipt of, and
27 pursuant to, the abstract of conviction with court-ordered

1 license sanctions, the secretary of state shall suspend or revoke
2 the person's license and, if ordered by the court and the person
3 is otherwise eligible for a license, issue to the person a
4 restricted license stating the limited driving privileges indi-
5 cated on the abstract. If the judgment and sentence is appealed
6 to circuit court, the court may ex parte order the secretary of
7 state to stay the suspension, revocation, or restricted license
8 issued pursuant to this section pending the outcome of the
9 appeal.

10 (13) In addition to any other suspension or revocation
11 ordered under this section and as part of the sentence imposed
12 upon a person who violates section 625(1), (3), (4), ~~or~~ (5), OR
13 (7) or a local ordinance substantially corresponding to
14 section 625(1) or (3) while operating a commercial motor vehicle,
15 the court shall order the secretary of state to suspend the vehi-
16 cle group designations on the person's operator's or chauffeur's
17 license in accordance with section 319b(1)(c). If the vehicle
18 was transporting hazardous material required to have a placard
19 pursuant to 49 C.F.R. parts 100 to 199, the court shall order the
20 secretary of state to suspend the vehicle group designations on
21 the person's operator's or chauffeur's license in accordance with
22 section 319b(1)(d). The court shall not order the secretary of
23 state to issue a restricted license that would permit the person
24 to operate a commercial motor vehicle.

25 (14) In addition to any other suspension or revocation
26 ordered under this section and as part of the sentence imposed
27 upon a person who is convicted of a violation of section 625(1),

1 (3), (4), ~~or~~ (5), OR (7) or a local ordinance substantially
2 corresponding to section 625(1) or (3) while operating a commer-
3 cial motor vehicle within 10 years of a prior conviction, the
4 court shall order the secretary of state to revoke the vehicle
5 group designations on the person's operator's or chauffeur's
6 license in accordance with section 319b(1)(e). The court shall
7 not order the secretary of state to issue a restricted license
8 that would permit the person to operate a commercial motor
9 vehicle. As used in this subsection, "prior conviction" means a
10 conviction under section 625(1), (3), (4), ~~or~~ (5), OR (7),
11 former section 625(1) or (2), or former section 625b, a local
12 ordinance substantially corresponding to section 625(1) or (3),
13 former section 625(1) or (2), or former section 625b, or a law of
14 another state substantially corresponding to section 625(1), (3),
15 (4), ~~or~~ (5), OR (7), former section 625(1) or (2), or former
16 section 625b involving the operation of a commercial motor vehi-
17 cle, or a conviction under section 625m, a local ordinance sub-
18 stantially corresponding to section 625m, or a law of another
19 state substantially corresponding to section 625m.

20 (15) As used in this section, "work location" means, as
21 applicable, the specific place or places of employment or the
22 territory or territories regularly visited by the person in pur-
23 suance of the person's occupation, or both.

24 Sec. 625c. (1) A person who operates a vehicle upon a
25 public highway or other place open to the general public or gen-
26 erally accessible to motor vehicles, including an area designated
27 for the parking of vehicles, within this state is considered to

1 have given consent to chemical tests of his or her blood, breath,
2 or urine for the purpose of determining the amount of alcohol or
3 presence of a controlled substance or both in his or her blood or
4 urine or the amount of alcohol in his or her breath in all of the
5 following circumstances:

6 (a) If the person is arrested for a violation of section
7 625(1), (3), (4), (5), ~~or~~ (6), OR (7), section 625a(5), or sec-
8 tion 625m ~~—~~ or a local ordinance substantially corresponding to
9 section 625(1), (3), or (6), section 625a(5), or section 625m.

10 (b) If the person is arrested for felonious driving, negli-
11 gent homicide, manslaughter, or murder resulting from the opera-
12 tion of a motor vehicle, and the peace officer had reasonable
13 grounds to believe the person was operating the vehicle while
14 impaired by or under the influence of intoxicating liquor or a
15 controlled substance or a combination of intoxicating liquor and
16 a controlled substance, or while having an alcohol content of
17 0.10 grams or more per 100 milliliters of blood, per 210 liters
18 of breath, or per 67 milliliters of urine, or if the person is
19 less than 21 years of age while having any bodily alcohol
20 content. As used in this subdivision, "any bodily alcohol
21 content" means either of the following:

22 (i) An alcohol content of not less than 0.02 grams or more
23 than 0.07 grams per 100 milliliters of blood, per 210 liters of
24 breath, or per 67 milliliters of urine.

25 (ii) Any presence of alcohol within a person's body result-
26 ing from the consumption of intoxicating liquor, other than

1 consumption of intoxicating liquor as part of a generally
2 recognized religious service or ceremony.

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

7 (3) The tests shall be administered as provided in section
8 625a(6).

9 Sec. 625i. (1) The department of state police shall prepare
10 an annual report which shall be designated the Michigan annual
11 drunk driving audit. The secretary of state, circuit court, dis-
12 trict court, probate court, municipal courts, and local units of
13 government in this state shall cooperate with the department of
14 state police to provide information necessary for the preparation
15 of the report. A copy of the report prepared under this subsec-
16 tion shall be submitted to the governor, the secretary of the
17 senate, the clerk of the house of representatives, and the secre-
18 tary of state on June 1 of each year. The report shall contain
19 for each county in the state all of the following information
20 applicable to the immediately preceding calendar year:

21 (a) The number of alcohol related motor vehicle accidents
22 resulting in bodily injury, including a breakdown of the number
23 of those injuries occurring per capita of population and per road
24 mile in the county.

25 (b) The number of alcohol related motor vehicle accidents
26 resulting in death, including the breakdown described in
27 subdivision (a).

1 (c) The number of alcohol related motor vehicle accidents,
2 other than those enumerated in subdivisions (a) and (b), includ-
3 ing the breakdown described in subdivision (a).

4 (d) The number of arrests made for violations of section
5 625(1)(a) or (b) or local ordinances substantially corresponding
6 to section 625(1)(a) or (b).

7 (e) The number of arrests made for violations of section
8 625(3) or local ordinances substantially corresponding to section
9 625(3).

10 (f) The number of arrests made for violations of
11 section 625(6) or local ordinances substantially corresponding to
12 section 625(6).

13 (g) The number of arrests made for violations of
14 section 625(4) or (5).

15 (h) The number of operator's or chauffeur's licenses sus-
16 pended ~~pursuant to~~ UNDER section 625f.

17 (i) The number of arrests made for violations of
18 section 625m or local ordinances substantially corresponding to
19 section 625m. This subdivision ~~shall apply~~ APPLIES after
20 December 31, 1992.

21 (J) THE NUMBER OF ARRESTS MADE FOR VIOLATIONS OF
22 SECTION 625(7).

23 (2) The secretary of state shall compile a report of dispo-
24 sitions of charges for violations of section 625(1), (3), (4),
25 (5), ~~or~~ (6), OR (7) or section 625m or section 33b(1) or (2) of
26 the Michigan liquor control act, ~~Act No. 8 of the Public Acts of~~
27 ~~the Extra Session of 1933, being section 436.33b of the Michigan~~

1 ~~Compiled Laws~~ 1933 (EX SESS) PA 8, MCL 436.33B, or local
2 ordinances substantially corresponding to section 625(1), (3), or
3 (6) or section 625m or section 33b(1) or (2) of ~~Act No. 8 of the~~
4 ~~Public Acts of the Extra Session of 1933~~ THE MICHIGAN LIQUOR
5 CONTROL ACT, 1933 (EX SESS) PA 8, MCL 436.33B, by each judge for
6 inclusion in the annual report. The report compiled by the sec-
7 retary of state shall include information regarding all of the
8 following:

9 (a) The number of dismissals granted.

10 (b) The number of convictions entered.

11 (c) The number of acquittals entered.

12 (d) The number of licenses suspended, revoked, or
13 restricted.

14 (e) The average length of imprisonment imposed.

15 (f) The average length of community service imposed in lieu
16 of imprisonment.

17 (g) The average fine imposed.

18 (3) The secretary of state shall enter into a contract with
19 the university of Michigan transportation research institute, in
20 which the university of Michigan transportation research insti-
21 tute shall evaluate the effect and impact of the 1991 legislation
22 addressing drunk and impaired driving in this state and report
23 its findings to the governor and the legislature not later than
24 October 1, 1994.

25 Sec. 625m. (1) A person, whether licensed or not, who has
26 an alcohol content of 0.04 grams or more but not more than 0.07
27 grams per 100 milliliters of blood, per 210 liters of breath, or

1 per 67 milliliters of urine shall not operate a commercial motor
2 vehicle within this state.

3 (2) A peace officer may arrest a person without a warrant
4 under either of the following circumstances:

5 (a) The peace officer has reasonable cause to believe that
6 the person was, at the time of an accident, the driver of a com-
7 mercial motor vehicle involved in the accident and was operating
8 the vehicle in violation of this section or a local ordinance
9 substantially corresponding to this section.

10 (b) The person is found in the driver's seat of a commercial
11 motor vehicle parked or stopped on a highway or street within
12 this state if any part of the vehicle intrudes into the roadway
13 and the peace officer has reasonable cause to believe the person
14 was operating the vehicle in violation of this section or a local
15 ordinance substantially corresponding to this section.

16 (3) A person who is convicted of a violation of this section
17 or a local ordinance substantially corresponding to this section
18 is guilty of a misdemeanor punishable by imprisonment for not
19 more than 90 days or a fine of not more than \$300.00, or both,
20 together with costs of the prosecution. As part of the sentence,
21 the court shall order the secretary of state to suspend the vehi-
22 cle group designations on the person's operator's or chauffeur's
23 license pursuant to section 319b(1)(c) or, if the vehicle was
24 carrying hazardous material required to have a placard pursuant
25 to 49 C.F.R. parts 100 to 199, pursuant to section 319b(1)(d).
26 The court shall not order the secretary of state to issue a

1 restricted license that would permit the person to operate a
2 commercial motor vehicle.

3 (4) A person who violates this section or a local ordinance
4 substantially corresponding to this section within 10 years of a
5 prior conviction may be sentenced to imprisonment for not more
6 than 1 year or a fine of not more than \$1,000.00, or both. As
7 part of the sentence, the court shall order the secretary of
8 state to revoke the vehicle group designations on the person's
9 operator's or chauffeur's license ~~pursuant to~~ UNDER section
10 319b(1)(e). The court shall not order the secretary of state to
11 issue a restricted license that would permit the person to oper-
12 ate a commercial motor vehicle. As used in this subsection,
13 "prior conviction" means a conviction for a violation of this
14 section, section 625(1), (3), (4), ~~or~~ (5), OR (7), former sec-
15 tion 625(1) or (2), or former section 625b, a local ordinance
16 substantially corresponding to this section, section 625(1) or
17 (3), former section 625(1) or (2), or former section 625b, or a
18 law of another state substantially corresponding to this section,
19 section 625(1), (3), (4), ~~or~~ (5), OR (7), former section 625(1)
20 or (2), or former section 625b, while operating a commercial
21 motor vehicle.

22 (5) When assessing points and taking license actions under
23 this act, the secretary of state and the court shall treat a con-
24 viction for an attempted violation of subsection (1), a local
25 ordinance substantially corresponding to subsection (1), or a law
26 of another state substantially corresponding to subsection (1)
27 ~~the same~~ as if the offense had been completed.

1 Sec. 727. If a person is arrested without a warrant in any
2 of the following cases, the arrested person shall, without unrea-
3 sonable delay, be arraigned by the magistrate who is nearest or
4 most accessible within the judicial district as provided in
5 section 13 of chapter IV of the code of criminal procedure, ~~Act~~
6 ~~No. 175 of the Public Acts of 1927, being section 764.13 of the~~
7 ~~Michigan Compiled Laws~~ 1927 PA 175, MCL 764.13, or, if a minor,
8 taken before the ~~probate court~~ FAMILY DIVISION OF CIRCUIT COURT
9 within the county in which the offense charged is alleged to have
10 been committed:

11 (a) The person is arrested upon a charge of negligent
12 homicide.

13 (b) The person is arrested under section 625(1), (3), (4),
14 ~~or~~ (5), OR (7), or an ordinance substantially corresponding to
15 section 625(1) or (3).

16 (c) A person is arrested under section 626 or an ordinance
17 substantially corresponding to that section. If under the exist-
18 ing circumstances it does not appear that releasing the person
19 pending the issuance of a warrant will constitute a public
20 menace, the arresting officer may proceed as provided by
21 section 728.

22 (d) A person arrested does not have in his or her immediate
23 possession a valid operator's or chauffeur's license or the
24 receipt described in section 311a. If the arresting officer oth-
25 erwise satisfactorily determines the identity of the person and
26 the practicability of subsequent apprehension if the person fails
27 to voluntarily appear before a designated magistrate or ~~probate~~

1 ~~court~~ THE FAMILY DIVISION OF CIRCUIT COURT as directed, the
2 officer may release the person from custody with instructions to
3 appear in court, given in the form of a citation as prescribed by
4 section 728.

5 Sec. 732. (1) Each municipal judge and each clerk of a
6 court of record shall keep a full record of every case in which a
7 person is charged with or cited for a violation of this act or a
8 local ordinance substantially corresponding to this act regulat-
9 ing the operation of vehicles on highways. Except as provided in
10 subsection (15), the municipal judge or clerk of the court of
11 record shall prepare and forward to the secretary of state an
12 abstract of the court record as follows:

13 (a) Within 14 days after a conviction, forfeiture of bail,
14 or entry of a civil infraction determination or default judgment,
15 upon a charge of or citation for violating this act or a local
16 ordinance corresponding to this act regulating the operation of
17 vehicles on highways.

18 (b) Immediately for each case charging a violation of
19 section 625(1), (3), (4), (5), ~~or~~ (6), OR (7), or a local ordi-
20 nance substantially corresponding to section 625(1), (3), or (6)
21 in which the charge is dismissed or the defendant is acquitted.

22 (2) If a city or village department, bureau, or person is
23 authorized to accept a payment of money as a settlement for a
24 violation of a local ordinance corresponding to this act, the
25 city or village department, bureau, or person shall send a full
26 report of each case in which a person pays any amount of money to
27 the city or village department, bureau, or person to the

1 secretary of state upon a form prescribed by the secretary of
2 state.

3 (3) The abstract or report required under this section shall
4 be made upon a form furnished by the secretary of state. An
5 abstract shall be certified by signature, stamp, or facsimile
6 signature of the person required to prepare the abstract as
7 correct. An abstract or report shall include all of the
8 following:

9 (a) The name, address, and date of birth of the person
10 charged or cited.

11 (b) The number of the person's operator's or chauffeur's
12 license, if any.

13 (c) The date and nature of the violation.

14 (d) The type of vehicle driven at the time of the violation
15 and, if the vehicle is a commercial motor vehicle, that vehicle's
16 group designation and indorsement classification.

17 (e) The date of the conviction, finding, forfeiture, judg-
18 ment, or civil infraction determination.

19 (f) Whether bail was forfeited.

20 (g) Any license revocation, restriction, suspension, or
21 denial ordered by the court pursuant to this act.

22 (h) Other information considered necessary to the secretary
23 of state.

24 (4) The clerk of the court also shall forward an abstract of
25 the court record to the secretary of state upon a person's con-
26 viction involving any of the following:

1 (a) A violation of section 413, 414, or 479a of the Michigan
2 penal code, ~~Act No. 328 of the Public Acts of 1931, being~~
3 ~~sections 750.413, 750.414, and 750.479a of the Michigan Compiled~~
4 ~~Laws~~ 1931 PA 328, MCL 750.413, 750.414, AND 750.479A.

5 (b) A violation of section 1 of ~~Act No. 214 of the Public~~
6 ~~Acts of 1931, being section 752.191 of the Michigan Compiled~~
7 ~~Laws~~ 1931 PA 214, MCL 752.191.

8 (c) Negligent homicide, manslaughter, or murder resulting
9 from the operation of a motor vehicle.

10 (d) A violation of section 33b of the Michigan liquor con-
11 trol act, ~~Act No. 8 of the Public Acts of the Extra Session of~~
12 ~~1933, being section 436.33b of the Michigan Compiled Laws~~ 1933
13 (EX SESS) PA 8, MCL 436.33B, or a local ordinance substantially
14 corresponding to that section.

15 (e) An attempt to violate, a conspiracy to violate, or a
16 violation of part 74 or section 17766a of the public health code,
17 ~~Act No. 368 of the Public Acts of 1978, being sections 333.7401~~
18 ~~to 333.7461 and 333.17766a of the Michigan Compiled Laws~~ 1978 PA
19 368, MCL 333.7401 TO 333.7461 AND 333.17766A, or a local ordi-
20 nance that prohibits conduct prohibited under part 74 or section
21 17766a of ~~Act No. 368 of the Public Acts of 1978~~ THE PUBLIC
22 HEALTH CODE, 1978 PA 368, MCL 333.7401 TO 333.7461 AND
23 333.17766A, unless the convicted person is sentenced to life
24 imprisonment or a minimum term of imprisonment that exceeds 1
25 year for the offense.

26 (f) An attempt to commit any of the offenses described in
27 subdivisions (a) to (d).

1 (5) As used in subsections (6) to (8), "felony in which a
2 motor vehicle was used" means a felony during the commission of
3 which the person operated a motor vehicle and while operating the
4 vehicle presented real or potential harm to persons or property
5 and 1 or more of the following circumstances existed:

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

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

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

10 (d) The vehicle was necessary for the commission of the
11 felony.

12 (6) If a person is charged with a felony in which a motor
13 vehicle was used, other than a felony specified in subsection (4)
14 or section 319(1)(a) to (e), the prosecuting attorney shall
15 include the following statement on the complaint and information
16 filed in district or circuit court:

17 "You are charged with the commission of a felony in which a
18 motor vehicle was used. If you are convicted and the judge finds
19 that the conviction is for a felony in which a motor vehicle was
20 used, as defined in section 319 of the Michigan vehicle code, Act
21 No. 300 of the Public Acts of 1949, being section 257.319 of the
22 Michigan Compiled Laws, your driver's license shall be suspended
23 by the secretary of state."

24 (7) If a juvenile is accused of an act, the nature of which
25 constitutes a felony in which a motor vehicle was used, other
26 than a felony specified in subsection (4) or section 319(1)(a) to
27 (e), the prosecuting attorney or ~~juvenile~~ FAMILY division of

1 ~~the probate~~ CIRCUIT court shall include the following statement
2 on the petition filed in the ~~probate~~ court:

3 "You are accused of an act the nature of which constitutes a
4 felony in which a motor vehicle was used. If the accusation is
5 found to be true and the judge or referee finds that the nature
6 of the act constitutes a felony in which a motor vehicle was
7 used, as defined in section 319 of the Michigan vehicle code, Act
8 No. 300 of the Public Acts of 1949, being section 257.319 of the
9 Michigan Compiled Laws, your driver's license shall be suspended
10 by the secretary of state."

11 (8) If the ~~judge or juvenile court referee~~ COURT deter-
12 mines as part of the sentence or disposition that the felony for
13 which the ~~defendant~~ PERSON was convicted or adjudicated and
14 with respect to which notice was given ~~pursuant to~~ UNDER sub-
15 section (6) or (7) is a felony in which a motor vehicle was used,
16 the clerk of the court shall forward an abstract of the court
17 record of that conviction to the secretary of state.

18 (9) As used in subsections (10) and (11), "felony in which a
19 commercial motor vehicle was used" means a felony during the com-
20 mission of which the person operated a commercial motor vehicle
21 and while the person was operating the vehicle 1 or more of the
22 following circumstances existed:

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

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

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

1 (d) The vehicle was necessary for the commission of the
2 felony.

3 (10) If a person is charged with a felony in which a commer-
4 cial motor vehicle was used and for which a vehicle group desig-
5 nation on a license is subject to suspension or revocation under
6 section 319b(1)(c)(iii), 319b(1)(d), or 319b(1)(e)(iii) or (vi),
7 the prosecuting attorney shall include the following statement on
8 the complaint and information filed in district or circuit
9 court:

10 "You are charged with the commission of a felony in which a
11 commercial motor vehicle was used. If you are convicted and the
12 judge finds that the conviction is for a felony in which a com-
13 mercial motor vehicle was used, as defined in section 319b of the
14 Michigan vehicle code, Act No. 300 of the Public Acts of 1949,
15 being section 257.319b of the Michigan Compiled Laws, all vehicle
16 group designations on your driver's license shall be suspended or
17 revoked by the secretary of state."

18 (11) If the judge determines as part of the sentence that
19 the felony for which the defendant was convicted and with respect
20 to which notice was given pursuant to subsection (10) is a felony
21 in which a commercial motor vehicle was used, the clerk of the
22 court shall forward an abstract of the court record of that con-
23 viction to the secretary of state.

24 (12) Every person required to forward abstracts to the sec-
25 retary of state under this section shall certify for the period
26 from January 1 through June 30 and for the period from July 1
27 through December 31 that all abstracts required to be forwarded

1 during the period have been forwarded. The certification shall
2 be filed with the secretary of state not later than 28 days after
3 the end of the period covered by the certification. The certifi-
4 cation shall be made upon a form furnished by the secretary of
5 state and shall include all of the following:

6 (a) The name and title of the person required to forward
7 abstracts.

8 (b) The court for which the certification is filed.

9 (c) The time period covered by the certification.

10 (d) The following statement:

11 "I certify that all abstracts required by section 732 of the
12 Michigan vehicle code, MCL 257.732; MSA 9.2432, for the period
13 _____ through _____ have been forwarded to the secre-
14 tary of state."

15 (e) Other information the secretary of state considers
16 necessary.

17 (f) The signature of the person required to forward
18 abstracts.

19 (13) The failure, refusal, or neglect of a person to comply
20 with this section constitutes misconduct in office and is grounds
21 for removal from office.

22 (14) Except as provided in subsection (15), the secretary of
23 state shall keep all abstracts received under this section at the
24 secretary of state's main office and the abstracts shall be open
25 for public inspection during the office's usual business hours.
26 Each abstract shall be entered upon the master driving record of
27 the person to whom it pertains.

1 (15) Except for controlled substance offenses described in
2 subsection (4), the court shall not submit, and the secretary of
3 state shall discard and not enter on the master driving record,
4 an abstract for a conviction or civil infraction determination
5 for any of the following violations:

6 (a) The parking or standing of a vehicle.

7 (b) A nonmoving violation that is not the basis for the sec-
8 retary of state's suspension, revocation, or denial of an
9 operator's or chauffeur's license.

10 (c) A violation of chapter II that is not the basis for the
11 secretary of state's suspension, revocation, or denial of an
12 operator's or chauffeur's license.

13 (d) Except for a violation of section 33b(1) or (2) of ~~Act~~
14 ~~No. 8 of the Public Acts of the Extra Session of 1933~~ THE
15 MICHIGAN LIQUOR CONTROL ACT, 1933 (EX SESS) PA 8, MCL 436.33B, or
16 a local ordinance substantially corresponding to section 33b(1)
17 or (2) of ~~Act No. 8 of the Public Acts of the Extra Session of~~
18 ~~1933~~ THE MICHIGAN LIQUOR CONTROL ACT, 1933 (EX SESS) PA 8, MCL
19 436.33B, or section 624a or 624b or a local ordinance substan-
20 tially corresponding to section 624a or 624b, a pedestrian, pas-
21 senger, or bicycle violation.

22 (e) A violation of section 710e or a local ordinance sub-
23 stantially corresponding to section 710e.

24 (16) The secretary of state shall discard and not enter on
25 the master driving record an abstract for a bond forfeiture that
26 occurred outside this state. However, the secretary of state
27 shall retain and enter on the master driving record an abstract

1 of an out-of-state bond forfeiture for an offense that occurred
2 after January 1, 1990 in connection with the operation of a com-
3 mercial motor vehicle.

4 (17) The secretary of state shall inform the courts of this
5 state of the nonmoving violations and violations of chapter II
6 that are used by the secretary of state as the basis for the sus-
7 pension, restriction, revocation, or denial of an operator's or
8 chauffeur's license.

9 (18) If a conviction or civil infraction determination is
10 reversed upon appeal, the person whose conviction or determina-
11 tion has been reversed may serve on the secretary of state a cer-
12 tified copy of the order of reversal. The secretary of state
13 shall enter the order in the proper book or index in connection
14 with the record of the conviction or civil infraction
15 determination.

16 (19) The secretary of state may permit a city or village
17 department, bureau, person, or court to modify the requirement as
18 to the time and manner of reporting a conviction, civil infrac-
19 tion determination, or settlement to the secretary of state if
20 the modification will increase the economy and efficiency of col-
21 lecting and utilizing the records. If the permitted abstract of
22 court record reporting a conviction, civil infraction determina-
23 tion, or settlement originates as a part of the written notice to
24 appear, authorized in section 728(1) or 742(1), the form of the
25 written notice and report shall be as prescribed by the secretary
26 of state.

1 (20) Except as provided in this act and notwithstanding any
2 other provision of law, a court shall not order expunction of any
3 violation reportable to the secretary of state under this
4 section.