

SENATE BILL No. 373

March 29, 2001, Introduced by Senators BULLARD, DUNASKISS, MC COTTER, SIKKEMA, NORTH, JOHNSON and HAMMERSTROM and referred to the Committee on Transportation and Tourism.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303, 319, 320a, 601b, 625, 625m, 732, and 904d (MCL 257.303, 257.319, 257.320a, 257.601b, 257.625, 257.625m, 257.732, and 257.904d), sections 303, 319, 320a, 625, 625m, 732, and 904d as amended by 2000 PA 460 and section 601b as added by 1996 PA 320.

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:

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

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

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

3 (d) A person who has been convicted of or received a juve-
4 nile disposition for a violation of SECTION 601B(3), section
5 625(4) or (5), section 653a(4), or section 904(4) or (5).

6 (e) A person who has been convicted of or received a juve-
7 nile disposition for negligent homicide, manslaughter, or murder
8 resulting from the operation of a vehicle.

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

21 (i) Any combination of 2 convictions within 7 years for any
22 of the following or a combination of 1 conviction for a violation
23 or attempted violation of section 625(6) and 1 conviction for any
24 of the following within 7 years:

25 (A) A violation or attempted violation of SECTION 601B(3),
26 section 625(1), (3), (4), (5), or (7), section 653a(4), or
27 section 904(4) or (5).

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

3 (C) A violation or attempted violation of section 625m.

4 (D) Negligent homicide, manslaughter, or murder resulting
5 from the operation of a vehicle or an attempt to commit any of
6 those crimes.

7 (ii) Any combination of 3 convictions within 10 years for
8 any of the following or 1 conviction for a violation or attempted
9 violation of section 625(6) and any combination of 2 convictions
10 for any of the following within 10 years, if any of the convic-
11 tions resulted from an arrest on or after January 1, 1992:

12 (A) A violation or attempted violation of SECTION 601B(3),
13 section 625(1), (3), (4), (5), or (7), section 653a(4), or sec-
14 tion 904(4) or (5).

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

17 (C) A violation or attempted violation of section 625m.

18 (D) Negligent homicide, manslaughter, or murder resulting
19 from the operation of a vehicle or an attempt to commit any of
20 those crimes.

21 (g) A person who in the opinion of the secretary of state is
22 afflicted with or suffering from a physical or mental disability
23 or disease preventing that person from exercising reasonable and
24 ordinary control over a motor vehicle while operating the motor
25 vehicle upon the highways.

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

1 (i) A person who is an habitually reckless driver. Two
2 convictions within 7 years for violating any combination of
3 SECTION 601B(2), section 626, or section 653a(3) or a local ordi-
4 nance of this state or a law of another state substantially simi-
5 lar to SECTION 601B(2), section 626, or section 653a(3) are prima
6 facie evidence that the person is an habitually reckless driver.

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

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

16 (l) A person who has been convicted of, has received a juve-
17 nile disposition for, or has been determined responsible for 2 or
18 more moving violations under a law of this state, a local ordi-
19 nance substantially corresponding to a law of this state, or a
20 law of another state substantially corresponding to a law of this
21 state within the preceding 3 years, if the violations occurred
22 before issuance of an original license to the person in this or
23 another state.

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

25 (n) A person who has failed to answer a citation or notice
26 to appear in court or for any matter pending or fails to comply
27 with an order or judgment of the court, including, but not

1 limited to, paying all fines, costs, fees, and assessments, in
2 violation of section 321a, until that person answers the citation
3 or notice to appear in court or for any matter pending or com-
4 plies with an order or judgment of the court, including, but not
5 limited to, paying all fines, costs, fees, and assessments, as
6 provided under section 321a.

7 (o) A person not licensed under this act who has been con-
8 victed of, has received a juvenile disposition for, or has been
9 determined responsible for a crime or civil infraction described
10 in section 319, 324, or 904. A person shall be denied a license
11 under this subdivision for the length of time corresponding to
12 the period of the licensing sanction that would have been imposed
13 under section 319, 324, or 904 if the person had been licensed at
14 the time of the violation.

15 (p) A person not licensed under this act who has been con-
16 victed of or received a juvenile disposition for committing a
17 crime described in section 319e. A person shall be denied a
18 license under this subdivision for the length of time that corre-
19 sponds to the period of the licensing sanction that would have
20 been imposed under section 319e if the person had been licensed
21 at the time of the violation.

22 (q) A person not licensed under this act who is determined
23 to have violated section 33b(1) of former 1933 (Ex Sess) PA 8,
24 section 703(1) of the Michigan liquor control code of 1998, 1998
25 PA 58, MCL 436.1703, or section 624a or 624b of this act. The
26 person shall be denied a license under this subdivision for a
27 period of time that corresponds to the period of the licensing

1 sanction that would have been imposed under those sections had
2 the person been licensed at the time of the violation.

3 (r) A person who has been convicted of a violation of sec-
4 tion 602a(4) or (5) of this act or a violation of section 479a(4)
5 or (5) of the Michigan penal code, 1931 PA 328, MCL 750.479a.

6 (2) Upon receiving the appropriate records of conviction,
7 the secretary of state shall revoke the operator's or chauffeur's
8 license of a person having any of the following, whether under a
9 law of this state, a local ordinance substantially corresponding
10 to a law of this state, or a law of another state substantially
11 corresponding to a law of this state:

12 (a) Any combination of 2 convictions within 7 years for any
13 of the following:

14 (i) A VIOLATION OR ATTEMPTED VIOLATION OF SECTION 601B(2).

15 (ii) ~~(i)~~ Reckless driving in violation of section 626.

16 (iii) ~~(ii)~~ A violation or attempted violation of section
17 653a(3).

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

20 (c) Any combination of 2 convictions within 7 years for any
21 of the following or a combination of 1 conviction for a violation
22 or attempted violation of section 625(6) and 1 conviction for any
23 of the following within 7 years:

24 (i) A violation or attempted violation of SECTION 601B(3),
25 section 625(1), (3), (4), (5), or (7), section 653a(4), or sec-
26 tion 904(4) or (5).

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

3 (iii) A violation or attempted violation of section 625m.

4 (iv) Negligent homicide, manslaughter, or murder resulting
5 from the operation of a vehicle or an attempt to commit any of
6 those crimes.

7 (d) One conviction for a violation or attempted violation of
8 SECTION 601B(3), section 625(4) or (5), section 653a(4), or sec-
9 tion 904(4) or (5).

10 (e) One conviction of negligent homicide, manslaughter, or
11 murder resulting from the operation of a vehicle or an attempt to
12 commit any of those crimes.

13 (f) Any combination of 3 convictions within 10 years for any
14 of the following or 1 conviction for a violation or attempted
15 violation of section 625(6) and any combination of 2 convictions
16 for any of the following within 10 years, if any of the convic-
17 tions resulted from an arrest on or after January 1, 1992:

18 (i) A violation or attempted violation of SECTION 601B(3),
19 section 625(1), (3), (4), (5), or (7), section 653a(4), or sec-
20 tion 904(4) or (5).

21 (ii) A violation of former section 625(1) or (2) or former
22 section 625b.

23 (iii) A violation or attempted violation of section 625m.

24 (iv) Negligent homicide, manslaughter, or murder resulting
25 from the operation of a vehicle or an attempt to commit any of
26 those crimes.

1 (g) A violation of section 602a(4) or (5) of this act or
2 section 479a(4) or (5) of the Michigan penal code, 1931 PA 328,
3 MCL 750.479a.

4 (3) The secretary of state shall revoke a license under sub-
5 section (2) notwithstanding a court order.

6 (4) The secretary of state shall not issue a license under
7 this act to a person whose license has been revoked under this
8 act or denied under subsection (1)(d), (e), (f), (i), (j), or (r)
9 until all of the following occur, as applicable:

10 (a) The later of the following:

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

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

16 (b) For a denial under subsection (1)(f), (i), or (j) based
17 on prima facie evidence, the person rebuts the presumption
18 resulting from the prima facie evidence by clear and convincing
19 evidence.

20 (c) The person meets the requirements of the department.

21 (5) Multiple convictions or civil infraction determinations
22 resulting from the same incident shall be treated as a single
23 violation for purposes of denial or revocation of a license under
24 this section.

25 (6) As used in this section, "felony in which a motor vehi-
26 cle was used" means a felony during the commission of which the
27 person operated a motor vehicle and while operating the vehicle

1 presented real or potential harm to persons or property and 1 or
2 more of the following circumstances existed:

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

4 (b) The vehicle was used to transport a victim of the
5 felony.

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

7 (d) The vehicle was necessary for the commission of the
8 felony.

9 Sec. 319. (1) The secretary of state shall immediately sus-
10 pend a person's license as provided in this section upon receiv-
11 ing a record of the person's conviction for a crime described in
12 this section, whether the conviction is under a law of this
13 state, a local ordinance substantially corresponding to a law of
14 this state, or a law of another state substantially corresponding
15 to a law of this state.

16 (2) The secretary of state shall suspend the person's
17 license for 1 year for any of the following crimes:

18 (a) Fraudulently altering or forging documents pertaining to
19 motor vehicles in violation of section 257.

20 (b) A violation of section 413 of the Michigan penal code,
21 1931 PA 328, MCL 750.413.

22 (c) A violation of section 1 of 1931 PA 214, MCL 752.191.

23 (d) Failing to stop and disclose identity at the scene of an
24 accident resulting in death or serious injury in violation of
25 section 617.

26 (e) A felony in which a motor vehicle was used. As used in
27 this section, "felony in which a motor vehicle was used" means a

1 felony during the commission of which the person convicted
2 operated a motor vehicle and while operating the vehicle
3 presented real or potential harm to persons or property and 1 or
4 more of the following circumstances existed:

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

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

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

9 (iv) The vehicle was necessary for the commission of the
10 felony.

11 (f) A violation of section 602a(2) or (3) of this act or
12 section 479a(2) or (3) of the Michigan penal code, 1931 PA 328,
13 MCL 750.479a.

14 (3) The secretary of state shall suspend the person's
15 license for 90 days for any of the following crimes:

16 (a) Failing to stop and disclose identity at the scene of an
17 accident resulting in injury in violation of section 617a.

18 (b) A violation of SECTION 601B(2), section 626, or section
19 653a(3).

20 (c) Malicious destruction resulting from the operation of a
21 vehicle under section 382(1)(b), (c), or (d) of the Michigan
22 penal code, 1931 PA 328, MCL 750.382.

23 (d) A violation of section 703(2) of the Michigan liquor
24 control code of 1998, 1998 PA 58, MCL 436.1703.

25 (4) The secretary of state shall suspend the person's
26 license for 30 days for malicious destruction resulting from the

1 operation of a vehicle under section 382(1)(a) of the Michigan
2 penal code, 1931 PA 328, MCL 750.382.

3 (5) For perjury or making a false certification to the sec-
4 retary of state under any law requiring the registration of a
5 motor vehicle or regulating the operation of a vehicle on a high-
6 way, the secretary shall suspend the person's license as
7 follows:

8 (a) If the person has no prior conviction for an offense
9 described in this subsection within 7 years, for 90 days.

10 (b) If the person has 1 or more prior convictions for an
11 offense described in this subsection within 7 years, for 1 year.

12 (6) For a violation of section 414 of the Michigan penal
13 code, 1931 PA 328, MCL 750.414, the secretary of state shall sus-
14 pend the person's license as follows:

15 (a) If the person has no prior conviction for that offense
16 within 7 years, for 90 days.

17 (b) If the person has 1 or more prior convictions for that
18 offense within 7 years, for 1 year.

19 (7) For a violation of section 624a or 624b of this act or
20 section 703(1) of the Michigan liquor control code of 1998, 1998
21 PA 58, MCL 436.1703, the secretary of state shall suspend the
22 person's license as follows:

23 (a) If the person has 1 prior conviction for an offense
24 described in this subsection or section 33b(1) of former 1933 (Ex
25 Sess) PA 8, for 90 days. The secretary of state may issue the
26 person a restricted license after the first 30 days of
27 suspension.

1 (b) If the person has 2 or more prior convictions for an
2 offense described in this subsection or section 33b(1) of former
3 1933 (Ex Sess) PA 8, for 1 year. The secretary of state may
4 issue the person a restricted license after the first 60 days of
5 suspension.

6 (8) The secretary of state shall suspend the person's
7 license for a violation of section 625 or 625m as follows:

8 (a) For 180 days for a violation of section 625(1) if the
9 person has no prior convictions within 7 years. The secretary of
10 state may issue the person a restricted license during all or a
11 specified portion of the suspension, except that the secretary of
12 state shall not issue a restricted license during the first 30
13 days of suspension.

14 (b) For 90 days for a violation of section 625(3) if the
15 person has no prior convictions within 7 years. However, if the
16 person is convicted of a violation of section 625(3), for operat-
17 ing a vehicle when, due to the consumption of a controlled sub-
18 stance or a combination of intoxicating liquor and a controlled
19 substance, the person's ability to operate the vehicle was visi-
20 bly impaired, the secretary of state shall suspend the person's
21 license under this subdivision for 180 days. The secretary of
22 state may issue the person a restricted license during all or a
23 specified portion of the suspension.

24 (c) For 30 days for a violation of section 625(6) if the
25 person has no prior convictions within 7 years. The secretary of
26 state may issue the person a restricted license during all or a
27 specified portion of the suspension.

1 (d) For 90 days for a violation of section 625(6) if the
2 person has 1 or more prior convictions for that offense within 7
3 years.

4 (e) For 180 days for a violation of section 625(7) if the
5 person has no prior convictions within 7 years. The secretary of
6 state may issue the person a restricted license after the first
7 90 days of suspension.

8 (f) For 90 days for a violation of section 625m if the
9 person has no prior convictions within 7 years. The secretary of
10 state may issue the person a restricted license during all or a
11 specified portion of the suspension.

12 (9) For a violation of section 367c of the Michigan penal
13 code, 1931 PA 328, MCL 750.367c, the secretary of state shall
14 suspend the person's license as follows:

15 (a) If the person has no prior conviction for an offense
16 described in this subsection within 7 years, for 6 months.

17 (b) If the person has 1 or more convictions for an offense
18 described in this subsection within 7 years, for 1 year.

19 (10) For a violation of section 315(4), the secretary of
20 state may suspend the person's license for 6 months and shall
21 revoke the person's license for a second or subsequent conviction
22 as required under section 315(5).

23 (11) Except as provided in subsection (13), a suspension
24 under this section shall be imposed notwithstanding a court
25 order.

26 (12) If the secretary of state receives records of more than
27 1 conviction of a person resulting from the same incident, a

1 suspension shall be imposed only for the violation to which the
2 longest period of suspension applies under this section.

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

10 (14) The secretary of state shall not issue a restricted
11 license to a person whose license is suspended under this section
12 unless a restricted license is authorized under this section and
13 the person is otherwise eligible for a license.

14 (15) The secretary of state shall not issue a restricted
15 license to a person under subsection (8) that would permit the
16 person to operate a commercial motor vehicle that hauls hazardous
17 material.

18 (16) A restricted license issued under this section shall
19 permit the person to whom it is issued to drive under 1 or more
20 of the following circumstances:

21 (a) In the course of the person's employment or occupation.

22 (b) To and from any combination of the following:

23 (i) The person's residence.

24 (ii) The person's work location.

25 (iii) An alcohol or drug education or treatment program as
26 ordered by the court.

1 (iv) The court probation department.

2 (v) A court-ordered community service program.

3 (vi) An educational institution at which the person is
4 enrolled as a student.

5 (vii) A place of regularly occurring medical treatment for a
6 serious condition for the person or a member of the person's
7 household or immediate family.

8 (17) While driving with a restricted license, the person
9 shall carry proof of his or her destination and the hours of any
10 employment, class, or other reason for traveling and shall dis-
11 play that proof upon a peace officer's request.

12 (18) Subject to subsection (20), as used in subsection (8),
13 "prior conviction" means a conviction for any of the following,
14 whether under a law of this state, a local ordinance substan-
15 tially corresponding to a law of this state, or a law of another
16 state substantially corresponding to a law of this state:

17 (a) Except as provided in subsection (19), a violation or
18 attempted violation of section 625(1), (3), (4), (5), (6), or
19 (7), section 625m, former section 625(1) or (2), or former sec-
20 tion 625b.

21 (b) Negligent homicide, manslaughter, or murder resulting
22 from the operation of a vehicle or an attempt to commit any of
23 those crimes.

24 (19) Except for purposes of the suspensions described in
25 subsection (8)(c) and (d), only 1 violation or attempted viola-
26 tion of section 625(6), a local ordinance substantially
27 corresponding to section 625(6), or a law of another state

1 substantially corresponding to section 625(6) may be used as a
2 prior conviction.

3 (20) If 2 or more convictions described in subsection (18)
4 are convictions for violations arising out of the same transac-
5 tion, only 1 conviction shall be used to determine whether the
6 person has a prior conviction.

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

13 (a) Manslaughter, negligent homicide, or a felony
14 resulting from the operation of a motor vehicle, ORV,
15 or snowmobile..... 6 points

16 (b) A violation of section 601B(3) OR 653a(4)..... 6 points

17 (c) A violation of section 625(1), (4), (5), or
18 (7), section 81134 or 82127(1) of the natural resources
19 and environmental protection act, 1994 PA 451,
20 MCL 324.81134 and 324.82127, or a law or ordinance sub-
21 stantially corresponding to section 625(1), (4), (5),
22 or (7) or, section 81134 or 82127(1) of the natural
23 resources and environmental protection act, 1994
24 PA 451, MCL 324.81134 and 324.82127..... 6 points

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

- 1 (e) Operating a motor vehicle in violation of
2 SECTION 601B(2), section 626, or section 653a(3)..... 6 points
- 3 (f) Fleeing or eluding an officer..... 6 points
- 4 (g) Violation of any law or ordinance pertaining
5 to speed by exceeding the lawful maximum by more than
6 15 miles per hour..... 4 points
- 7 (h) Violation of section 625(3) or (6), section
8 81135 or 82127(3) of the natural resources and environ-
9 mental protection act, 1994 PA 451, MCL 324.81135 and
10 324.82127, or a law or ordinance substantially corre-
11 sponding to section 625(3) or (6) or, section 81135 or
12 82127(3) of the natural resources and environmental
13 protection act, 1994 PA 451, MCL 324.81135 and
14 324.82127..... 4 points
- 15 (i) Violation of section 626a or a law or ordi-
16 nance substantially corresponding to section 626a..... 4 points
- 17 (j) Violation of section 653a(2)..... 4 points
- 18 (k) Violation of any law or ordinance pertaining
19 to speed by exceeding the lawful maximum by more than
20 10 but not more than 15 miles per hour or careless
21 driving in violation of section 626b or a law or ordi-
22 nance substantially corresponding to section 626b..... 3 points
- 23 (l) Violation of any law or ordinance pertaining
24 to speed by exceeding the lawful maximum by 10 miles
25 per hour or less..... 2 points
- 26 (m) Disobeying a traffic signal or stop sign, or
27 improper passing..... 3 points

1 (n) Violation of section 624a, 624b, or a law or
2 ordinance substantially corresponding to section 624a
3 or 624b..... 2 points

4 (o) Violation of section 310e(4) or (6) or a law
5 or ordinance substantially corresponding to section
6 310e(4) or (6)..... 2 points

7 (p) All other moving violations pertaining to the
8 operation of motor vehicles reported under this section 2 points

9 (q) A refusal by a person less than 21 years of
10 age to submit to a preliminary breath test required by
11 a peace officer under section 625a..... 2 points

12 (2) Points shall not be entered for a violation of section
13 310e(14), 311, 625m, 658, 717, 719, 719a, or 723.

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

15 (4) Points shall not be entered for overweight loads or for
16 defective equipment.

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

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

1 (7) If a person violates a speed restriction established by
2 an executive order issued during a state of energy emergency as
3 provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of
4 state shall enter points for the violation pursuant to subsection
5 (1).

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

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

19 Sec. 601b. (1) Notwithstanding any other provision of this
20 act, a person responsible for a moving violation in a construc-
21 tion zone, at an emergency scene, or in a school zone during the
22 period beginning 30 minutes before school in the morning and
23 through 30 minutes after school in the afternoon is subject to a
24 fine that is double the fine otherwise prescribed for that moving
25 violation.

26 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, A
27 PERSON WHO COMMITS A MOVING VIOLATION OF THIS ACT THAT CAUSES

1 INJURY TO A CONSTRUCTION WORKER IN THE CONSTRUCTION ZONE AREA IS
2 GUILTY OF A FELONY PUNISHABLE BY A FINE OF NOT MORE THAN
3 \$1,000.00 OR IMPRISONMENT FOR NOT MORE THAN 2 YEARS, OR BOTH.

4 (3) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, A
5 PERSON WHO COMMITS A MOVING VIOLATION OF THIS ACT THAT CAUSES
6 DEATH TO A CONSTRUCTION WORKER IN THE CONSTRUCTION ZONE AREA IS
7 GUILTY OF A FELONY PUNISHABLE BY A FINE OF NOT MORE THAN
8 \$7,500.00 OR BY IMPRISONMENT FOR NOT MORE THAN 15 YEARS, OR BOTH.

9 (4) ~~(2)~~ Whenever practical, signs designed in compliance
10 with the uniform manual of traffic control devices shall be
11 appropriately placed at the construction zone by the state trans-
12 portation department or road authority having jurisdiction over
13 the construction zone notifying operators of vehicles ~~that~~ OF
14 THE INCREASED FINES AND PENALTIES PROVIDED BY THIS SECTION for
15 the protection and safety of construction workers. ~~the fine for~~
16 ~~a moving violation in this work area is double the fine otherwise~~
17 ~~prescribed for that moving violation.~~

18 (5) ~~(3)~~ As used in this section:

19 (a) "Construction zone" means a designated work area
20 described in section 627.

21 (b) "Emergency scene" means a traffic accident, a serious
22 incident caused by weather conditions, or another occurrence
23 along a highway or street for which a police officer, firefight-
24 er, or emergency medical personnel are summoned to aid an injured
25 victim.

26 (c) "Moving violation" means an act or omission prohibited
27 under this act or a local ordinance substantially corresponding

1 to this act that occurs while a person is operating a motor
2 vehicle, and for which the person is subject to a fine.

3 (d) "School zone" means that term as defined in section
4 627a.

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

10 (a) The person is under the influence of intoxicating
11 liquor, a controlled substance, or a combination of intoxicating
12 liquor and a controlled substance.

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

16 (2) The owner of a vehicle or a person in charge or in con-
17 trol of a vehicle shall not authorize or knowingly permit the
18 vehicle to be operated upon a highway or other place open to the
19 general public or generally accessible to motor vehicles, includ-
20 ing an area designated for the parking of motor vehicles, within
21 this state by a person who is under the influence of intoxicating
22 liquor, a controlled substance, or a combination of intoxicating
23 liquor and a controlled substance, who has an alcohol content of
24 0.10 grams or more per 100 milliliters of blood, per 210 liters
25 of breath, or per 67 milliliters of urine, or whose ability to
26 operate the motor vehicle is visibly impaired due to the

1 consumption of intoxicating liquor, a controlled substance, or a
2 combination of intoxicating liquor and a controlled substance.

3 (3) A person, whether licensed or not, shall not operate a
4 vehicle upon a highway or other place open to the general public
5 or generally accessible to motor vehicles, including an area des-
6 ignated for the parking of vehicles, within this state when, due
7 to the consumption of intoxicating liquor, a controlled sub-
8 stance, or a combination of intoxicating liquor and a controlled
9 substance, the person's ability to operate the vehicle is visibly
10 impaired. If a person is charged with violating subsection (1),
11 a finding of guilty under this subsection may be rendered.

12 (4) A person, whether licensed or not, who operates a motor
13 vehicle in violation of subsection (1) or (3) and by the opera-
14 tion of that motor vehicle causes the death of another person is
15 guilty of a crime as follows:

16 (a) Except as provided in subdivision (b), the person is
17 guilty of a felony punishable by imprisonment for not more than
18 15 years or a fine of not less than \$2,500.00 or more than
19 \$10,000.00, or both. The judgment of sentence may impose the
20 sanction permitted under section 625n. If the vehicle is not
21 ordered forfeited under section 625n, the court shall order vehi-
22 cle immobilization under section 904d in the judgment of
23 sentence.

24 (b) If, at the time of the violation, the person is operat-
25 ing a motor vehicle in a manner proscribed under section 601B OR
26 653a and causes the death of a police officer, firefighter,
27 CONSTRUCTION WORKER IN A CONSTRUCTION ZONE, or other emergency

1 response personnel, the person is guilty of a felony punishable
2 by imprisonment for not more than 20 years or a fine of not less
3 than \$2,500.00 or more than \$10,000.00, or both. This subdivi-
4 sion applies regardless of whether the person is charged with the
5 violation of section 601B OR 653a. The judgment of sentence may
6 impose the sanction permitted under section 625n. If the vehicle
7 is not ordered forfeited under section 625n, the court shall
8 order vehicle immobilization under section 904d in the judgment
9 of sentence.

10 (5) A person, whether licensed or not, who operates a motor
11 vehicle in violation of subsection (1) or (3) and by the opera-
12 tion of that motor vehicle causes a serious impairment of a body
13 function of another person is guilty of a felony punishable by
14 imprisonment for not more than 5 years or a fine of not less than
15 \$1,000.00 or more than \$5,000.00, or both. The judgment of sen-
16 tence may impose the sanction permitted under section 625n. If
17 the vehicle is not ordered forfeited under section 625n, the
18 court shall order vehicle immobilization under section 904d in
19 the judgment of sentence. As used in this subsection, "serious
20 impairment of a body function" includes, but is not limited to, 1
21 or more of the following:

- 22 (a) Loss of a limb or use of a limb.
23 (b) Loss of a hand, foot, finger, or thumb or use of a hand,
24 foot, finger, or thumb.
25 (c) Loss of an eye or ear or use of an eye or ear.
26 (d) Loss or substantial impairment of a bodily function.

1 (e) Serious visible disfigurement.

2 (f) A comatose state that lasts for more than 3 days.

3 (g) Measurable brain damage or mental impairment.

4 (h) A skull fracture or other serious bone fracture.

5 (i) Subdural hemorrhage or subdural hematoma.

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

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

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

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

22 (a) He or she shall not operate a vehicle in violation of
23 subsection (1), (3), (4), or (5) while another person who is less
24 than 16 years of age is occupying the vehicle. A person who vio-
25 lates this subdivision is guilty of a crime punishable as
26 follows:

1 (i) Except as provided in subparagraph (ii), a person who
2 violates this subdivision is guilty of a misdemeanor and shall be
3 sentenced to pay a fine of not less than \$200.00 or more than
4 \$1,000.00 and to 1 or more of the following:

5 (A) Imprisonment for not less than 5 days or more than 1
6 year. Not less than 48 hours of this imprisonment shall be
7 served consecutively. This term of imprisonment shall not be
8 suspended.

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

11 (ii) If the violation occurs within 7 years of a prior con-
12 viction or within 10 years of 2 or more prior convictions, a
13 person who violates this subdivision is guilty of a felony and
14 shall be sentenced to pay a fine of not less than \$500.00 or more
15 than \$5,000.00 and to either of the following:

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

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

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

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

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

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

6 (C) Imprisonment for not more than 93 days.

7 (ii) If the violation occurs within 7 years of a prior con-
8 viction or within 10 years of 2 or more prior convictions, a
9 person who violates this subdivision shall be sentenced to pay a
10 fine of not less than \$200.00 or more than \$1,000.00 and to 1 or
11 more of the following:

12 (A) Imprisonment for not less than 5 days or more than 1
13 year. Not less than 48 hours of this imprisonment shall be
14 served consecutively. This term of imprisonment shall not be
15 suspended.

16 (B) Community service for not less than 30 days or more than
17 90 days.

18 (c) In the judgment of sentence under subdivision (a)(i) or
19 (b)(i), the court may, unless the vehicle is ordered forfeited
20 under section 625n, order vehicle immobilization as provided in
21 section 904d. In the judgment of sentence under subdivision
22 (a)(ii) or (b)(ii), the court shall, unless the vehicle is
23 ordered forfeited under section 625n, order vehicle immobiliza-
24 tion as provided in section 904d.

25 (d) This subsection does not prohibit a person from being
26 charged with, convicted of, or punished for a violation of
27 subsection (4) or (5) that is committed by the person while

1 violating this subsection. However, points shall not be assessed
2 under section 320a for both a violation of subsection (4) or (5)
3 and a violation of this subsection for conduct arising out of the
4 same transaction.

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

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

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

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

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

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

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

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

22 (c) If the violation occurs within 10 years of 2 or more
23 prior convictions, the person is guilty of a felony and shall be
24 sentenced to pay a fine of not less than \$500.00 or more than
25 \$5,000.00 and to either of the following:

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

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

6 (d) A term of imprisonment imposed under subdivision (b) or
7 (c) shall not be suspended.

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

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

17 (9) A person who is convicted of violating subsection (2) is
18 guilty of a crime as follows:

19 (a) Except as provided in subdivisions (b) and (c), a misde-
20 meanor punishable by imprisonment for not more than 93 days or a
21 fine of not less than \$100.00 or more than \$500.00, or both.

22 (b) If the person operating the motor vehicle violated sub-
23 section (4), a felony punishable by imprisonment for not more
24 than 5 years or a fine of not less than \$1,500.00 or more than
25 \$10,000.00, or both.

26 (c) If the person operating the motor vehicle violated
27 subsection (5), a felony punishable by imprisonment for not more

1 than 2 years or a fine of not less than \$1,000.00 or more than
2 \$5,000.00, or both.

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

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

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

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

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

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

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

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

20 (c) If the violation occurs within 10 years of 2 or more
21 prior convictions, the person is guilty of a felony and shall be
22 sentenced to pay a fine of not less than \$500.00 or more than
23 \$5,000.00 and either of the following:

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

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

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

4 (d) A term of imprisonment imposed under subdivision (b) or
5 (c) shall not be suspended.

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

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

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

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

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

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

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

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

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

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

2 (12) In addition to imposing the sanctions prescribed under
3 this section, the court may order the person to pay the costs of
4 the prosecution under the code of criminal procedure, 1927
5 PA 175, MCL 760.1 to ~~776.22~~ 777.69.

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

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

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

26 (16) A prior conviction shall be established at sentencing
27 by 1 or more of the following:

1 (a) An abstract of conviction.

2 (b) A copy of the defendant's driving record.

3 (c) An admission by the defendant.

4 (17) Except as otherwise provided in subsection (19), if a
5 person is charged with operating a vehicle while under the influ-
6 ence of a controlled substance or a combination of intoxicating
7 liquor and a controlled substance in violation of subsection (1)
8 or a local ordinance substantially corresponding to
9 subsection (1), the court shall require the jury to return a spe-
10 cial verdict in the form of a written finding or, if the court
11 convicts the person without a jury or accepts a plea of guilty or
12 nolo contendere, the court shall make a finding as to whether the
13 person was under the influence of a controlled substance or a
14 combination of intoxicating liquor and a controlled substance at
15 the time of the violation.

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

1 ability to operate a motor vehicle was visibly impaired at the
2 time of the violation.

3 (19) A special verdict described in subsections (17) and
4 (18) is not required if a jury is instructed to make a finding
5 solely as to either of the following:

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

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

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

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

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

25 (21) Except as otherwise provided by law, a record described
26 in subsection (20)(b) is a public record and the department of

1 state police shall retain the information contained on that
2 record for not less than 7 years.

3 (22) In a prosecution for a violation of subsection (6), the
4 defendant bears the burden of proving that the consumption of
5 intoxicating liquor was a part of a generally recognized reli-
6 gious service or ceremony by a preponderance of the evidence.

7 (23) Subject to subsection (25), as used in this section,
8 "prior conviction" means a conviction for any of the following,
9 whether under a law of this state, a local ordinance substan-
10 tially corresponding to a law of this state, or a law of another
11 state substantially corresponding to a law of this state:

12 (a) Except as provided in subsection (24), a violation or
13 attempted violation of subsection (1), (3), (4), (5), (6), or
14 (7), section 625m, former section 625(1) or (2), or former sec-
15 tion 625b.

16 (b) Negligent homicide, manslaughter, or murder resulting
17 from the operation of a vehicle or an attempt to commit any of
18 those crimes.

19 (c) A violation of section 601B(3) OR 653a(4).

20 (24) Except for purposes of the enhancement described in
21 subsection (11)(b), only 1 violation or attempted violation of
22 subsection (6), a local ordinance substantially corresponding to
23 subsection (6), or a law of another state substantially corre-
24 sponding to subsection (6) may be used as a prior conviction.

25 (25) If 2 or more convictions described in subsection (23)
26 are convictions for violations arising out of the same

1 transaction, only 1 conviction shall be used to determine whether
2 the person has a prior conviction.

3 Sec. 625m. (1) A person, whether licensed or not, who has
4 an alcohol content of 0.04 grams or more but not more than 0.07
5 grams per 100 milliliters of blood, per 210 liters of breath, or
6 per 67 milliliters of urine shall not operate a commercial motor
7 vehicle within this state.

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

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

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

21 (3) Except as otherwise provided in subsections (4) and (5),
22 a person who is convicted of a violation of this section or a
23 local ordinance substantially corresponding to this section is
24 guilty of a misdemeanor punishable by imprisonment for not more
25 than 93 days or a fine of not more than \$300.00, or both,
26 together with costs of the prosecution.

1 (4) A person who violates this section or a local ordinance
2 substantially corresponding to this section within 7 years of 1
3 prior conviction may be sentenced to imprisonment for not more
4 than 1 year or a fine of not more than \$1,000.00, or both.

5 (5) A person who violates this section or a local ordinance
6 substantially corresponding to this section within 10 years of 2
7 or more prior convictions is guilty of a felony and shall be sen-
8 tenced to pay a fine of not less than \$500.00 or more than
9 \$5,000.00 and to either of the following:

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

12 (b) Probation with imprisonment in the county jail for not
13 less than 30 days or more than 1 year and community service for
14 not less than 60 days or more than 180 days. Not less than 48
15 hours of the imprisonment imposed under this subdivision shall be
16 served consecutively.

17 (6) A term of imprisonment imposed under subsection (4) or
18 (5) shall not be suspended.

19 (7) Subject to subsection (9), as used in this section,
20 "prior conviction" means a conviction for any of the following,
21 whether under a law of this state, a local ordinance substan-
22 tially corresponding to a law of this state, or a law of another
23 state substantially corresponding to a law of this state:

24 (a) Except as provided in subsection (8), a violation or
25 attempted violation of this section, section 625(1), (3), (4),
26 (5), (6), or (7), former section 625(1) or (2), or former section
27 625b.

1 (b) Negligent homicide, manslaughter, or murder resulting
2 from the operation of a vehicle or an attempt to commit any of
3 those crimes.

4 (c) A violation of section 601B(3) OR 653a(4).

5 (8) Only 1 violation or attempted violation of
6 section 625(6), a local ordinance substantially corresponding to
7 section 625(6), or a law of another state substantially corre-
8 sponding to section 625(6) may be used as a prior conviction.

9 (9) If 2 or more convictions described in subsection (7) are
10 convictions for violations arising out of the same transaction,
11 only 1 conviction shall be used to determine whether the person
12 has a prior conviction.

13 Sec. 732. (1) Each municipal judge and each clerk of a
14 court of record shall keep a full record of every case in which a
15 person is charged with or cited for a violation of this act or a
16 local ordinance substantially corresponding to this act regulat-
17 ing the operation of vehicles on highways and, beginning October
18 1, 2000, with those offenses pertaining to the operation of ORVs
19 or snowmobiles for which points are assessed under section
20 ~~320a(1)(b) or (f)~~ 320A(1)(C) OR (H). Except as provided in
21 subsection (15), the municipal judge or clerk of the court of
22 record shall prepare and forward to the secretary of state an
23 abstract of the court record as follows:

24 (a) Within 14 days after a conviction, forfeiture of bail,
25 or entry of a civil infraction determination or default judgment
26 upon a charge of or citation for violating or attempting to

1 violate this act or a local ordinance substantially corresponding
2 to this act regulating the operation of vehicles on highways.

3 (b) Immediately for each case charging a violation of
4 section 625(1), (3), (4), (5), (6), or (7) or section 625m or a
5 local ordinance substantially corresponding to section 625(1),
6 (3), or (6) or section 625m in which the charge is dismissed or
7 the defendant is acquitted.

8 (c) ~~Beginning October 1, 2000, immediately~~ IMMEDIATELY for
9 each case charging a violation of section 82127(1) or (3), 81134,
10 or 81135 of the natural resources and environmental protection
11 act, 1994 PA 451, MCL 324.82127, 324.81134, and 324.81135, or a
12 local ordinance substantially corresponding to those sections.

13 (2) If a city or village department, bureau, or person is
14 authorized to accept a payment of money as a settlement for a
15 violation of a local ordinance substantially corresponding to
16 this act, the city or village department, bureau, or person shall
17 send a full report of each case in which a person pays any amount
18 of money to the city or village department, bureau, or person to
19 the secretary of state upon a form prescribed by the secretary of
20 state.

21 (3) The abstract or report required under this section shall
22 be made upon a form furnished by the secretary of state. An
23 abstract shall be certified by signature, stamp, or facsimile
24 signature of the person required to prepare the abstract as
25 correct. An abstract or report shall include all of the
26 following:

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

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

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

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

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

11 (f) Whether bail was forfeited.

12 (g) Any license restriction, suspension, or denial ordered
13 by the court as provided by law.

14 (h) The vehicle identification number and registration plate
15 number of all vehicles that are ordered immobilized or
16 forfeited.

17 (i) Other information considered necessary to the secretary
18 of state.

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

22 (a) A violation of section 413, 414, or 479a of the Michigan
23 penal code, 1931 PA 328, MCL 750.413, 750.414, and 750.479a.

24 (b) A violation of section 1 of 1931 PA 214, MCL 752.191.

25 (c) Negligent homicide, manslaughter, or murder resulting
26 from the operation of a vehicle.

1 (d) A violation of section 601B(3) OR 653a(4).

2 (e) A violation of section 703 of the Michigan liquor
3 control code of 1998, 1998 PA 58, MCL 436.1703, or a local ordi-
4 nance substantially corresponding to that section.

5 (f) An attempt to violate, a conspiracy to violate, or a
6 violation of part 74 or section 17766a of the public health code,
7 1978 PA 368, MCL 333.7401 to 333.7461 and 333.17766a, or a local
8 ordinance that prohibits conduct prohibited under part 74 or sec-
9 tion 17766a of the public health code, 1978 PA 368, MCL 333.7401
10 to 333.7461 and 333.17766a, unless the convicted person is sen-
11 tenced to life imprisonment or a minimum term of imprisonment
12 that exceeds 1 year for the offense.

13 (g) An attempt to commit an offense described in subdivi-
14 sions (a) to (e).

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

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

21 (b) The vehicle was used to transport a victim of the
22 felony.

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

24 (d) The vehicle was necessary for the commission of the
25 felony.

26 (6) If a person is charged with a felony in which a motor
27 vehicle was used, other than a felony specified in subsection (4)

1 or section 319, the prosecuting attorney shall include the
2 following statement on the complaint and information filed in
3 district or circuit court:

4 "You are charged with the commission of a felony in which a
5 motor vehicle was used. If you are convicted and the judge finds
6 that the conviction is for a felony in which a motor vehicle was
7 used, as defined in section 319 of the Michigan vehicle code,
8 1949 PA 300, MCL 257.319, your driver's license shall be sus-
9 pended by the secretary of state."

10 (7) If a juvenile is accused of an act, the nature of which
11 constitutes a felony in which a motor vehicle was used, other
12 than a felony specified in subsection (4) or section 319, the
13 prosecuting attorney or family division of circuit court shall
14 include the following statement on the petition filed in the
15 court:

16 "You are accused of an act the nature of which constitutes a
17 felony in which a motor vehicle was used. If the accusation is
18 found to be true and the judge or referee finds that the nature
19 of the act constitutes a felony in which a motor vehicle was
20 used, as defined in section 319 of the Michigan vehicle code,
21 1949 PA 300, MCL 257.319, your driver's license shall be sus-
22 pended by the secretary of state."

23 (8) If the court determines as part of the sentence or dis-
24 position that the felony for which the person was convicted or
25 adjudicated and with respect to which notice was given under sub-
26 section (6) or (7) is a felony in which a motor vehicle was used,

1 the clerk of the court shall forward an abstract of the court
2 record of that conviction to the secretary of state.

3 (9) As used in subsections (10) and (11), "felony in which a
4 commercial motor vehicle was used" means a felony during the com-
5 mission of which the person operated a commercial motor vehicle
6 and while the person was operating the vehicle 1 or more of the
7 following circumstances existed:

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

9 (b) The vehicle was used to transport a victim of the
10 felony.

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

12 (d) The vehicle was necessary for the commission of the
13 felony.

14 (10) If a person is charged with a felony in which a commer-
15 cial motor vehicle was used and for which a vehicle group desig-
16 nation on a license is subject to suspension or revocation under
17 section 319b(1)(c)(iii), 319b(1)(d), or 319b(1)(e)(iii), or
18 319b(1)(f)(i), the prosecuting attorney shall include the follow-
19 ing statement on the complaint and information filed in district
20 or circuit court:

21 "You are charged with the commission of a felony in which a
22 commercial motor vehicle was used. If you are convicted and the
23 judge finds that the conviction is for a felony in which a com-
24 mercial motor vehicle was used, as defined in section 319b of the
25 Michigan vehicle code, 1949 PA 300, MCL 257.319b, all vehicle
26 group designations on your driver's license shall be suspended or
27 revoked by the secretary of state.".

1 (11) If the judge determines as part of the sentence that
2 the felony for which the defendant was convicted and with respect
3 to which notice was given under subsection (10) is a felony in
4 which a commercial motor vehicle was used, the clerk of the court
5 shall forward an abstract of the court record of that conviction
6 to the secretary of state.

7 (12) Every person required to forward abstracts to the sec-
8 retary of state under this section shall certify for the period
9 from January 1 through June 30 and for the period from July 1
10 through December 31 that all abstracts required to be forwarded
11 during the period have been forwarded. The certification shall
12 be filed with the secretary of state not later than 28 days after
13 the end of the period covered by the certification. The certifi-
14 cation shall be made upon a form furnished by the secretary of
15 state and shall include all of the following:

16 (a) The name and title of the person required to forward
17 abstracts.

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

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

20 (d) The following statement:

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

25 (e) Other information the secretary of state considers
26 necessary.

1 (f) The signature of the person required to forward
2 abstracts.

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

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

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

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

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

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

24 (d) A pedestrian, passenger, or bicycle violation, other
25 than a violation of section 703(1) or (2) of the Michigan liquor
26 control code of 1998, 1998 PA 58, MCL 436.1703, or a local
27 ordinance substantially corresponding to section 703(1) or (2) of

1 the Michigan liquor control code of 1998, 1998 PA 58,
2 MCL 436.1703, or section 624a or 624b or a local ordinance sub-
3 stantially corresponding to section 624a or 624b.

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

6 (16) The secretary of state shall discard and not enter on
7 the master driving record an abstract for a bond forfeiture that
8 occurred outside this state. However, the secretary of state
9 shall retain and enter on the master driving record an abstract
10 of an out-of-state bond forfeiture for an offense that occurred
11 after January 1, 1990 in connection with the operation of a com-
12 mercial motor vehicle.

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

18 (18) If a conviction or civil infraction determination is
19 reversed upon appeal, the person whose conviction or determina-
20 tion has been reversed may serve on the secretary of state a cer-
21 tified copy of the order of reversal. The secretary of state
22 shall enter the order in the proper book or index in connection
23 with the record of the conviction or civil infraction
24 determination.

25 (19) The secretary of state may permit a city or village
26 department, bureau, person, or court to modify the requirement as
27 to the time and manner of reporting a conviction, civil

1 infraction determination, or settlement to the secretary of state
2 if the modification will increase the economy and efficiency of
3 collecting and utilizing the records. If the permitted abstract
4 of court record reporting a conviction, civil infraction determi-
5 nation, or settlement originates as a part of the written notice
6 ~~as~~ TO appear, authorized in section 728(1) or 742(1), the form
7 of the written notice and report shall be as prescribed by the
8 secretary of state.

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

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

14 (a) For a conviction under section 625(1), (3), or (7) or a
15 local ordinance substantially corresponding to section 625(1) or
16 (3) with no prior convictions, the court may order vehicle immo-
17 bilization for not more than 180 days.

18 (b) For a conviction under section 625(4) or (5) with no
19 prior convictions, the court shall order vehicle immobilization
20 for not more than 180 days.

21 (c) For a conviction under section 625(1), (3), (4), (5), or
22 (7) within 7 years after a prior conviction, the court shall
23 order vehicle immobilization for not less than 90 days or more
24 than 180 days.

25 (d) For a conviction under section 625(1), (3), (4), (5), or
26 (7) within 10 years after 2 or more prior convictions, the court

1 shall order vehicle immobilization for not less than 1 year or
2 more than 3 years.

3 (2) For a conviction or civil infraction determination
4 resulting from a violation that occurred during a period of sus-
5 pension, revocation, or denial, the following apply:

6 (a) Except as provided in subdivision (b), for 1 prior sus-
7 pension, revocation, or denial under section 904(10), (11), or
8 (12) or former section 904(2) or (4) within the past 7 years, the
9 court may order vehicle immobilization for not more than 180
10 days.

11 (b) Except as provided in subdivisions (c) and (d), if the
12 person is convicted under section 904(4) or (5), the court shall
13 order vehicle immobilization for not more than 180 days.

14 (c) For any combination of 2 or 3 prior suspensions, revoca-
15 tions, or denials under section 904(10), (11), or (12) or former
16 section 904(2) or (4) within the past 7 years, the court shall
17 order vehicle immobilization for not less than 90 days or more
18 than 180 days.

19 (d) For any combination of 4 or more prior suspensions,
20 revocations, or denials under section 904(10), (11), or (12) or
21 former section 904(2) or (4) within the past 7 years, the court
22 shall order vehicle immobilization for not less than 1 year or
23 more than 3 years.

24 (3) The defendant shall provide to the court the vehicle
25 identification number and registration plate number of the vehi-
26 cle involved in the violation.

1 (4) The court may order vehicle immobilization under this
2 section under either of the following circumstances:

3 (a) The defendant is the owner, co-owner, lessee, or
4 co-lessee of the vehicle operated during the violation.

5 (b) The owner, co-owner, lessee, or co-lessee knowingly per-
6 mitted the vehicle to be operated in violation of section 625(2)
7 or section 904(2) regardless of whether a conviction resulted.

8 (5) An order required to be issued under this section shall
9 not be suspended.

10 (6) If a defendant is ordered imprisoned for the violation
11 for which immobilization is ordered, the period of immobilization
12 shall begin at the end of the period of imprisonment.

13 (7) This section does not apply to any of the following:

14 (a) A suspension, revocation, or denial based on a violation
15 of the support and parenting time enforcement act, 1982 PA 295,
16 MCL 552.601 to 552.650.

17 (b) A vehicle that is registered in another state or that is
18 a rental vehicle.

19 (c) A vehicle owned by the federal government, this state,
20 or a local unit of government of this state.

21 (d) A vehicle not subject to registration under
22 section 216.

23 (e) Any of the following:

24 (i) A violation of chapter II.

25 (ii) A violation of chapter V.

26 (iii) A violation for failure to change address.

- 1 (iv) A parking violation.
- 2 (v) A bad check violation.
- 3 (vi) An equipment violation.
- 4 (vii) A pedestrian, passenger, or bicycle violation, other
5 than a violation of section 703(1) or (2) of the Michigan liquor
6 control code of 1998, 1998 PA 58, MCL 436.1703, or a local ordi-
7 nance substantially corresponding to section 703(1) or (2) of the
8 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703,
9 or section 624a or 624b or a local ordinance substantially corre-
10 sponding to section 624a or 624b.
- 11 (viii) A violation of a local ordinance substantially corre-
12 sponding to a violation described in subparagraphs (i) to (vii).
- 13 (8) As used in this section:
- 14 (a) Subject to subsection (9), "prior conviction" means a
15 conviction for any of the following, whether under a law of this
16 state, a local ordinance substantially corresponding to a law of
17 this state, or a law of another state substantially corresponding
18 to a law of this state:
- 19 (i) Except as otherwise provided in this subparagraph, a
20 violation or attempted violation of section 625(1), (3), (4),
21 (5), (6), or (7), section 625m, former section 625(1) or (2), or
22 former section 625b. However, only 1 violation or attempted vio-
23 lation of section 625(6), a local ordinance substantially corre-
24 sponding to section 625(6), or a law of another state substan-
25 tially corresponding to section 625(6) may be used as a prior
26 conviction.

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

4 (iii) A violation of section 601B(2) OR 653a(3).

5 (b) "Vehicle immobilization" means requiring the motor vehi-
6 cle involved in the violation immobilized in a manner provided in
7 section 904e.

8 (9) If 2 or more convictions described in subsection (8)(a)
9 are convictions for violations arising out of the same incident,
10 only 1 conviction shall be used to determine whether the person
11 has a prior conviction.