

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 809

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 303, 304, 319, 319b, and 624a (MCL 257.303,
257.304, 257.319, 257.319b, and 257.624a), sections 303 and 319b as
amended by 2011 PA 159, section 304 as added by 2010 PA 155,
section 319 as amended by 2010 PA 267, and section 624a as amended
by 1998 PA 349.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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 is suspended, revoked, denied, or
2 canceled in any state. If the suspension, revocation, denial, or
3 cancellation is not from the jurisdiction that issued the last
4 license to the person, the secretary of state may issue a license
5 after the expiration of 5 years from the effective date of the most
6 recent suspension, revocation, denial, or cancellation.

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

12 (e) A person who is unable to understand highway warning or
13 direction signs in the English language.

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

19 (g) A person who has been convicted of, has received a
20 juvenile disposition for, or has been determined responsible for 2
21 or more moving violations under a law of this state, a local
22 ordinance substantially corresponding to a law of this state, or a
23 law of another state substantially corresponding to a law of this
24 state within the preceding 3 years, if the violations occurred
25 before issuance of an original license to the person in this state,
26 another state, or another country.

27 (h) A nonresident, including, but not limited to, a foreign

1 exchange student.

2 (i) A person who has failed to answer a citation or notice to
3 appear in court or for any matter pending or fails to comply with
4 an order or judgment of the court, including, but not limited to,
5 paying all fines, costs, fees, and assessments, in violation of
6 section 321a, until that person answers the citation or notice to
7 appear in court or for any matter pending or complies with an order
8 or judgment of the court, including, but not limited to, paying all
9 fines, costs, fees, and assessments, as provided under section
10 321a.

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

19 (k) A person not licensed under this act who has been
20 convicted of or received a juvenile disposition for committing a
21 crime described in section 319e. A person shall be denied a license
22 under this subdivision for the length of time that corresponds to
23 the period of the licensing sanction that would have been imposed
24 under section 319e if the person had been licensed at the time of
25 the violation.

26 (l) A person not licensed under this act who is determined to
27 have violated section 33b(1) of former 1933 (Ex Sess) PA 8, section

1 703(1) of the Michigan liquor control code of 1998, 1998 PA 58, MCL
2 436.1703, or section 624a or 624b. The person shall be denied a
3 license under this subdivision for a period of time that
4 corresponds to the period of the licensing sanction that would have
5 been imposed under those sections had the person been licensed at
6 the time of the violation.

7 (m) A person whose commercial driver license application is
8 canceled under section 324(2).

9 (n) Unless otherwise eligible under section 307(1), a person
10 who is not a citizen of the United States.

11 (2) Upon receiving the appropriate records of conviction, the
12 secretary of state shall revoke the operator's or chauffeur's
13 license of a person and deny issuance of an operator's or
14 chauffeur's license to a person having any of the following,
15 whether under a law of this state, a local ordinance substantially
16 corresponding to a law of this state, a law of another state
17 substantially corresponding to a law of this state, or, beginning
18 October 31, 2010, a law of the United States substantially
19 corresponding to a law of this state:

20 (a) Any combination of 2 convictions within 7 years for
21 reckless driving in violation of section 626 before October 31,
22 2010 or, beginning October 31, 2010, 626(2).

23 (b) Any combination of 2 or more convictions within 7 years
24 for any of the following:

25 (i) A felony in which a motor vehicle was used.

26 (ii) A violation or attempted violation of section 601b(2) or
27 (3), section 601c(1) or (2), section 602a(4) or (5), section 617,

1 section 653a(3) or (4), or section 904(4) or (5).

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

5 (iv) A violation or attempted violation of section 479a(4) or
6 (5) of the Michigan penal code, 1931 PA 328, MCL 750.479a.

7 (c) Any combination of 2 convictions within 7 years for any of
8 the following or a combination of 1 conviction for a violation or
9 attempted violation of section 625(6) and 1 conviction for any of
10 the following within 7 years:

11 (i) A violation or attempted violation of section 625, except a
12 violation of section 625(2), or a violation of any prior enactment
13 of section 625 in which the defendant operated a vehicle while
14 under the influence of intoxicating or alcoholic liquor or a
15 controlled substance, or a combination of intoxicating or alcoholic
16 liquor and a controlled substance, or while visibly impaired, or
17 with an unlawful bodily alcohol content.

18 (ii) A violation or attempted violation of section 625m.

19 (iii) A violation or attempted violation of former section 625b.

20 (d) One conviction for a violation or attempted violation of
21 section 315(5), section 601b(3), section 601c(2), section 602a(4)
22 or (5), section 617, section 625(4) or (5), section 653a(4),
23 section 904(4) or (5), or, beginning October 31, 2010, section
24 626(3) or (4).

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

1 (f) One conviction for a violation or attempted violation of
2 section 479a(4) or (5) of the Michigan penal code, 1931 PA 328, MCL
3 750.479a.

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

9 (i) A violation or attempted violation of section 625, except a
10 violation of section 625(2), or a violation of any prior enactment
11 of section 625 in which the defendant operated a vehicle while
12 under the influence of intoxicating or alcoholic liquor or a
13 controlled substance, or a combination of intoxicating or alcoholic
14 liquor and a controlled substance, or while visibly impaired, or
15 with an unlawful bodily alcohol content.

16 (ii) A violation or attempted violation of section 625m.

17 (iii) A violation or attempted violation of former section 625b.

18 (3) The secretary of state shall revoke a license under
19 subsection (2) notwithstanding a court order unless the court order
20 complies with section 323.

21 (4) Except as otherwise provided under section 304, the
22 secretary of state shall not issue a license under this act to a
23 person whose license has been revoked under this act or revoked and
24 denied under subsection (2) until all of the following occur, as
25 applicable:

26 (a) The later of the following:

27 (i) The expiration of not less than 1 year **AND 45 DAYS** after

1 the license was revoked or denied.

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

5 (b) For a denial under subsection (2)(a), (b), (c), and (g),
6 the person rebuts by clear and convincing evidence the presumption
7 resulting from the prima facie evidence that he or she is a
8 habitual offender. The convictions that resulted in the revocation
9 and denial constitute prima facie evidence that he or she is a
10 habitual offender.

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

12 (5) The secretary of state may deny issuance of an operator's
13 license as follows:

14 (a) Until the age of 17, to a person not licensed under this
15 act who was convicted of or received a juvenile disposition for
16 violating or attempting to violate section 411a(2) of the Michigan
17 penal code, 1931 PA 328, MCL 750.411a, involving a school when he
18 or she was less than 14 years of age. A person not issued a license
19 under this subdivision is not eligible to begin graduated licensing
20 training until he or she attains 16 years of age.

21 (b) To a person less than 21 years of age not licensed under
22 this act who was convicted of or received a juvenile disposition
23 for violating or attempting to violate section 411a(2) of the
24 Michigan penal code, 1931 PA 328, MCL 750.411a, involving a school
25 when he or she was 14 years of age or older, until 3 years after
26 the date of the conviction or juvenile disposition. A person not
27 issued a license under this subdivision is not eligible to begin

1 graduated licensing training or otherwise obtain an original
2 operator's or chauffeur's license until 3 years after the date of
3 the conviction or juvenile disposition.

4 (6) The secretary of state shall deny issuance of a vehicle
5 group designation to a person under either of the following
6 circumstances:

7 (a) The person has been disqualified by the United States
8 secretary of transportation from operating a commercial motor
9 vehicle.

10 (b) Beginning on and after January 30, 2012, the person does
11 not meet the requirements of the federal regulations under parts
12 383 and 391 by refusing to certify the type of commercial motor
13 vehicle operation the person intends to perform and, if required,
14 fails to present to the secretary of state a valid medical
15 certification.

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

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

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

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

27 (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. 304. (1) Except as provided in subsection (3), the
4 secretary of state shall issue a restricted license to a person
5 whose license was suspended or restricted under section 319 or
6 revoked or denied under section 303 based on either of the
7 following:

8 (a) Two or more convictions for violating section 625(1) or
9 (3) or a local ordinance of this state substantially corresponding
10 to section 625(1) or (3).

11 (b) One conviction for violating section 625(1) or (3) or a
12 local ordinance of this state substantially corresponding to
13 section 625(1) or (3), preceded by 1 or more convictions for
14 violating a local ordinance or law of another state substantially
15 corresponding to section 625(1), (3), or (6), or a law of the
16 United States substantially corresponding to section 625(1), (3),
17 or (6).

18 (2) A restricted license issued under subsection (1) shall not
19 be issued until after the person's operator's or chauffeur's
20 license has been suspended or revoked for 45 days and the judge
21 assigned to a DWI/sobriety court certifies to the secretary of
22 state that both of the following conditions have been met:

23 (a) The person has been admitted into a DWI/sobriety court
24 program.

25 (b) An ignition interlock device approved, certified, and
26 installed as required under sections 625k and 625l has been
27 installed on each motor vehicle owned or operated, or both, by the

1 individual.

2 (3) A restricted license shall not be issued under subsection
3 (1) if the person is otherwise ineligible for an operator's or
4 chauffeur's license under this act, unless the person's
5 ineligibility is based on 1 or more of the following:

6 (a) Section 303(1) (i) or (l).

7 (b) Section 303(2) (c) (i) or (iii).

8 (c) Section 303(2) (g) (i) or (iii).

9 (d) Section 319(4), (5), (6), (7), (8) (a) to (e), or (9).

10 (e) Section 319e(2) (a) or (b).

11 (f) Section 320(1) (d).

12 (g) Section 321a(1), (2), or (3).

13 (h) Section 323c.

14 (i) Section ~~625f(1) (a)~~. **625F**.

15 (j) Section 732a(5).

16 (k) Section 904(10).

17 (l) Section 82105a(2) of the natural resources and
18 environmental protection act, 1994 PA 451, MCL 324.82105a.

19 (m) Section 3177 of the insurance code of 1956, 1956 PA 218,
20 MCL 500.3177.

21 (n) Section 10 of the motor vehicle claims act, 1965 PA 198,
22 MCL 257.1110.

23 (4) A restricted license issued under subsection (1) permits
24 the person to whom it is issued to operate only the vehicle
25 equipped with an ignition interlock device described in subsection
26 (2) (b), to take any driving skills test required by the secretary
27 of state, and to drive to and from any combination of the following

1 locations OR EVENTS:

2 ~~—— (a) The person's residence.~~

3 ~~—— (b) The person's workplace.~~

4 ~~—— (c) The person's school.~~

5 ~~—— (d) An alcohol or drug education or treatment program as~~
6 ~~ordered by the court.~~

7 (A) IN THE COURSE OF THE PERSON'S EMPLOYMENT OR OCCUPATION IF
8 THE EMPLOYMENT OR OCCUPATION DOES NOT REQUIRE A COMMERCIAL DRIVER
9 LICENSE.

10 (B) TO AND FROM ANY COMBINATION OF THE FOLLOWING:

11 (i) THE PERSON'S RESIDENCE.

12 (ii) THE PERSON'S WORK LOCATION.

13 (iii) AN ALCOHOL, DRUG, OR MENTAL HEALTH EDUCATION AND TREATMENT
14 AS ORDERED BY THE COURT.

15 (iv) ALCOHOLICS ANONYMOUS, NARCOTICS ANONYMOUS, OR OTHER COURT-
16 ORDERED SELF-HELP PROGRAMS.

17 (v) COURT HEARINGS AND PROBATION APPOINTMENTS.

18 (vi) COURT-ORDERED COMMUNITY SERVICE.

19 (vii) AN EDUCATIONAL INSTITUTION AT WHICH THE PERSON IS
20 ENROLLED AS A STUDENT.

21 (viii) A PLACE OF REGULARLY OCCURRING MEDICAL TREATMENT FOR A
22 SERIOUS CONDITION OR MEDICAL EMERGENCY FOR THE PERSON OR A MEMBER
23 OF THE PERSON'S HOUSEHOLD OR IMMEDIATE FAMILY.

24 (ix) ALCOHOL OR DRUG TESTING AS ORDERED BY THE COURT.

25 (x) IGNITION INTERLOCK SERVICE PROVIDER AS REQUIRED.

26 (5) WHILE DRIVING WITH A RESTRICTED LICENSE, THE PERSON SHALL
27 CARRY PROOF OF HIS OR HER DESTINATION AND THE HOURS OF ANY

1 EMPLOYMENT, CLASS, OR OTHER REASON FOR TRAVELING AND SHALL DISPLAY
2 THAT PROOF UPON A PEACE OFFICER'S REQUEST.

3 (6) ~~(5)~~—Except as otherwise provided in this section, a
4 restricted license issued under subsection (1) is effective until a
5 hearing officer orders an unrestricted license under section 322.
6 ~~The person shall not be considered for~~ **HEARING OFFICER SHALL NOT**
7 **ORDER** an unrestricted license until the later of the following
8 events occurs:

9 (a) The court notifies the secretary of state that the person
10 has successfully completed the DWI/sobriety court program.

11 (b) The minimum period of license sanction that would have
12 been imposed under section 303 or 319 but for this section has been
13 completed.

14 (C) **THE PERSON DEMONSTRATES THAT HE OR SHE HAS OPERATED WITH**
15 **AN IGNITION INTERLOCK DEVICE FOR NOT LESS THAN 1 YEAR.**

16 (D) **THE PERSON SATISFIES THE REQUIREMENTS OF SECTION 303 AND R**
17 **257.313 OF THE MICHIGAN ADMINISTRATIVE CODE.**

18 (7) **IN DETERMINING WHETHER TO ORDER AN UNRESTRICTED LICENSE**
19 **UNDER SUBSECTION (6), THE SUCCESSFUL COMPLETION OF THE DWI/SOBRIETY**
20 **COURT PROGRAM AND A CERTIFICATE FROM THE DWI/SOBRIETY COURT JUDGE**
21 **SHALL BE CONSIDERED POSITIVE EVIDENCE OF THE PETITIONER'S**
22 **ABSTINENCE WHILE THE PETITIONER PARTICIPATED IN THE DWI/SOBRIETY**
23 **COURT PROGRAM. AS USED IN THIS SUBSECTION, "CERTIFICATE" INCLUDES,**
24 **BUT IS NOT LIMITED TO, A STATEMENT THAT THE PARTICIPANT HAS**
25 **MAINTAINED A PERIOD OF ABSTINENCE FROM ALCOHOL FOR NOT LESS THAN 6**
26 **MONTHS AT THE TIME THE PARTICIPANT COMPLETED THE DWI/SOBRIETY COURT**
27 **PROGRAM.**

1 (8) ~~(6)~~—If the secretary of state receives a notification from
2 the DWI/sobriety court under section 1084(6) of the revised
3 judicature act of 1961, 1961 PA 236, MCL 600.1084, the secretary of
4 state shall summarily impose 1 of the following license sanctions,
5 as applicable:

6 (a) Suspension for the full length of time provided under
7 section 319(8). However, a restricted license shall not be issued
8 as provided under section 319(8). This subdivision applies if the
9 underlying conviction or convictions would have subjected the
10 person to a license sanction under section 319(8) if this section
11 did not apply.

12 (b) A license revocation and denial for the full length of
13 time provided under section 303. The minimum period of license
14 revocation and denial imposed shall be the same as if this section
15 did not apply. This subdivision applies if the underlying
16 conviction or convictions would have caused a license revocation
17 and denial under section 303 if this section did not apply.

18 (9) ~~(7)~~—After the person completes the DWI/sobriety court
19 interlock pilot program, the following apply:

20 **(A) THE SECRETARY OF STATE SHALL POSTPONE CONSIDERING THE**
21 **ISSUANCE OF AN UNRESTRICTED LICENSE UNDER SECTION 322 FOR A PERIOD**
22 **OF 3 MONTHS FOR EACH ACT THAT WOULD BE A MINOR VIOLATION IF THE**
23 **PERSON'S LICENSE HAD BEEN ISSUED UNDER SECTION 322(6). AS USED IN**
24 **THIS SUBDIVISION, "MINOR VIOLATION" MEANS THAT TERM AS DEFINED IN R**
25 **257.301A OF THE MICHIGAN ADMINISTRATIVE CODE.**

26 **(B) ~~(a)~~—The restricted license issued under this section shall**
27 **be suspended or revoked or denied as provided in subsection ~~(6)~~,**

1 (8), unless set aside under subsection ~~(5)~~, (6), if any of the
2 following events occur:

3 (i) The person operates a motor vehicle without an ignition
4 interlock device that meets the criteria under subsection (2)(b).

5 (ii) The person removes, or causes to be removed, an ignition
6 interlock device from a vehicle he or she owns or operates unless
7 the secretary of state has authorized its removal under section
8 322a.

9 (iii) **THE PERSON COMMITS ANY OTHER ACT THAT WOULD BE A MAJOR**
10 **VIOLATION IF THE PERSON'S LICENSE HAD BEEN ISSUED UNDER SECTION**
11 **322(6). AS USED IN THIS SUBPARAGRAPH, "MAJOR VIOLATION" MEANS THAT**
12 **TERM AS DEFINED IN R 257.301A OF THE MICHIGAN ADMINISTRATIVE CODE.**

13 (iv) ~~(iii)~~—The person is arrested for a violation of any of the
14 following:

15 (A) Section 625.

16 (B) A local ordinance of this state or another state
17 substantially corresponding to section 625.

18 (C) A law of the United States substantially corresponding to
19 section 625.

20 (b) If the person is convicted of or found responsible for any
21 offense that requires the suspension, revocation, denial, or
22 cancellation of the person's operator's or chauffeur's license, the
23 restricted license issued under this section shall be suspended
24 until the requisite period of license suspension, revocation,
25 denial, or cancellation, as appropriate, has elapsed.

26 (c) If the person has failed to pay any court-ordered fines or
27 costs that resulted from the operation of a vehicle, the restricted

1 license issued under this section shall be suspended pending
2 payment of those fines and costs.

3 (10) ~~(8)~~—All driver responsibility fees required to be
4 assessed by the secretary of state under section 732a for the
5 conviction or convictions that led to the restricted license under
6 this section shall be held in abeyance as follows:

7 (a) The fees shall be held in abeyance during the time the
8 person has a restricted license under this section and is
9 participating in the DWI/sobriety court interlock pilot project.

10 (b) At the end of the person's participation in the
11 DWI/sobriety court program, the driver responsibility fees shall be
12 assessed and paid under the payment schedule described in section
13 732a.

14 (11) ~~(9)~~—The vehicle of an individual admitted to the
15 DWI/sobriety court interlock pilot project whose vehicle would
16 otherwise be subject to immobilization or forfeiture under this act
17 is exempt from both immobilization and forfeiture under sections
18 625n and 904d if both of the following apply:

19 (a) The person is a DWI/sobriety court interlock pilot program
20 participant in good standing or the person successfully
21 satisfactorily completes the DWI/sobriety court interlock pilot
22 program.

23 (b) The person does not subsequently violate a law of this
24 state for which vehicle immobilization or forfeiture is a sanction.

25 (12) ~~(10)~~—This section only applies to individuals arrested
26 for a violation of section 625 on or after ~~the effective date of~~
27 ~~the amendatory act that added this section.~~ **JANUARY 1, 2011.**

1 (13) ~~(11)~~—As used in this section:

2 (a) "DWI/sobriety court" means that term as defined in section
3 1084 of the revised judicature act of 1961, 1961 PA 236, MCL
4 600.1084.

5 (b) "DWI/sobriety court interlock pilot project" and
6 "DWI/sobriety court program" mean those terms as defined or
7 described in section 1084 of the revised judicature act of 1961,
8 1961 PA 236, MCL 600.1084.

9 Sec. 319. (1) The secretary of state shall immediately suspend
10 a person's license as provided in this section upon receiving a
11 record of the person's conviction for a crime described in this
12 section, whether the conviction is under a law of this state, a
13 local ordinance substantially corresponding to a law of this state,
14 a law of another state substantially corresponding to a law of this
15 state, or, beginning October 31, 2010, a law of the United States
16 substantially corresponding to a law of this state.

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

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

21 (b) A violation of section 413 of the Michigan penal code,
22 1931 PA 328, MCL 750.413.

23 (c) A violation of section 1 of former 1931 PA 214, MCL
24 752.191, or section 626c.

25 (d) A felony in which a motor vehicle was used. As used in
26 this section, "felony in which a motor vehicle was used" means a
27 felony during the commission of which the person convicted operated

1 a motor vehicle and while operating the vehicle presented real or
2 potential harm to persons or property and 1 or more of the
3 following circumstances existed:

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

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

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

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

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

12 (f) Beginning October 31, 2010, a violation of section 601d.

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

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

17 (b) A violation of section 601b(2), section 601c(1), section
18 653a(3), section 626 before October 31, 2010, or, beginning October
19 31, 2010, section 626(2).

20 (c) Malicious destruction resulting from the operation of a
21 vehicle under section 382(1)(b), (c), or (d) of the Michigan penal
22 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 license
26 for 30 days for malicious destruction resulting from the operation
27 of a vehicle under section 382(1)(a) of the Michigan penal code,

1 1931 PA 328, MCL 750.382.

2 (5) For perjury or making a false certification to the
3 secretary of state under any law requiring the registration of a
4 motor vehicle or regulating the operation of a vehicle on a
5 highway, or for conduct prohibited under section 324(1) or a local
6 ordinance substantially corresponding to section 324(1), the
7 secretary shall suspend the person's license as 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 code,
13 1931 PA 328, MCL 750.414, the secretary of state shall suspend the
14 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 PA
21 58, MCL 436.1703, the secretary of state shall suspend the person's
22 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 suspension.

27 (b) If the person has 2 or more prior convictions for an

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

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

7 (a) For 180 days for a violation of section 625(1) or (8)
8 before October 31, 2010 or, beginning October 31, 2010, section
9 625(1)(a) or (b) or (8) if the person has no prior convictions
10 within 7 years. The secretary of state may issue the person a
11 restricted license during a specified portion of the suspension,
12 except that the secretary of state shall not issue a restricted
13 license during the first 30 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 operating
17 a vehicle when, due to the consumption of a controlled substance or
18 a combination of alcoholic liquor and a controlled substance, the
19 person's ability to operate the vehicle was visibly impaired, the
20 secretary of state shall suspend the person's license under this
21 subdivision for 180 days. The secretary of state may issue the
22 person a restricted license during all or a specified portion of
23 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 90
7 days of suspension.

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

12 (g) Beginning October 31, 2010, for 1 year for a violation of
13 section 625(1)(c) if the person has no prior convictions within 7
14 years or not more than 2 convictions within 10 years. The secretary
15 of state may issue the person a restricted license, except that the
16 secretary of state shall not issue a restricted license during the
17 first 45 days of suspension.

18 (h) Beginning October 31, 2010, the department shall order a
19 person convicted of violating section 625(1)(c) not to operate a
20 motor vehicle under a restricted license issued under subdivision
21 (g) unless the vehicle is equipped with an ignition interlock
22 device approved, certified, and installed as required under
23 sections 625k and 625l. The ignition interlock device may be removed
24 after the interlock device provider provides the department with
25 verification that the person has operated the vehicle with no
26 instances of reaching or exceeding a blood alcohol level of 0.025
27 grams per 210 liters of breath. This subdivision does not prohibit

1 the removal of the ignition interlock device for any of the
2 following:

3 (i) A start-up test failure that occurs within the first 2
4 months after installation of the device. As used in this
5 subdivision, "start-up test failure" means that the ignition
6 interlock device has prevented the motor vehicle from being
7 started. Multiple unsuccessful attempts at 1 time to start the
8 vehicle shall be treated as 1 start-up test failure only under this
9 subparagraph.

10 (ii) A start-up test failure occurring more than 2 months after
11 installation of the device, if not more than 15 minutes after
12 detecting the start-up test failure the person delivers a breath
13 sample that the ignition interlock device analyzes as having an
14 alcohol level of less than 0.025 grams per 210 liters of breath.

15 (iii) A retest prompted by the device, if not more than 5
16 minutes after detecting the ~~start-up test~~ **RETEST** failure the person
17 delivers a breath sample that the ignition interlock device
18 analyzes as having an alcohol level of less than 0.025 grams per
19 210 liters of breath.

20 (i) Beginning October 31, 2010, if an individual violates the
21 conditions of the restricted license issued under subdivision (g)
22 or operates or attempts to operate a motor vehicle with a blood
23 alcohol level of 0.025 grams per 210 liters of breath, the
24 secretary of state shall impose an additional like period of
25 suspension and restriction as prescribed under subdivision (g).
26 This subdivision does not require an additional like period of
27 suspension and restriction for any of the following:

1 (i) A start-up test failure within the first 2 months after
2 installation of the ignition interlock device. As used in this
3 subdivision, "start-up test failure" means that the ignition
4 interlock device has prevented the motor vehicle from being
5 started. Multiple unsuccessful attempts at 1 time to start the
6 vehicle shall be treated as 1 start-up test failure only under this
7 subparagraph.

8 (ii) A start-up test failure occurring more than 2 months after
9 installation of the device, if not more than 15 minutes after
10 detecting the start-up test failure the person delivers a breath
11 sample that the ignition interlock device analyzes as having an
12 alcohol level of less than 0.025 grams per 210 liters of breath.

13 (iii) Any retest prompted by the device, if not more than 5
14 minutes after detecting the ~~start-up test~~ **RETEST** failure the person
15 delivers a breath sample that the ignition interlock device
16 analyzes as having an alcohol level of less than 0.025 grams per
17 210 liters of breath.

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

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

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

25 (10) For a violation of section 315(4), the secretary of state
26 may suspend the person's license for 6 months.

27 (11) For a violation or attempted violation of section 411a(2)

1 of the Michigan penal code, 1931 PA 328, MCL 750.411a, involving a
2 school, the secretary of state shall suspend the license of a
3 person 14 years of age or over but less than 21 years of age until
4 3 years after the date of the conviction or juvenile disposition
5 for the violation. The secretary of state may issue the person a
6 restricted license after the first 365 days of suspension.

7 (12) For a second or subsequent violation of section 701(1) of
8 the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701,
9 by an individual who is not a retail licensee or a retail
10 licensee's clerk, agent, or employee, the secretary of state shall
11 suspend the person's license for 180 days. The secretary of state
12 may issue a person a restricted license during all or a specified
13 portion of the suspension.

14 (13) Except as provided in subsection (15), a suspension under
15 this section shall be imposed notwithstanding a court order unless
16 the court order complies with section 323.

17 (14) If the secretary of state receives records of more than 1
18 conviction of a person resulting from the same incident, a
19 suspension shall be imposed only for the violation to which the
20 longest period of suspension applies under this section.

21 (15) The secretary of state may waive a restriction,
22 suspension, or revocation of a person's license imposed under this
23 act if the person submits proof that a court in another state
24 revoked, suspended, or restricted his or her license for a period
25 equal to or greater than the period of a restriction, suspension,
26 or revocation prescribed under this act for the violation and that
27 the revocation, suspension, or restriction was served for the

1 violation, or may grant a restricted license.

2 (16) The secretary of state shall not issue a restricted
3 license to a person whose license is suspended under this section
4 unless a restricted license is authorized under this section and
5 the person is otherwise eligible for a license.

6 (17) The secretary of state shall not issue a restricted
7 license to a person under subsection (8) that would permit the
8 person to operate a commercial motor vehicle.

9 (18) Except as provided in subsection (17), a restricted
10 license issued under this section shall permit the person to whom
11 it is issued to take any driving skills test required by the
12 secretary of state and to operate a vehicle under 1 or more of the
13 following circumstances:

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

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

16 (i) The person's residence.

17 (ii) The person's work location.

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

20 (iv) The court probation department.

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

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

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

27 (19) While driving with a restricted license, the person shall

1 carry proof of his or her destination and the hours of any
2 employment, class, or other reason for traveling and shall display
3 that proof upon a peace officer's request.

4 (20) Subject to subsection (22), as used in subsection (8),
5 "prior conviction" means a conviction for any of the following,
6 whether under a law of this state, a local ordinance substantially
7 corresponding to a law of this state, or a law of another state
8 substantially corresponding to a law of this state:

9 (a) Except as provided in subsection (21), a violation or
10 attempted violation of any of the following:

11 (i) Section 625, except a violation of section 625(2), or a
12 violation of any prior enactment of section 625 in which the
13 defendant operated a vehicle while under the influence of
14 intoxicating or alcoholic liquor or a controlled substance, or a
15 combination of intoxicating or alcoholic liquor and a controlled
16 substance, or while visibly impaired, or with an unlawful bodily
17 alcohol content.

18 (ii) Section 625m.

19 (iii) Former section 625b.

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

23 (c) Beginning October 31, 2010, a violation of section 601d or
24 section 626(3) or (4).

25 (21) Except for purposes of the suspensions described in
26 subsection (8)(c) and (d), only 1 violation or attempted violation
27 of section 625(6), a local ordinance substantially corresponding to

1 section 625(6), or a law of another state substantially
2 corresponding to section 625(6) may be used as a prior conviction.

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

7 Sec. 319b. (1) The secretary of state shall immediately
8 suspend or revoke, as applicable, all **COMMERCIAL LEARNERS PERMITS**
9 **OR** vehicle group designations on the operator's or chauffeur's
10 license of a person upon receiving notice of a conviction, bond
11 forfeiture, or civil infraction determination of the person, or
12 notice that a court or administrative tribunal has found the person
13 responsible, for a violation described in this subsection of a law
14 of this state, a local ordinance substantially corresponding to a
15 law of this state while the person was operating a commercial motor
16 vehicle, or a law of another state substantially corresponding to a
17 law of this state, or notice that the person has refused to submit
18 to a chemical test of his or her blood, breath, or urine for the
19 purpose of determining the amount of alcohol or presence of a
20 controlled substance or both in the person's blood, breath, or
21 urine while the person was operating a commercial motor vehicle as
22 required by a law or local ordinance of this or another state. The
23 period of suspension or revocation is as follows:

24 (a) Suspension for 60 days, **TO RUN CONSECUTIVELY WITH ANY**
25 **COMMERCIAL DRIVER LICENSE ACTION IMPOSED UNDER THIS SECTION**, if the
26 person is convicted of or found responsible for 1 of the following
27 while operating a commercial motor vehicle:

1 (i) Two serious traffic violations arising from separate
2 incidents within 36 months.

3 (ii) A violation of section 667, 668, 669, or 669a.

4 (iii) A violation of motor carrier safety regulations 49 CFR
5 392.10 or 392.11, as adopted by section 1a of the motor carrier
6 safety act of 1963, 1963 PA 181, MCL 480.11a.

7 (iv) A violation of section 57 of the pupil transportation act,
8 1990 PA 187, MCL 257.1857.

9 (v) A violation of motor carrier safety regulations 49 CFR
10 392.10 or 392.11, as adopted by section 31 of the motor bus
11 transportation act, 1982 PA 432, MCL 474.131.

12 (vi) A violation of motor carrier safety regulations 49 CFR
13 392.10 or 392.11 while operating a commercial motor vehicle other
14 than a vehicle covered under subparagraph (iii), (iv), or (v).

15 **(vii) A VIOLATION OF COMMERCIAL MOTOR VEHICLE FRAUDULENT**
16 **TESTING LAW.**

17 (b) Suspension for 120 days, to be served consecutively with a
18 60-day suspension imposed under ~~subsection (1) (a) (i),~~ **SUBDIVISION**
19 **(A) (i)**, if the person is convicted of or found responsible for 1 of
20 the following arising from separate incidents within 36 months
21 while operating a commercial motor vehicle:

22 (i) Three serious traffic violations.

23 (ii) Any combination of 2 violations described in subdivision
24 (a) (ii).

25 (c) Suspension for 1 year, **TO RUN CONSECUTIVELY WITH ANY**
26 **COMMERCIAL DRIVER LICENSE ACTION IMPOSED UNDER THIS SECTION**, if the
27 person is convicted of or found responsible for 1 of the following:

1 (i) A violation of section 625(1), (3), (4), (5), (6), (7), or
2 (8), section 625m, or former section 625(1) or (2), or former
3 section 625b, while operating a commercial or noncommercial motor
4 vehicle.

5 (ii) Leaving the scene of an accident involving a commercial or
6 noncommercial motor vehicle operated by the person.

7 (iii) Except for a felony described in 49 CFR 383.51(b)(9), a
8 felony in which a commercial or noncommercial motor vehicle was
9 used.

10 (iv) A refusal of a peace officer's request to submit to a
11 chemical test of his or her blood, breath, or urine to determine
12 the amount of alcohol or presence of a controlled substance or both
13 in his or her blood, breath, or urine while he or she was operating
14 a commercial or noncommercial motor vehicle as required by a law or
15 local ordinance of this state or another state.

16 (v) Operating a commercial motor vehicle in violation of a
17 suspension, revocation, denial, or cancellation that was imposed
18 for previous violations committed while operating a commercial
19 motor vehicle.

20 (vi) Causing a fatality through the negligent or criminal
21 operation of a commercial motor vehicle, including, but not limited
22 to, the crimes of motor vehicle manslaughter, motor vehicle
23 homicide, and negligent homicide.

24 ~~(vii) A 6 point violation as provided in section 320a while~~
25 ~~operating a commercial motor vehicle.~~

26 **(vii) A VIOLATION OF COMMERCIAL MOTOR VEHICLE FRAUDULENT**
27 **TESTING LAW.**

1 (viii) Any combination of 3 violations described in subdivision
2 (a) (ii) arising from separate incidents within 36 months while
3 operating a commercial motor vehicle.

4 (d) Suspension for 3 years, **TO RUN CONSECUTIVELY WITH ANY**
5 **COMMERCIAL DRIVER LICENSE ACTION IMPOSED UNDER THIS SECTION**, if the
6 person is convicted of or found responsible for an offense
7 enumerated in subdivision (c) (i) to (vii) in which a commercial motor
8 vehicle was used if the vehicle was carrying hazardous material
9 required to have a placard under 49 CFR parts 100 to 199.

10 (e) Revocation for life, **TO RUN CONSECUTIVELY WITH ANY**
11 **COMMERCIAL DRIVER LICENSE ACTION IMPOSED UNDER THIS SECTION**, but
12 with eligibility for reissue of a group vehicle designation after
13 not less than 10 years and after approval by the secretary of
14 state, if the person is convicted of or found responsible for 2
15 violations or a combination of any 2 violations arising from 2 or
16 more separate incidents involving any of the following:

17 (i) Section 625(1), (3), (4), (5), (6), (7), or (8), section
18 625m, or former section 625(1) or (2), or former section 625b,
19 while operating a commercial or noncommercial motor vehicle.

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

22 (iii) Except for a felony described in 49 CFR 383.51(b) (9), a
23 felony in which a commercial or noncommercial motor vehicle was
24 used.

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

1 substance or both in his or her blood while he or she was operating
2 a commercial or noncommercial motor vehicle in this state or
3 another state.

4 (v) Operating a commercial motor vehicle in violation of a
5 suspension, revocation, denial, or cancellation that was imposed
6 for previous violations committed while operating a commercial
7 motor vehicle.

8 (vi) Causing a fatality through the negligent or criminal
9 operation of a commercial motor vehicle, including, but not limited
10 to, the crimes of motor vehicle manslaughter, motor vehicle
11 homicide, and negligent homicide.

12 ~~—— (vii) Six point violations as provided in section 320a while~~
13 ~~operating a commercial motor vehicle.~~

14 (f) Revocation for life if a person is convicted of or found
15 responsible for any of the following:

16 (i) One violation of a felony in which a commercial motor
17 vehicle was used and that involved the manufacture, distribution,
18 or dispensing of a controlled substance or possession with intent
19 to manufacture, distribute, or dispense a controlled substance.

20 (ii) A conviction of any offense described in subdivision (c)
21 or (d) after having been approved for the reissuance of a vehicle
22 group designation under subdivision (e).

23 (iii) A conviction of a violation of chapter LXXXIII-A of the
24 Michigan penal code, 1931 PA 328, MCL 750.543a to 750.543z.

25 (2) The secretary of state shall immediately deny, cancel, or
26 revoke a hazardous material indorsement on the operator's or
27 chauffeur's license of a person with a vehicle group designation

1 upon receiving notice from a federal government agency that the
2 person poses a security risk warranting denial, cancellation, or
3 revocation under the uniting and strengthening America by providing
4 appropriate tools required to intercept and obstruct terrorism (USA
5 PATRIOT ACT) act of 2001, Public Law 107-56. The denial,
6 cancellation, or revocation cannot be appealed under section 322 or
7 323 and remains in effect until the secretary of state receives a
8 federal government notice that the person does not pose a security
9 risk in the transportation of hazardous materials.

10 (3) The secretary of state shall immediately suspend ~~all~~**OR**
11 **REVOKE, AS APPLICABLE, ALL COMMERCIAL LEARNERS PERMITS OR** vehicle
12 group designations on a person's operator's or chauffeur's license
13 upon receiving notice of a conviction, bond forfeiture, or civil
14 infraction determination of the person, or notice that a court or
15 administrative tribunal has found the person responsible, for a
16 violation of section 319d(4) or 319f, a local ordinance
17 substantially corresponding to section 319d(4) or 319f, or a law or
18 local ordinance of another state, the United States, Canada, the
19 United Mexican States, or a local jurisdiction of either of these
20 countries substantially corresponding to section 319d(4) or 319f,
21 while operating a commercial motor vehicle. The period of
22 suspension or revocation, **WHICH SHALL RUN CONSECUTIVELY WITH ANY**
23 **COMMERCIAL DRIVER LICENSE ACTION IMPOSED UNDER THIS SECTION,** is as
24 follows:

25 (a) Suspension for 180 days if the person is convicted of or
26 found responsible for a violation of section 319d(4) or 319f while
27 operating a commercial motor vehicle.

1 (b) Suspension for 180 days if the person is convicted of or
2 found responsible for a violation of section 319d(4) or 319f while
3 operating a commercial motor vehicle that is either carrying
4 hazardous material required to have a placard under 49 CFR parts
5 100 to 199 or designed to carry 16 or more passengers, including
6 the driver.

7 (c) Suspension for 2 years if the person is convicted of or
8 found responsible for 2 violations, in any combination, of section
9 319d(4) or 319f while operating a commercial motor vehicle arising
10 from 2 or more separate incidents during a 10-year period.

11 (d) Suspension for 3 years if the person is convicted of or
12 found responsible for 3 or more violations, in any combination, of
13 section 319d(4) or 319f while operating a commercial motor vehicle
14 arising from 3 or more separate incidents during a 10-year period.

15 (e) Suspension for 3 years if the person is convicted of or
16 found responsible for 2 or more violations, in any combination, of
17 section 319d(4) or 319f while operating a commercial motor vehicle
18 carrying hazardous material required to have a placard under 49 CFR
19 parts 100 to 199, or designed to carry 16 or more passengers,
20 including the driver, arising from 2 or more separate incidents
21 during a 10-year period.

22 (4) The secretary of state shall suspend or revoke, as
23 applicable, any privilege to operate a commercial motor vehicle as
24 directed by the federal government or its designee.

25 (5) For the purpose of this section only, a bond forfeiture or
26 a determination by a court of original jurisdiction or an
27 authorized administrative tribunal that a person has violated the

1 law is considered a conviction.

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

10 (7) A conviction, bond forfeiture, or civil infraction
11 determination, or notice that a court or administrative tribunal
12 has found a person responsible for a violation described in this
13 subsection while the person was operating a noncommercial motor
14 vehicle counts against the person who holds a license to operate a
15 commercial motor vehicle the same as if the person had been
16 operating a commercial motor vehicle at the time of the violation.
17 For the purpose of this subsection, a noncommercial motor vehicle
18 does not include a recreational vehicle used off-road. This
19 subsection applies to the following state law violations or a local
20 ordinance substantially corresponding to any of those violations or
21 a law of another state or out-of-state jurisdiction substantially
22 corresponding to any of those violations:

23 (a) Operating a vehicle in violation of section 625.

24 (b) Refusing to submit to a chemical test of his or her blood,
25 breath, or urine for the purpose of determining the amount of
26 alcohol or the presence of a controlled substance or both in the
27 person's blood, breath, or urine as required by a law or local

1 ordinance of this or another state.

2 (c) Leaving the scene of an accident.

3 (d) Using a vehicle to commit a felony.

4 (8) When determining the applicability of conditions listed in
5 this section, the secretary of state shall consider only violations
6 that occurred after January 1, 1990.

7 (9) When determining the applicability of conditions listed in
8 subsection (1)(a) or (b), the secretary of state shall count only
9 from incident date to incident date.

10 (10) As used in this section:

11 (a) "Felony in which a commercial motor vehicle was used"
12 means a felony during the commission of which the person convicted
13 operated a commercial motor vehicle and while the person was
14 operating the vehicle 1 or more of the following circumstances
15 existed:

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

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

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

19 (iv) The vehicle was necessary for the commission of the
20 felony.

21 (b) "Serious traffic violation" means any of the following:

22 (i) A traffic violation that occurs in connection with an
23 accident in which a person died.

24 (ii) Reckless driving.

25 (iii) Excessive speeding as defined in regulations promulgated
26 under 49 USC 31301 to 31317.

27 (iv) Improper lane use.

1 (v) Following too closely.

2 (vi) Operating a commercial motor vehicle without obtaining any
3 vehicle group designation on the person's license.

4 (vii) Operating a commercial motor vehicle without either
5 having an operator's or chauffeur's license in the person's
6 possession or providing proof to the court, not later than the date
7 by which the person must appear in court or pay a fine for the
8 violation, that the person held a valid vehicle group designation
9 and indorsement on the date that the citation was issued.

10 (viii) Operating a commercial motor vehicle while in possession
11 of an operator's or chauffeur's license that has a vehicle group
12 designation but does not have the appropriate vehicle group
13 designation or indorsement required for the specific vehicle group
14 being operated or the passengers or type of cargo being
15 transported.

16 (ix) Beginning October 28, 2013, a violation of section
17 602b(2).

18 (x) Any other serious traffic violation as defined in 49 CFR
19 383.5 or as prescribed under this act.

20 Sec. 624a. (1) Except as provided in subsection (2), a person
21 who is an operator or occupant shall not transport or possess
22 alcoholic liquor in a container that is open or uncapped or upon
23 which the seal is broken within the passenger ~~compartment~~**AREA** of a
24 vehicle upon a highway, or within the passenger ~~compartment~~**AREA** of
25 a moving vehicle in any place open to the general public or
26 generally accessible to motor vehicles, including an area
27 designated for the parking of vehicles, in this state.

1 (2) A person may transport or possess alcoholic liquor in a
2 container that is open or uncapped or upon which the seal is broken
3 within the passenger ~~compartment~~**AREA** of a vehicle upon a highway
4 or other place open to the general public or generally accessible
5 to motor vehicles, including an area designated for the parking of
6 vehicles in this state, if the vehicle does not have a trunk or
7 compartment separate from the passenger ~~compartment~~**AREA, AND** the
8 container is ~~enclosed or encased, and the container is not readily~~
9 ~~accessible to the occupants of the vehicle.~~**IN A LOCKED GLOVE**
10 **COMPARTMENT, BEHIND THE LAST UPRIGHT SEAT, OR IN AN AREA NOT**
11 **NORMALLY OCCUPIED BY THE OPERATOR OR A PASSENGER.**

12 (3) A person who violates this section is guilty of a
13 misdemeanor. As part of the sentence, the person may be ordered to
14 perform community service and undergo substance abuse screening and
15 assessment at his or her own expense as described in section 703(1)
16 of the Michigan liquor control code of 1998, 1998 PA 58, MCL
17 436.1703. A court shall not accept a plea of guilty or nolo
18 contendere for a violation of this section from a person charged
19 solely with a violation of section 625(6).

20 (4) This section does not apply to a passenger in a chartered
21 vehicle authorized to operate by the state transportation
22 department.

23 (5) **AS USED IN THIS SECTION:**

24 (A) **"GLOVE COMPARTMENT" MEANS A RECESS WITH A HINGED AND**
25 **LOCKING DOOR IN THE DASHBOARD OF A MOTOR VEHICLE.**

26 (B) **"PASSENGER AREA" MEANS THE AREA DESIGNED TO SEAT THE**
27 **OPERATOR AND PASSENGERS OF A MOTOR VEHICLE WHILE IT IS IN OPERATION**

1 AND ANY AREA THAT IS READILY ACCESSIBLE TO THE OPERATOR OR A
2 PASSENGER WHILE IN HIS OR HER SEATING POSITION, INCLUDING THE GLOVE
3 COMPARTMENT.