

MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949

***** 257.304.added THIS ADDED SECTION IS EFFECTIVE JANUARY 1, 2011 *****

257.304.added Restricted license; DWI/sobriety court interlock pilot project; definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(h) Section 323c.

(i) Section 625f(1)(a).

(j) Section 732a(5).

(k) Section 904(10).

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

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

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

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

(a) The person's residence.

(b) The person's workplace.

(c) The person's school.

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

(5) Except as otherwise provided in this section, a restricted license issued under subsection (1) is effective until a hearing officer orders an unrestricted license under section 322. The person shall not be considered for an unrestricted license until the later of the following events occurs:

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

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

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

(a) Suspension for the full length of time provided under section 319(8). However, a restricted license shall not be issued as provided under section 319(8). This subdivision applies if the underlying conviction or

convictions would have subjected the person to a license sanction under section 319(8) if this section did not apply.

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

(7) After the person completes the DWI/sobriety court interlock pilot program, the following apply:

(a) The restricted license issued under this section shall be suspended or revoked or denied as provided in subsection (6), unless set aside under subsection (5), if any of the following events occur:

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

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

(iii) The person is arrested for a violation of any of the following:

(A) Section 625.

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

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

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

(c) If the person has failed to pay any court-ordered fines or costs that resulted from the operation of a vehicle, the restricted license issued under this section shall be suspended pending payment of those fines and costs.

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

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

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

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

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

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

(10) This section only applies to individuals arrested for a violation of section 625 on or after the effective date of the amendatory act that added this section.

(11) As used in this section:

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

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

History: Add. 2010, Act 155, Eff. Jan. 1, 2011.

Compiler's note: Former MCL 257.304, which pertained to report of name change, was repealed by Act 172 of 2000, Imd. Eff. June 20, 2000.