

MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949

***** 257.904.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT
OF THE 2024 REGULAR SESSION SINE DIE *****

257.904.amended Operating vehicle if license, registration certificate, or vehicle group designation suspended, revoked, or denied; penalty; extending period of suspension or revocation; enhanced sentence; furnishing record to court; applicability.

Sec. 904. (1) An individual whose operator's or chauffeur's license or registration certificate has been suspended or revoked, whose application for license has been denied, or who has never applied for a license, shall not operate a motor vehicle on a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, within this state.

(2) A person shall not knowingly permit a motor vehicle owned by the person to be operated on a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state by an individual whose license or registration certificate is suspended or revoked, whose application for license has been denied, or who has never applied for a license, except as permitted under this act.

(3) Except as otherwise provided in this section, a person that violates subsection (1) or (2) is guilty of a misdemeanor punishable as follows:

(a) For a first violation, by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both. Unless the vehicle was stolen or used with the permission of a person who did not knowingly permit an unlicensed driver to operate the vehicle, the registration plates of the vehicle must be canceled by the secretary of state on notification by a peace officer.

(b) For a violation that occurs after a prior conviction, by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both. Unless the vehicle was stolen, the registration plates of the vehicle shall be canceled by the secretary of state on notification by a peace officer.

(4) An individual who operates a motor vehicle in violation of subsection (1) or an individual whose operator's or chauffeur's license or registration certificate has been suspended or revoked by another state who operates a motor vehicle during the period of suspension or revocation and who, by operation of that motor vehicle, causes the death of another individual is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than \$2,500.00 or more than \$10,000.00, or both. This subsection does not apply to an individual whose operator's or chauffeur's license was suspended because that individual failed to answer a citation or comply with an order or judgment under section 321a.

(5) An individual who operates a motor vehicle in violation of subsection (1) or an individual whose operator's or chauffeur's license or registration certificate has been suspended or revoked by another state who operates a motor vehicle during the period of suspension or revocation and who, by operation of that motor vehicle, causes the serious impairment of a body function of another individual is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not less than \$1,000.00 or more than \$5,000.00, or both. This subsection does not apply to an individual whose operator's or chauffeur's license was suspended because that individual failed to answer a citation or comply with an order or judgment under section 321a.

(6) In addition to being subject to any other penalty provided for in this act, if an individual is convicted under subsection (4) or (5), the court may impose the sanction permitted under section 625n. If the vehicle is not ordered forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

(7) A person shall not knowingly permit a motor vehicle owned by the person to be operated on a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state, by an individual whose license or registration certificate is suspended or revoked, whose application for license has been denied, or who has never been licensed except as permitted by this act. If an individual permitted to operate a motor vehicle in violation of this subsection causes the serious impairment of a body function of another individual by operation of that motor vehicle, the person that knowingly permitted the operation of that motor vehicle is guilty of a felony punishable by imprisonment for not more than 2 years, or a fine of not less than \$1,000.00 or more than \$5,000.00, or both. If an individual permitted to operate a motor vehicle in violation of this subsection causes the death of another individual by operation of that motor vehicle, the person that knowingly permitted the operation of that motor vehicle is guilty of a felony punishable by imprisonment for not more than 5 years, or a fine of not less than \$1,000.00 or more than \$5,000.00, or both.

(8) If the prosecuting attorney intends to seek an enhanced sentence under this section because the defendant has 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information, or an amended complaint and information, filed in district court, circuit court, municipal court, or family division of circuit court, a statement that lists the defendant's prior convictions.

(9) A prior conviction under this section must be established at or before sentencing by 1 or more of the following:

- (a) A copy of a judgment of conviction.
- (b) An abstract of conviction.
- (c) A transcript of a prior trial, plea, or sentencing.
- (d) A copy of a court register of action.
- (e) A copy of the defendant's driving record.
- (f) Information contained in a presentence report.
- (g) An admission by the defendant.

(10) On receiving a record of an individual's conviction or civil infraction determination for the unlawful operation of a motor vehicle or a moving violation reportable under section 732 while the individual's operator's or chauffeur's license is suspended or revoked, the secretary of state immediately shall impose an additional like period of suspension or revocation. This subsection applies only if the violation occurs during a suspension of definite length or if the violation occurs before the individual is approved for a license following a revocation.

(11) On receiving a record of an individual's conviction or civil infraction determination for the unlawful operation of a motor vehicle or a moving violation reportable under section 732 while the individual's operator's or chauffeur's license is indefinitely suspended or whose application for a license has been denied, the secretary of state immediately shall impose a 30-day period of suspension or denial.

(12) On receiving a record of the conviction, bond forfeiture, or a civil infraction determination of an individual for unlawful operation of a motor vehicle that requires a vehicle group designation while the designation is suspended or revoked under section 319b, or while the individual is disqualified from operating a commercial motor vehicle by the United States Secretary of Transportation or under 49 USC 31301 to 31317, the secretary of state immediately shall impose an additional like period of suspension or revocation. This subsection applies only if the violation occurs during a suspension of definite length or if the violation occurs before the individual is approved for a license following a revocation.

(13) If the secretary of state receives records of more than 1 conviction or civil infraction determination that results from the same incident, all of the convictions or civil infraction determinations must be treated as a single violation for purposes of imposing an additional period of suspension or revocation under subsection (10), (11), or (12).

(14) Before an individual is arraigned before a district court magistrate or judge on a charge of violating this section, the arresting officer shall obtain the individual's driving record from the secretary of state and shall furnish the record to the court. The driving record of the individual may be obtained from the secretary of state's computer information network.

(15) This section does not apply to an individual who operates a vehicle solely for the purpose of protecting human life or property if the life or property is endangered and summoning prompt aid is essential.

(16) An individual whose vehicle group designation is suspended or revoked and who has been notified as provided in section 212 of that suspension or revocation, or whose application for a vehicle group designation has been denied as provided in this act, or who has never applied for a vehicle group designation and who operates a commercial motor vehicle within this state, except as permitted under this act, while any of those conditions exist is guilty of a misdemeanor punishable, except as otherwise provided in this section, by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both.

(17) If an individual has a second or subsequent suspension or revocation under this section within 7 years as indicated on the individual's Michigan driving record, the court shall proceed as provided in section 904d.

(18) Any period of suspension or revocation required under subsection (10), (11), or (12) does not apply to an individual who has only 1 currently effective suspension or denial on the individual's Michigan driving record under section 321a and was convicted of or received a civil infraction determination for a violation that occurred during that suspension or denial. This subsection may only be applied once during the individual's lifetime.

(19) For purposes of this section, an individual who never applied for a license includes an individual who applied for a license, was denied, and never applied again.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1967, Act 61, Eff. Nov. 2, 1967;—Am. 1978, Act 380, Imd. Eff. July 27, 1978;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 1980, Act 174, Imd. Eff. June 23, 1980;—Am.

1982, Act 310, Eff. Mar. 30, 1983;—Am. 1988, Act 346, Imd. Eff. Oct. 25, 1988;—Am. 1991, Act 98, Eff. Jan. 1, 1992;—Am. 1991, Act 100, Eff. Jan. 1, 1993;—Am. 1994, Act 450, Eff. May 1, 1995;—Am. 1998, Act 341, Eff. Oct. 1, 1999;—1998, Act 342, Eff. Oct. 1, 1999;—Am. 1999, Act 73, Eff. Oct. 1, 1999;—Am. 2000, Act 77, Eff. Oct. 1, 2000;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2008, Act 461, Eff. Oct. 31, 2010;—Am. 2015, Act 11, Eff. July 8, 2015;—Am. 2018, Act 50, Eff. Mar. 31, 2018;—Am. 2018, Act 212, Eff. Sept. 24, 2018;—Am. 2020, Act 383, Eff. Mar. 24, 2021;—Am. 2024, Act 113, Eff. (sine die).

Compiler's note: Section 2 of Act 310 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”

Section 2 of Act 346 of 1988 provides:

“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”

Section 2 of Act 173 of 1989 provides:

“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”