

MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949

***** 257.904d.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1, 2011 *****

257.904d.amended Vehicle immobilization; order; "vehicle immobilization" and "prior conviction" defined.

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

(a) For a conviction under section 625(1), (3), (7), or (8) or a local ordinance substantially corresponding to section 625(1) or (3) with no prior convictions, or, beginning October 31, 2010, for a conviction under section 626(3) or (4), the court may order vehicle immobilization for not more than 180 days.

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

(c) For a conviction under section 625(1), (3), (4), (5), (7), or (8) within 7 years after a prior conviction, or, beginning October 31, 2010, for a conviction under section 625(2), the court shall order vehicle immobilization for not less than 90 days or more than 180 days.

(d) Before October 31, 2010, for a conviction under section 625(1), (3), (4), (5), (7), or (8) after 2 or more prior convictions within 10 years, or, beginning October 31, 2010, for a conviction under section 625(1), (3), (4), (5), (7), or (8) after 2 or more prior convictions, the court shall order vehicle immobilization for not less than 1 year or more than 3 years.

(2) For a conviction or civil infraction determination resulting from a violation that occurred during a period of suspension, revocation, or denial, the following apply:

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

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

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

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

(3) The defendant shall provide to the court the vehicle identification number and registration plate number of the vehicle involved in the violation.

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

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

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

(5) Except as otherwise provided in subsections (11) and (13), an order required to be issued under this section shall not be suspended.

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

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

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

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

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

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

(e) Any of the following:

(i) A violation of chapter II.

(ii) A violation of chapter V.

(iii) A violation for failure to change address.

(iv) A parking violation.

(v) A bad check violation.

(vi) An equipment violation.

(vii) A pedestrian, passenger, or bicycle violation, other than a violation of section 703(1) or (2) of the

Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance substantially corresponding to section 703(1) or (2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or section 624a or 624b or a local ordinance substantially corresponding to section 624a or 624b.

(viii) A violation of a local ordinance substantially corresponding to a violation described in subparagraphs (i) to (vii).

(8) As used in this section:

(a) Subject to subsections (9) and (10), "prior conviction" means a conviction for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

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

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

(B) Section 625m.

(C) Former section 625b.

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

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

(b) "Vehicle immobilization" means requiring the motor vehicle involved in the violation immobilized in a manner provided in section 904e.

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

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

(11) Beginning October 31, 2010, if the person obtains a restricted operator's or chauffeur's license from the secretary of state and an ignition interlock device is properly installed in the vehicle, the court shall suspend the immobilization order issued under subsection (1)(c) for a conviction under section 625(2).

(12) Beginning October 31, 2010, the court may reinstate vehicle immobilization issued under subsection (1)(c) for a conviction under section 625(2) if an ignition interlock device is tampered with, circumvented, or disabled, or if the person's restricted operator's or chauffeur's license is suspended or revoked.

(13) Vehicle immobilization under this section is subject to section 304 if the defendant obtains a restricted license under section 304.

History: Add. 1998, Act 358, Eff. Oct. 1, 1999;—Am. 1999, Act 51, Eff. Oct. 1, 1999;—Am. 1999, Act 267, Imd. Eff. Dec. 29, 1999;—Am. 2000, Act 460, Eff. Mar. 28, 2001;—Am. 2001, Act 159, Imd. Eff. Nov. 6, 2001;—Am. 2003, Act 61, Eff. Sept. 30, 2003;—Am. 2008, Act 463, Eff. Oct. 31, 2010;—Am. 2010, Act 155, Eff. Jan. 1, 2011.