

**SUBSTITUTE FOR
HOUSE BILL NO. 5602**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 904 and 904a (MCL 257.904 and 257.904a),
section 904 as amended by 2015 PA 11 and section 904a as amended by
1985 PA 53.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 904. (1) A person whose operator's or chauffeur's license
2 or registration certificate has been suspended or revoked, whose
3 application for license has been denied, or who has never applied
4 for a license, shall not operate a motor vehicle upon a highway or
5 other place open to the general public or generally accessible to
6 motor vehicles, including an area designated for the parking of
7 motor vehicles, within this state. **A POLICE OFFICER WHO STOPS A**
8 **PERSON AND DETERMINES THAT THE PERSON IS OPERATING A MOTOR VEHICLE**

1 IN VIOLATION OF THIS SUBSECTION AND THE PERSON IS THE OWNER OF THAT
2 MOTOR VEHICLE SHALL DO BOTH OF THE FOLLOWING:

3 (A) CONFISCATE THE MOTOR VEHICLE'S REGISTRATION PLATE AND
4 DESTROY IT.

5 (B) NOTIFY THE SECRETARY OF STATE THROUGH THE LAW ENFORCEMENT
6 INFORMATION NETWORK IN A FORM PRESCRIBED BY THE SECRETARY OF STATE
7 THAT THE REGISTRATION PLATE WAS CONFISCATED AND DESTROYED.

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

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

19 (a) For a first violation, by imprisonment for not more than
20 93 days or a fine of not more than \$500.00, or both. Unless the
21 vehicle was stolen or used with the permission of a person who did
22 not knowingly permit an unlicensed driver to operate the vehicle,
23 the registration plates of the vehicle shall be canceled by the
24 secretary of state upon notification by a peace officer.

25 (b) For a violation that occurs after a prior conviction, by
26 imprisonment for not more than 1 year or a fine of not more than
27 \$1,000.00, or both. Unless the vehicle was stolen, the registration

1 plates of the vehicle shall be canceled by the secretary of state
2 upon notification by a peace officer.

3 (4) A person who operates a motor vehicle in violation of
4 subsection (1) and who, by operation of that motor vehicle, causes
5 the death of another person is guilty of a felony punishable by
6 imprisonment for not more than 15 years or a fine of not less than
7 \$2,500.00 or more than \$10,000.00, or both. This subsection does
8 not apply to a person whose operator's or chauffeur's license was
9 suspended because that person failed to answer a citation or comply
10 with an order or judgment under section 321a.

11 (5) A person who operates a motor vehicle in violation of
12 subsection (1) and who, by operation of that motor vehicle, causes
13 the serious impairment of a body function of another person is
14 guilty of a felony punishable by imprisonment for not more than 5
15 years or a fine of not less than \$1,000.00 or more than \$5,000.00,
16 or both. This subsection does not apply to a person whose
17 operator's or chauffeur's license was suspended because that person
18 failed to answer a citation or comply with an order or judgment
19 under section 321a.

20 (6) In addition to being subject to any other penalty provided
21 for in this act, if a person is convicted under subsection (4) or
22 (5), the court may impose the sanction permitted under section
23 625n. If the vehicle is not ordered forfeited under section 625n,
24 the court shall order vehicle immobilization under section 904d in
25 the judgment of sentence.

26 ~~(7) A person shall not knowingly permit a motor vehicle owned~~
27 ~~by the person to be operated upon 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 a person 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 a person permitted to operate a motor vehicle in violation
of ~~this~~ subsection **(2)** causes the serious impairment of a body
function of another person by operation of that motor vehicle, the
person knowingly permitting 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 a person permitted to operate a motor vehicle in
violation of ~~this~~ subsection **(2)** causes the death of another person
by operation of that motor vehicle, the person knowingly permitting
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 based upon the defendant having 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 listing the
defendant's prior convictions.

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

(a) A copy of a judgment of conviction.

1 (b) An abstract of conviction.

2 (c) A transcript of a prior trial, plea, or sentencing.

3 (d) A copy of a court register of action.

4 (e) A copy of the defendant's driving record.

5 (f) Information contained in a presentence report.

6 (g) An admission by the defendant.

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

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

23 (12) Upon receiving a record of the conviction, bond
24 forfeiture, or a civil infraction determination of a person for
25 unlawful operation of a motor vehicle requiring a vehicle group
26 designation while the designation is suspended or revoked under
27 section 319b, or while the person is disqualified from operating a

1 commercial motor vehicle by the United States Secretary of
2 Transportation or under 49 USC 31301 to 31317, the secretary of
3 state immediately shall impose an additional like period of
4 suspension or revocation. This subsection applies only if the
5 violation occurs during a suspension of definite length or if the
6 violation occurs before the person is approved for a license
7 following a revocation.

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

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

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

24 (16) A person whose vehicle group designation is suspended or
25 revoked and who has been notified as provided in section 212 of
26 that suspension or revocation, or whose application for a vehicle
27 group designation has been denied as provided in this act, or who

1 has never applied for a vehicle group designation and who operates
2 a commercial motor vehicle within this state, except as permitted
3 under this act, while any of those conditions exist is guilty of a
4 misdemeanor punishable, except as otherwise provided in this
5 section, by imprisonment for not less than 3 days or more than 93
6 days or a fine of not more than \$100.00, or both.

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

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

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

21 **(20) IF THE SECRETARY OF STATE RECEIVES THE NOTIFICATION**
22 **REQUIRED UNDER SUBSECTION (1) (B), THE SECRETARY OF STATE SHALL**
23 **CANCEL THE REGISTRATION PLATE OF THE MOTOR VEHICLE.**

24 **(21) THE OWNER OF A MOTOR VEHICLE FOR WHICH THE REGISTRATION**
25 **PLATE WAS CANCELED UNDER SUBSECTION (20) WHO SEEKS TO REGISTER HIS**
26 **OR HER MOTOR VEHICLE SHALL OBTAIN A NEW REGISTRATION PLATE FOR THE**
27 **MOTOR VEHICLE FROM THE SECRETARY OF STATE.**

1 Sec. 904a. **(1)** Any person, not exempt from **THE** license
2 **REQUIREMENTS** under this act, who ~~shall operate~~**OPERATES** a motor
3 vehicle upon the highways of this state, and who **UPON THE REQUEST**
4 **OF A POLICE OFFICER** is unable to ~~show~~**PRODUCE EVIDENCE** that he or
5 she has been issued a license to operate a motor vehicle by any
6 state or foreign country valid within the **PRECEDING** 3 years
7 ~~preceding is guilty of a misdemeanor, and upon conviction shall be~~
8 ~~punished~~**PUNISHABLE AS FOLLOWS:**

9 **(A) FOR A FIRST VIOLATION,** by imprisonment for not more than
10 90 days ~~or~~ by a fine of not less than \$50.00 ~~nor~~**OR** more than
11 \$100.00, or both. ~~Any person convicted of a second offense under~~
12 ~~this section shall be punished~~

13 **(B) FOR A SECOND OR SUBSEQUENT VIOLATION,** by imprisonment for
14 not less than 2 ~~nor~~**OR** more than 90 days ~~or~~ by a fine of \$100.00,
15 or both.

16 **(2) A POLICE OFFICER WHO STOPS A PERSON AND DETERMINES THAT**
17 **THE PERSON IS OPERATING A MOTOR VEHICLE IN VIOLATION OF SUBSECTION**
18 **(1) AND THE PERSON IS THE OWNER OF THAT MOTOR VEHICLE SHALL DO BOTH**
19 **OF THE FOLLOWING:**

20 **(A) CONFISCATE THE MOTOR VEHICLE'S REGISTRATION PLATE AND**
21 **DESTROY IT.**

22 **(B) NOTIFY THE SECRETARY OF STATE THROUGH THE LAW ENFORCEMENT**
23 **INFORMATION NETWORK IN A FORM PRESCRIBED BY THE SECRETARY OF STATE**
24 **THAT THE REGISTRATION PLATE WAS CONFISCATED AND DESTROYED.**

25 **(3) IF THE SECRETARY OF STATE RECEIVES THE NOTIFICATION**
26 **REQUIRED UNDER SUBSECTION (2) (B), THE SECRETARY OF STATE SHALL**
27 **CANCEL THE REGISTRATION PLATE.**

1 (4) THE OWNER OF A MOTOR VEHICLE FOR WHICH THE REGISTRATION
2 PLATE WAS CANCELED UNDER SUBSECTION (3) WHO SEEKS TO REGISTER HIS
3 OR HER MOTOR VEHICLE SHALL OBTAIN A NEW REGISTRATION PLATE FOR THE
4 MOTOR VEHICLE FROM THE SECRETARY OF STATE.

5 Enacting section 1. This amendatory act takes effect 90 days
6 after the date it is enacted into law.