

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5079**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 732a, 732b, and 904 (MCL 257.732a, 257.732b,
and 257.904), section 732a as amended by 2016 PA 32, section 732b
as added by 2014 PA 283, and section 904 as amended by 2015 PA 11.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 732a. (1) ~~An~~**SUBJECT TO SUBSECTION (10), AN** individual,
2 whether licensed or not, who accumulates 7 or more points on his or
3 her driving record under sections 320a and 629c within a 2-year
4 period for any violation not listed under subsection (2) shall be
5 assessed a \$100.00 driver responsibility fee. For each additional
6 point accumulated above 7 points not listed under subsection (2),

1 an additional fee of \$50.00 shall be assessed. The secretary of
2 state shall collect the fees described in this subsection once each
3 year that the point total on an individual driving record is 7
4 points or more. This subsection is subject to subsection (11).

5 (2) An individual, whether licensed or not, who violates any
6 of the following sections or another law or local ordinance that
7 substantially corresponds to those sections shall be assessed a
8 driver responsibility fee as follows:

9 (a) Subject to ~~subsection~~ **SUBSECTIONS (10) AND** (11), upon
10 posting an abstract indicating that an individual has been found
11 guilty for a violation of law listed or described in this
12 subdivision, the secretary of state shall assess a \$1,000.00 driver
13 responsibility fee each year for 2 consecutive years:

14 (i) Manslaughter, negligent homicide, or a felony resulting
15 from the operation of a motor vehicle, ORV, or snowmobile.

16 (ii) Section 601b(2) or (3), 601c(1) or (2), 601d, 626(3) or
17 (4), or 653a(3) or (4).

18 (iii) Section 625(1), (4), or (5), section 625m, or section
19 81134 of the natural resources and environmental protection act,
20 1994 PA 451, MCL 324.81134, or a law or ordinance substantially
21 corresponding to section 625(1), (4), or (5), section 625m, or
22 section 81134 of the natural resources and environmental protection
23 act, 1994 PA 451, MCL 324.81134.

24 (iv) Failing to stop and disclose identity at the scene of an
25 accident when required by law.

26 (v) Fleeing or eluding an officer.

27 (b) Subject to ~~subsection~~ **SUBSECTIONS (10) AND** (11), upon

1 posting an abstract indicating that an individual has been found
2 guilty for a violation of law listed in this subdivision, the
3 secretary of state shall assess a \$500.00 driver responsibility fee
4 each year for 2 consecutive years:

5 (i) Section 625(3), (6), (7), or (8).

6 (ii) Section ~~626 or, beginning October 31, 2010, section~~
7 626(2).

8 (iii) Section 904.

9 (iv) Section 3101, 3102(1), or 3103 of the insurance code of
10 1956, 1956 PA 218, MCL 500.3101, 500.3102, and 500.3103.

11 (c) Through September 30, 2012, upon posting an abstract
12 indicating that an individual has been found guilty for a violation
13 of section 301, the secretary of state shall assess a \$150.00
14 driver responsibility fee each year for 2 consecutive years.
15 However, a driver responsibility fee shall not be assessed under
16 this subdivision for a violation committed on or after October 1,
17 2012.

18 (d) Through September 30, 2012, upon posting an abstract
19 indicating that an individual has been found guilty or determined
20 responsible for a violation listed in section 328, the secretary of
21 state shall assess a \$200.00 driver responsibility fee each year
22 for 2 consecutive years. However, a driver responsibility fee shall
23 not be assessed under this subdivision for a violation committed on
24 or after October 1, 2012.

25 (3) The secretary of state shall send a notice of the driver
26 responsibility assessment, as prescribed under subsection (1) or
27 (2), to the individual by regular mail to the address on the

1 records of the secretary of state. If payment is not received
2 within 30 days after the notice is mailed, the secretary of state
3 shall send a second notice that indicates that if payment is not
4 received within the next 30 days, the driver's driving privileges
5 will be suspended.

6 (4) The secretary of state may authorize payment by
7 installment for a period not to exceed 24 months or, alternatively,
8 the individual may engage in ~~community service~~ **WORKFORCE TRAINING**
9 under section 732b. **ALL OF THE FOLLOWING APPLY TO AN INDIVIDUAL**
10 **WHO, ON OR BEFORE FEBRUARY 1, 2018, HAS ENTERED INTO AN INSTALLMENT**
11 **PAYMENT PLAN AS PROVIDED IN THIS SUBSECTION:**

12 (A) ANY OUTSTANDING DRIVER RESPONSIBILITY FEE ASSESSED UNDER
13 THIS SECTION OR OUTSTANDING INSTALLMENT PAYMENT SHALL NOT BE
14 COLLECTED.

15 (B) AN INDIVIDUAL IS NOT LIABLE FOR ANY OUTSTANDING DRIVER
16 RESPONSIBILITY FEE ASSESSED UNDER THIS SECTION.

17 (C) AN INDIVIDUAL WHOSE DRIVING PRIVILEGES WERE SUSPENDED
18 UNDER THIS SECTION IS ELIGIBLE TO REINSTATE HIS OR HER OPERATOR'S
19 LICENSE IF HE OR SHE IS OTHERWISE IN COMPLIANCE WITH THIS ACT.

20 (5) Except as otherwise provided under this subsection and
21 section 732b, if payment is not received or an installment plan is
22 not established after the time limit required by the second notice
23 prescribed under subsection (3) expires, the secretary of state
24 shall suspend the driving privileges until the assessment and any
25 other fees prescribed under this act are paid. However, if the
26 individual's license to operate a motor vehicle is not otherwise
27 required under this act to be denied, suspended, or revoked, the

1 secretary of state shall reinstate the individual's operator's
 2 driving privileges if the individual requests an installment plan
 3 under subsection (4) and makes proper payment under that plan. Fees
 4 required to be paid for the reinstatement of an individual's
 5 operator's driving privileges as described under this subsection
 6 shall, at the individual's request, be included in the amount to be
 7 paid under the installment plan. If the individual establishes a
 8 payment plan as described in this subsection and subsection (4) but
 9 the individual fails to make full or timely payments under that
 10 plan, or enters into ~~community service~~ **WORKFORCE TRAINING** under
 11 section 732b but fails to successfully complete that service within
 12 the 45-day period allowed, or withdraws from ~~community service~~
 13 **WORKFORCE TRAINING** with or without good cause shown, the secretary
 14 of state shall suspend the individual's driving privileges. The
 15 secretary of state shall only reinstate a license under this
 16 subsection once. ~~Not later than April 1, 2013, the secretary of~~
 17 ~~state shall only reinstate a license under this subsection 3 times.~~
 18 ~~—— (6) A fee shall not be assessed under this section for 7~~
 19 ~~points or more on a driving record on October 1, 2003. Points~~
 20 ~~assigned after October 1, 2003 shall be assessed as prescribed~~
 21 ~~under subsections (1) and (2), but subject to subsection (11).~~

22 (6) ~~(7)~~ A driver responsibility fee shall be assessed under
 23 this section in the same manner for a conviction or determination
 24 of responsibility for a violation or an attempted violation of a
 25 law of this state, of a local ordinance substantially corresponding
 26 to a law of this state, or of a law of another state substantially
 27 corresponding to a law of this state.

1 **(7)** ~~(8)~~—The fire protection fund is created within the state
 2 treasury. The state treasurer may receive money or other assets
 3 from any source for deposit into the fund. The state treasurer
 4 shall direct the investment of the fund. The state treasurer shall
 5 credit to the fund interest and earnings from fund investments.
 6 Money in the fund at the close of the fiscal year shall remain in
 7 the fund and shall not lapse to the general fund. The department of
 8 licensing and regulatory affairs shall expend money from the fund,
 9 upon appropriation, only for fire protection grants to cities,
 10 villages, and townships with state-owned facilities for fire
 11 services, as provided in 1977 PA 289, MCL 141.951 to 141.956.

12 **(8)** ~~(9)~~—The secretary of state shall transmit the fees
 13 collected under this section to the state treasurer. The state
 14 treasurer shall credit fee money received under this section in
 15 each fiscal year as follows:

16 (a) The first \$8,500,000.00 shall be credited to the fire
 17 protection fund created in subsection ~~(8)~~. **(7)**.

18 ~~—— (b) For fiscal year 2015, after the amount specified in~~
 19 ~~subdivision (a) is credited to the fire protection fund created~~
 20 ~~under subsection (8), the next \$1,550,000.00 shall be credited as~~
 21 ~~follows:~~

22 ~~—— (i) \$550,000.00 to the department of treasury, distributed as~~
 23 ~~follows:~~

24 ~~—— (A) \$500,000.00 for administering the requirements of the~~
 25 ~~department of treasury under section 732b.~~

26 ~~—— (B) \$50,000.00 for providing a 1 time only written notice to~~
 27 ~~individuals under section 732b(2) of the option of entering into~~

~~community service as an alternative to paying a driver
responsibility fee.~~

~~—— (ii) \$1,000,000.00 to the department of state for necessary
expenses incurred by the department of state in implementing and
administering the requirements of sections 625k and 625q of the
Michigan vehicle code, 1949 PA 300, MCL 257.625k and 257.625q.
Funds appropriated under this subparagraph shall be based upon an
established cost allocation methodology that reflects the actual
costs incurred or to be incurred by the secretary of state during
the fiscal year. However, funds appropriated under this
subparagraph shall not exceed \$1,000,000.00 during that fiscal
year.~~

~~—— (c) For fiscal year 2016, after the amount specified in
subdivision (a) is credited to the fire protection fund created
under subsection (8), the next \$1,500,000.00 shall be credited as
follows:~~

~~—— (i) \$500,000.00 to the department of treasury for
administering the requirements of the department of treasury under
section 732b.~~

~~—— (ii) \$1,000,000.00 to the department of state for necessary
expenses incurred by the department of state in implementing and
administering the requirements of sections 625k and 625q of the
Michigan vehicle code, 1949 PA 300, MCL 257.625k and 257.625q.
Funds appropriated under this subparagraph shall be based upon an
established cost allocation methodology that reflects the actual
costs incurred or to be incurred by the secretary of state during
the fiscal year. However, funds appropriated under this~~

1 ~~subparagraph shall not exceed \$1,000,000.00 during that fiscal~~
 2 ~~year.~~

3 **(B)** ~~(d)~~ For fiscal year 2017 and for each fiscal year
 4 thereafter, after the amount specified in subdivision (a) is
 5 credited to the fire protection fund created under subsection ~~(8)~~,
 6 **(7)**, the next \$1,000,000.00 shall be credited to the department of
 7 state for necessary expenses incurred by the department of state in
 8 implementing and administering the requirements of sections 625k
 9 and 625q, ~~of the Michigan vehicle code, 1949 PA 300, MCL 257.625k~~
 10 ~~and 257.625q.~~ **AND, FOR FISCAL YEAR 2018 ONLY, THE NEXT \$250,000.00**
 11 **SHALL BE CREDITED TO THE DEPARTMENT OF TREASURY TO IMPLEMENT AND**
 12 **ADMINISTER THE PROGRAM CREATED IN SECTION 732D.** Funds appropriated
 13 under this subdivision shall be based upon an established cost
 14 allocation methodology that reflects the actual costs incurred or
 15 to be incurred by the secretary of state during the fiscal year.
 16 However, **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION**, funds
 17 appropriated under this subdivision shall not exceed \$1,000,000.00
 18 during any fiscal year. **FUNDS APPROPRIATED UNDER THIS SUBDIVISION**
 19 **SHALL NOT EXCEED \$1,250,000.00 DURING FISCAL YEAR 2018.**

20 **(C)** ~~(e)~~ Any amount collected after crediting the amounts under
 21 subdivisions (a) ~~through (d)~~ **AND (B)** shall be credited to the
 22 general fund.

23 **(9)** ~~(10)~~ The collection of assessments under this section is
 24 subject to section 304.

25 **(10)** ~~(11)~~ **A SUBJECT TO SUBSECTIONS (4) AND (11), A** driver
 26 responsibility fee shall be assessed and collected under this
 27 section as follows:

(a) For an individual who accumulates 7 or more points on his or her driving record beginning on the following dates, a fee assessed under subsection (1) shall be reduced as follows:

(i) Beginning October 1, 2015, the assessment shall be 75% of the fee calculated under subsection (1).

(ii) Beginning October 1, 2016, the assessment shall be 50% of the fee calculated under subsection (1).

~~(iii) Beginning October 1, 2018, the assessment shall be 25% of the fee calculated under subsection (1).~~

~~(iv) Beginning October 1, 2019, no fee shall be assessed under subsection (1).~~

(b) A fee assessed under subsection (2) (a) or (b) shall be reduced as follows:

(i) For a violation that occurs on or after October 1, 2015, 100% of the fee shall be assessed for the first year and 50% for the second year.

(ii) For a violation that occurs on or after October 1, 2016, 100% of the fee shall be assessed for the first year and no fee shall be assessed for the second year.

~~(iii) For a violation that occurs on or after BEGINNING October 1, 2018, 50% of the fee shall be assessed for the first year and no fee shall be assessed for the second year.~~

~~(iv) For a violation that occurs on or after October 1, 2019, no fee shall be assessed under subsection (2) (a) or (b).~~

(C) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBDIVISION, NO FEE SHALL BE ASSESSED UNDER SUBSECTION (2) (B) (iii) OR (iv) .

House Bill No. 5079 as amended February 14, 2018

1 (11) BEGINNING SEPTEMBER 30, 2018, ALL OF THE FOLLOWING APPLY:

2 (A) ANY OUTSTANDING DRIVER RESPONSIBILITY FEE ASSESSED UNDER
3 THIS SECTION SHALL NOT BE COLLECTED.

4 (B) AN INDIVIDUAL IS NOT LIABLE FOR ANY OUTSTANDING DRIVER
5 RESPONSIBILITY FEE ASSESSED UNDER THIS SECTION OR RESPONSIBLE FOR
6 COMPLETING WORKFORCE TRAINING UNDER SECTION 732B.

7 (C) AN INDIVIDUAL WHOSE DRIVING PRIVILEGES WERE SUSPENDED
8 UNDER THIS SECTION OR AN INDIVIDUAL WHOSE DRIVING PRIVILEGES WERE
9 SUSPENDED UNDER SECTION 904(10), IF THAT SUSPENSION AROSE OUT OF
10 THE UNLAWFUL OPERATION OF A MOTOR VEHICLE OR A MOVING VIOLATION
11 REPORTABLE UNDER SECTION 732 WHILE HIS OR HER DRIVING PRIVILEGES
12 WERE SUSPENDED UNDER THIS SECTION, IS ELIGIBLE TO REINSTATE HIS OR
13 HER OPERATOR'S LICENSE IF HE OR SHE IS OTHERWISE IN COMPLIANCE WITH
14 THIS ACT.

<<(12) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
ADDED THIS SUBSECTION AND ENDING DECEMBER 31, 2018, AN INDIVIDUAL WHOSE
DRIVING PRIVILEGES WERE SUSPENDED UNDER THIS SECTION MAY REINSTATE HIS OR
HER OPERATOR'S LICENSE WITHOUT PAYMENT OF A FEE TO THE SECRETARY OF STATE
FOR THE REINSTATEMENT. BEGINNING JANUARY 1, 2019, AN INDIVIDUAL WHOSE
DRIVING PRIVILEGES WERE SUSPENDED UNDER THIS SECTION MAY REINSTATE HIS OR
HER OPERATOR'S LICENSE UPON PAYMENT OF ANY FEE REQUIRED BY THE SECRETARY
OF STATE FOR THE REINSTATEMENT.

15 (13) ~~(12)~~ >>It is the intent of the legislature that beginning with
16 the fiscal year ending September 30, 2018, and each fiscal year
17 after that, \$8,500,000.00 shall be appropriated to the fire
18 protection fund created under subsection ~~(8)~~ **(7)**.

19 Sec. 732b. (1) If an individual was assessed a driver
20 responsibility fee under section ~~732a(2)(e)~~ **732A(2)(B)(iii)** OR
21 **(iv)**, **(C)**, or (d), the individual may engage in 10 hours of
22 ~~community service~~ **PARTICIPATION IN A WORKFORCE TRAINING PAYMENT**
23 **PROGRAM CREATED UNDER SECTION 732C** as an alternative to paying that
24 fee or any unpaid portion of that fee. ~~Community service under this~~
25 ~~subsection shall be completed within 45 days after the application~~
26 ~~to engage in community service is filed with the department of~~
27 ~~treasury under subsection (3).~~

(2) An individual may engage in ~~community service~~ **WORKFORCE TRAINING** under subsection (1) by obtaining a ~~community service~~ **WORKFORCE TRAINING** form from the secretary of state or the department of treasury. The department of treasury shall mail to each individual who is required to pay a driver responsibility fee under section ~~732a(2)(e)~~ **732A(2)(B)(iii) OR (iv), (C)**, or (d) a 1-time-only written notice of the option of completing ~~community service~~ **WORKFORCE TRAINING** as an alternative to paying that driver responsibility fee. The notice shall include a statement that ~~community service~~ **WORKFORCE TRAINING** forms for that purpose can be obtained from the department of state or from the department of treasury. The notice shall be sent to the last known address of the individual as shown in the records of the department of treasury. The secretary of state shall make ~~community service~~ **WORKFORCE TRAINING** forms available to the public at all branch offices and on the department's website for purposes of this section and shall provide ~~community service~~ **WORKFORCE TRAINING** forms to the department of treasury for purposes of this section.

(3) If an individual chooses to engage in ~~community service~~ **WORKFORCE TRAINING** under this section, the individual shall complete the ~~community service~~ **WORKFORCE TRAINING** form obtained under subsection (2) and return the form to the department of treasury in the manner prescribed by the department of treasury. ~~by December 31, 2015.~~ Upon receiving a properly completed ~~community service~~ **WORKFORCE TRAINING** form under this subsection, the department of treasury shall inform the department of state that the individual intends to complete ~~community service~~ **WORKFORCE**

1 **TRAINING** under this section as an alternative to paying a driver
2 responsibility fee or any portion of a driver responsibility fee.

3 If the secretary of state is notified by the department of treasury
4 that the individual has elected to complete ~~community service~~

5 **WORKFORCE TRAINING** under this section as an alternative to paying
6 the fee, that fee shall be held in abeyance for a period of 45

7 days. If the individual's license is suspended for failing to pay
8 the driver responsibility fee or portion of the driver

9 responsibility fee, the department of state shall, upon payment of
10 the reinstatement fee, reinstate the individual's driver license.

11 (4) An individual who engages in ~~community service~~ **WORKFORCE**
12 **TRAINING** under this section shall be allowed only 1 opportunity to

13 complete the ~~community service~~ **WORKFORCE TRAINING** alternative for
14 each driver responsibility fee owed. However, the department of

15 treasury may allow an individual to withdraw from that ~~community~~
16 ~~service~~ **WORKFORCE TRAINING** before the expiration of the 45-day

17 period for completing that ~~community service~~ **WORKFORCE TRAINING** for
18 good cause shown. If the individual is allowed to withdraw from

19 ~~community service~~ **WORKFORCE TRAINING** for good cause shown, that
20 opportunity for completing ~~community service~~ **WORKFORCE TRAINING**

21 shall not be considered in the number of opportunities to perform

22 ~~community service~~ **WORKFORCE TRAINING** under this subsection, but the
23 individual is subject to the suspension of his or her driving

24 privileges under section 732a(5).

25 (5) Upon completing ~~community service~~ **WORKFORCE TRAINING** under
26 this section, the individual may request the person with whom he or

27 she engaged in ~~community service~~ **WORKFORCE TRAINING** under this

1 section to verify on the ~~community service~~ **WORKFORCE TRAINING** form
2 in the manner designated by the secretary of state that he or she
3 successfully completed that ~~community service~~. **WORKFORCE TRAINING**.
4 Upon verification, the individual may return the ~~community service~~
5 **WORKFORCE TRAINING** form to the department of treasury for purposes
6 of this section. Any person who falsely verifies ~~community service~~
7 **WORKFORCE TRAINING** under this subsection and any individual who
8 falsely requests the verification of ~~community service~~ **WORKFORCE**
9 **TRAINING** under this section or who returns a community service form
10 to the department of treasury under this subsection knowing that
11 his or her ~~community service~~ **WORKFORCE TRAINING** is falsely verified
12 is responsible for a state civil infraction and may be fined not
13 more than \$200.00.

14 (6) The department of treasury shall waive the driver
15 responsibility fee or any portion of the driver responsibility fee
16 otherwise required to be paid under section ~~732a(2)(e)~~
17 **732A(2)(B)(iii) OR (iv), (C),** or (d) upon receiving verification
18 that the individual successfully completed the ~~community service~~
19 **WORKFORCE TRAINING** requirements of this section. The department of
20 treasury shall notify the department of state when it has waived
21 the fee under this section or, if the fee is not waived under this
22 section, that the 45-day period has expired and the fee has not
23 been waived. If the secretary of state is notified by the
24 department of treasury that the fee has not been waived, the
25 department of state shall enter that information into the records
26 of the department and shall suspend the individual's driver license
27 and proceed as provided by law for the individual's failure to pay

1 the driver responsibility fee or to complete ~~community service~~
2 **WORKFORCE TRAINING** under this section.

3 ~~—— (7) As used in this section, "community service" means~~
4 ~~engaging in a useful and productive activity without compensation~~
5 ~~for a person other than a family member, including, but not limited~~
6 ~~to, an entity organized under section 501(c)(3) of the internal~~
7 ~~revenue code, 26 USC 501, and community service offered through the~~
8 ~~Michigan community service commission.~~

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

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

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

27 (a) For a first violation, by imprisonment for not more than

1 93 days or a fine of not more than \$500.00, or both. Unless the
2 vehicle was stolen or used with the permission of a person who did
3 not knowingly permit an unlicensed driver to operate the vehicle,
4 the registration plates of the vehicle shall be canceled by the
5 secretary of state upon notification by a peace officer.

6 (b) For a violation that occurs after a prior conviction, by
7 imprisonment for not more than 1 year or a fine of not more than
8 \$1,000.00, or both. Unless the vehicle was stolen, the registration
9 plates of the vehicle shall be canceled by the secretary of state
10 upon notification by a peace officer.

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

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

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

7 (7) A person shall not knowingly permit a motor vehicle owned
8 by the person to be operated upon a highway or other place open to
9 the general public or generally accessible to motor vehicles,
10 including an area designated for the parking of vehicles, within
11 this state, by a person whose license or registration certificate
12 is suspended or revoked, whose application for license has been
13 denied, or who has never been licensed except as permitted by this
14 act. If a person permitted to operate a motor vehicle in violation
15 of this subsection causes the serious impairment of a body function
16 of another person by operation of that motor vehicle, the person
17 knowingly permitting the operation of that motor vehicle is guilty
18 of a felony punishable by imprisonment for not more than 2 years,
19 or a fine of not less than \$1,000.00 or more than \$5,000.00, or
20 both. If a person permitted to operate a motor vehicle in violation
21 of this subsection causes the death of another person by operation
22 of that motor vehicle, the person knowingly permitting the
23 operation of that motor vehicle is guilty of a felony punishable by
24 imprisonment for not more than 5 years, or a fine of not less than
25 \$1,000.00 or more than \$5,000.00, or both.

26 (8) If the prosecuting attorney intends to seek an enhanced
27 sentence under this section based upon the defendant having 1 or

1 more prior convictions, the prosecuting attorney shall include on
2 the complaint and information, or an amended complaint and
3 information, filed in district court, circuit court, municipal
4 court, or family division of circuit court, a statement listing the
5 defendant's prior convictions.

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

8 (a) A copy of a judgment of conviction.

9 (b) An abstract of conviction.

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

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

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

13 (f) Information contained in a presentence report.

14 (g) An admission by the defendant.

15 (10) ~~Upon~~ **SUBJECT TO SECTION 732A(11) (C) , UPON** receiving a
16 record of a person's conviction or civil infraction determination
17 for the unlawful operation of a motor vehicle or a moving violation
18 reportable under section 732 while the person's operator's or
19 chauffeur's license is suspended or revoked, the secretary of state
20 immediately shall impose an additional like period of suspension or
21 revocation. This subsection applies only if the violation occurs
22 during a suspension of definite length or if the violation occurs
23 before the person is approved for a license following a revocation.

24 (11) Upon receiving a record of a person's conviction or civil
25 infraction determination for the unlawful operation of a motor
26 vehicle or a moving violation reportable under section 732 while
27 the person's operator's or chauffeur's license is indefinitely

1 suspended or whose application for a license has been denied, the
2 secretary of state immediately shall impose a 30-day period of
3 suspension or denial.

4 (12) Upon receiving a record of the conviction, bond
5 forfeiture, or a civil infraction determination of a person for
6 unlawful operation of a motor vehicle requiring a vehicle group
7 designation while the designation is suspended or revoked under
8 section 319b, or while the person is disqualified from operating a
9 commercial motor vehicle by the United States Secretary of
10 Transportation or under 49 USC 31301 to 31317, the secretary of
11 state immediately shall impose an additional like period of
12 suspension or revocation. This subsection applies only if the
13 violation occurs during a suspension of definite length or if the
14 violation occurs before the person is approved for a license
15 following a revocation.

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

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

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

5 (16) A person whose vehicle group designation is suspended or
6 revoked and who has been notified as provided in section 212 of
7 that suspension or revocation, or whose application for a vehicle
8 group designation has been denied as provided in this act, or who
9 has never applied for a vehicle group designation and who operates
10 a commercial motor vehicle within this state, except as permitted
11 under this act, while any of those conditions exist is guilty of a
12 misdemeanor punishable, except as otherwise provided in this
13 section, by imprisonment for not less than 3 days or more than 93
14 days or a fine of not more than \$100.00, or both.

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

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

26 (19) For purposes of this section, a person who never applied
27 for a license includes a person who applied for a license, was

1 denied, and never applied again.

2 Enacting section 1. This amendatory act takes effect 30 days
3 after the date it is enacted into law.