

HOUSE BILL No. 5961

September 11, 1990, Introduced by Reps. Stabenow, Nye, Perry Bullard, DeMars and Gire and referred to the Committee on Judiciary.

A bill to amend sections 303, 310d, 312f, 314b, 319, 319b, 320a, 320e, 323, 323a, 323c, 625, 625a, 625b, 625c, 625d, 625f, 625i, 727, and 904 of Act No. 300 of the Public Acts of 1949, entitled as amended

"Michigan vehicle code,"

sections 303, 323, and 904 as amended and section 319b as added by Act No. 346 of the Public Acts of 1988, sections 310d, 323a, 323c, 625a, 625c, 625d, and 625f as amended and section 625i as added by Act No. 310 of the Public Acts of 1982, section 312f as amended by Act No. 67 of the Public Acts of 1990, section 314b as amended by Act No. 280 of the Public Acts of 1989, section 319 as amended by Act No. 406 of the Public Acts of 1988, section 320a as amended by Act No. 154 of the Public Acts of 1987, section 320e as amended by Act No. 232 of the Public Acts of 1987, sections 625 and 625b as amended by Act No. 109 of the Public

Acts of 1987, and section 727 as amended by Act No. 63 of the Public Acts of 1983, being sections 257.303, 257.310d, 257.312f, 257.314b, 257.319, 257.319b, 257.320a, 257.320e, 257.323, 257.323a, 257.323c, 257.625, 257.625a, 257.625b, 257.625c, 257.625d, 257.625f, 257.625i, 257.727, and 257.904 of the Michigan Compiled Laws; to add sections 24c, 624a, and 910; to repeal certain acts and parts of acts; and to repeal certain parts of the act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 303, 310d, 312f, 314b, 319, 319b, 320a,
2 320e, 323, 323a, 323c, 625, 625a, 625b, 625c, 625d, 625f, 625i,
3 727, and 904 of Act No. 300 of the Public Acts of 1949, sections
4 303, 323, and 904 as amended and section 319b as added by Act
5 No. 346 of the Public Acts of 1988, sections 310d, 323a, 323c,
6 625a, 625c, 625d, and 625f as amended and section 625i as added
7 by Act No. 310 of the Public Acts of 1982, section 312f as
8 amended by Act No. 67 of the Public Acts of 1990, section 314b as
9 amended by Act No. 280 of the Public Acts of 1989, section 319 as
10 amended by Act No. 406 of the Public Acts of 1988, section 320a
11 as amended by Act No. 154 of the Public Acts of 1987, section
12 320e as amended by Act No. 232 of the Public Acts of 1987, sec-
13 tions 625 and 625b as amended by Act No. 109 of the Public Acts
14 of 1987, and section 727 as amended by Act No. 63 of the Public
15 Acts of 1983, being sections 257.303, 257.310d, 257.312f,
16 257.314b, 257.319, 257.319b, 257.320a, 257.320e, 257.323,
17 257.323a, 257.323c, 257.625, 257.625a, 257.625b, 257.625c,
18 257.625d, 257.625f, 257.625i, 257.727, and 257.904 of the

1 Michigan Compiled Laws, are amended and sections 24c, 624a, and
2 910 are added to read as follows:

3 SEC. 24C. "LAW OF ANOTHER STATE" MEANS A LAW OR ORDINANCE
4 ENACTED BY ANOTHER STATE OR BY A LOCAL UNIT OF GOVERNMENT IN
5 ANOTHER STATE.

6 Sec. 303. (1) The secretary of state shall not issue a
7 license under this act TO ANY OF THE FOLLOWING:

8 (a) ~~To a~~ A person, as an operator, who is ~~+17 years of age~~
9 ~~or~~ less THAN 18 YEARS OF AGE, except that the secretary of state
10 may issue a license to a person who is not less than 16 years of
11 age and who has satisfactorily passed a driver education course
12 and examination given by a public school or nonpublic school of
13 this or another state offering a course approved by the depart-
14 ment of education, or an equivalent COURSE AND examination as
15 prescribed in section 811. The secretary of state may issue to a
16 person not less than 14 years of age a restricted license as pro-
17 vided in this act. This subdivision shall not apply to a person
18 who has been the holder of a valid driver's license issued by
19 another state, territory, or possession of the United States or
20 another sovereignty for at least 1 year immediately before appli-
21 cation for a driver's license under this act.

22 (b) ~~To a~~ A person, as a chauffeur, who is ~~+17 years of age~~
23 ~~or~~ less THAN 18 YEARS OF AGE, except that the secretary of state
24 may issue a license to a person who is not less than 16 years of
25 age and who has satisfactorily passed a driver education course
26 and examination given by a public school or nonpublic school of
27 this or another state offering a course approved by the

1 department of education, or an equivalent COURSE AND examination
2 as prescribed in section 811.

3 (c) ~~To a~~ A person whose license has been suspended during
4 the period for which the license was suspended.

5 (D) A PERSON WHO HAS BEEN CONVICTED UNDER SECTION 625(4)(D)
6 OR (E).

7 (E) ~~(d) To a~~ A person whose license has been revoked under
8 this act until the later of the following:

9 (i) The expiration of not less than 1 year after the license
10 was revoked.

11 (ii) The expiration of not less than 5 years after the date
12 of a subsequent revocation occurring within 7 years after the
13 date of any prior revocation.

14 (F) ~~(e) To a~~ A person who is an habitual violator of the
15 criminal laws relating to operating a vehicle while impaired by
16 or under the influence of intoxicating liquor or a controlled
17 substance or a combination of intoxicating liquor and a con-
18 trolled substance, or with a blood alcohol content of 0.10% or
19 more by weight of alcohol. Convictions of any of the following,
20 whether under a law of this state, a local ordinance substan-
21 tially corresponding to a law of this state, or a law of another
22 state substantially corresponding to a law of this state, shall
23 be prima facie evidence that the person is an habitual violator
24 as described in this subdivision:

25 (i) ~~Two~~ ANY COMBINATION OF 2 convictions ~~under section~~
26 ~~625(1) or (2), or 1 conviction under section 625(1) and 1~~

1 ~~conviction under section 625(2)~~ within 7 years FOR 1 OR MORE OF
2 THE FOLLOWING:

3 (A) OPERATING A MOTOR VEHICLE UNDER THE INFLUENCE OF INTOXI-
4 CATING LIQUOR OR A CONTROLLED SUBSTANCE, OR A COMBINATION OF
5 INTOXICATING LIQUOR AND A CONTROLLED SUBSTANCE.

6 (B) OPERATING A MOTOR VEHICLE WHILE HAVING A BLOOD ALCOHOL
7 CONTENT OF 0.10% OR MORE BY WEIGHT OF ALCOHOL.

8 (ii) ~~Three~~ ANY COMBINATION OF 3 convictions ~~under section~~
9 ~~625b~~ within ~~10~~ 7 years FOR 1 OR MORE OF THE FOLLOWING:

10 (A) OPERATING A MOTOR VEHICLE UNDER THE INFLUENCE OF INTOXI-
11 CATING LIQUOR OR A CONTROLLED SUBSTANCE, OR A COMBINATION OF
12 INTOXICATING LIQUOR AND A CONTROLLED SUBSTANCE.

13 (B) OPERATING A MOTOR VEHICLE WHILE HAVING A BLOOD ALCOHOL
14 CONTENT OF 0.10% OR MORE BY WEIGHT OF ALCOHOL.

15 (C) OPERATING A MOTOR VEHICLE WHILE VISIBLY IMPAIRED DUE TO
16 THE CONSUMPTION OF INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE,
17 OR A COMBINATION OF INTOXICATING LIQUOR AND A CONTROLLED
18 SUBSTANCE.

19 (G) ~~(f) To a~~ A person who in the opinion of the secretary
20 of state is afflicted with or suffering from a physical or mental
21 disability or disease which prevents that person from exercising
22 reasonable and ordinary control over a motor vehicle while oper-
23 ating the motor vehicle upon the highways.

24 (H) ~~(g) To a~~ A person who is unable to understand highway
25 warning or direction signs in the English language.

26 (I) ~~(h) To a~~ A person who is an habitually reckless
27 driver. Four convictions of reckless driving under this act or

1 any other law of this state relating to reckless driving or under
2 a local ordinance of this state or a law of another state which
3 defines the term "reckless driving" substantially similar to the
4 law of this state shall be prima facie evidence that the person
5 is an habitually reckless driver.

6 (J) ~~(i) To a~~ A person who is an habitual criminal. Two
7 convictions of a felony involving the use of a motor vehicle in
8 this or another state shall be prima facie evidence that the
9 person is an habitual criminal.

10 (K) ~~(j) To a~~ A person who is unable to pass a knowledge,
11 skill, or ability test administered by the secretary of state in
12 connection with the issuance of an original operator's or
13 chauffeur's license, original motorcycle indorsement, or an orig-
14 inal or renewal of a vehicle group designation or vehicle
15 indorsement.

16 (L) ~~(k) To a~~ A person who has been convicted, received a
17 probate court finding, or been determined responsible for 2 or
18 more moving violations under a law of this state, a local ordi-
19 nance substantially corresponding to a law of this state, or a
20 law of another state substantially corresponding to a law of this
21 state, within the preceding 3 years, if the violations occurred
22 prior to the issuance of an original license to the person in
23 this or another state.

24 (M) ~~(l) To a~~ A nonresident.

25 (N) A PERSON NOT LICENSED UNDER THIS ACT WHO HAS BEEN CON-
26 VICTED, RECEIVED A PROBATE COURT FINDING, OR BEEN DETERMINED
27 RESPONSIBLE FOR COMMITTING A CRIME OR CIVIL INFRACTION DESCRIBED

1 IN SECTION 319, 324, OR 904. A PERSON SHALL BE DENIED A LICENSE
 2 UNDER THIS SUBDIVISION FOR THE LENGTH OF TIME THAT CORRESPONDS TO
 3 THE PERIOD OF THE LICENSING SANCTION THAT WOULD HAVE BEEN IMPOSED
 4 UNDER SECTION 319, 324, OR 904 IF THE PERSON HAD BEEN LICENSED AT
 5 THE TIME OF THE VIOLATION.

6 (2) Upon receipt of the appropriate records of conviction,
 7 the secretary of state shall revoke the operator's or chauffeur's
 8 license of a person having any of the following convictions,
 9 whether under a law of this state, a local ordinance substan-
 10 tially corresponding to a law of this state, or a law of another
 11 state substantially corresponding to a law of this state:

12 (a) Four convictions of reckless driving within 7 years.

13 (b) Two convictions of a felony involving the use of a motor
 14 vehicle within 7 years.

15 (c) ~~Two~~ ANY COMBINATION OF 2 convictions ~~under section~~
 16 ~~625(1) or (2), or 1 conviction under section 625(1) and 1 convic-~~
 17 ~~tion under section 625(2)~~ within 7 years FOR 1 OR MORE OF THE
 18 FOLLOWING:

19 (i) OPERATING A MOTOR VEHICLE UNDER THE INFLUENCE OF INTOXI-
 20 CATING LIQUOR OR A CONTROLLED SUBSTANCE, OR A COMBINATION OF
 21 INTOXICATING LIQUOR AND A CONTROLLED SUBSTANCE.

22 (ii) OPERATING A MOTOR VEHICLE WHILE HAVING A BLOOD ALCOHOL
 23 CONTENT OF 0.10% OR MORE BY WEIGHT OF ALCOHOL.

24 (D) ONE CONVICTION UNDER SECTION 625(4)(D) OR (E).

25 (E) ~~(d) Three~~ ANY COMBINATION OF 3 convictions ~~under sec-~~
 26 ~~tion 625b~~ within ~~10~~ 7 years FOR 1 OR MORE OF THE FOLLOWING:

1 (i) OPERATING A MOTOR VEHICLE UNDER THE INFLUENCE OF
 2 INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE, OR A COMBINATION
 3 OF INTOXICATING LIQUOR AND A CONTROLLED SUBSTANCE.

4 (ii) OPERATING A MOTOR VEHICLE WHILE HAVING A BLOOD ALCOHOL
 5 CONTENT OF 0.10% OR MORE BY WEIGHT OF ALCOHOL.

6 (iii) OPERATING A MOTOR VEHICLE WHILE VISIBLY IMPAIRED DUE
 7 TO THE CONSUMPTION OF INTOXICATING LIQUOR OR A CONTROLLED SUB-
 8 STANCE, OR A COMBINATION OF INTOXICATING LIQUOR AND A CONTROLLED
 9 SUBSTANCE.

10 (3) The secretary of state shall revoke a license under sub-
 11 section (2) notwithstanding a court order issued under section
 12 625, ~~or 625b~~, or a local ordinance substantially corresponding
 13 to section 625(1) or ~~(2) or 625b~~ (3).

14 (4) MULTIPLE CONVICTIONS, CIVIL INFRACTION DETERMINATIONS,
 15 OR PROBATE COURT FINDINGS RESULTING FROM THE SAME INCIDENT SHALL
 16 BE TREATED AS A SINGLE VIOLATION FOR PURPOSES OF DENIAL OR REVO-
 17 CATION OF A LICENSE UNDER THIS SECTION.

18 Sec. 310d. (1) ~~After October 1, 1979, a~~ A license issued
 19 under this act ~~to~~ to a person not previously licensed in this or
 20 in another state shall be designated as probationary for 3 years
 21 after the date of issuance. During the first 12 months of proba-
 22 tion, the license may be suspended or probationary terms and con-
 23 ditions may be imposed upon failure of the licensee to appear
 24 before a magistrate, as provided in this chapter, or upon convic-
 25 tion of the licensee or determination of the licensee's responsi-
 26 bility for a moving violation in this state. The period of
 27 suspension or the probationary terms and conditions shall not be

1 for more than 12 months and shall be determined by the secretary
2 of state at an examination of the driver by the secretary of
3 state.

4 (2) If a license is suspended or probationary terms and con-
5 ditions are imposed by a probate judge, the period during which
6 the suspension or probationary terms and conditions are in effect
7 shall be deducted from the period of suspension or probationary
8 terms and conditions imposed at an examination of the driver by
9 the secretary of state pursuant to subsection (1). If a license
10 is suspended or probationary terms and conditions are imposed by
11 the probate judge, the probate court shall include the suspen-
12 sion, probationary terms, and conditions, and the period during
13 which the suspension, probationary terms, and conditions apply,
14 on the abstract which the court forwards to the secretary of
15 state.

16 (3) Upon completion of the first 12 months of probation, the
17 secretary of state may require a licensee to be reexamined by the
18 secretary of state if the licensee's driving record contains any
19 of the following:

20 (a) A conviction, civil infraction determination, or probate
21 court finding of a moving violation which was assessed 4 or more
22 points as provided in section 320a.

23 (b) Three convictions, 3 civil infraction determinations, 3
24 probate court findings, or a combination of convictions, civil
25 infraction determinations, and probate court findings which
26 equals 3, for moving violations.

1 (c) A total of 6 or more points as provided in section
2 320a.

3 (d) A conviction, civil infraction determination, or probate
4 court finding of a moving violation and an accident for which the
5 official police report indicates the licensee had been drinking
6 intoxicating liquor.

7 (e) A conviction, civil infraction determination, or probate
8 court finding of a moving violation and an accident for which the
9 official police report indicates a moving violation on the part
10 of the licensee.

11 (f) Three accidents for which the official police report
12 indicates a moving violation on the part of the licensee.

13 (g) A suspension pursuant to section 625f.

14 (4) The probationary period shall be extended beyond 3 years
15 and the secretary of state may reexamine a licensee as provided
16 in subsection (3), if any of the following occur and are recorded
17 on the licensee's driving record during the last 10 months of the
18 probationary period:

19 (a) A moving violation resulting in a conviction or civil
20 infraction determination.

21 (b) An accident for which the official police report indi-
22 cates a moving violation on the part of the licensee.

23 (c) An accident for which the official police report indi-
24 cates the licensee had been drinking intoxicating liquor.

25 (d) A license suspension for a reason other than a mental or
26 physical disability.

1 (5) The probationary period shall be extended pursuant to
 2 subsection (4) until the licensee completes 10 consecutive months
 3 without a moving violation, accident, or suspension enumerated in
 4 subsection (4).

5 (6) The secretary of state, upon completion of a reexamina-
 6 tion, may suspend or impose probationary terms and conditions on
 7 the license of a probationary licensee, except that a reexamina-
 8 tion for subsection (3)(d), (e), and (f) may not result in a
 9 license suspension or the imposition of probationary terms or
 10 conditions.

11 (7) For 24 months immediately after a licensee's probation-
 12 ary period, the secretary of state may require the licensee to be
 13 reexamined by the secretary of state if the licensee's driver
 14 record has a total of 9 or more points, as provided in section
 15 320a, imposed in a period of 2 years and if the licensee's record
 16 contains 1 or more of the following:

17 (a) A conviction or probate court finding for ~~a violation~~
 18 ~~of section 625(1) or (2), a local ordinance substantially corre-~~
 19 ~~sponding to section 625(1) or (2), or a law of another state sub-~~
 20 ~~stantially corresponding to section 625(1) or (2)~~ OPERATING A
 21 MOTOR VEHICLE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A
 22 CONTROLLED SUBSTANCE, OR A COMBINATION OF INTOXICATING LIQUOR AND
 23 A CONTROLLED SUBSTANCE IN VIOLATION OF A LAW OF THIS STATE, A
 24 LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO A LAW OF THIS
 25 STATE, OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO A
 26 LAW OF THIS STATE, OR FOR OPERATING A MOTOR VEHICLE WHILE HAVING
 27 A BLOOD ALCOHOL CONTENT OF 0.10% OR MORE BY WEIGHT OF ALCOHOL IN

1 VIOLATION OF A LAW OF THIS STATE, A LOCAL ORDINANCE SUBSTANTIALLY
2 CORRESPONDING TO A LAW OF THIS STATE, OR A LAW OF ANOTHER STATE
3 SUBSTANTIALLY CORRESPONDING TO A LAW OF THIS STATE.

4 (b) A conviction or probate court finding for driving while
5 visibly impaired due to consumption of intoxicating liquor, a
6 controlled substance, or a combination of intoxicating liquor and
7 a controlled substance.

8 (c) A suspension of the licensee's license pursuant to sec-
9 tion 625f.

10 (d) An accident for which the official police report indi-
11 cates a moving violation on the part of the licensee.

12 (e) An accident for which the official police report indi-
13 cates the licensee had been drinking intoxicating liquor.

14 (8) The secretary of state, upon completion of a reexamina-
15 tion pursuant to subsection (7), may suspend the license of the
16 licensee, except that a reexamination for subsection (7)(d) ~~and~~
17 OR (e) may not result in a license suspension or restriction.

18 (9) If a licensee fails to appear for a reexamination sched-
19 uled by the secretary of state pursuant to this section, the
20 licensee's license may be suspended immediately and remain sus-
21 pended until the licensee appears for a reexamination by the sec-
22 retary of state.

23 (10) Notice of a reexamination required under this section
24 shall be given by first class mail to the last known address of
25 the licensee.

26 (11) For purposes of this section:

1 (a) Upon conviction for a moving violation, the date of the
2 arrest for the violation shall be used in determining whether the
3 conviction occurred within the probationary period.

4 (b) Upon entry of a civil infraction determination for a
5 moving violation, the date of issuance of a citation for a civil
6 infraction shall be used in determining whether the civil infrac-
7 tion determination occurred within the probationary period.

8 (c) Information of a reexamination shall not be placed on a
9 driver's record unless the secretary of state suspends a license
10 or imposes probationary terms and conditions.

11 (d) A suspension shall be considered part of a driving
12 record from the date the suspension is imposed until the suspen-
13 sion is terminated.

14 (e) The date of the official police report shall be used in
15 determining whether a licensee was driving a motor vehicle
16 involved in an accident for which the official police report
17 indicates a moving violation on the part of the licensee or indi-
18 cates the licensee had been drinking intoxicating liquor.

19 Sec. 312f. (1) Except as otherwise provided in this sec-
20 tion, a person shall be at least 18 years of age before he or she
21 is issued a vehicle group designation or indorsement, other than
22 a motorcycle indorsement on an operator's or chauffeur's license
23 and the person shall pass an examination as provided in this sec-
24 tion and pursuant to 49 C.F.R. part 383. A person operating a
25 vehicle to be used for farming purposes only may obtain a group A
26 or B vehicle group designation if he or she is at least 16 years
27 of age. Each written examination given an applicant for a

1 vehicle group designation or indorsement on an operator's or
2 chauffeur's license shall include subjects designed to cover the
3 type or general class of vehicle to be operated. A person shall
4 pass an examination which shall include a driving test designed
5 to test competency of the applicant for an original vehicle group
6 designation and passenger indorsement on an operator's or
7 chauffeur's license to drive that type or general class of vehi-
8 cle upon the highways of this state with safety to that person
9 and other persons and property, except that the secretary of
10 state may waive the requirement for a driving test for a vehicle
11 group designation and passenger indorsement upon receipt of ade-
12 quate evidence of experience, testing, and driving record as pre-
13 scribed under 49 C.F.R. part 383 and section 307 in operating the
14 vehicle group which the applicant intends to drive. The secre-
15 tary of state shall waive the driving skills test for a person
16 operating a vehicle that bears farm registration plates except if
17 the vehicle has a gross vehicle weight rating of 26,001 pounds or
18 more and is to be used to carry hazardous materials on which a
19 placard is required under 49 C.F.R. parts 100 to 199. The driv-
20 ing test may be waived when the applicant has a valid license,
21 indorsement, or vehicle group designation to operate that type or
22 group of vehicle in another state except that the driving test
23 for a vehicle group designation or passenger vehicle indorsement
24 may not be waived unless the applicant has a valid license with
25 the appropriate vehicle group designation or passenger vehicle
26 indorsement in another state issued in compliance with the

1 commercial motor vehicle safety act of 1986, TITLE XII OF Public
2 Law 99-570, 100 Stat. ~~3207~~ 3207-170.

3 (2) The secretary of state may enter into an agreement with
4 another public or private person or agency to conduct a skills
5 test required under this section, section 312e, or 49 C.F.R. part
6 383.

7 (3) The secretary of state shall not issue a vehicle group
8 designation or indorsement to an applicant for an original group
9 designation or indorsement who comes under 1 or more of the fol-
10 lowing conditions:

11 (a) Has had his or her license suspended or revoked for a
12 reason other than as provided in section 321a, 515, or 801c in
13 the 36 months immediately preceding application, except that a
14 designation may be issued if the suspension or revocation was due
15 to a temporary medical condition or failure to appear at a reex-
16 amination as provided in section 320.

17 (b) Was convicted of or incurred a bond forfeiture in rela-
18 tion to a 6-point violation as provided in section 320a IN THE 24
19 MONTHS IMMEDIATELY PRECEDING APPLICATION, or ~~a violation of sec-~~
20 ~~tion 625b~~ FOR OPERATING A MOTOR VEHICLE WHILE VISIBLY IMPAIRED
21 DUE TO THE CONSUMPTION OF AN INTOXICATING LIQUOR OR A CONTROLLED
22 SUBSTANCE, OR A COMBINATION OF AN INTOXICATING LIQUOR AND A CON-
23 TROLLED SUBSTANCE in the 24 months immediately preceding applica-
24 tion, if the violation ~~of section 625b~~ occurred while the
25 applicant was operating a type of vehicle that is operated under
26 a vehicle group designation.

1 (c) Is listed on the national driver register or on a
2 commercial driver license information system in the United States
3 department of transportation as being disqualified from operating
4 a motor vehicle.

5 (d) Is listed on the national driver register or on a com-
6 mercial driver license information system in the United States
7 department of transportation as having had a license suspended,
8 revoked, or canceled in the 36 months immediately preceding
9 application.

10 (e) Is listed on the national driver register or on a com-
11 mercial driver license information system in the United States
12 department of transportation as having been convicted of or
13 incurred a bond forfeiture in relation to any of the offenses
14 specified in section 205(a)(3) of the national driver register
15 act of 1982, as set forth in section 401 note of title 23 of the
16 United States Code, 23 U.S.C. 401 note.

17 (f) Is subject to a suspension under section 319b.

18 (g) Has been disqualified under THE COMMERCIAL MOTOR VEHICLE
19 SAFETY ACT OF 1986, title XII of Public Law 99-570,
20 100 Stat. ~~3207~~ 3207-170, within 36 months immediately preceding
21 the date of application.

22 (4) The secretary of state shall only consider violations
23 listed under subsection (3)(e) and bond forfeitures under
24 subsection (3)(b) for violations which occurred on or after
25 October 1, 1989 when determining the applicability of subsection
26 (3).

1 Sec. 314b. (1) The secretary of state may issue a 2-year
 2 license which shall expire on the birthday of the person to whom
 3 it is issued when a licensed driver is charged in the 24 months
 4 immediately preceding the expiration date of that person's cur-
 5 rent license with a total of 12 or more points as provided in
 6 section 320a, or has his or her license suspended or revoked for
 7 a reason other than those provided in ~~sections~~ SECTION 321a,
 8 515, or 801c in the 36 months immediately preceding the expira-
 9 tion date of his or her current license, or was convicted of any
 10 6-point violation as provided in section 320a or ~~a violation~~
 11 ~~provided in section 625b~~ FOR OPERATING A MOTOR VEHICLE WHILE
 12 VISIBLY IMPAIRED DUE TO THE CONSUMPTION OF INTOXICATING LIQUOR OR
 13 A CONTROLLED SUBSTANCE, OR A COMBINATION OF INTOXICATING LIQUOR
 14 AND A CONTROLLED SUBSTANCE in the 36 months immediately preceding
 15 the expiration date of his or her current license.

16 (2) A person issued a 2-year license shall pay the following
 17 fees:

18	Operator's license renewal.....	\$ 6.00
19	Chauffeur's license renewal.....	10.00
20	Motorcycle indorsement original.....	6.00
21	Motorcycle indorsement renewal.....	5.00
22	Vehicle group designation.....	20.00
23	Vehicle indorsement.....	5.00

24 (3) Two dollars of each renewal motorcycle indorsement fee
 25 shall be placed in a motorcycle safety fund in the state treasury
 26 and shall be used only for funding the motorcycle safety
 27 education program as provided under sections 312b and 811a.

1 Sec. 319. (1) The secretary of state shall immediately
2 suspend for a period of not less than 90 days ~~, nor~~ OR more
3 than 2 years, the license of a person upon receiving a record of
4 the conviction ~~of the person~~ or ~~the entry of a~~ probate court
5 ~~order of~~ disposition ~~for a child found to be within the provi-~~
6 ~~sions of chapter XIIA of Act No. 288 of the Public Acts of 1939,~~
7 ~~being sections 712A.1 to 712A.28 of the Michigan Compiled Laws,~~
8 OF THE PERSON for any of the following crimes or attempts to
9 commit any of the following crimes, whether the conviction or
10 probate court disposition is under a law of this state, a local
11 ordinance substantially corresponding to a law of this state, or
12 a law of another state substantially corresponding to a law of
13 this state:

14 (a) Fraudulently altering or forging documents pertaining to
15 motor vehicles, in violation of section 257.

16 (b) Perjury or the making of a false certification to the
17 secretary of state under any law requiring the registration of a
18 motor vehicle or regulating the operation of a motor vehicle on a
19 highway.

20 (c) A violation of section 324, 413, or 414 of the Michigan
21 penal code, Act No. 328 of the Public Acts of 1931, being sec-
22 tions 750.324, 750.413, and 750.414 of the Michigan Compiled
23 Laws; or a violation of section 1 of Act No. 214 of the Public
24 Acts of 1931, being section 752.191 of the Michigan Compiled
25 Laws.

26 (d) Conviction upon 3 charges of reckless driving within the
27 preceding ~~+2-~~ 36 months.

1 (e) Failing to stop and disclose identity at the scene of an
2 accident resulting in death or injury to another person, in vio-
3 lation of section 617 OR 617A.

4 (f) A felony in which a motor vehicle was used. As used in
5 this section, "felony in which a motor vehicle was used" means a
6 felony during the commission of which the person convicted oper-
7 ated a motor vehicle and while operating the vehicle presented
8 real or potential harm to persons or property and 1 or more of
9 the following circumstances existed:

10 (i) The vehicle was used as an instrument of the felony.

11 (ii) The vehicle was used to transport a victim of the
12 felony.

13 (iii) The vehicle was used to flee the scene of the felony.

14 (iv) The vehicle was necessary for the commission of the
15 felony.

16 ~~(2) The secretary of state shall suspend, for the period~~
17 ~~described in subsection (1), the license of a person upon receiv-~~
18 ~~ing the record of conviction of the person for a violation of a~~
19 ~~law of another state substantially corresponding to section~~
20 ~~625(1) or (2).~~

21 (2) ~~(3)~~ The secretary of state shall suspend the license
22 of a person convicted of malicious destruction resulting from the
23 operation of a motor vehicle under section 382 of the Michigan
24 penal code, Act No. 328 of the Public Acts of 1931, as amended,
25 being section 750.382 of the Michigan Compiled Laws, for a period
26 of not more than 1 year as ordered by the court as part of the
27 sentence.

1 (3) ~~-(4)-~~ The secretary of state shall immediately suspend
2 the license of a person for the period specified in the certifi-
3 cate of conviction upon receipt of the person's license and cer-
4 tificate of conviction forwarded to the secretary of state pursu-
5 ant to section 367c of the Michigan penal code, Act No. 328 of
6 the Public Acts of 1931, being section 750.367c of the Michigan
7 Compiled Laws.

8 (4) IF UNDER THE FOLLOWING CIRCUMSTANCES A COURT HAS NOT
9 ORDERED THE SUSPENSION OF A PERSON'S LICENSE OR HAS ORDERED A
10 SUSPENSION OTHER THAN AS AUTHORIZED BY THIS ACT, THE SECRETARY OF
11 STATE SHALL SUSPEND THE LICENSE AS FOLLOWS, NOTWITHSTANDING A
12 COURT ORDER ISSUED UNDER SECTION 625(1) OR (3) OR A LOCAL ORDI-
13 NANCE SUBSTANTIALLY CORRESPONDING TO SECTION 625(1) OR (3):

14 (A) FOR A PERIOD OF NOT LESS THAN 90 DAYS OR MORE THAN 1
15 YEAR, UPON RECEIVING A RECORD OF THE CONVICTION OF THE PERSON FOR
16 A VIOLATION OF SECTION 625(3), A LOCAL ORDINANCE SUBSTANTIALLY
17 CORRESPONDING TO SECTION 625(3), OR A LAW OF ANOTHER STATE SUB-
18 STANTIALLY CORRESPONDING TO SECTION 625(3), IF THE PERSON HAS NO
19 PRIOR CONVICTIONS WITHIN 7 YEARS FOR OPERATING A MOTOR VEHICLE
20 WHILE VISIBLY IMPAIRED DUE TO THE CONSUMPTION OF INTOXICATING
21 LIQUOR OR A CONTROLLED SUBSTANCE, OR A COMBINATION OF INTOXICAT-
22 ING LIQUOR AND A CONTROLLED SUBSTANCE IN VIOLATION OF A LAW OF
23 THIS STATE.

24 (B) ~~-(5)- The secretary of state shall suspend, for~~ FOR a
25 period of not less than 6 months ~~-nor~~ OR more than ~~-18 months,~~
26 ~~the license of a~~ 2 YEARS, IF THE person ~~-having~~ HAS the
27 following convictions within a 7-year period, whether under the

1 law of this state, a local ordinance substantially corresponding
2 to a law of this state, or a law of another state substantially
3 corresponding to a law of this state:

4 (i) ONE CONVICTION FOR OPERATING A MOTOR VEHICLE UNDER THE
5 INFLUENCE OF INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE, OR A
6 COMBINATION OF INTOXICATING LIQUOR AND A CONTROLLED SUBSTANCE, OR
7 FOR OPERATING A MOTOR VEHICLE WHILE HAVING A BLOOD ALCOHOL CON-
8 TENT OF 0.10% OR MORE BY WEIGHT OF ALCOHOL. HOWEVER, IF THE CON-
9 VITION IS UNDER A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPOND-
10 ING TO A LAW OF THIS STATE, THE SECRETARY OF STATE MAY WAIVE THE
11 SUSPENSION UNDER THIS SUBDIVISION IF THE PERSON SUBMITS PROOF
12 THAT A COURT SUSPENDED OR RESTRICTED HIS OR HER LICENSE FOR A
13 PERIOD EQUAL TO OR GREATER THAN THE PERIOD OF SUSPENSION OR
14 RESTRICTION UNDER THIS SUBSECTION AND THAT THE SUSPENSION OR
15 RESTRICTION WAS SERVED IN THE OTHER STATE, OR MAY GRANT
16 RESTRICTIONS.

17 (ii) ~~(a)~~ Two convictions ~~under section 625b~~ FOR OPERAT-
18 ING A MOTOR VEHICLE WHILE VISIBLY IMPAIRED DUE TO THE CONSUMPTION
19 OF INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE, OR A COMBINA-
20 TION OF INTOXICATING LIQUOR AND A CONTROLLED SUBSTANCE.

21 (iii) ~~(b)~~ One conviction ~~under section 625(1) or (2) fol-~~
22 ~~lowed by 1 conviction under section 625b~~ FOR OPERATING A MOTOR
23 VEHICLE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A CON-
24 TROLLED SUBSTANCE OR A COMBINATION OF INTOXICATING LIQUOR AND A
25 CONTROLLED SUBSTANCE OR WHILE HAVING A BLOOD ALCOHOL CONTENT OF
26 0.10% OR MORE BY WEIGHT OF ALCOHOL, AND 1 CONVICTION FOR
27 OPERATING A MOTOR VEHICLE WHILE VISIBLY IMPAIRED DUE TO THE

1 CONSUMPTION OF INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE, OR
2 A COMBINATION OF INTOXICATING LIQUOR AND A CONTROLLED SUBSTANCE.

3 (5) ~~-(6)-~~ Upon receipt of a certificate of conviction pursu-
4 ant to section 33b(3) of the Michigan liquor control act, Act
5 No. 8 of the Public Acts of the Extra Session of 1933, being sec-
6 tion 436.33b of the Michigan Compiled Laws, or a local ordinance
7 or law of another state substantially corresponding to section
8 33b(3) of Act No. 8 of the Public Acts of the Extra Session of
9 1933, the secretary of state shall suspend the person's
10 operator's or chauffeur's license for a period of 90 days. A
11 suspension under this subsection shall be in addition to any
12 other suspension of the person's license.

13 (6) ~~-(7)-~~ Upon receipt of the record of the conviction ~~of a~~
14 ~~person, or the entry of a probate court order of disposition~~
15 ~~for a child found to be within the provisions of chapter XIIA of~~
16 ~~Act No. 288 of the Public Acts of 1939,~~ OF A PERSON for a viola-
17 tion of section 602a of this act or section 479a(1), (4), or (5)
18 of Act No. 328 of the Public Acts of 1931, being section 750.479a
19 of the Michigan Compiled Laws, the secretary of state immediately
20 shall suspend the license of the person for the period ordered by
21 the court as part of the sentence or disposition.

22 (7) ~~-(8)-~~ ~~For purposes of this section, the secretary of~~
23 ~~state shall treat a conviction or probate court disposition for a~~
24 ~~child found to be within the provisions of chapter XIIA of Act~~
25 ~~No. 288 of the Public Acts of 1939 for an attempted offense as if~~
26 ~~the offense had been completed.~~ A SUSPENSION PURSUANT TO THIS
27 SECTION SHALL BE IMPOSED NOTWITHSTANDING A COURT ORDER ISSUED

1 UNDER SECTION 625(1) OR (3), OR A LOCAL ORDINANCE SUBSTANTIALLY
2 CORRESPONDING TO SECTION 625(1) OR (3).

3 (8) IF THE SECRETARY OF STATE RECEIVES RECORDS OF MORE THAN
4 1 CONVICTION OR PROBATE COURT DISPOSITION OF A PERSON RESULTING
5 FROM THE SAME INCIDENT, A SUSPENSION SHALL BE IMPOSED ONLY FOR
6 THE VIOLATION TO WHICH THE LONGEST PERIOD OF SUSPENSION APPLIES
7 UNDER THIS SECTION.

8 (9) THE SECRETARY OF STATE SHALL CREDIT A PERIOD OF SUSPEN-
9 SION IMPOSED UNDER SECTION 625F(6) TO A PERIOD OF SUSPENSION
10 IMPOSED UNDER THIS SECTION FOR THAT VIOLATION. THIS SUBSECTION
11 DOES NOT APPLY IF THE SUSPENSION IS PURSUANT TO AN ORDER OF THE
12 COURT AND THE COURT HAS CREDITED THE PERIOD OF SUSPENSION IMPOSED
13 UNDER SECTION 625F(6) TO THE PERIOD OF SUSPENSION ORDERED BY THE
14 COURT FOR THAT VIOLATION.

15 (10) AS USED IN THIS SECTION, "PROBATE COURT DISPOSITION"
16 MEANS THE ENTRY OF A PROBATE COURT ORDER OF DISPOSITION FOR A
17 CHILD FOUND TO BE WITHIN THE PROVISIONS OF CHAPTER XIIA OF ACT
18 NO. 288 OF THE PUBLIC ACTS OF 1939, BEING SECTIONS 712A.1 TO
19 712A.28 OF THE MICHIGAN COMPILED LAWS.

20 Sec. 319b. (1) The secretary of state shall immediately
21 suspend all vehicle group designations on an operator's or
22 chauffeur's license when the secretary of state receives notice
23 of a conviction, bond forfeiture, or civil infraction determina-
24 tion for a violation described in this section committed within
25 this state or another state. The period of suspension shall be
26 as follows:

1 (a) For 60 days when the licensee is convicted of or found
2 responsible for 2 serious traffic violations while operating a
3 commercial motor vehicle within 36 months.

4 (b) For 120 days when the licensee is convicted of or found
5 responsible for 3 serious traffic violations while operating a
6 commercial motor vehicle within 36 months.

7 (c) For 1 year when the licensee is convicted of 1 of the
8 following:

9 (i) A violation of section 625(1) or ~~-(2)-~~ (3) ~~or section~~
10 ~~625b-~~ or a local ordinance or law of another state substantially
11 corresponding to section 625(1) or ~~-(2)-~~ (3) ~~or section 625b-~~
12 while operating a commercial motor vehicle.

13 (ii) Leaving the scene of an accident involving a commercial
14 motor vehicle, which commercial motor vehicle is operated by the
15 licensee.

16 (iii) A felony in which a commercial motor vehicle was
17 used.

18 (iv) A 6-point violation as provided in section 320a.

19 (d) For 3 years when the licensee is convicted of a felony
20 in which a commercial motor vehicle was used if the vehicle was
21 carrying hazardous material required to have a placard pursuant
22 to 49 C.F.R. parts 100 to 199.

23 (e) For life when a licensee is convicted of 1 of the
24 following:

25 (i) ~~Two~~ ANY COMBINATION OF 2 violations under section
26 625(1) or ~~-(2)-~~ (3) ~~or section 625b-~~ or a local ordinance or law
27 of another state substantially corresponding to section 625(1) or

1 ~~(2)~~ (3) ~~or section 625b~~ while driving a commercial motor
2 vehicle.

3 (ii)- Two violations of leaving the scene of an accident
4 involving a commercial motor vehicle, which commercial motor
5 vehicle is operated by the licensee.

6 (iii) Two violations of a felony in which a commercial motor
7 vehicle was used.

8 (iv) Two violations of any combination of the offenses under
9 ~~subparagraphs~~ SUBPARAGRAPH (i), (ii), or (iii).

10 (v) One violation of a felony in which a commercial motor
11 vehicle was used and which involves the manufacture, distribu-
12 tion, or dispensing of a controlled substance or possession with
13 intent to manufacture, distribute, or dispense a controlled
14 substance.

15 (2) As used in this section:

16 (a) "Felony in which a commercial motor vehicle was used"
17 means a felony during the commission of which the person con-
18 victed operated a commercial motor vehicle and while operating
19 the vehicle 1 or more of the following circumstances existed:

20 (i) The vehicle was used as an instrument of the felony.

21 (ii) The vehicle was used to transport a victim of the
22 felony.

23 (iii) The vehicle was used to flee the scene of the felony.

24 (iv) The vehicle was necessary for the commission of the
25 felony.

26 (b) "Serious traffic violation" means reckless driving, a
27 traffic violation received in connection with an accident in

1 which a person ~~dies~~ DIED, careless driving, excessive speeding
2 as defined in the federal administrative regulations promulgated
3 to implement THE COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986,
4 title XII of Public Law 99-570, 100 Stat. ~~3207~~ 3207-170, or any
5 other serious traffic offense as specified in the federal regula-
6 tions implementing that act or as prescribed under this act.

7 (3) For the purpose of this section only, a bond forfeiture
8 shall be considered a conviction.

9 (4) The secretary of state may suspend a vehicle group des-
10 ignation notwithstanding a suspension, restriction, revocation,
11 or denial of an operator's or chauffeur's license under another
12 section of this act.

13 (5) The secretary of state, when determining the applicabi-
14 lity of conditions listed in this section, shall only consider
15 violations which occurred after October 1, 1989.

16 (6) THE SECRETARY OF STATE SHALL CREDIT A PERIOD OF SUSPEN-
17 SION IMPOSED UNDER SECTION 625F(6) TO A PERIOD OF SUSPENSION
18 IMPOSED UNDER THIS SECTION FOR THAT VIOLATION. THIS SUBSECTION
19 DOES NOT APPLY IF THE SUSPENSION IS PURSUANT TO AN ORDER OF THE
20 COURT AND THE COURT HAS CREDITED THE PERIOD OF SUSPENSION IMPOSED
21 UNDER SECTION 625F(6) TO THE PERIOD OF SUSPENSION ORDERED BY THE
22 COURT FOR THAT VIOLATION.

23 Sec. 320a. (1) The secretary of state, within 10 days after
24 the receipt of a properly prepared abstract from this or another
25 state, shall record the date of conviction, civil infraction
26 determination, or probate court finding, and the number of points

1 for each, based on the following formula, except as otherwise
 2 provided in this section and section 629c:

- 3 (a) Manslaughter, negligent homicide, OR CAUSING A
 4 DEATH OR SERIOUS INJURY WHILE VIOLATING SECTION 625(1)
 5 OR (3) or a felony resulting from the operation of a
 6 motor vehicle..... 6 points
- 7 (b) Operating a motor vehicle while under the
 8 influence of intoxicating liquor or a controlled sub-
 9 stance, or a combination of an intoxicating liquor and
 10 a controlled substance, or while having a blood alcohol
 11 content of 0.10% or more by weight of alcohol..... 6 points
- 12 (c) Failing to stop and disclose identity at the
 13 scene of an accident when required by law..... 6 points
- 14 (d) Operating a motor vehicle in a reckless manner 6 points
- 15 (e) Violation of any law or ordinance pertaining
 16 to speed by exceeding the lawful maximum by more than
 17 15 miles per hour..... 4 points
- 18 (f) Violation of section ~~625b~~ 625(3) or a law or
 19 ordinance substantially corresponding to section ~~625b~~
 20 625(3)..... 4 points
- 21 (g) Fleeing or eluding an officer..... 6 points
- 22 (h) Violation of section 626a or a law or ordi-
 23 nance substantially corresponding to section 626a..... 4 points
- 24 (i) Violation of any law or ordinance pertaining
 25 to speed by exceeding the lawful maximum by more than
 26 10 but not more than 15 miles per hour or careless

1 driving in violation of section 626b or a law or
 2 ordinance substantially corresponding to section 626b.. 3 points

3 (j) Violation of any law or ordinance pertaining
 4 to speed by exceeding the lawful maximum by 10 miles
 5 per hour or less..... 2 points

6 (k) Disobeying a traffic signal or stop sign, or
 7 improper passing..... 3 points

8 (l) VIOLATION OF SECTION 624A OR A LAW OR ORDI-
 9 NANCE SUBSTANTIALLY CORRESPONDING TO SECTION 624A..... 2 POINTS

10 (M) ~~(L)~~ All other moving violations pertaining
 11 to the operation of motor vehicles reported under this
 12 section..... 2 points

13 (2) Points shall not be entered for a violation of section
 14 311, 658, 717, 719, 719a, or 723.

15 (3) Points shall not be entered for bond forfeitures.

16 (4) Points shall not be entered for overweight loads or for
 17 defective equipment.

18 (5) If more than 1 conviction, civil infraction determina-
 19 tion, or probate court finding results from the same incident,
 20 points shall be entered only for the violation which receives the
 21 highest number of points under this section.

22 (6) If a person has accumulated 9 points as provided in this
 23 section, the secretary of state may call the person in for an
 24 interview as to the person's driving ability and record after due
 25 notice as to time and place of the interview. If the person
 26 fails to appear as provided in this subsection, the secretary of
 27 state shall add 3 points to the person's record.

1 (7) If a person is determined to be responsible for a civil
 2 infraction for a violation of a law or ordinance pertaining to
 3 speed by exceeding the lawful maximum on a street or highway
 4 which maximum was reduced by Act No. 28 of the Public Acts of
 5 1974, then points shall be entered only pursuant to the
 6 following:

7 (a) Sixty miles per hour to the lawful maximum in
 8 effect before being reduced by Act No. 28 of the Public
 9 Acts of 1974..... 1 point

10 (b) Exceeding the lawful maximum in effect before
 11 being reduced by Act No. 28 of the Public Acts of 1974,
 12 by 10 miles per hour or less..... 2 points

13 (c) Exceeding the lawful maximum in effect before
 14 being reduced by Act No. 28 of the Public Acts of 1974,
 15 by more than 10 but not more than 15 miles per hour.... 3 points

16 (d) Exceeding the lawful maximum in effect before
 17 being reduced by Act No. 28 of the Public Acts of 1974,
 18 by more than 15 miles per hour..... 4 points

19 (8) Notwithstanding subsection (7), if a person violates a
 20 speed restriction established by an executive order issued during
 21 a state of energy emergency as provided by Act No. 191 of the
 22 Public Acts of 1982, being sections 10.81 to 10.89 of the
 23 Michigan Compiled Laws, the secretary of state shall enter points
 24 for the violation pursuant to subsection (1).

25 (9) The secretary of state shall enter 6 points upon the
 26 record of a person whose license is suspended or denied pursuant
 27 to section 625f for refusal to submit to a chemical test

1 described in section 625a. However, if a conviction, civil
2 infraction determination, or probate court finding results from
3 the same incident, additional points for that offense shall not
4 be entered.

5 (10) If a Michigan driver commits a violation in another
6 state that would be a civil infraction if committed in Michigan,
7 and a conviction results solely because of the failure of the
8 Michigan driver to appear in that state to contest the violation,
9 upon receipt of the abstract of conviction by the secretary of
10 state, the violation shall be noted on the driver's record, but
11 no points shall be assessed against his or her driver's license.

12 Sec. 320e. (1) A person whose operator's or chauffeur's
13 license is suspended, revoked, or restricted pursuant to section
14 303, 319, 320, 324, 625, 625b, 625f, or 904 shall pay a license
15 reinstatement fee of ~~-\$60.00-~~ \$80.00 to the secretary of state
16 before a license is issued or returned to the person. The
17 increase in the reinstatement fee ~~from \$25.00 to \$60.00~~
18 \$80.00 shall be imposed for a license which is issued or returned
19 on or after April 5, ~~1988~~ 1991 regardless of when the license
20 was suspended, revoked, or restricted. The fee shall be waived
21 if the license was suspended or restricted because of the
22 person's mental or physical infirmity or disability.

23 (2) The secretary of state shall assess points and take
24 licensing action, including suspending, revoking, or denying a
25 license under section 303 or 319, according to the law in effect
26 at the time the offense was committed or attempted or the civil
27 infraction occurred.

1 Sec. 323. (1) A person who is aggrieved by a final
2 determination of the secretary of state denying the person an
3 operator's or chauffeur's license, a vehicle group designation,
4 or an indorsement on a license or revoking, suspending, or
5 restricting an operator's or chauffeur's license, vehicle group
6 designation, or an indorsement may, WITHIN 60 DAYS AFTER THE
7 DETERMINATION, petition for a review of the determination in the
8 circuit court in the county where the person was arrested if the
9 denial or suspension was imposed pursuant to section 625f or pur-
10 suant to the order of a trial court under section 328 or, in all
11 other cases, in the circuit court in the county of residence of
12 the person. AS PROVIDED IN SECTION 625F, A PEACE OFFICER WHO IS
13 AGGRIEVED BY A DETERMINATION OF A HEARING OFFICER IN FAVOR OF A
14 PERSON WHO REQUESTED A HEARING UNDER SECTION 625F MAY, WITHIN 60
15 DAYS AFTER THE DETERMINATION AND WITH THE CONSENT OF THE PROSE-
16 CUTING OFFICIAL, PETITION FOR REVIEW OF THE DETERMINATION IN THE
17 CIRCUIT COURT IN THE COUNTY WHERE THE ARREST WAS MADE.

18 (2) The circuit court shall enter an order setting the cause
19 for hearing for a day certain ~~in not to exceed~~ THAT IS NOT MORE
20 THAN 60 days after the date of the order. The order, together
21 with a copy of the petition which shall include the person's full
22 name, current address, birth date, and driver's license number,
23 and all supporting affidavits, shall be served on the secretary
24 of state's office in Lansing not less than 20 days before the
25 date set for the hearing. If the person is seeking a review of
26 the record prepared pursuant to section 625f(3) to determine
27 whether the hearing officer properly determined the issues

1 enumerated in section 625f(2), ~~then~~ the service upon the
2 secretary of state shall be made not less than 50 days before the
3 date set for the hearing.

4 (3) Except as provided in ~~subsection~~ SUBSECTIONS (4) AND
5 (6), the court may take testimony and examine into all the facts
6 and circumstances incident to the denial, suspension, restric-
7 tion, or revocation of the person's license. The court may
8 affirm, modify, or set aside the restriction, suspension, revoca-
9 tion, or denial except that the court shall not order the secre-
10 tary of state to issue a restricted or unrestricted chauffeur's
11 license which would permit a person to drive a truck or truck
12 tractor, including a trailer, which hauls a hazardous material.
13 The order of the court shall be duly entered and THE PETITIONER
14 SHALL FILE a certified copy ~~shall be filed immediately~~ OF THE
15 ORDER with the secretary of state's office in Lansing WITHIN 7
16 DAYS AFTER ENTRY OF THE ORDER.

17 (4) In reviewing a determination ~~resulting in a denial or~~
18 ~~suspension~~ under section 625f, the court shall confine its con-
19 sideration to 1 or both of the following:

20 (a) A review of the record prepared pursuant to section
21 625f(3) to determine whether the hearing officer properly deter-
22 mined the issues enumerated in section 625f(2).

23 (b) A determination of whether to order the issuance of a
24 restricted license as provided in section 323c.

25 (5) This section shall not apply to a denial, revocation,
26 suspension, or restriction imposed pursuant to a court order
27 issued as part of the sentence. ~~for of a conviction of a~~

~~1 violation of section 625 or 625b, or a local ordinance~~
~~2 substantially corresponding to section 625(1) or (2) or 625b.~~

3 (6) IN REVIEWING A DETERMINATION RESULTING IN A DENIAL OR
4 REVOCATION UNDER SECTION 303(1)(E) OR 303(2)(D), THE COURT SHALL
5 CONFINE ITS CONSIDERATION TO A REVIEW OF THE RECORD PREPARED PUR-
6 SUANT TO SECTION 322 OR THE DRIVING RECORD CREATED UNDER SECTION
7 204A. THE COURT SHALL SET ASIDE THE DETERMINATION OF THE SECRE-
8 TARY OF STATE ONLY IF SUBSTANTIAL RIGHTS OF THE PETITIONER HAVE
9 BEEN PREJUDICED BECAUSE THE DETERMINATION IS ANY OF THE
10 FOLLOWING:

11 (A) IN VIOLATION OF THE CONSTITUTION OF THE UNITED STATES,
12 OF THE STATE CONSTITUTION OF 1963, OR OF A STATUTE.

13 (B) IN EXCESS OF THE STATUTORY AUTHORITY OR JURISDICTION OF
14 THE SECRETARY OF STATE.

15 (C) MADE UPON UNLAWFUL PROCEDURE RESULTING IN MATERIAL PREJ-
16 UDICE TO THE PETITIONER.

17 (D) NOT SUPPORTED BY COMPETENT, MATERIAL, AND SUBSTANTIAL
18 EVIDENCE ON THE WHOLE RECORD.

19 (E) ARBITRARY, CAPRICIOUS, OR CLEARLY AN ABUSE OR UNWAR-
20 RANTED EXERCISE OF DISCRETION.

21 (F) AFFECTED BY OTHER SUBSTANTIAL AND MATERIAL ERROR OF LAW.

22 (7) ~~-(6)-~~ This section shall not apply to a denial, revoca-
23 tion, suspension, or restriction imposed pursuant to the finan-
24 cial responsibility act contained in chapter V.

25 Sec. 323a. (1) A person who is aggrieved by a final deter-
26 mination of the secretary of state suspending or revoking the
27 operator's or chauffeur's license of the person may, WITHIN 60

1 DAYS AFTER THE DETERMINATION, petition the circuit court for the
2 county in which ~~was entered~~ the conviction or civil infraction
3 determination resulting in the license being suspended or revoked
4 WAS ENTERED, or the circuit court for the county of residence of
5 the person if the license was suspended or revoked as provided in
6 section 318, or for the accumulation of 12 or more points as pro-
7 vided in sections 320 and 320a, for an order staying the revoca-
8 tion or suspension of the license. ~~The~~ EXCEPT AS PROVIDED IN
9 SUBSECTION (2), THE court may enter an ex parte order staying the
10 suspension or revocation subject to terms and conditions pre-
11 scribed by the court until the determination of an appeal to the
12 secretary of state or of an appeal or a review by the circuit
13 court, or for a lesser time which the court considers proper,
14 except that the court shall not enter an ex parte order staying
15 the suspension or revocation of a person who drives a truck or
16 truck tractor, including a trailer, which hauls hazardous
17 material.

18 (2) THE COURT SHALL NOT ENTER AN EX PARTE ORDER STAYING THE
19 SUSPENSION OR REVOCATION IF THE ORDER IS BASED UPON A CLAIM OF
20 UNDUE HARDSHIP.

21 (3) ~~(2)~~ This section shall not apply to a suspension for a
22 violation of the financial responsibility act contained in chap-
23 ter V.

24 Sec. 323c. (1) A person denied a license to operate a
25 motor vehicle or whose license for that purpose has been sus-
26 pended by the secretary of state under section 625f has a right
27 to a review of the matter in circuit court as provided in

1 sections 323 and 323a. Except as provided in this section, the
2 court may order the secretary of state to issue to the person a
3 restricted license permitting the person to drive only to and
4 from the person's residence and work location; in the course of
5 the person's employment or occupation; to and from an alcohol or
6 drug education program or treatment program as ordered by a
7 court; to and from the person's residence and an educational
8 institution at which the person is enrolled as a student; or per-
9 suant to a combination of these restrictions. The court shall
10 not order the secretary of state to issue a restricted
11 chauffeur's license which would permit a person to operate a
12 truck or truck tractor, including a trailer, which hauls hazard-
13 ous material. The court shall not order the secretary of state
14 to issue a restricted license unless the person states under oath
15 and the court finds that the person is unable to take public
16 transportation to and from his or her work location, place of
17 alcohol or drug education or treatment, or educational institu-
18 tion, and does not have a family member or other able to provide
19 transportation. The court order and license shall indicate the
20 person's work location and the approved route or routes and per-
21 mitted times of travel. For purposes of this section, "work
22 location" includes, as applicable, either or both of the
23 following:

24 (a) The specific place or places of employment.

25 (b) The territory or territories regularly visited by the
26 person in pursuance of the person's occupation.

1 (2) If the person's license has been suspended pursuant to
2 section 625f within the immediately preceding 7-year period, a
3 restricted license shall not be issued.

4 (3) Notwithstanding any other provision of this section, the
5 court shall not issue a restricted license to a person who has
6 accumulated over 24 points, as provided in section 320a, within
7 the 2-year period preceding the date of the suspension of his or
8 her license.

9 SEC. 624A. (1) A PERSON SHALL NOT TRANSPORT OR POSSESS
10 ALCOHOLIC LIQUOR IN A CONTAINER THAT IS OPEN OR UNCAPPED OR UPON
11 WHICH THE SEAL IS BROKEN WITHIN THE PASSENGER COMPARTMENT OF A
12 VEHICLE. IF THE VEHICLE DOES NOT HAVE A TRUNK OR OTHER COMPART-
13 MENT SEPARATE FROM THE PASSENGER COMPARTMENT, A CONTAINER THAT IS
14 OPEN OR UNCAPPED OR UPON WHICH THE SEAL IS BROKEN SHALL BE
15 ENCASED OR ENCLOSED.

16 (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
17 MISDEMEANOR.

18 (3) THIS SECTION DOES NOT APPLY TO A CHARTERED VEHICLE
19 AUTHORIZED TO OPERATE BY THE MICHIGAN DEPARTMENT OF
20 TRANSPORTATION.

21 Sec. 625. (1) A person, whether licensed or not, ~~who is~~
22 ~~under the influence of intoxicating liquor or a controlled sub-~~
23 ~~stance, or a combination of intoxicating liquor and a controlled~~
24 ~~substance,~~ shall not operate a vehicle upon a highway or other
25 place open to the general public, including an area designated
26 for the parking of vehicles, within ~~the~~ THIS state ~~. A peace~~
27 ~~officer may, without a warrant, arrest a person when the peace~~

~~1 officer has reasonable cause to believe that the person was, at~~
~~2 the time of an accident, the driver of a vehicle involved in the~~
~~3 accident and was operating the vehicle upon a public highway or~~
~~4 other place open to the general public, including an area desig-~~
~~5 nated for the parking of vehicles, in the state while in viola-~~
~~6 tion of this subsection or of subsection (2), or of a local ordi-~~
~~7 nance substantially corresponding to this subsection or subsec-~~
~~8 tion (2).~~ IF EITHER OF THE FOLLOWING APPLIES:

9 (A) THE PERSON IS UNDER THE INFLUENCE OF INTOXICATING LIQUOR
10 OR A CONTROLLED SUBSTANCE, OR A COMBINATION OF INTOXICATING
11 LIQUOR AND A CONTROLLED SUBSTANCE.

12 (B) THE PERSON HAS A BLOOD ALCOHOL CONTENT OF 0.10% OR MORE
13 BY WEIGHT OF ALCOHOL.

14 ~~(2) A person, whether licensed or not, whose blood contains~~
15 ~~0.10% or more by weight of alcohol, shall not operate a vehicle~~
16 ~~upon a highway or other place open to the general public, includ-~~
17 ~~ing an area designated for the parking of vehicles, within the~~
18 ~~state.~~

19 (2) ~~(3)~~ The owner of a vehicle or a person in charge or in
20 control of a vehicle shall not authorize or knowingly permit the
21 vehicle to be operated upon a highway or other place open to the
22 general public, including an area designated for the parking of
23 motor vehicles, within ~~the~~ THIS state by a person who is under
24 the influence of intoxicating liquor or a controlled substance,
25 or a combination of intoxicating liquor and a controlled
26 substance, OR WHO HAS A BLOOD ALCOHOL CONTENT OF 0.10% OR MORE BY
27 WEIGHT OF ALCOHOL.

1 (3) A PERSON, WHETHER LICENSED OR NOT, SHALL NOT OPERATE A
2 VEHICLE UPON A HIGHWAY OR OTHER PLACE OPEN TO THE GENERAL PUBLIC
3 INCLUDING AN AREA DESIGNATED FOR THE PARKING OF VEHICLES WITHIN
4 THIS STATE WHEN, DUE TO THE CONSUMPTION OF AN INTOXICATING
5 LIQUOR, A CONTROLLED SUBSTANCE, OR A COMBINATION OF AN INTOXICAT-
6 ING LIQUOR AND A CONTROLLED SUBSTANCE, THE PERSON'S ABILITY TO
7 OPERATE THE VEHICLE IS VISIBLY IMPAIRED. IF A PERSON IS CHARGED
8 WITH VIOLATING SUBSECTION (1), A FINDING OF GUILTY UNDER THIS
9 SUBSECTION MAY BE RENDERED.

10 (4) IF A PERSON IS CONVICTED OF VIOLATING SUBSECTION (1),
11 THE FOLLOWING SANCTIONS SHALL APPLY:

12 (A) ~~(4)~~ Except as otherwise provided in ~~this section, a~~
13 ~~person who is convicted of a violation of subsection (1), (2), or~~
14 ~~(3)~~ SUBDIVISIONS (B), (C), (D), AND (E), THE PERSON is guilty of
15 a misdemeanor ~~—~~ punishable by imprisonment for not more than 90
16 days, or a fine of not less than \$100.00 ~~nor~~ OR more than
17 \$500.00, or both. ~~—, together with costs of the prosecution. As~~
18 ~~part of the sentence for a violation of subsection (1) or (2),~~
19 ~~the court shall order the secretary of state to suspend the~~
20 ~~operator's or chauffeur's license of the person for a period of~~
21 ~~not less than 6 months nor more than 2 years. The court may~~
22 ~~order the secretary of state to issue to the person a restricted~~
23 ~~license permitting the person during all or a specified portion~~
24 ~~of the period of suspension to drive only to and from the~~
25 ~~person's residence and work location, in the course of the~~
26 ~~person's employment or occupation, to and from an alcohol or drug~~
27 ~~education program or treatment program as ordered by the court,~~

~~1 to and from the person's residence and an educational institution
2 at which the person is enrolled as a student; or pursuant to a
3 combination of these restrictions. The court may also order that
4 the restricted license include the requirement that a person
5 shall not operate a motor vehicle unless the vehicle is equipped
6 with a functioning certified ignition interlock device. The
7 device shall be set to render the motor vehicle inoperable if the
8 device detects 0.02% or more by weight of alcohol in the blood of
9 the person who offers a breath sample. The court may order
10 installation of a certified ignition interlock device on any
11 motor vehicle that the person owns or operates, the costs of
12 which shall be borne by the person whose license is restricted.
13 The court shall not order the secretary of state to issue a
14 restricted chauffeur's license which would permit a person to
15 operate a truck or truck tractor, including a trailer, which
16 hauls hazardous material. The court shall not order the secre-
17 tary of state to issue a restricted license unless the person
18 states under oath and the court finds that the person is unable
19 to take public transportation to and from his or her work loca-
20 tion, place of alcohol or drug education or treatment, or educa-
21 tional institution, and does not have any family members or
22 others able to provide transportation. The court order and
23 license shall indicate the person's work location and the
24 approved route or routes and permitted times of travel. For pur-
25 poses of this subsection, "work location" includes, as applica-
26 ble, either or both of the following:~~

~~(i) The specific place or places of employment.~~

~~(ii) The territory or territories regularly visited by the person in pursuance of the person's occupation.~~

(B) ~~(5) A person who violates subsection (1) or (2) or a local ordinance substantially corresponding to subsection (1) or (2)~~ IF THE VIOLATION OCCURS within 7 years of a prior

conviction, ~~may~~ THE PERSON SHALL, WHETHER OR NOT THE PERSON IS CONVICTED AS A MULTIPLE OFFENDER, be sentenced to PERFORM SERVICE TO THE COMMUNITY FOR A PERIOD OF NOT LESS THAN 10 DAYS OR MORE THAN 90 DAYS, OR TO imprisonment for not LESS THAN 48 CONSECUTIVE HOURS OR more than 1 year, ~~or~~ AND IN ADDITION, a fine of not LESS THAN \$200.00 OR more than \$1,000.00 ~~, or both~~ MAY BE IMPOSED. ~~As part of the sentence, the court shall order the secretary of state to revoke the operator's or chauffeur's license of the person. For purposes of this section, "prior conviction" means a conviction under subsection (1) or (2), a local ordinance substantially corresponding to subsection (1) or (2), or a law of another state substantially corresponding to subsection (1) or (2).~~ A PERSON SENTENCED TO PERFORM SERVICE TO THE COMMUNITY UNDER THIS SUBDIVISION SHALL NOT RECEIVE COMPENSATION, AND SHALL REIMBURSE THE STATE OR APPROPRIATE LOCAL UNIT OF GOVERNMENT FOR THE COST OF INSURANCE INCURRED BY THE STATE OR LOCAL UNIT OF GOVERNMENT AS A RESULT OF THE PERSON'S ACTIVITIES IN THIS SERVICE. A TERM OF IMPRISONMENT IMPOSED UNDER THIS SUBSECTION SHALL NOT BE SUSPENDED.

(C) ~~(6) A person who violates subsection (1) or (2) or a local ordinance substantially corresponding to subsection (1) or~~

1 ~~(2)~~ IF THE VIOLATION OCCURS within 10 years of 2 or more prior
2 convictions, ~~as defined in subsection (5),~~ THE PERSON is guilty
3 of a felony. ~~As part of the sentence, the court shall order the~~
4 ~~secretary of state to revoke the operator's or chauffeur's~~
5 ~~license of the person.~~ WHETHER OR NOT THE PERSON IS CONVICTED AS
6 A MULTIPLE OFFENDER, THE PERSON SHALL BE SENTENCED TO PERFORM
7 SERVICE TO THE COMMUNITY FOR A PERIOD OF NOT LESS THAN 10 DAYS OR
8 MORE THAN 90 DAYS, OR TO IMPRISONMENT FOR NOT LESS THAN 1 YEAR OR
9 MORE THAN 5 YEARS, AND IN ADDITION, A FINE OF NOT LESS THAN
10 \$500.00 OR MORE THAN \$2,500.00 MAY BE IMPOSED. A PERSON SEN-
11 TENCED TO PERFORM SERVICE TO THE COMMUNITY UNDER THIS SUBDIVISION
12 SHALL NOT RECEIVE COMPENSATION, AND SHALL REIMBURSE THE STATE OR
13 APPROPRIATE LOCAL UNIT OF GOVERNMENT FOR THE COST OF INSURANCE
14 INCURRED BY THE STATE OR LOCAL UNIT OF GOVERNMENT AS A RESULT OF
15 THE PERSON'S ACTIVITIES IN THIS SERVICE. A TERM OF IMPRISONMENT
16 IMPOSED UNDER THIS SUBSECTION SHALL NOT BE SUSPENDED.

17 ~~(7) As part of the sentence for a violation of subsection~~
18 ~~(1) or (2), or a local ordinance substantially corresponding to~~
19 ~~subsection (1) or (2), the court may order the person to perform~~
20 ~~service to the community, as designated by the court, without~~
21 ~~compensation, for a period not to exceed 12 days. The person~~
22 ~~shall reimburse the state or appropriate local unit of government~~
23 ~~for the cost of insurance incurred by the state or local unit of~~
24 ~~government as a result of the person's activities under this~~
25 ~~subsection.~~

26 ~~(8) Before imposing sentence for a violation of subsection~~
27 ~~(1) or (2) or a local ordinance substantially corresponding to~~

~~1 subsection (1) or (2), the court shall order the person to
2 undergo screening and assessment by a person or agency designated
3 by the office of substance abuse services, to determine whether
4 the person is likely to benefit from rehabilitative services,
5 including alcohol or drug education and alcohol or drug treatment
6 programs. As part of the sentence, the court may order the
7 person to participate in and successfully complete 1 or more
8 appropriate rehabilitative programs. The person shall pay for
9 the costs of the screening, assessment, and rehabilitative
10 services.~~

~~11 (9) Before accepting a plea of guilty under this section,
12 the court shall advise the accused of the statutory consequences
13 possible as the result of a plea of guilty in respect to suspen-
14 sion or revocation of an operator's or chauffeur's license, the
15 penalty imposed for violation of this section, and the limitation
16 on the right of appeal.~~

~~17 (10) The operator's or chauffeur's license of a person found
18 guilty of violating subsection (1) or (2), or a local ordinance
19 substantially corresponding to subsection (1) or (2), shall be
20 surrendered to the court in which the person was convicted, and
21 the court shall immediately forward the surrendered license and
22 an abstract of conviction to the secretary of state. The
23 abstract of conviction shall indicate the sentence imposed. Upon
24 receipt of, and pursuant to the abstract of conviction, the sec-
25 retary of state shall suspend or revoke the person's license and,
26 if ordered by the court and the person is otherwise eligible for
27 a license, issue to the person a restricted license stating the~~

~~1 limited driving privileges indicated on the abstract. If the
2 license is not forwarded to the secretary of state, an explana-
3 tion of the reason why the license is absent shall be attached.
4 If the conviction is appealed to circuit court, that court may,
5 ex parte, order the secretary of state to rescind the suspension,
6 revocation, or restricted license issued pursuant to this
7 section.~~

8 (D) IF THE VIOLATION RESULTS IN THE DEATH OF ANOTHER PERSON,
9 THE VIOLATOR IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR
10 NOT MORE THAN 15 YEARS OR A FINE OF NOT LESS THAN \$2,500.00 OR
11 MORE THAN \$10,000.00, OR BOTH.

12 (E) IF THE VIOLATION RESULTS IN SERIOUS INJURY LESS THAN
13 DEATH TO ANOTHER PERSON, THE VIOLATOR IS GUILTY OF A FELONY PUN-
14 ISHABLE BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR A FINE OF
15 NOT LESS THAN \$1,000.00 OR MORE THAN \$5,000.00, OR BOTH.

16 (F) IN ADDITION TO IMPOSING THE SANCTIONS PRESCRIBED UNDER
17 SUBDIVISIONS (A) TO (E), THE COURT MAY ORDER THE PERSON TO PAY
18 THE COSTS OF THE PROSECUTION.

19 (G) THE COURT SHALL IMPOSE LICENSE SANCTIONS PURSUANT TO
20 SECTION 625B.

21 (5) AS USED IN THIS SECTION, "SERIOUS INJURY" MEANS AN
22 INJURY THAT WILL PREVENT THE INDIVIDUAL FROM OPERATING MOTOR
23 VEHICLES FOR A PERIOD OF 1 YEAR.

24 (6) AS USED IN SUBSECTION (4), "PRIOR CONVICTION" MEANS 1 OR
25 MORE OF THE FOLLOWING:

26 (A) A CONVICTION FOR OPERATING A MOTOR VEHICLE UNDER THE
27 INFLUENCE OF INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE, OR A

1 COMBINATION OF INTOXICATING LIQUOR AND A CONTROLLED SUBSTANCE IN
2 VIOLATION OF A LAW OF THIS STATE, A LOCAL ORDINANCE SUBSTANTIALLY
3 CORRESPONDING TO A LAW OF THIS STATE, OR A LAW OF ANOTHER STATE
4 SUBSTANTIALLY CORRESPONDING TO A LAW OF THIS STATE.

5 (B) A CONVICTION FOR OPERATING A MOTOR VEHICLE WHILE HAVING
6 A BLOOD ALCOHOL CONTENT OF 0.10% OR MORE BY WEIGHT OF ALCOHOL IN
7 VIOLATION OF A LAW OF THIS STATE, A LOCAL ORDINANCE SUBSTANTIALLY
8 CORRESPONDING TO A LAW OF THIS STATE, OR A LAW OF ANOTHER STATE
9 SUBSTANTIALLY CORRESPONDING TO A LAW OF THIS STATE.

10 (7) A PERSON WHO IS CONVICTED OF VIOLATING SUBSECTION (2) IS
11 GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE
12 THAN 90 DAYS OR A FINE OF NOT LESS THAN \$100.00 OR MORE THAN
13 \$500.00, OR BOTH. AS A PART OF THE SENTENCE FOR THE CONVICTION,
14 THE COURT MAY ORDER THE PERSON CONVICTED TO PERFORM SERVICE TO
15 THE COMMUNITY FOR A PERIOD OF NOT LESS THAN 10 DAYS OR MORE THAN
16 90 DAYS. A PERSON SENTENCED TO PERFORM SERVICE TO THE COMMUNITY
17 UNDER THIS SUBSECTION SHALL NOT RECEIVE COMPENSATION, AND SHALL
18 REIMBURSE THE STATE OR APPROPRIATE LOCAL UNIT OF GOVERNMENT FOR
19 THE COST OF INSURANCE INCURRED BY THE STATE OR LOCAL UNIT OF GOV-
20 ERNMENT AS A RESULT OF THE PERSON'S ACTIVITIES IN THIS SERVICE.

21 (8) IF A PERSON IS CONVICTED OF VIOLATING SUBSECTION (3),
22 THE FOLLOWING SANCTIONS SHALL APPLY:

23 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION (B), THE
24 PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY SERVICE TO THE
25 COMMUNITY FOR A PERIOD OF NOT LESS THAN 10 DAYS OR MORE THAN
26 90 DAYS, OR IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF
27 NOT MORE THAN \$300.00, OR BOTH.

1 (B) IF THE VIOLATION OCCURS WITHIN 10 YEARS OF 1 OR MORE
2 PRIOR CONVICTIONS, THE PERSON MAY BE SENTENCED TO PERFORM SERVICE
3 TO THE COMMUNITY FOR A PERIOD OF NOT LESS THAN 10 DAYS OR MORE
4 THAN 90 DAYS, OR TO IMPRISONMENT FOR NOT MORE THAN 1 YEAR, OR A
5 FINE OF NOT LESS THAN \$200.00 OR MORE THAN \$1,000.00, OR BOTH.

6 (C) IN ADDITION TO IMPOSING THE SANCTIONS PRESCRIBED IN
7 SUBDIVISION (A) OR (B), THE COURT MAY ORDER THE PERSON TO PAY THE
8 COSTS OF THE PROSECUTION.

9 (D) THE COURT SHALL ORDER THE SECRETARY OF STATE TO IMPOSE
10 LICENSE SANCTIONS PURSUANT TO SECTION 625B.

11 (E) A PERSON SENTENCED TO PERFORM SERVICE TO THE COMMUNITY
12 UNDER THIS SUBDIVISION SHALL NOT RECEIVE COMPENSATION, AND SHALL
13 REIMBURSE THE STATE OR APPROPRIATE LOCAL UNIT OF GOVERNMENT FOR
14 THE COST OF INSURANCE INCURRED BY THE STATE OR LOCAL UNIT OF GOV-
15 ERNMENT AS A RESULT OF THE PERSON'S ACTIVITIES IN THIS SERVICE.

16 (9) AS USED IN SUBSECTION (8), "PRIOR CONVICTION" MEANS A
17 CONVICTION FOR 1 OR MORE OF THE FOLLOWING:

18 (A) OPERATING A MOTOR VEHICLE UNDER THE INFLUENCE OF INTOXI-
19 CATING LIQUOR OR A CONTROLLED SUBSTANCE, OR A COMBINATION OF
20 INTOXICATING LIQUOR AND A CONTROLLED SUBSTANCE IN VIOLATION OF A
21 LAW OF THIS STATE, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING
22 TO A LAW OF THIS STATE, OR A LAW OF ANOTHER STATE SUBSTANTIALLY
23 CORRESPONDING TO A LAW OF THIS STATE.

24 (B) OPERATING A MOTOR VEHICLE WHILE HAVING A BLOOD ALCOHOL
25 CONTENT OF 0.10% OR MORE BY WEIGHT OF ALCOHOL IN VIOLATION OF A
26 LAW OF THIS STATE, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING

1 TO A LAW OF THIS STATE, OR A LAW OF ANOTHER STATE SUBSTANTIALLY
2 CORRESPONDING TO A LAW OF THIS STATE.

3 (C) OPERATING A MOTOR VEHICLE WHILE VISIBLY IMPAIRED DUE TO
4 THE CONSUMPTION OF INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE,
5 OR A COMBINATION OF INTOXICATING LIQUOR AND A CONTROLLED SUB-
6 STANCE IN VIOLATION OF A LAW OF THIS STATE, A LOCAL ORDINANCE
7 SUBSTANTIALLY CORRESPONDING TO A LAW OF THIS STATE, OR A LAW OF
8 ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO A LAW OF THIS STATE.

9 Sec. 625a. (1) A PEACE OFFICER, WITHOUT A WARRANT, MAY
10 ARREST A PERSON WHEN THE PEACE OFFICER HAS REASONABLE CAUSE TO
11 BELIEVE THAT THE PERSON WAS, AT THE TIME OF AN ACCIDENT, THE
12 OPERATOR OF A VEHICLE INVOLVED IN THE ACCIDENT IN THIS STATE
13 WHILE IN VIOLATION OF SECTION 625(1), (3), OR (4)(D) OR (E), OR
14 OF A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION
15 625(1), (3), OR (4)(D) OR (E).

16 (2) A PEACE OFFICER WHO HAS REASONABLE CAUSE TO BELIEVE THAT
17 A PERSON WAS OPERATING A VEHICLE IN VIOLATION OF SECTION 625(1),
18 (3), OR (4)(D) OR (E) MAY REQUIRE THE PERSON TO SUBMIT TO A PRE-
19 LIMINARY CHEMICAL BREATH ANALYSIS. THE FOLLOWING PROVISIONS
20 SHALL APPLY WITH RESPECT TO A PRELIMINARY CHEMICAL BREATH
21 ANALYSIS:

22 (A) A PEACE OFFICER MAY ARREST A PERSON BASED IN WHOLE OR IN
23 PART UPON THE RESULTS OF A PRELIMINARY CHEMICAL BREATH ANALYSIS.

24 (B) THE RESULTS OF A PRELIMINARY CHEMICAL BREATH ANALYSIS
25 ARE ADMISSIBLE IN A CRIMINAL PROSECUTION FOR A CRIME ENUMERATED
26 IN SUBSECTION (3)(A) OR IN AN ADMINISTRATIVE HEARING SOLELY TO
27 ASSIST THE COURT OR HEARING OFFICER IN DETERMINING A CHALLENGE TO

1 THE VALIDITY OF AN ARREST. THIS SUBDIVISION DOES NOT LIMIT THE
2 INTRODUCTION OF OTHER COMPETENT EVIDENCE OFFERED TO ESTABLISH THE
3 VALIDITY OF AN ARREST.

4 (C) A PERSON WHO SUBMITS TO A PRELIMINARY CHEMICAL BREATH
5 ANALYSIS SHALL REMAIN SUBJECT TO THE REQUIREMENTS OF SUBSECTION
6 (3) AND SECTIONS 625C, 625D, AND 625F FOR THE PURPOSES OF CHEMI-
7 CAL TESTS DESCRIBED IN THOSE SECTIONS.

8 (D) A PERSON WHO REFUSES TO SUBMIT TO A PRELIMINARY CHEMICAL
9 BREATH ANALYSIS UPON A LAWFUL REQUEST BY A PEACE OFFICER IS
10 RESPONSIBLE FOR A CIVIL INFRACTION.

11 (3) THE FOLLOWING PROVISIONS APPLY WITH RESPECT TO CHEMICAL
12 TESTS AND ANALYSIS OF A PERSON'S BLOOD, URINE, OR BREATH, OTHER
13 THAN PRELIMINARY CHEMICAL BREATH ANALYSIS:

14 (A) ~~+(+)~~ The amount of alcohol or presence of a controlled
15 substance or both in ~~the~~ A driver's blood at the time alleged
16 as shown by chemical analysis of the person's blood, urine, or
17 breath ~~shall be~~ IS admissible into evidence in ~~a criminal~~
18 ~~prosecution for~~ any of the following PROCEEDINGS:

19 (i) ~~+(a)~~ A CRIMINAL PROSECUTION FOR A violation of section
20 625(1), (2), ~~or~~ (3), or ~~625b~~ OR (4)(D) OR (E), or of a local
21 ordinance substantially corresponding to section 625(1), (2),
22 ~~or~~ (3), or ~~625b~~ (4)(D) OR (E).

23 (ii) ~~+(b) Felonious~~ A CRIMINAL PROSECUTION FOR FELONIOUS
24 driving, negligent homicide, ~~or~~ manslaughter, OR MURDER result-
25 ing from the operation of a motor vehicle while the driver is
26 alleged to have been impaired by or under the influence of
27 intoxicating liquor or a controlled substance or a combination of

1 intoxicating liquor and a controlled substance, or to have had a
2 blood alcohol content of 0.10% or more by weight of alcohol.

3 ~~(2) If a test is given, the results of the test shall be~~
4 ~~made available to the person charged or the person's attorney~~
5 ~~upon written request to the prosecution, with a copy of the~~
6 ~~request filed with the court. The prosecution shall furnish the~~
7 ~~report at least 2 days before the day of the trial and the~~
8 ~~results shall be offered as evidence by the prosecution in a~~
9 ~~criminal proceeding. Failure to fully comply with the request~~
10 ~~shall bar the admission of the results into evidence by the~~
11 ~~prosecution.~~

12 ~~(3) Except in a prosecution relating solely to a violation~~
13 ~~of section 625(2), the amount of alcohol in the driver's blood at~~
14 ~~the time alleged as shown by chemical analysis of the person's~~
15 ~~blood, urine, or breath shall give rise to the following~~
16 ~~presumptions:~~

17 ~~(a) If there was at the time 0.07% or less by weight of~~
18 ~~alcohol in the defendant's blood, it shall be presumed that the~~
19 ~~defendant was not under the influence of intoxicating liquor.~~

20 ~~(b) If there was at the time in excess of 0.07% but less~~
21 ~~than 0.10% by weight of alcohol in the defendant's blood, it~~
22 ~~shall be presumed that the defendant's ability to operate a vehi-~~
23 ~~cle was impaired within the provisions of section 625b due to the~~
24 ~~consumption of intoxicating liquor.~~

25 ~~(c) If there was at the time 0.10% or more by weight of~~
26 ~~alcohol in the defendant's blood, it shall be presumed that the~~
27 ~~defendant was under the influence of intoxicating liquor.~~

1 (B) A PERSON ARRESTED FOR A CRIME DESCRIBED IN SUBDIVISION
2 (A), SHALL BE ADVISED OF ALL OF THE FOLLOWING:

3 (i) THAT IF HE OR SHE TAKES A CHEMICAL TEST OF HIS OR HER
4 BLOOD, URINE, OR BREATH ADMINISTERED AT THE REQUEST OF A PEACE
5 OFFICER, HE OR SHE HAS THE RIGHT TO DEMAND THAT A PERSON OF HIS
6 OR HER OWN CHOOSING ADMINISTER 1 OF THE CHEMICAL TESTS; THAT THE
7 RESULTS OF THE TEST ARE ADMISSIBLE IN A JUDICIAL OR ADMINISTRA-
8 TIVE PROCEEDING AS PROVIDED UNDER THIS ACT, AND SHALL BE CONSID-
9 ERED WITH OTHER COMPETENT EVIDENCE IN DETERMINING THE INNOCENCE
10 OR GUILT OR THE ADMINISTRATIVE RESPONSIBILITY OF THE DEFENDANT;
11 AND THAT HE OR SHE IS RESPONSIBLE FOR OBTAINING A CHEMICAL ANALY-
12 SIS OF A TEST SAMPLE OBTAINED PURSUANT TO HIS OR HER OWN
13 REQUEST.

14 (ii) THAT IF THE PERSON REFUSES THE REQUEST OF A PEACE OFFI-
15 CER TO TAKE A TEST DESCRIBED IN SUBPARAGRAPH (i), A TEST SHALL
16 NOT BE GIVEN WITHOUT A COURT ORDER.

17 (iii) THAT THE PERSON'S REFUSAL OF THE REQUEST OF A PEACE
18 OFFICER TO TAKE A TEST DESCRIBED IN SUBPARAGRAPH (i) SHALL RESULT
19 IN THE SUSPENSION OF HIS OR HER OPERATOR'S OR CHAUFFEUR'S LICENSE
20 OR OPERATING PRIVILEGE, AND IN THE ADDITION OF 6 POINTS TO HIS OR
21 HER DRIVER RECORD.

22 (C) ~~-(4)-~~ A sample or specimen of urine or breath shall be
23 taken and collected in a reasonable manner. Only a licensed phy-
24 sician, or a licensed nurse or medical technician under the
25 direction of a licensed physician and qualified to withdraw blood
26 acting in a medical environment, at the request of a peace
27 officer, may withdraw blood for the purpose of determining the

1 amount of alcohol or presence of a controlled substance or both
2 in the person's blood, as provided in this ~~act~~ SUBSECTION.
3 Liability ~~for a crime or civil damages predicated on the act of~~
4 withdrawing OR ANALYZING blood and related procedures shall not
5 attach to a qualified person who withdraws OR ANALYZES blood or
6 assists in the withdrawal OR ANALYSIS in accordance with this act
7 unless the withdrawal OR ANALYSIS is performed in a negligent
8 manner.

9 (D) ~~(5) The tests~~ A CHEMICAL TEST DESCRIBED IN THIS
10 SUBSECTION shall be administered at the request of a peace offi-
11 cer having reasonable grounds to believe the person has committed
12 a crime described in ~~subsection (1)~~ SUBDIVISION (A). A person
13 who takes a chemical test administered at the request of a peace
14 officer, as provided in this section, shall be given a reasonable
15 opportunity to have a person of his or her own choosing adminis-
16 ter 1 of the chemical tests described in this ~~section~~
17 SUBSECTION within a reasonable time after his or her detention,
18 and the results of the test shall be admissible and shall be con-
19 sidered with other competent evidence in determining the inno-
20 cence or guilt of the defendant. If the person charged is admin-
21 istered a chemical test by a person of his or her own choosing,
22 the person charged shall be responsible for obtaining a chemical
23 analysis of the test sample. ~~The person charged shall be~~
24 ~~informed that he or she has the right to demand that a person of~~
25 ~~his or her choosing administer 1 of the tests provided for in~~
26 ~~subsection (1), that the results of the test shall be admissible~~
27 ~~and shall be considered with other competent evidence in~~

~~1 determining the innocence or guilt of the defendant, and that the~~
~~2 person charged shall be responsible for obtaining a chemical~~
~~3 analysis of the test sample.~~

~~4 (6) The person charged shall be advised that if the person~~
~~5 refuses the request of a peace officer to take a test described~~
~~6 in this section, a test shall not be given without a court~~
~~7 order. The person charged shall also be advised that the~~
~~8 person's refusal of the request of a peace officer to take a test~~
~~9 described in this section shall result in the suspension of his~~
~~10 or her operator's or chauffeur's license or operating privilege,~~
~~11 and in the addition of 6 points to his or her driver record.~~

~~12 (7) This section shall not be construed as limiting the~~
~~13 introduction of any other competent evidence bearing upon the~~
~~14 question of whether or not the person was impaired by or under~~
~~15 the influence of intoxicating liquor or a controlled substance,~~
~~16 or a combination of intoxicating liquor and a controlled sub-~~
~~17 stance, or whether the person had a blood alcohol content of~~
~~18 0.10% or more by weight of alcohol.~~

~~19 (8) If a jury instruction regarding a defendant's refusal to~~
~~20 submit to a chemical test under this section is requested by the~~
~~21 prosecution or the defendant, the jury instruction shall be given~~
~~22 as follows:~~

~~23 "Evidence was admitted in this case which, if believed by~~
~~24 the jury, could prove that the defendant had exercised his or her~~
~~25 right to refuse a chemical test. You are instructed that such a~~
~~26 refusal is within the statutory rights of the defendant and is~~

1 ~~not evidence of his guilt. You are not to consider such a~~
2 ~~refusal in determining the guilt or innocence of the defendant."~~

3 (E) ~~-(9)-~~ If, after an accident, the driver of a vehicle
4 involved in the accident is transported to a medical facility and
5 a sample of the driver's blood is withdrawn at that time for the
6 purpose of medical treatment, the results of a chemical analysis
7 of that sample shall be admissible in a criminal prosecution for
8 a crime described in ~~subsection -(1)-~~ SUBDIVISION (A) to show the
9 amount of alcohol or presence of a controlled substance or both
10 in the person's blood at the time alleged, regardless of whether
11 the person had been offered or had refused a chemical test. The
12 medical facility or person performing the chemical analysis shall
13 disclose the results of the analysis to a prosecuting attorney
14 who requests the results for use in a criminal prosecution OR
15 ADMINISTRATIVE PROCEEDING as provided in this ~~subsection-~~
16 SUBDIVISION. A medical facility or person disclosing information
17 in compliance with this subsection shall not be civilly or crimi-
18 nally liable for making the disclosure.

19 (F) ~~-(10)-~~ If, after ~~a highway~~ AN accident, the driver of
20 a vehicle involved in the accident is deceased, a sample of the
21 decedent's blood shall be withdrawn in a manner directed by the
22 medical examiner for the purpose of determining ~~blood-~~ THE
23 AMOUNT OF alcohol ~~-content-~~ or THE presence of a controlled sub-
24 stance, or both, IN THE DECEDENT'S BLOOD. THE MEDICAL EXAMINER
25 SHALL GIVE THE RESULTS OF THE CHEMICAL ANALYSIS OF THE SAMPLE TO
26 THE LAW ENFORCEMENT AGENCY INVESTIGATING THE ACCIDENT, AND THAT

1 AGENCY SHALL FORWARD THE RESULTS TO THE DEPARTMENT OF STATE
2 POLICE.

3 (G) THE DEPARTMENT OF STATE POLICE MAY PROMULGATE UNIFORM
4 RULES FOR THE ADMINISTRATION OF CHEMICAL TESTS FOR THE PURPOSES
5 OF THIS SECTION.

6 (4) BEFORE ACCEPTING A PLEA OF GUILTY UNDER SECTION 625, THE
7 COURT SHALL ADVISE THE ACCUSED OF THE MAXIMUM POSSIBLE TERM OF
8 IMPRISONMENT, THE MAXIMUM POSSIBLE FINE, AND THE MAXIMUM POSSIBLE
9 LICENSE SANCTIONS THAT MAY BE IMPOSED FOR VIOLATION OF THAT
10 SECTION.

11 (5) THE PROVISIONS OF SUBSECTION (3) RELATING TO CHEMICAL
12 TESTING DO NOT LIMIT THE INTRODUCTION OF ANY OTHER COMPETENT EVI-
13 DENCE BEARING UPON THE QUESTION OF WHETHER OR NOT A PERSON WAS
14 IMPAIRED BY, OR UNDER THE INFLUENCE OF, INTOXICATING LIQUOR OR A
15 CONTROLLED SUBSTANCE, OR A COMBINATION OF INTOXICATING LIQUOR AND
16 A CONTROLLED SUBSTANCE, WHETHER THE PERSON HAD A BLOOD ALCOHOL
17 CONTENT OF 0.10% OR MORE BY WEIGHT OF ALCOHOL.

18 (6) IF A CHEMICAL TEST DESCRIBED IN SUBSECTION (3) IS ADMIN-
19 ISTERED, THE RESULTS OF THE TEST SHALL BE MADE AVAILABLE TO THE
20 PERSON CHARGED OR THE PERSON'S ATTORNEY UPON WRITTEN REQUEST TO
21 THE PROSECUTION, WITH A COPY OF THE REQUEST FILED WITH THE
22 COURT. THE PROSECUTION SHALL FURNISH THE REPORT AT LEAST 2 DAYS
23 BEFORE THE DAY OF THE TRIAL. THE RESULTS OF THE TEST SHALL BE
24 OFFERED AS EVIDENCE BY THE PROSECUTION IN THAT TRIAL. FAILURE TO
25 FULLY COMPLY WITH THE REQUEST SHALL BAR THE ADMISSION OF THE
26 RESULTS INTO EVIDENCE BY THE PROSECUTION.

1 (7) EXCEPT IN A PROSECUTION RELATING SOLELY TO A VIOLATION
2 OF SECTION 625(1)(B), THE AMOUNT OF ALCOHOL IN THE DRIVER'S BLOOD
3 AT THE TIME ALLEGED AS SHOWN BY CHEMICAL ANALYSIS OF THE PERSON'S
4 BLOOD, URINE, OR BREATH SHALL GIVE RISE TO THE FOLLOWING
5 PRESUMPTIONS:

6 (A) IF THERE WAS AT THE TIME 0.07% OR LESS BY WEIGHT OF
7 ALCOHOL IN THE DEFENDANT'S BLOOD, IT SHALL BE PRESUMED THAT THE
8 DEFENDANT'S ABILITY TO OPERATE A MOTOR VEHICLE WAS NOT IMPAIRED
9 DUE TO THE CONSUMPTION OF INTOXICATING LIQUOR, AND THAT THE
10 DEFENDANT WAS NOT UNDER THE INFLUENCE OF INTOXICATING LIQUOR.

11 (B) IF THERE WAS AT THE TIME IN EXCESS OF 0.07% BUT LESS
12 THAN 0.10% BY WEIGHT OF ALCOHOL IN THE DEFENDANT'S BLOOD, IT
13 SHALL BE PRESUMED THAT THE DEFENDANT'S ABILITY TO OPERATE A VEHI-
14 CLE WAS IMPAIRED WITHIN THE PROVISIONS OF SECTION 625(3) DUE TO
15 THE CONSUMPTION OF INTOXICATING LIQUOR.

16 (C) IF THERE WAS AT THE TIME 0.10% OR MORE BY WEIGHT OF
17 ALCOHOL IN THE DEFENDANT'S BLOOD, IT SHALL BE PRESUMED THAT THE
18 DEFENDANT WAS UNDER THE INFLUENCE OF INTOXICATING LIQUOR.

19 (8) A PERSON'S REFUSAL TO SUBMIT TO A CHEMICAL TEST AS PRO-
20 VIDED IN SUBSECTION (3) SHALL BE ADMISSIBLE IN A CRIMINAL PROSE-
21 CUTION FOR A CRIME DESCRIBED IN SUBSECTION(3)(A) ONLY FOR THE
22 PURPOSE OF SHOWING THAT A TEST WAS OFFERED TO THE DEFENDANT, BUT
23 NOT AS EVIDENCE IN DETERMINING INNOCENCE OR GUILT OF THE
24 DEFENDANT. THE JURY SHALL BE INSTRUCTED ACCORDINGLY.

25 Sec. 625b. ~~{+} A person shall not operate a vehicle upon a~~
26 ~~highway or other place open to the general public, including an~~
27 ~~area designated for the parking of vehicles, within the state~~

1 ~~when, due to the consumption of an intoxicating liquor, a~~
2 ~~controlled substance, or a combination of an intoxicating liquor~~
3 ~~and a controlled substance, the person has visibly impaired his~~
4 ~~or her ability to operate the vehicle. If a person is charged~~
5 ~~with violating section 625(1) or (2), a finding of guilty is per-~~
6 ~~missible under this section.~~

7 ~~(2) Except as otherwise provided in this section, a person~~
8 ~~convicted of a violation of this section is guilty of a misde-~~
9 ~~meanor, punishable by imprisonment for not more than 90 days, or~~
10 ~~a fine of not more than \$300.00, or both, together with costs of~~
11 ~~the prosecution. As part of the sentence, the court shall order~~
12 ~~the secretary of state to suspend the operator's or chauffeur's~~
13 ~~license of the person for a period of not less than 90 days nor~~
14 ~~more than 1 year. The court may order the secretary of state to~~
15 ~~issue to the person a restricted license permitting the person~~
16 ~~during all or a specified portion of the period of suspension to~~
17 ~~drive only to and from the person's residence and work location,~~
18 ~~in the course of the person's employment or occupation, to and~~
19 ~~from an alcohol or drug education program or treatment program as~~
20 ~~ordered by the court, to and from the person's residence and an~~
21 ~~educational institution at which the person is enrolled as a stu-~~
22 ~~dent, or pursuant to a combination of these restrictions. The~~
23 ~~court may also order that the restricted license include the~~
24 ~~requirement that a person shall not operate a motor vehicle~~
25 ~~unless the vehicle is equipped with a functioning certified igni-~~
26 ~~tion interlock device. The device shall be set to render the~~
27 ~~motor vehicle inoperable if the device detects 0.02% or more by~~

~~1 weight of alcohol in the blood of the person who offers a breath
2 sample. The court may order installation of a certified ignition
3 interlock device on any motor vehicle that the person owns or
4 operates, the costs of which shall be borne by the person whose
5 license is restricted. The court shall not order the secretary
6 of state to issue a restricted chauffeur's license which would
7 permit a person to operate a truck or truck tractor, including a
8 trailer, which hauls hazardous material. The court shall not
9 order the secretary of state to issue a restricted license unless
10 the person states under oath and the court finds that the person
11 is unable to take public transportation to and from his or her
12 work location, place of alcohol or drug education or treatment,
13 or educational institution, and does not have any family members
14 or others able to provide transportation. The court order and
15 license shall indicate the person's work location and the
16 approved route or routes and permitted times of travel. For pur-
17 poses of this subsection, "work location" includes, as applica-
18 ble, either or both of the following:~~

- ~~19 (i) The specific place or places of employment.
20 (ii) The territory or territories regularly visited by the
21 person in pursuance of the person's occupation.
22 (3) A person who violates this section or a local ordinance
23 substantially corresponding to this section within 7 years of a
24 prior conviction may be sentenced to imprisonment for not more
25 than 1 year, or a fine of not more than \$1,000.00, or both. As
26 part of the sentence, the court shall order the secretary of
27 state to suspend the operator's or chauffeur's license of the~~

1 ~~person for a period of not less than 6 months nor more than 18~~
2 ~~months. The court may order the secretary of state to issue to~~
3 ~~the person a restricted license as provided in subsection (2),~~
4 ~~except that a restricted license shall not be issued during the~~
5 ~~first 60 days of the suspension period. For purposes of this~~
6 ~~section, "prior conviction" means a conviction under this sec-~~
7 ~~tion, section 625(1) or (2), a local ordinance substantially cor-~~
8 ~~responding to this section or section 625(1) or (2), or a law of~~
9 ~~another state substantially corresponding to this section or sec-~~
10 ~~tion 625(1) or (2).~~

11 ~~(4) A person who violates this section, or a local ordinance~~
12 ~~substantially corresponding to this section, within 10 years of 2~~
13 ~~or more prior convictions, as defined in subsection (3), may be~~
14 ~~sentenced as provided in subsection (3), except that as part of~~
15 ~~the sentence the court shall order the secretary of state to~~
16 ~~revoke the operator's or chauffeur's license of the person.~~

17 ~~(5) As part of the sentence for a violation of this section~~
18 ~~or a local ordinance substantially corresponding to this section,~~
19 ~~the court may order the person to perform service to the communi-~~
20 ~~ty, as designated by the court, without compensation, for a~~
21 ~~period not to exceed 12 days. The person shall reimburse the~~
22 ~~state or appropriate local unit of government for the cost of~~
23 ~~insurance incurred by the state or local unit of government as a~~
24 ~~result of the person's activities under this subsection.~~

25 ~~(1) (6) Before imposing sentence, OTHER THAN COURT-ORDERED~~
26 ~~LICENSE SANCTIONS, for a violation of this section 625(1) OR~~
27 ~~(3) or a local ordinance substantially corresponding to this~~

1 section 625(1) OR (3), the court shall order the person to
2 undergo screening and assessment by a person or agency designated
3 by the office of substance abuse services, to determine whether
4 the person is likely to benefit from rehabilitative services,
5 including alcohol or drug education and alcohol or drug treatment
6 programs. As part of the sentence, the court may order the
7 person to participate in and successfully complete 1 or more
8 appropriate rehabilitative programs. The person shall pay for
9 the costs of the screening, assessment, and rehabilitative
10 services.

11 ~~(7) Before accepting a plea of guilty under this section,~~
12 ~~the court shall advise the accused of the statutory consequences~~
13 ~~possible as a result of a plea of guilty in respect to suspension~~
14 ~~or revocation of an operator's or chauffeur's license, the pen-~~
15 ~~alty imposed for violation of this section, and the limitation on~~
16 ~~the right of appeal.~~

17 ~~(8) The operator's or chauffeur's license of a person found~~
18 ~~guilty of violating this section, or a local ordinance substan-~~
19 ~~tially corresponding to this section, shall be surrendered to the~~
20 ~~court in which the person was convicted. The court shall immedi-~~
21 ~~ately forward the surrendered license and an abstract of convic-~~
22 ~~tion to the secretary of state. The abstract of conviction shall~~
23 ~~indicate the sentence imposed. Upon receipt of and pursuant to~~
24 ~~the abstract of conviction, the secretary of state shall suspend~~
25 ~~or revoke the person's license and, if ordered by the court and~~
26 ~~the person is otherwise eligible for a license, issue to the~~
27 ~~person a restricted license stating the limited driving~~

~~1 privileges indicated on the abstract. If the license is not
2 forwarded to the secretary of state, an explanation of the reason
3 why the license is absent shall be attached. If the conviction
4 is appealed to circuit court, that court may, ex parte, order the
5 secretary of state to rescind the suspension, revocation, or
6 restricted license issued pursuant to this section.~~

7 (2) A PERSON ARRESTED FOR A VIOLATION OF SECTION 625(1) OR
8 (3), OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO
9 SECTION 625(1) OR (3), SHALL BE ARRAIGNED ON THE CITATION, COM-
10 PLAIN, OR WARRANT NOT MORE THAN 10 DAYS AFTER THE DATE OF
11 ARREST. THE COURT SHALL SCHEDULE A PRETRIAL CONFERENCE BETWEEN
12 THE PROSECUTING ATTORNEY, THE DEFENDANT, AND THE DEFENDANT'S
13 ATTORNEY IN A CASE IN WHICH A PERSON IS CHARGED WITH A VIOLATION
14 OF SECTION 625(1) OR (3), OR A LOCAL ORDINANCE SUBSTANTIALLY COR-
15 RESPONDING TO SECTION 625(1) OR (3). THE PRETRIAL CONFERENCE
16 SHALL BE HELD NOT MORE THAN 40 DAYS AFTER THE DATE OF THE
17 PERSON'S ARREST FOR THE VIOLATION. THE COURT SHALL ORDER THE
18 DEFENDANT TO ATTEND THE PRETRIAL CONFERENCE.

19 (3) IMMEDIATELY UPON ACCEPTANCE BY THE COURT OF A PLEA OF
20 GUILTY OR NOLO CONTENDERE OR UPON ENTRY OF A VERDICT OF GUILTY
21 FOR A VIOLATION OF SECTION 625(1) OR (3), OR A LOCAL ORDINANCE
22 SUBSTANTIALLY CORRESPONDING TO SECTION 625(1) OR (3), WHETHER OR
23 NOT THE PERSON IS CONVICTED AS A MULTIPLE OFFENDER, THE COURT
24 SHALL CONSIDER ALL PRIOR CONVICTIONS CURRENTLY ENTERED UPON THE
25 MICHIGAN DRIVING RECORD OF THE PERSON, EXCEPT THOSE CONVICTIONS
26 WHICH, UPON MOTION BY THE DEFENDANT, ARE DETERMINED BY THE COURT

1 TO BE CONSTITUTIONALLY INVALID, AND SHALL IMPOSE THE FOLLOWING
2 SANCTIONS:

3 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION (B), FOR A
4 CONVICTION UNDER SECTION 625(1) OR A LOCAL ORDINANCE SUBSTAN-
5 Tially CORRESPONDING TO SECTION 625(1):

6 (i) IF THE COURT FINDS THAT THE PERSON HAS NO PRIOR CONVIC-
7 TIONS WITHIN 7 YEARS FOR OPERATING A MOTOR VEHICLE UNDER THE
8 INFLUENCE OF INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE, OR A
9 COMBINATION OF INTOXICATING LIQUOR AND A CONTROLLED SUBSTANCE IN
10 VIOLATION OF A LAW OF THIS STATE, A LOCAL ORDINANCE SUBSTANTIALLY
11 CORRESPONDING TO A LAW OF THIS STATE, OR A LAW OF ANOTHER STATE
12 SUBSTANTIALLY CORRESPONDING TO A LAW OF THIS STATE, OR FOR OPER-
13 ATING A MOTOR VEHICLE WHILE HAVING A BLOOD ALCOHOL CONTENT OF
14 0.10% OR MORE BY WEIGHT OF ALCOHOL IN VIOLATION OF A LAW OF THIS
15 STATE, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO A LAW OF
16 THIS STATE, OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING
17 TO A LAW OF THIS STATE, OR FOR OPERATING A MOTOR VEHICLE WHILE
18 VISIBLY IMPAIRED DUE TO THE CONSUMPTION OF INTOXICATING LIQUOR OR
19 A CONTROLLED SUBSTANCE, OR A COMBINATION OF INTOXICATING LIQUOR
20 AND A CONTROLLED SUBSTANCE IN VIOLATION OF A LAW OF THIS STATE, A
21 LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO A LAW OF THIS
22 STATE, OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO A
23 LAW OF THIS STATE, THE COURT SHALL ORDER THE SECRETARY OF STATE
24 TO SUSPEND THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF THE PERSON
25 FOR A PERIOD OF NOT LESS THAN 6 MONTHS OR MORE THAN 2 YEARS. THE
26 COURT MAY ORDER THE SECRETARY OF STATE TO ISSUE TO THE PERSON A
27 RESTRICTED LICENSE DURING ALL OR A SPECIFIED PORTION OF THE

1 PERIOD OF SUSPENSION, EXCEPT THAT A RESTRICTED LICENSE SHALL NOT
2 BE ISSUED DURING THE FIRST 30 DAYS OF THE PERIOD OF SUSPENSION.

3 (ii) IF THE COURT FINDS THAT THE PERSON HAS 1 PRIOR CONVIC-
4 TION WITHIN 7 YEARS FOR OPERATING A MOTOR VEHICLE WHILE VISIBLY
5 IMPAIRED DUE TO THE CONSUMPTION OF INTOXICATING LIQUOR OR A CON-
6 TROLLED SUBSTANCE, OR A COMBINATION OF INTOXICATING LIQUOR AND A
7 CONTROLLED SUBSTANCE IN VIOLATION OF A LAW OF THIS STATE, A LOCAL
8 ORDINANCE SUBSTANTIALLY CORRESPONDING TO A LAW OF THIS STATE, OR
9 A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO A LAW OF
10 THIS STATE, THE COURT SHALL ORDER THE SECRETARY OF STATE TO SUS-
11 PEND THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF THE PERSON FOR A
12 PERIOD OF NOT LESS THAN 6 MONTHS OR MORE THAN 2 YEARS. THE COURT
13 MAY ORDER THE SECRETARY OF STATE TO ISSUE TO THE PERSON A
14 RESTRICTED LICENSE DURING ALL OR ANY PORTION OF THE PERIOD OF
15 SUSPENSION, EXCEPT THAT A RESTRICTED LICENSE SHALL NOT BE ISSUED
16 DURING THE FIRST 60 DAYS OF THE PERIOD OF SUSPENSION.

17 (iii) IF THE COURT FINDS THAT THE PERSON HAS 1 OR MORE PRIOR
18 CONVICTIONS WITHIN 7 YEARS FOR OPERATING A MOTOR VEHICLE UNDER
19 THE INFLUENCE OF INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE,
20 OR A COMBINATION OF INTOXICATING LIQUOR AND A CONTROLLED SUB-
21 STANCE IN VIOLATION OF A LAW OF THIS STATE, A LOCAL ORDINANCE
22 SUBSTANTIALLY CORRESPONDING TO A LAW OF THIS STATE, OR A LAW OF
23 ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO A LAW OF THIS STATE,
24 OR FOR OPERATING A MOTOR VEHICLE WHILE HAVING A BLOOD ALCOHOL
25 CONTENT OF 0.10% OR MORE BY WEIGHT OF ALCOHOL IN VIOLATION OF A
26 LAW OF THIS STATE, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING
27 TO A LAW OF THIS STATE, OR A LAW OF ANOTHER STATE SUBSTANTIALLY

1 CORRESPONDING TO A LAW OF THIS STATE; OR THAT THE PERSON HAS 2 OR
2 MORE PRIOR CONVICTIONS WITHIN 7 YEARS FOR OPERATING A MOTOR VEHI-
3 CLE WHILE VISIBLY IMPAIRED DUE TO THE CONSUMPTION OF INTOXICATING
4 LIQUOR OR A CONTROLLED SUBSTANCE, OR A COMBINATION OF INTOXICAT-
5 ING LIQUOR AND A CONTROLLED SUBSTANCE IN VIOLATION OF A LAW OF
6 THIS STATE, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO A
7 LAW OF THIS STATE, OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRE-
8 SPONDING TO A LAW OF THIS STATE, THE COURT SHALL ORDER THE SECRE-
9 TARY OF STATE TO REVOKE THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF
10 THE PERSON AND SHALL NOT ORDER THE SECRETARY OF STATE TO ISSUE A
11 RESTRICTED LICENSE TO THE PERSON.

12 (B) FOR A CONVICTION UNDER SECTION 625(1) OR A LOCAL ORDI-
13 NANCE SUBSTANTIALLY CORRESPONDING TO SECTION 625(1) THAT IS PUN-
14 ISHABLE UNDER SECTION 625(4)(D) OR (E), THE COURT SHALL ORDER THE
15 SECRETARY OF STATE TO REVOKE THE OPERATOR'S OR CHAUFFEUR'S
16 LICENSE OF THE PERSON AND SHALL NOT ORDER THE SECRETARY OF STATE
17 TO ISSUE A RESTRICTED LICENSE TO THE PERSON.

18 (C) FOR A CONVICTION UNDER SECTION 625(3) OR A LOCAL ORDI-
19 NANCE SUBSTANTIALLY CORRESPONDING TO SECTION 625(3):

20 (i) IF THE COURT FINDS THAT THE CONVICTED PERSON HAS NO
21 PRIOR CONVICTION WITHIN 7 YEARS FOR OPERATING A MOTOR VEHICLE
22 UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A CONTROLLED SUB-
23 STANCE, OR A COMBINATION OF INTOXICATING LIQUOR AND A CONTROLLED
24 SUBSTANCE IN VIOLATION OF A LAW OF THIS STATE, A LOCAL ORDINANCE
25 SUBSTANTIALLY CORRESPONDING TO A LAW OF THIS STATE, OR A LAW OF
26 ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO A LAW OF THIS STATE,
27 OR FOR OPERATING A MOTOR VEHICLE WHILE HAVING A BLOOD ALCOHOL

1 CONTENT OF 0.10% OR MORE BY WEIGHT OF ALCOHOL IN VIOLATION OF A
2 LAW OF THIS STATE, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING
3 TO A LAW OF THIS STATE, OR A LAW OF ANOTHER STATE SUBSTANTIALLY
4 CORRESPONDING TO A LAW OF THIS STATE, OR FOR OPERATING A MOTOR
5 VEHICLE WHILE VISIBLY IMPAIRED DUE TO THE CONSUMPTION OF INTOXI-
6 CATING LIQUOR OR A CONTROLLED SUBSTANCE, OR A COMBINATION OF
7 INTOXICATING LIQUOR AND A CONTROLLED SUBSTANCE IN VIOLATION OF A
8 LAW OF THIS STATE, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING
9 TO A LAW OF THIS STATE, OR A LAW OF ANOTHER STATE SUBSTANTIALLY
10 CORRESPONDING TO A LAW OF THIS STATE, THE COURT SHALL ORDER THE
11 SECRETARY OF STATE TO SUSPEND THE OPERATOR'S OR CHAUFFEUR'S
12 LICENSE OF THE PERSON FOR A PERIOD OF NOT LESS THAN 90 DAYS OR
13 MORE THAN 1 YEAR. THE COURT MAY ORDER THE SECRETARY OF STATE TO
14 ISSUE TO THE PERSON A RESTRICTED LICENSE DURING ALL OR A SPECI-
15 FIED PORTION OF THE PERIOD OF SUSPENSION, EXCEPT THAT A
16 RESTRICTED LICENSE SHALL NOT BE ISSUED DURING THE FIRST 30 DAYS
17 OF THE PERIOD OF SUSPENSION.

18 (ii) IF THE COURT FINDS THAT THE PERSON HAS 1 PRIOR CONVIC-
19 TION WITHIN 7 YEARS FOR OPERATING A MOTOR VEHICLE UNDER THE
20 INFLUENCE OF INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE, OR A
21 COMBINATION OF INTOXICATING LIQUOR AND A CONTROLLED SUBSTANCE IN
22 VIOLATION OF A LAW OF THIS STATE, A LOCAL ORDINANCE SUBSTANTIALLY
23 CORRESPONDING TO A LAW OF THIS STATE, OR A LAW OF ANOTHER STATE
24 SUBSTANTIALLY CORRESPONDING TO A LAW OF THIS STATE, OR FOR OPER-
25 ATING A MOTOR VEHICLE WHILE HAVING A BLOOD ALCOHOL CONTENT OF
26 0.10% OR MORE BY WEIGHT OF ALCOHOL IN VIOLATION OF A LAW OF THIS
27 STATE, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO A LAW OF

1 THIS STATE, OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING
2 TO A LAW OF THIS STATE, OR FOR OPERATING A MOTOR VEHICLE WHILE
3 VISIBLY IMPAIRED DUE TO THE CONSUMPTION OF INTOXICATING LIQUOR OR
4 A CONTROLLED SUBSTANCE, OR A COMBINATION OF INTOXICATING LIQUOR
5 AND A CONTROLLED SUBSTANCE IN VIOLATION OF A LAW OF THIS STATE, A
6 LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO A LAW OF THIS
7 STATE, OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO A
8 LAW OF THIS STATE, THE COURT SHALL ORDER THE SECRETARY OF STATE
9 TO SUSPEND THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF THE PERSON
10 FOR A PERIOD OF NOT LESS THAN 6 MONTHS OR MORE THAN 2 YEARS. THE
11 COURT MAY ORDER THE SECRETARY OF STATE TO ISSUE TO THE PERSON A
12 RESTRICTED LICENSE DURING ALL OR ANY PORTION OF THE SUSPENSION
13 PERIOD, EXCEPT THAT A RESTRICTED LICENSE SHALL NOT BE ISSUED
14 DURING THE FIRST 60 DAYS OF THE PERIOD OF SUSPENSION.

15 (iii) IF THE COURT FINDS THAT THE PERSON HAS 2 OR MORE PRIOR
16 CONVICTIONS WITHIN 7 YEARS FOR OPERATING A MOTOR VEHICLE UNDER
17 THE INFLUENCE OF INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE,
18 OR A COMBINATION OF INTOXICATING LIQUOR AND A CONTROLLED SUB-
19 STANCE IN VIOLATION OF A LAW OF THIS STATE, A LOCAL ORDINANCE
20 SUBSTANTIALLY CORRESPONDING TO A LAW OF THIS STATE, OR A LAW OF
21 ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO A LAW OF THIS STATE,
22 OR FOR OPERATING A MOTOR VEHICLE WHILE HAVING A BLOOD ALCOHOL
23 CONTENT OF 0.10% OR MORE BY WEIGHT OF ALCOHOL IN VIOLATION OF A
24 LAW OF THIS STATE, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING
25 TO A LAW OF THIS STATE, OR A LAW OF ANOTHER STATE SUBSTANTIALLY
26 CORRESPONDING TO A LAW OF THIS STATE, OR FOR OPERATING A MOTOR
27 VEHICLE WHILE VISIBLY IMPAIRED DUE TO THE CONSUMPTION OF

1 INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE, OR A COMBINATION
2 OF INTOXICATING LIQUOR AND A CONTROLLED SUBSTANCE IN VIOLATION OF
3 A LAW OF THIS STATE, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPOND-
4 ING TO A LAW OF THIS STATE, OR A LAW OF ANOTHER STATE SUBSTAN-
5 Tially CORRESPONDING TO A LAW OF THIS STATE, THE COURT SHALL
6 ORDER THE SECRETARY OF STATE TO REVOKE THE OPERATOR'S OR
7 CHAUFFEUR'S LICENSE OF THE PERSON AND SHALL NOT ORDER THE SECRE-
8 TARY OF STATE TO ISSUE A RESTRICTED LICENSE TO THE PERSON.

9 (4) A RESTRICTED LICENSE ISSUED PURSUANT TO AN ORDER UNDER
10 SUBSECTION (3) SHALL PERMIT THE PERSON TO WHOM IT IS ISSUED TO DO
11 1 OR MORE OF THE FOLLOWING:

12 (A) DRIVE TO AND FROM THE PERSON'S RESIDENCE AND WORK
13 LOCATION.

14 (B) DRIVE IN THE COURSE OF THE PERSON'S EMPLOYMENT OR
15 OCCUPATION.

16 (C) DRIVE TO AND FROM THE PERSON'S RESIDENCE AND AN ALCOHOL
17 OR DRUG EDUCATION OR TREATMENT PROGRAM AS ORDERED BY THE COURT.

18 (D) DRIVE TO AND FROM THE PERSON'S RESIDENCE AND THE COURT
19 PROBATION DEPARTMENT, OR A COURT-ORDERED COMMUNITY SERVICE PRO-
20 GRAM, OR BOTH.

21 (E) DRIVE TO AND FROM THE PERSON'S RESIDENCE AND AN EDUCA-
22 TIONAL INSTITUTION AT WHICH THE PERSON IS ENROLLED AS A STUDENT.

23 (5) THE COURT MAY ORDER THAT THE RESTRICTED LICENSE ORDERED
24 TO BE ISSUED UNDER SUBSECTION (3) INCLUDE THE REQUIREMENT THAT
25 THE PERSON SHALL NOT OPERATE A MOTOR VEHICLE UNLESS THE VEHICLE
26 IS EQUIPPED WITH A FUNCTIONING CERTIFIED IGNITION INTERLOCK
27 DEVICE. THE DEVICE SHALL BE SET TO RENDER THE MOTOR VEHICLE

1 INOPERABLE IF THE DEVICE DETECTS A BLOOD ALCOHOL CONTENT OF 0.02%
2 OR MORE BY WEIGHT OF ALCOHOL IN THE PERSON WHO OFFERS A BREATH
3 SAMPLE. THE COURT MAY ORDER INSTALLATION OF A CERTIFIED IGNITION
4 INTERLOCK DEVICE ON ANY MOTOR VEHICLE THAT THE PERSON OWNS OR
5 OPERATES, THE COSTS OF WHICH SHALL BE BORNE BY THE PERSON WHOSE
6 LICENSE IS RESTRICTED.

7 (6) THE COURT SHALL NOT ORDER THE SECRETARY OF STATE UNDER
8 SUBSECTION (3) TO ISSUE A RESTRICTED CHAUFFEUR'S LICENSE THAT
9 WOULD PERMIT A PERSON TO OPERATE A TRUCK OR TRUCK TRACTOR,
10 INCLUDING A TRAILER, THAT HAULS HAZARDOUS MATERIALS.

11 (7) THE COURT SHALL NOT ORDER THE SECRETARY OF STATE TO
12 ISSUE A RESTRICTED LICENSE UNLESS THE PERSON STATES UNDER OATH,
13 AND THE COURT FINDS PURSUANT TO TESTIMONY TAKEN IN OPEN COURT OR
14 PURSUANT TO STATEMENTS CONTAINED IN A SWORN AFFIDAVIT ON A FORM
15 PRESCRIBED BY THE STATE COURT ADMINISTRATOR, THAT THE PERSON IS
16 UNABLE TO TAKE PUBLIC TRANSPORTATION TO AND FROM HIS OR HER WORK
17 LOCATION, PLACE OF ALCOHOL OR DRUG EDUCATION TREATMENT,
18 COURT-ORDERED COMMUNITY SERVICE PROGRAM, OR EDUCATIONAL INSTITU-
19 TION, AND DOES NOT HAVE ANY FAMILY MEMBERS OR OTHERS ABLE TO PRO-
20 VIDE TRANSPORTATION.

21 (8) THE COURT ORDER UNDER SUBSECTION (3) AND THE RESTRICTED
22 LICENSE SHALL INDICATE THE PERMITTED DESTINATION OF THE PERSON TO
23 WHOM IT IS ISSUED AND THE APPROVED ROUTE OR ROUTES AND PERMITTED
24 TIMES OF TRAVEL.

25 (9) AS USED IN THIS SECTION, "WORK LOCATION" MEANS, AS
26 APPLICABLE, EITHER THE SPECIFIC PLACE OR PLACES OF EMPLOYMENT, OR

1 THE TERRITORY OR TERRITORIES REGULARLY VISITED BY THE PERSON IN
2 PURSUANCE OF THE PERSON'S OCCUPATION, OR BOTH.

3 (10) IMMEDIATELY UPON ACCEPTANCE BY THE COURT OF A PLEA OF
4 GUILTY OR NOLO CONTENDERE OR UPON ENTRY OF A VERDICT OF GUILTY
5 FOR A VIOLATION OF SECTION 625(1) OR (3), OR A LOCAL ORDINANCE
6 SUBSTANTIALLY CORRESPONDING TO SECTION 625(1) OR (3), THE PERSON
7 CONVICTED OF THE VIOLATION SHALL SURRENDER TO THE COURT HIS OR
8 HER OPERATOR'S OR CHAUFFEUR'S LICENSE. THE COURT SHALL IMMEDI-
9 ATELY FORWARD THE SURRENDERED LICENSE AND AN ABSTRACT OF CONVIC-
10 TION WITH COURT-ORDERED LICENSE SANCTIONS TO THE SECRETARY OF
11 STATE. UPON RECEIPT OF, AND PURSUANT TO, THE ABSTRACT OF CONVIC-
12 TION WITH COURT-ORDERED LICENSE SANCTIONS, THE SECRETARY OF STATE
13 SHALL SUSPEND OR REVOKE THE PERSON'S LICENSE AND, IF ORDERED BY
14 THE COURT AND THE PERSON IS OTHERWISE ELIGIBLE FOR A LICENSE,
15 ISSUE TO THE PERSON A RESTRICTED LICENSE STATING THE LIMITED
16 DRIVING PRIVILEGES INDICATED ON THE ABSTRACT. IF THE LICENSE IS
17 NOT FORWARDED TO THE SECRETARY OF STATE, AN EXPLANATION OF THE
18 REASON WHY THE LICENSE IS ABSENT SHALL BE ATTACHED TO THE
19 ABSTRACT. IF THE CONVICTION IS APPEALED TO CIRCUIT COURT, THE
20 COURT MAY, EX PARTE, ORDER THE SECRETARY OF STATE TO RESCIND THE
21 SUSPENSION, REVOCATION, OR RESTRICTED LICENSE ISSUED PURSUANT TO
22 THIS SECTION.

23 (11) THE COURT SHALL CREDIT A PERIOD OF SUSPENSION IMPOSED
24 UNDER SECTION 625F(6) TO A PERIOD OF SUSPENSION IMPOSED UNDER
25 THIS SECTION FOR THAT VIOLATION.

26 Sec. 625c. (1) A person who operates a vehicle upon a
27 public highway or other place open to the general public,

1 including an area designated for the parking of vehicles, ~~in~~
2 ~~the~~ WITHIN THIS state is considered to have given consent to
3 chemical tests of his or her blood, breath, or urine for the pur-
4 pose of determining the amount of alcohol or presence of a con-
5 trolled substance or both in his or her blood, ~~if~~ IN ALL OF THE
6 FOLLOWING CIRCUMSTANCES:

7 (a) ~~The~~ IF THE person is arrested for a violation of sec-
8 tion 625(1), ~~or (2) or 625b~~ (3), OR (4)(D) OR (E), or a local
9 ordinance substantially corresponding to section 625(1), ~~or (2)~~
10 ~~or 625b~~ (3), OR (4)(D) OR (E).

11 (b) ~~The~~ IF THE person is arrested for felonious driving,
12 negligent homicide, ~~or~~ manslaughter, OR MURDER resulting from
13 the operation of a motor vehicle, and the peace officer had rea-
14 sonable grounds to believe that the person was operating the
15 vehicle while impaired by or under the influence of intoxicating
16 liquor or a controlled substance or a combination of intoxicating
17 liquor and a controlled substance, or while having a blood alco-
18 hol content of 0.10% or more by weight of alcohol.

19 (2) A person who is afflicted with hemophilia, diabetes, or
20 a condition requiring the use of an anticoagulant under the
21 direction of a physician shall not be considered to have given
22 consent to the withdrawal of blood.

23 (3) The tests shall be administered as provided in section
24 ~~625a~~ 625A(3).

25 Sec. 625d. (1) If a person refuses the request of a peace
26 officer to submit to a chemical test offered pursuant to section
27 ~~625a~~ 625A(3), a test shall not be given without a court order.

~~1 A written report shall be forwarded to the secretary of state by
2 the peace officer. The report shall state that the officer had
3 reasonable grounds to believe that the person had committed a
4 crime described in section 625c(1), and that the person had
5 refused to submit to the test upon the request of the peace offi-
6 cer and had been advised of the consequences of the refusal. The
7 form of the report shall be prescribed and furnished by the sec-
8 retary of state.~~

9 (2) IF A PERSON REFUSES A CHEMICAL TEST OFFERED PURSUANT TO
10 SECTION 625A(3), OR IF A PERSON SUBMITS TO THE CHEMICAL TEST AND
11 THE TEST REVEALS A BLOOD ALCOHOL CONTENT OF 0.10% OR MORE BY
12 WEIGHT OF ALCOHOL, THE PEACE OFFICER WHO REQUESTED THE PERSON TO
13 SUBMIT TO THE TEST SHALL DO ALL OF THE FOLLOWING:

14 (A) ON BEHALF OF THE SECRETARY OF STATE, IMMEDIATELY NOTIFY
15 THE PERSON IN WRITING ON A FORM PROVIDED BY THE SECRETARY OF
16 STATE THAT HIS OR HER LICENSE, PERMIT, OR PRIVILEGE TO OPERATE A
17 MOTOR VEHICLE IS SUSPENDED AS PROVIDED UNDER SECTION 625F, EFFEC-
18 TIVE 45 DAYS AFTER THE DATE OF THE NOTICE, AND THAT HE OR SHE HAS
19 THE RIGHT TO APPEAL THE SUSPENSION BY PETITIONING THE SECRETARY
20 OF STATE FOR A HEARING WITHIN 14 DAYS AFTER THE NOTICE OF SUSPEN-
21 SION IS ISSUED. THE PEACE OFFICER SHALL SIGN THE NOTICE AND PRO-
22 VIDE A COPY OF THE NOTICE TO THE PERSON.

23 (B) ON BEHALF OF THE SECRETARY OF STATE, IMMEDIATELY CONFIS-
24 CATE THE PERSON'S LICENSE OR PERMIT TO OPERATE A MOTOR VEHICLE,
25 AND ISSUE A TEMPORARY LICENSE OR PERMIT TO THE PERSON THAT IS
26 VALID FOR 45 DAYS.

1 (C) IMMEDIATELY FORWARD ALL OF THE FOLLOWING TO THE
2 SECRETARY OF STATE:

3 (i) A COPY OF THE WRITTEN NOTICE ISSUED UNDER
4 SUBDIVISION (A).

5 (ii) A COPY OF THE WRITTEN REPORT OF THE PERSON'S REFUSAL TO
6 SUBMIT TO A CHEMICAL TEST OR, IF A CHEMICAL TEST WAS ADMINISTERED
7 AND THE TEST REVEALED A BLOOD ALCOHOL CONTENT OF 0.10% OR MORE BY
8 WEIGHT OF ALCOHOL, A COPY OF THE WRITTEN REPORT OF THE TEST
9 RESULTS.

10 (3) IF A PERSON SUBMITS TO A CHEMICAL TEST OFFERED PURSUANT
11 TO SECTION 625A(3) THAT REQUIRES THE WITHDRAWAL OF BLOOD AND A
12 REPORT OF THE RESULTS OF THAT CHEMICAL TEST IS NOT IMMEDIATELY
13 AVAILABLE, THE PEACE OFFICER WHO REQUESTED THE PERSON TO SUBMIT
14 TO THE TEST SHALL COMPLY WITH SUBSECTION (2)(A) AND (B) PENDING
15 RECEIPT OF THE TEST REPORT. IF, UPON RECEIPT, THE REPORT REVEALS
16 A BLOOD ALCOHOL CONTENT OF 0.10% OR MORE BY WEIGHT OF ALCOHOL,
17 THE PEACE OFFICER WHO REQUESTED THE PERSON TO SUBMIT TO THE TEST
18 SHALL IMMEDIATELY COMPLY WITH SUBSECTION (2)(C). IF, UPON
19 RECEIPT, THE REPORT REVEALS A BLOOD ALCOHOL CONTENT OF LESS THAN
20 0.10% BY WEIGHT OF ALCOHOL, ~~THE~~ PEACE OFFICER WHO REQUESTED THE
21 PERSON TO SUBMIT TO THE TEST SHALL IMMEDIATELY NOTIFY THE PERSON
22 OF THE TEST RESULTS, INFORM THE PERSON THAT HIS OR HER LICENSE,
23 PERMIT, OR PRIVILEGE TO OPERATE A MOTOR VEHICLE IS NOT SUSPENDED
24 OR DENIED, AND IMMEDIATELY RETURN THE PERSON'S LICENSE.

25 (4) A REPORT PREPARED UNDER THIS SECTION STATING THAT THE
26 PERSON REFUSED A CHEMICAL TEST OFFERED PURSUANT TO
27 SECTION 625A(3) SHALL CONTAIN A STATEMENT ON A FORM PRESCRIBED BY

1 THE SECRETARY OF STATE THAT THE PERSON REFUSED TO SUBMIT TO THE
2 TEST UPON THE REQUEST OF THE PEACE OFFICER.

3 (5) A REPORT PREPARED UNDER THIS SECTION STATING THAT A
4 CHEMICAL TEST WAS ADMINISTERED TO THE PERSON PURSUANT TO
5 SECTION 625A(3) SHALL CONTAIN ALL OF THE FOLLOWING INFORMATION ON
6 A FORM PRESCRIBED BY THE SECRETARY OF STATE:

7 (A) A STATEMENT THAT THE PEACE OFFICER HAD REASONABLE
8 GROUNDS TO BELIEVE THE PERSON HAD COMMITTED A CRIME DESCRIBED IN
9 SECTION 625C(1).

10 (B) A STATEMENT OF THE TEST RESULTS.

11 (6) IF A PEACE OFFICER FAILS TO NOTIFY A PERSON IN WRITING
12 THAT THE PERSON'S LICENSE, PERMIT, OR PRIVILEGE TO OPERATE A
13 MOTOR VEHICLE IS SUSPENDED OR DENIED FOR REFUSING A CHEMICAL TEST
14 OFFERED PURSUANT TO SECTION 625A(3), THE SECRETARY OF STATE SHALL
15 IMMEDIATELY NOTIFY THE PERSON IN WRITING MAILED TO THE PERSON'S
16 LAST KNOWN ADDRESS THAT THE PERSON'S LICENSE IS SUSPENDED EFFEC-
17 TIVE 45 DAYS AFTER THE DATE OF THE NOTICE AND THAT HE OR SHE HAS
18 THE RIGHT TO APPEAL THE SUSPENSION BY PETITIONING THE SECRETARY
19 OF STATE FOR A HEARING WITHIN 14 DAYS AFTER THE NOTICE OF SUSPEN-
20 SION IS ISSUED.

21 Sec. 625f. (1) If ~~the~~ A person who refuses to submit to a
22 chemical test pursuant to section 625d does not request a hearing
23 within 14 days of the date of notice pursuant to section 625e,
24 the secretary of state shall suspend the person's operator's or
25 chauffeur's license or permit to drive, or nonresident operating
26 privilege, for a period of 6 months, or for a second or
27 subsequent refusal within a period of 7 years, for 1 year. If

1 the person is a resident without a license or permit to operate a
2 vehicle in the state, the secretary OF STATE shall deny to the
3 person the issuance of a license or permit for a period of 6
4 months, or ~~—~~ for a second or subsequent refusal within a period
5 of 7 years, for 1 year.

6 (2) IF A PERSON SUBMITS TO A CHEMICAL TEST PURSUANT TO
7 SECTION 625D AND THE TEST REVEALS A BLOOD ALCOHOL CONTENT OF
8 0.10% OR MORE BY WEIGHT OF ALCOHOL, AND THE PERSON DOES NOT
9 REQUEST A HEARING WITHIN 14 DAYS OF THE DATE OF THE NOTICE PURSU-
10 ANT TO SECTION 625E, THE SECRETARY OF STATE SHALL SUSPEND THE
11 PERSON'S OPERATOR'S OR CHAUFFEUR'S LICENSE OR PERMIT TO DRIVE, OR
12 NONRESIDENT OPERATING PRIVILEGE FOR A PERIOD OF 30 DAYS.

13 (3) ~~-(2)-~~ If a hearing is requested, the secretary of state
14 shall hold the hearing in the same manner and under the same con-
15 ditions as provided in section 322. ~~At least 10~~ NOT LESS THAN
16 5 days' notice of the hearing shall be mailed to the person
17 requesting the hearing, to the peace officer who filed the report
18 under section 625d, and ~~—~~ if the prosecuting attorney requests
19 receipt of the notice, to the prosecuting attorney of the county
20 where the arrest was made. WHETHER OR NOT THE COURT IMPOSES
21 LICENSING SANCTIONS UNDER SECTION 625B FOR A VIOLATION OF
22 SECTION 625(1) OR (3), IF A PERSON REQUESTS A HEARING UNDER THIS
23 SECTION AND FAILS, WITHOUT THE PERMISSION OF THE SECRETARY OF
24 STATE, TO ATTEND THE HEARING, THE SECRETARY OF STATE SHALL SUS-
25 PEND THE PERSON'S OPERATOR'S OR CHAUFFEUR'S LICENSE OR PERMIT TO
26 DRIVE, OR NONRESIDENT OPERATING PRIVILEGE AS PROVIDED IN THIS
27 SECTION. The hearing officer ~~shall be authorized to~~ MAY

1 administer oaths, issue subpoenas for the attendance of necessary
2 witnesses, and ~~may~~ grant a reasonable request for an
3 adjournment. The hearing shall cover only the following issues:

4 (a) Whether the peace officer had reasonable grounds to
5 believe that the person had committed a crime described in sec-
6 tion 625c(1).

7 (b) ~~Whether~~ IF THE PEACE OFFICER HAD REASONABLE GROUNDS TO
8 BELIEVE THAT THE PERSON HAD COMMITTED A CRIME DESCRIBED IN
9 SECTION 625C(1), WHETHER the person was placed under arrest for a
10 crime described in section 625c(1).

11 (c) ~~Whether~~ IF the person ~~reasonably~~ refused to submit
12 to the test upon the request of the officer, WHETHER THE REFUSAL
13 WAS REASONABLE.

14 (d) Whether the person was advised of the rights under
15 ~~sections 625a and 625c~~ SECTION 625A(3).

16 (E) IF THE PERSON SUBMITTED TO A CHEMICAL TEST, WHETHER THE
17 TEST WAS PROPERLY ADMINISTERED.

18 (4) ~~(3)~~ The hearing officer shall make a record of pro-
19 ceedings held pursuant to subsection ~~(2)~~ (3). The record shall
20 be prepared and transcribed in accordance with section 86 of the
21 administrative procedures act of 1969, Act No. 306 of the Public
22 Acts of 1969, being section 24.286 of the Michigan Compiled
23 Laws. Upon notification of the filing of a petition for judicial
24 review pursuant to section 323, the hearing officer shall trans-
25 mit to the court in which the petition was filed, not less than
26 10 days before the matter is set for review, the original or a
27 certified copy of the official record of the proceedings.

1 Proceedings at which evidence was presented need not be
2 transcribed and transmitted if the sole reason for review is to
3 determine whether or not the court will order the issuance of a
4 restricted license. The parties to the proceedings for judicial
5 review may stipulate that the record be shortened. A party
6 unreasonably refusing to stipulate to a shortened record may be
7 taxed by the court in which the petition is filed for the addi-
8 tional costs. The court may permit subsequent corrections to the
9 record.

10 (5) ~~(4)~~ After ~~the~~ A hearing FOR A REFUSAL TO SUBMIT TO A
11 CHEMICAL TEST, IF THE PERSON WHO REQUESTED THE HEARING DOES NOT
12 PREVAIL, the secretary of state ~~may~~ SHALL suspend or deny issu-
13 ance of a license or driving permit or a nonresident operating
14 privilege of the person ~~involved~~ for a period of 6 months, or
15 ~~—~~ for a second or subsequent refusal within 7 years, for 1
16 year. If the person ~~involved~~ is a resident without a license
17 or permit to operate a vehicle in the state, the secretary of
18 state ~~may~~ SHALL deny to the person the issuance of a license or
19 permit for a period of 6 months, or ~~—~~ for a second or subse-
20 quent refusal within 7 years, for 1 year. The person ~~involved~~
21 may file a petition in the circuit court of the county in which
22 the arrest was made to review the suspension or denial as pro-
23 vided in section 323. IF AFTER THE HEARING THE PERSON WHO
24 REQUESTED THE HEARING PREVAILS, THE PEACE OFFICER WHO FILED THE
25 REPORT UNDER SECTION 625D MAY, WITH THE CONSENT OF THE PROSECUT-
26 ING OFFICIAL, FILE A PETITION IN THE CIRCUIT COURT OF THE COUNTY

1 IN WHICH THE ARREST WAS MADE TO REVIEW THE DETERMINATION OF THE
2 HEARING OFFICER AS PROVIDED IN SECTION 323.

3 (6) IF A CHEMICAL TEST WAS ADMINISTERED AND THE TEST REVEALS
4 A BLOOD ALCOHOL CONTENT OF 0.10% OR MORE BY WEIGHT OF ALCOHOL,
5 AND THE PERSON DOES NOT REQUEST A HEARING WITHIN 14 DAYS OF
6 NOTICE PURSUANT TO SECTION 625E, THE SECRETARY OF STATE SHALL,
7 UPON THE EXPIRATION OF 45 DAYS AFTER THE TEST WAS ADMINISTERED
8 AND SUBJECT TO THE NOTIFICATION REQUIREMENTS OF SECTION 625D,
9 SUSPEND THE PERSON'S OPERATOR'S OR CHAUFFEUR'S LICENSE OR PERMIT
10 TO DRIVE, OR NONRESIDENT OPERATING PRIVILEGE, FOR A PERIOD OF
11 30 DAYS.

12 (7) IF, AFTER A HEARING FOR OPERATING A MOTOR VEHICLE WHILE
13 HAVING A BLOOD ALCOHOL CONTENT OF 0.10% OR MORE BY WEIGHT OF
14 ALCOHOL, THE HEARING OFFICER FINDS THAT A CHEMICAL TEST WAS PROP-
15 ERLY ADMINISTERED AND THE TEST REVEALS A BLOOD ALCOHOL CONTENT OF
16 0.10% OR MORE BY WEIGHT OF ALCOHOL, THE SECRETARY OF STATE SHALL,
17 UPON THE EXPIRATION OF 45 DAYS AFTER THE TEST WAS ADMINISTERED
18 AND SUBJECT TO THE NOTIFICATION REQUIREMENTS OF SECTION 625D,
19 SUSPEND THE PERSON'S OPERATOR'S OR CHAUFFEUR'S LICENSE OR PERMIT
20 TO DRIVE, OR NONRESIDENT OPERATING PRIVILEGE, FOR A PERIOD OF
21 30 DAYS. IF AFTER THE HEARING THE PERSON WHO REQUESTED THE HEAR-
22 ING PREVAILS, THE PEACE OFFICER WHO FILED THE REPORT UNDER
23 SECTION 625D MAY, WITH THE CONSENT OF THE PROSECUTING OFFICIAL,
24 FILE A PETITION IN THE CIRCUIT COURT OF THE COUNTY IN WHICH THE
25 ARREST WAS MADE FOR A REVIEW OF THE DETERMINATION OF THE HEARING
26 OFFICER AS PROVIDED IN SECTION 323.

1 (8) THE SECRETARY OF STATE SHALL, UPON THE EXPIRATION OF 40
2 DAYS AFTER THE PERSON IS NOTIFIED OF A SUSPENSION UNDER
3 SECTION 625D, IMMEDIATELY NOTIFY THE PERSON IN WRITING MAILED TO
4 THE PERSON'S LAST KNOWN ADDRESS THAT HIS OR HER LICENSE, PERMIT,
5 OR PRIVILEGE TO OPERATE A MOTOR VEHICLE IS NOT SUSPENDED EFFEC-
6 TIVE 45 DAYS AFTER THE DATE OF THE NOTICE ISSUED UNDER
7 SECTION 625D, AND SHALL IMMEDIATELY ISSUE A TEMPORARY LICENSE OR
8 PERMIT TO THAT PERSON THAT IS VALID UNTIL NOTIFICATION BY THE
9 SECRETARY OF STATE, IF ALL OF THE FOLLOWING CIRCUMSTANCES EXIST:

10 (A) A CHEMICAL TEST WAS ADMINISTERED AND THE TEST REVEALS A
11 BLOOD ALCOHOL CONTENT OF 0.10% OR MORE BY WEIGHT OF ALCOHOL.

12 (B) A HEARING IS REQUESTED.

13 (C) BOTH OF THE FOLLOWING CIRCUMSTANCES EXIST:

14 (i) THE COURT HAS NOT IMPOSED LICENSE SANCTIONS PURSUANT TO
15 SECTION 625B.

16 (ii) THE SECRETARY OF STATE HAS NOT SCHEDULED A HEARING TO
17 TAKE PLACE WITHIN 45 DAYS AFTER THE PERSON IS NOTIFIED OF THE
18 SUSPENSION UNDER SECTION 625D.

19 (9) ~~-(5)-~~ When it has been finally determined that a
20 nonresident's privilege to operate a vehicle in the state has
21 been suspended or denied, the department shall give notice in
22 writing of the action taken to the motor vehicle administrator of
23 the state of the person's residence and of each state in which he
24 or she has a license to operate a motor vehicle.

25 Sec. 625i. (1) The department of state police shall prepare
26 an annual report which shall be designated the Michigan annual
27 drunk driving audit. THE SECRETARY OF STATE, CIRCUIT COURT,

1 DISTRICT COURT, PROBATE COURT, AND LOCAL UNITS OF GOVERNMENT IN
 2 THIS STATE SHALL COOPERATE WITH THE DEPARTMENT OF STATE POLICE TO
 3 PROVIDE INFORMATION NECESSARY FOR THE PREPARATION OF THE REPORT.
 4 A COPY OF THE REPORT PREPARED UNDER THIS SUBSECTION SHALL BE SUB-
 5 MITTED TO THE GOVERNOR, THE SECRETARY OF THE SENATE, THE CLERK OF
 6 THE HOUSE OF REPRESENTATIVES, AND THE SECRETARY OF STATE ON
 7 JUNE 1 OF EACH YEAR. The report shall contain for each county in
 8 the state all of the following information applicable to the
 9 immediately preceding calendar year:

10 (a) The number of alcohol related motor vehicle accidents
 11 resulting in bodily injury, including a breakdown of the number
 12 of those injuries occurring per capita of population and per road
 13 mile in the county.

14 (b) The number of alcohol related motor vehicle accidents
 15 resulting in death, including the breakdown described in subdivi-
 16 sion (a).

17 (c) The number of alcohol related motor vehicle accidents,
 18 other than those ~~described~~ ENUMERATED in subdivisions (a) and
 19 (b), including the breakdown described in subdivision (a).

20 (d) The number of arrests made for ~~a violation~~ VIOLATIONS
 21 of section ~~625(1) or (2)~~ 625(1)(A) OR (B) or ~~a~~ local
 22 ~~ordinance~~ ORDINANCES substantially corresponding to section
 23 ~~625(1) or (2)~~ 625(1)(A) OR (B).

24 (e) The number of arrests made for ~~a violation~~ VIOLATIONS
 25 of section ~~625b~~ 625(3) or ~~a~~ local ~~ordinance~~ ORDINANCES sub-
 26 stantially corresponding to section ~~625b~~ 625(3).

1 (f) The number of operator's or chauffeur's licenses
2 suspended pursuant to section 625f. ~~for refusal to submit to a~~
3 ~~chemical test.~~

4 (g) The number of convictions ~~of~~ FOR crimes enumerated in
5 subdivisions (d) and (e).

6 (h) The number of licenses suspended or revoked AND THE
7 PERIOD OF LICENSE SUSPENSION IMPOSED as a result of convictions
8 ~~of~~ FOR crimes enumerated in subdivisions (d) and (e).

9 (i) The number of restricted licenses issued as a result of
10 convictions ~~of~~ FOR crimes enumerated in subdivisions (d) and
11 (e).

12 ~~(j) The average fine, length of imprisonment, and period of~~
13 ~~license suspension imposed as part of the sentence for each crime~~
14 ~~enumerated in subdivisions (d) and (e).~~

15 (2) ~~The secretary of state and the circuit courts, district~~
16 ~~courts, and local units of government in the state shall cooper~~
17 ~~ate with the department of state police to provide information~~
18 ~~necessary for the preparation of the report.~~ BEGINNING 3 YEARS
19 AFTER THE EFFECTIVE DATE OF THIS AMENDATORY ACT, A REPORT SHALL
20 BE COMPILED OF THE LENGTH OF IMPRISONMENT, LENGTH OF COMMUNITY
21 SERVICE IMPOSED IN LIEU OF IMPRISONMENT, AND FINE ORDERED BY THE
22 JUDGE FOR INCLUSION IN THE ANNUAL REPORT.

23 ~~(3) A copy of the report required under this section shall~~
24 ~~be submitted to the governor, to the secretary of the senate, and~~
25 ~~to the clerk of the house of representatives on June 1 of each~~
26 ~~year.~~

1 Sec. 727. ~~When~~ IF a person is arrested without a warrant
2 in any of the following cases, the arrested person shall, without
3 unreasonable delay, be taken before ~~a~~ THE magistrate who is
4 nearest or most accessible within the judicial district as pro-
5 vided in section 13 of chapter IV of the code of criminal proce-
6 dure, Act No. 175 of the Public Acts of 1927, being section
7 764.13 of the Michigan Compiled Laws, or, if a minor, ~~taken~~
8 before the probate court within the county in which the offense
9 charged is alleged to have been committed:

10 (A) ~~(1) When~~ IF the person is arrested upon a charge of
11 negligent homicide.

12 (B) ~~(2) When~~ IF the person is arrested under section ~~625~~
13 625(1) or an ordinance substantially corresponding to that
14 section.

15 (C) ~~(3) When~~ IF a person is arrested under section 626 or
16 an ordinance substantially corresponding to that section. If
17 under the existing circumstances it does not appear that releas-
18 ing the person pending the issuance of a warrant will constitute
19 a public menace, the arresting officer may proceed ~~in such~~
20 ~~cases~~ as provided by section 728.

21 (D) ~~(4) When~~ IF a person arrested does not have in his or
22 her immediate possession a valid operator's or chauffeur's
23 license or the receipt described in section 311a. If the arrest-
24 ing officer otherwise satisfactorily determines the identity of
25 the person and the practicability of subsequent apprehension in
26 the event of the person's failure to voluntarily appear before a
27 designated magistrate or probate court as directed, the officer

1 may release the person from custody with instructions to appear
2 in court, given in the form of a citation as prescribed by
3 section 728.

4 Sec. 904. (1) A person whose operator's or chauffeur's
5 license or registration certificate has been suspended or revoked
6 and who has been notified as provided in section 212 of that sus-
7 pension or revocation, ~~or whose application for license has~~
8 ~~been denied, as provided in this act,~~ or who has never applied
9 for a license, ~~and who operates~~ SHALL NOT OPERATE a motor vehi-
10 cle upon the highways of this state. ~~or who~~ A PERSON SHALL NOT
11 knowingly ~~permits~~ PERMIT a motor vehicle owned by the person to
12 be operated ~~by another~~ upon a highway, ~~except as permitted~~
13 ~~under this act, while the~~ BY A PERSON WHOSE license or registra-
14 tion certificate is suspended or revoked, ~~or whose application~~
15 for license has been denied, ~~as provided in this act,~~ OR WHO
16 HAS NEVER APPLIED FOR A LICENSE, EXCEPT AS PERMITTED UNDER THIS
17 ACT. A PERSON WHO VIOLATES THIS SUBSECTION is guilty of a misde-
18 meanor, punishable AS FOLLOWS: ~~, except as provided in subsec-~~
19 ~~tions (2) and (3), by imprisonment for not less than 3 days nor~~
20 ~~more than 90 days, or a fine of not more than \$100.00, or both.~~
21 ~~Unless the vehicle was stolen or used with the permission of a~~
22 ~~person who did not knowingly permit an unlicensed driver to oper-~~
23 ~~ate the vehicle, the registration plates of the vehicle shall be~~
24 ~~confiscated.~~

25 (A) ~~(2) A person whose~~ IF THE PERSON'S operator's or
26 chauffeur's license has been suspended under section 321a because
27 that person has failed to answer a citation or has failed to

1 comply with an order or judgment issued pursuant to section 907,
2 ~~and who operates a motor vehicle upon a highway, may be~~
3 ~~punished~~ by imprisonment for not more than 90 days, or a fine of
4 not more than \$100.00, or both.

5 (B) FOR A VIOLATION, OTHER THAN A VIOLATION PUNISHABLE UNDER
6 SUBDIVISION (A), BY IMPRISONMENT FOR NOT LESS THAN 90 DAYS, OR BY
7 A FINE OF NOT MORE THAN \$500.00, OR BOTH.

8 (C) ~~(3) A person convicted of~~ FOR a second or subsequent
9 violation ~~of this section is guilty of a misdemeanor,~~ punish-
10 able UNDER SUBDIVISION (B), by imprisonment for not ~~less than 5~~
11 ~~days nor~~ more than 1 year, or a fine of not more than ~~\$500.00~~
12 \$1,000.00, or both. Unless the vehicle was stolen, the registra-
13 tion plates of the vehicle shall be confiscated.

14 (2) ~~(4)~~ The secretary of state, upon receiving a record of
15 the conviction or probate court finding of a person upon a charge
16 of unlawful operation of a motor vehicle while the license of the
17 person is suspended ~~,~~ OR revoked ~~,~~ or denied, or of the con-
18 viction, civil infraction determination, or probate court finding
19 of a person for a MOVING violation of the ~~motor~~ vehicle laws of
20 this state OR A POLITICAL SUBDIVISION OF THIS STATE while the
21 license of the person is suspended ~~,~~ OR revoked ~~,~~ or denied,
22 immediately shall extend the period of the first suspension or
23 revocation for an additional like period. ~~,~~ or if a period has
24 ~~not been determined, then for not less than 30 days nor more than~~
25 ~~1 year.~~ THIS SUBSECTION SHALL APPLY ONLY IF THE VIOLATION OCCURS
26 DURING A SUSPENSION OF DEFINITE LENGTH, OR IF THE VIOLATION

1 OCCURS BEFORE THE PERSON IS APPROVED FOR A LICENSE FOLLOWING A
2 REVOCATION.

3 (3) ~~-(5)-~~ The secretary of state, upon receiving a record of
4 the conviction, bond forfeiture, or a civil infraction determina-
5 tion of a person upon a charge of unlawful operation of a motor
6 vehicle requiring a class 1, class 2, or class 3 indorsement or
7 vehicle group designation while the indorsement or designation is
8 suspended pursuant to section 319a or 319b, OR REVOKED, immedi-
9 ately shall extend the period of suspension OR REVOCATION for an
10 additional like period. This subsection shall apply ~~to a~~ ONLY
11 IF THE VIOLATION OCCURS DURING A SUSPENSION OF DEFINITE LENGTH,
12 OR IF THE VIOLATION OCCURS BEFORE THE PERSON IS APPROVED FOR A
13 LICENSE FOLLOWING A REVOCATION, OR IF THE person ~~who~~ operates a
14 commercial vehicle while disqualified under title XII of Public
15 Law 99-570, 100 Stat. ~~-3207-~~ 3207-170.

16 (4) IF THE SECRETARY OF STATE RECEIVES RECORDS OF MORE THAN
17 1 CONVICTION, CIVIL INFRACTION DETERMINATION, OR PROBATE COURT
18 FINDING RESULTING FROM THE SAME INCIDENT, ALL OF THE CONVICTIONS,
19 CIVIL INFRACTION DETERMINATIONS, OR PROBATE COURT FINDINGS SHALL
20 BE TREATED AS A SINGLE VIOLATION FOR PURPOSES OF EXTENDING THE
21 PERIOD OF SUSPENSION OR REVOCATION UNDER SUBSECTION (2) OR (3).

22 (5) ~~-(6)-~~ Before ~~the plea of the person is accepted under~~
23 A PERSON IS ARRAIGNED BEFORE A DISTRICT COURT MAGISTRATE OR JUDGE
24 ON A CHARGE OF VIOLATING this section, the arresting officer
25 shall ~~check with~~ OBTAIN THE DRIVING RECORD OF THE PERSON FROM
26 the secretary of state ~~to determine the record and status of the~~
27 ~~person according to the records of the secretary of state and so~~

1 ~~inform~~ AND SHALL FURNISH THE RECORD TO the court. THE DRIVING
2 RECORD OF THE PERSON MAY BE OBTAINED FROM THE SECRETARY OF
3 STATE'S COMPUTER INFORMATION NETWORK.

4 (6) ~~(7)~~ This section shall not apply to a person who oper-
5 ates a vehicle solely for the purpose of protecting human life or
6 property, if the life or property is endangered and the summoning
7 of prompt aid is essential.

8 SEC. 910. (1) A PERSON WHO IS CONVICTED OF AN ATTEMPT TO
9 COMMIT AN OFFENSE PROHIBITED BY THIS ACT SHALL BE PUNISHED AS IF
10 THE OFFENSE HAD BEEN COMPLETED.

11 (2) WHEN ASSESSING POINTS AND TAKING LICENSING ACTION UNDER
12 THIS ACT, THE SECRETARY OF STATE AND THE COURT SHALL TREAT A CON-
13 VICTION OF AN ATTEMPTED OFFENSE THE SAME AS IF THE OFFENSE HAD
14 BEEN COMPLETED, WHETHER THE ATTEMPTED OFFENSE IS PROHIBITED BY
15 THIS ACT, ANOTHER LAW OF THIS STATE, A LOCAL ORDINANCE, OR A LAW
16 OF ANOTHER STATE.

17 (3) A JUDGE, DISTRICT COURT MAGISTRATE, TRAFFIC BUREAU, OR
18 PARKING VIOLATIONS BUREAU SHALL NOT ACCEPT AN ADMISSION OF
19 RESPONSIBILITY TO AN ATTEMPTED CIVIL INFRACTION OR DETERMINE A
20 PERSON RESPONSIBLE FOR AN ATTEMPTED CIVIL INFRACTION. THE SECRE-
21 TARY OF STATE SHALL NOT ACCEPT AN ABSTRACT FOR AN ATTEMPTED CIVIL
22 INFRACTION OR ASSESS ANY POINTS FOR SUCH A DETERMINATION.

23 Section 2. This amendatory act shall take effect October 1,
24 1990.

25 Section 3. The following acts and parts of acts are
26 repealed:

1 (a) Sections 625g, 625h, and 625j of Act No. 300 of the
2 Public Acts of 1949, being sections 257.625g, 257.625h, and
3 257.625j of the Michigan Compiled Laws.

4 (b) Section 34a of Act No. 8 of the Public Acts of the Extra
5 Session of 1933, being section 436.34a of the Michigan Compiled
6 Laws.