

Act No. 98
Public Acts of 1991
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**STATE OF MICHIGAN
86TH LEGISLATURE
REGULAR SESSION OF 1991**

Introduced by Reps. Nye, Perry Bullard, Yokich, Horton, Fitzgerald, Bobier, Bandstra, Strand, Bartnik, Power, Palamara, Brackenridge, Robertson, Walberg, London, Dalman, Trim, Dolan, McBryde, Martin, Gilmer, Bouchard, Hoffman, Sparks, Bodem, Profit, Dresch, McNutt, Oxender, Rocca, Porreca, Jondahl, Ouwinga, DeLange, Gnodtke, Van Singel, Middleton and Randall
Reps. Alley, Anthony, Baade, Bankes, Barns, Bender, Bennett, Berman, Willis Bullard, Byrum, Clack, DeBeaussaert, DeMars, Dobb, Dobronski, Gire, Gubow, Harder, Harrison, Hertel, Jaye, Johnson, Keith, Kilpatrick, Knight, Middaugh, Munsell, Muxlow, Niederstadt, Olshove, Pitoniak, Saunders, Scott, Shugars, Sikkema, Varga, Weeks, Wozniak and Richard A. Young named co-sponsors

ENROLLED HOUSE BILL No. 4828

AN ACT to amend the title and sections 303, 320e, 625, 625h, 904, and 904b of Act No. 300 of the Public Acts of 1949, entitled as amended "An act to provide for the registration, titling, sale, transfer, and regulation of vehicles operated upon the public highways of this state or any other place open to the general public and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," sections 303 and 904 as amended by Act No. 346 of the Public Acts of 1988, section 320e as amended by Act No. 232 of the Public Acts of 1987, section 625 as amended by Act No. 109 of the Public Acts of 1987, and section 625h as added by Act No. 310 of the Public Acts of 1982, being sections 257.303, 257.320e, 257.625, 257.625h, 257.904, and 257.904b of the Michigan Compiled Laws; to add sections 624a and 910; to repeal certain acts and parts of acts on a specific date; and to repeal certain parts of the act on a specific date.

The People of the State of Michigan enact:

Section 1. The title and sections 303, 320e, 625, 625h, 904, and 904b of Act No. 300 of the Public Acts of 1949, sections 303 and 904 as amended by Act No. 346 of the Public Acts of 1988, section 320e as amended by Act No. 232 of the Public Acts of 1987, section 625 as amended by Act No. 109 of the Public Acts of 1987, and section 625h as added by Act No. 310 of the Public Acts of 1982, being sections 257.303, 257.320e, 257.625, 257.625h, 257.904, and 257.904b of the Michigan Compiled Laws, are amended and sections 624a and 910 are added to read as follows:

TITLE

An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.

Sec. 303. (1) The secretary of state shall not issue a license under this act to any of the following:

(a) A person, as an operator, who is less than 18 years of age, except that the secretary of state may issue a license to a person who is not less than 16 years of age and who has satisfactorily passed a driver education course and examination given by a public school or nonpublic school of this or another state offering a course approved by the department of education, or an equivalent course and examination as prescribed in section 811. The secretary of state may issue to a person not less than 14 years of age a restricted license as provided in this act. This subdivision shall not apply to a person who has been the holder of a valid driver's license issued by another state, territory, or possession of the United States or another sovereignty for at least 1 year immediately before application for a driver's license under this act.

(b) A person, as a chauffeur, who is less than 18 years of age, except that the secretary of state may issue a license to a person who is not less than 16 years of age and who has satisfactorily passed a driver education course and examination given by a public school or nonpublic school of this or another state offering a course approved by the department of education, or an equivalent course and examination as prescribed in section 811.

(c) A person whose license has been suspended during the period for which the license was suspended.

(d) A person who has been convicted under section 625(4) or (5).

(e) A person who is an habitual violator of the criminal laws relating to operating a vehicle while impaired by or under the influence of intoxicating liquor or a controlled substance or a combination of intoxicating liquor and a controlled substance, or with a blood alcohol content of 0.10% or more by weight of alcohol. Convictions of any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state, shall be prima facie evidence that the person is an habitual violator as described in this subdivision:

(i) Any combination of 2 convictions within 7 years for 1 or more of the following:

(A) A violation of section 625(1), (4), or (5).

(B) A violation of former section 625(1) or (2).

(ii) Any combination of 3 convictions within 10 years for 1 or more of the following:

(A) A violation of section 625(1), (3), (4), or (5).

(B) A violation of former section 625(1) or (2) or former section 625b.

(f) A person who in the opinion of the secretary of state is afflicted with or suffering from a physical or mental disability or disease which prevents that person from exercising reasonable and ordinary control over a motor vehicle while operating the motor vehicle upon the highways.

(g) A person who is unable to understand highway warning or direction signs in the English language.

(h) A person who is an habitually reckless driver. Four convictions of reckless driving under this act or any other law of this state relating to reckless driving or under a local ordinance of this state or a law of another state which defines the term "reckless driving" substantially similar to the law of this state shall be prima facie evidence that the person is an habitually reckless driver.

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

(j) A person who is unable to pass a knowledge, skill, or ability test administered by the secretary of state in connection with the issuance of an original operator's or chauffeur's license, original motorcycle indorsement, or an original or renewal of a vehicle group designation or vehicle indorsement.

(k) A person who has been convicted, received a probate court disposition, or been determined responsible for 2 or more moving violations under a law of this state, a local ordinance substantially corresponding to a law

of this state, or a law of another state substantially corresponding to a law of this state, within the preceding 3 years, if the violations occurred prior to the issuance of an original license to the person in this or another state.

(l) A nonresident.

(m) A person not licensed under this act who has been convicted of or received a probate court disposition for committing a crime described in section 319, 324, or 904. A person shall be denied a license under this subdivision for the length of time that corresponds to the period of the licensing sanction that would have been imposed under section 319, 324, or 904 if the person had been licensed at the time of the violation.

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

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

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

(c) Any combination of 2 convictions within 7 years for 1 or more of the following:

(i) A violation of section 625(1).

(ii) A violation of former section 625(1) or (2).

(iii) A violation of section 625(4) or (5).

(d) One conviction under section 625(4) or (5).

(e) Any combination of 3 convictions within 10 years for 1 or more of the following:

(i) A violation of section 625(1), (3), (4), or (5).

(ii) A violation of former section 625(1) or (2) or former section 625b.

(3) The secretary of state shall revoke a license under subsection (2) notwithstanding a court order issued under section 625, section 625b, former section 625(1) or (2), or former section 625b, or a local ordinance substantially corresponding to section 625, section 625b, former section 625(1) or (2), or former section 625b.

(4) The secretary of state shall not issue a license under this act to a person whose license has been revoked under this act or denied under subsection (1)(d), (e), (h), or (i) until both of the following occur:

(a) The later of the following:

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

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

(b) The person meets the requirements of the department.

(5) Multiple convictions, civil infraction determinations, or probate court dispositions resulting from the same incident shall be treated as a single violation for purposes of denial or revocation of a license under this section.

Sec. 320e. (1) A person whose operator's or chauffeur's license is suspended, revoked, or restricted pursuant to section 303, 319, 320, 324, 625, 625b, 625f, or 904 shall pay a license reinstatement fee of \$125.00 to the secretary of state before a license is issued or returned to the person. The increase in the reinstatement fee from \$60.00 to \$125.00 shall be imposed for a license that is issued or returned on or after October 1, 1991 regardless of when the license was suspended, revoked, or restricted. Of the increase in the reinstatement fee from \$60.00 to \$125.00, \$25.00 shall be allocated to the department of state, \$10.00 shall be deposited by the department of treasury in the drunk driving prevention equipment and training fund created under section 625h(1), and \$30.00 shall be deposited by the department of treasury in the drunk driving caseflow assistance fund created under section 625h(5). The fee shall be waived if the license was suspended or restricted because of the person's mental or physical infirmity or disability.

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

(3) Judicial review of an administrative licensing sanction under section 303 shall be governed by the law in effect at the time the offense was committed or attempted.

Sec. 624a. (1) Except as provided in subsection (2), a person shall not transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken within the passenger compartment of a vehicle upon a highway, or within the passenger compartment of a moving vehicle in any place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, in this state.

(2) A person may transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken within the passenger compartment of a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles in this state, if the vehicle does not have a trunk or compartment separate from the passenger compartment, the container is enclosed or encased, and the container is not readily accessible to the occupants of the vehicle.

(3) A person who violates this section is guilty of a misdemeanor.

(4) This section does not apply to a passenger in a chartered vehicle authorized to operate by the Michigan department of transportation.

Sec. 625. (1) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state if either of the following applies:

(a) The person is under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance.

(b) The person has a blood alcohol content of 0.10% or more by weight of alcohol.

(2) The owner of a vehicle or a person in charge or in control of a vehicle shall not authorize or knowingly permit the vehicle to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, within this state by a person who is under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance, or who has a blood alcohol content of 0.10% or more by weight of alcohol.

(3) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles within this state when, due to the consumption of an intoxicating liquor, a controlled substance, or a combination of an intoxicating liquor and a controlled substance, the person's ability to operate the vehicle is visibly impaired. If a person is charged with violating subsection (1), a finding of guilty under this subsection may be rendered.

(4) A person, whether licensed or not, who operates a motor vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state, under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance, or with a blood alcohol content of 0.10% or more by weight of alcohol, and by the operation of that motor vehicle causes the death of another person is guilty of a felony, punishable by imprisonment for not more than 15 years, or a fine of not less than \$2,500.00 or more than \$10,000.00, or both.

(5) A person, whether licensed or not, who operates a motor vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state, under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance, or with a blood alcohol content of 0.10% or more by weight of alcohol, and by the operation of that motor vehicle causes a long-term incapacitating injury to another person is guilty of a felony, punishable by imprisonment for not more than 5 years, or a fine of not less than \$1,000.00 or more than \$5,000.00, or both. As used in this subsection, "long-term incapacitating injury" means an injury that has caused a person to be in a comatose state, a quadriplegic state, a hemiplegic state, or a paraplegic state, which state is likely to continue for 1 year or more.

(6) If a person is convicted of violating subsection (1), the following shall apply:

(a) Except as otherwise provided in subdivisions (b) and (d), the person is guilty of a misdemeanor, and may be punished by 1 or more of the following:

(i) Service to the community for a period of not more than 45 days.

(ii) Imprisonment for not more than 90 days.

(iii) A fine of not less than \$100.00 or more than \$500.00.

(b) If the violation occurs within 7 years of a prior conviction, the person shall be sentenced to both a fine of not less than \$200.00 or more than \$1,000.00 and either of the following:

(i) Performing service to the community for a period of not less than 10 days or more than 90 days and may be imprisoned for not more than 1 year.

(ii) Imprisonment for not less than 48 consecutive hours or more than 1 year, and may be sentenced to service to the community for a period of not more than 90 days.

(c) A term of imprisonment imposed under subdivision (b)(ii) shall not be suspended.

(d) If the violation occurs within 10 years of 2 or more prior convictions, the person is guilty of a felony, and shall be sentenced to imprisonment for not less than 1 year or more than 5 years, or a fine of not less than \$500.00 or more than \$5,000.00, or both.

(e) A person sentenced to perform service to the community under this subsection shall not receive compensation, and shall reimburse the state or appropriate local unit of government for the cost of supervision incurred by the state or local unit of government as a result of the person's activities in that service.

(f) As used in this subsection, "prior conviction" means a conviction for a violation of section 625(1), (4), or (5), or former section 625(1) or (2), a local ordinance substantially corresponding to section 625(1), or former section 625(1) or (2), or a law of another state substantially corresponding to section 625(1), (4), or (5), or former section 625(1) or (2).

(7) In addition to imposing the sanctions prescribed under subsections (4), (5), and (6), the court may, pursuant to the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being sections 760.1 to 776.21 of the Michigan Compiled Laws, order the person to pay the costs of the prosecution.

(8) The court shall impose license sanctions pursuant to section 625b.

(9) A person who is convicted of violating subsection (2) is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not less than \$100.00 or more than \$500.00, or both.

(10) If a person is convicted of violating subsection (3), the following shall apply:

(a) Except as otherwise provided in subdivisions (b) and (c), the person is guilty of a misdemeanor punishable by 1 or more of the following:

(i) Service to the community for a period of not more than 45 days.

(ii) Imprisonment for not more than 90 days.

(iii) A fine of not more than \$300.00.

(b) If the violation occurs within 7 years of 1 prior conviction, the person shall be sentenced to both a fine of not less than \$200.00 or more than \$1,000.00, and either of the following:

(i) Performing service to the community for a period of not less than 10 days or more than 90 days and may be sentenced to imprisonment for not more than 1 year.

(ii) Imprisonment for not more than 1 year and may be sentenced to community service for not more than 90 days.

(c) If the violation occurs within 10 years of 2 or more prior convictions, the person shall be sentenced to both a fine of not less than \$200.00 or more than \$1,000.00, and either of the following:

(i) Performing service to the community for a period of not less than 10 days or more than 90 days and may be sentenced to imprisonment for not more than 1 year.

(ii) Imprisonment for not more than 1 year and may be sentenced to community service for not more than 90 days.

(d) As used in subdivisions (b) and (c), "prior conviction" means a conviction for a violation of section 625(1), (3), (4), or (5), or former section 625(1) or (2), or former section 625b or a local ordinance substantially corresponding to section 625(1), or former section 625(1) or (2), or former section 625b, or a law of another state substantially corresponding to section 625(1), (3), (4), or (5), or former section 625(1) or (2), or former section 625b.

(e) In addition to imposing the sanctions prescribed in subdivision (a), (b), or (c), the court may, pursuant to the code of criminal procedure, Act No. 175 of the Public Acts of 1927, order the person to pay the costs of the prosecution.

(f) The court shall order the secretary of state to impose license sanctions pursuant to section 625b.

(g) A person sentenced to perform service to the community under this subsection shall not receive compensation, and shall reimburse the state or appropriate local unit of government for the cost of supervision incurred by the state or local unit of government as a result of the person's activities in that service.

(11) If the prosecuting attorney intends to seek an enhanced sentence under subsection (6)(b) or (d) or (10)(b) or (c) based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information filed in district court, circuit court, recorder's court, municipal court, or probate court a statement listing the defendant's prior convictions.

(12) A prior conviction shall be established at sentencing by 1 or more of the following:

(a) An abstract of conviction.

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

(c) An admission by the defendant.

(13) A person who is convicted of an attempted violation of subsection (1) or (3), or a local ordinance substantially corresponding to subsection (1) or (3) shall be punished as if the offense had been completed.

(14) When assessing points and taking licensing action under this act, the secretary of state and the court shall treat a conviction of an attempted violation of subsection (1) or (3) or a local ordinance substantially corresponding to subsection (1) or (3), or a law of another state substantially corresponding to subsection (1) or (3) the same as if the offense had been completed.

Sec. 625h. (1) The drunk driving prevention equipment and training fund is created as a separate fund in the state treasury. Money in the fund shall be expended only as provided in subsection (2). The state treasurer shall credit to the fund all money received for that purpose under section 320e, and as otherwise provided by law. The state treasurer shall invest money in the fund in the same manner as surplus funds are invested under section 143 of Act No. 105 of the Public Acts of 1985, being section 21.143 of the Michigan Compiled Laws. Earnings from the fund shall be credited to the fund. Money in the fund at the end of the fiscal year shall remain in the fund, and shall not revert to the general fund.

(2) The department of state police shall administer the fund. Money in the fund shall be used only to administer the fund, to purchase and maintain breath alcohol testing equipment, and to provide training to law enforcement personnel of this state in the use of that breath alcohol testing equipment.

(3) The department of treasury shall, before November 1 of each year, notify the department of state police of the balance in the fund at the close of the preceding fiscal year.

(4) The department of state police shall promulgate rules to implement subsection (2).

(5) The drunk driving caseflow assistance fund is created as a separate fund in the state treasury. The purpose of the fund is to promote the timely disposition of cases in which the defendant is charged with a violation of section 625(1) or (3), or a local ordinance substantially corresponding to section 625(1) or (3). Money in the fund shall be expended only as provided in subsection (7).

(6) The state treasurer shall credit the drunk driving caseflow assistance fund with deposits of proceeds from the collection of revenue from license reinstatement fees as provided for in section 320e, and all income from investment credited to the fund by the state treasurer. The state treasurer may invest money contained in the drunk driving caseflow assistance fund in any manner authorized by law for the investment of state money. However, an investment shall not interfere with any apportionment, allocation, or payment of money as required by this section. The state treasurer shall credit to the fund all income earned as a result of an investment. Money in the fund at the end of the fiscal year shall remain in the fund and shall not revert to the general fund.

(7) The state court administrator, at the direction of the supreme court and upon confirmation of the amount by the state treasurer, shall distribute from the drunk driving caseflow assistance fund the total amount available in a fiscal year to each district of the district court and each municipal court as provided in this section. The state court administrator, after reimbursement of costs as provided in this subsection, shall distribute the balance of the drunk driving caseflow assistance fund annually to each district of the district court and each municipal court in an amount determined by multiplying the amount available for distribution by a fraction, the numerator of which is the number of cases in which the defendant was charged with a violation of section 625(1) or (3), or a local ordinance substantially corresponding to section 625(1) or (3) in the prior calendar year in that district of the district court or that municipal court as certified by the state court administrator and the denominator of which is the total number of cases in all districts of the district court and all municipal courts in which the defendant was charged with a violation of section 625(1) or (3), or a local ordinance substantially corresponding to section 625(1) or (3) in the calendar year. The state court administrative office shall be reimbursed annually from the drunk driving caseflow assistance fund for all reasonable costs associated with the administration of this section, including judicial and staff training, on-site management assistance, and software development and conversion.

Sec. 904. (1) A person whose operator's or chauffeur's license or registration certificate has been suspended or revoked and who has been notified as provided in section 212 of that suspension or revocation, whose application for license has been denied, or who has never applied for a license, shall not operate a motor vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles within this state. A person shall not knowingly permit a motor vehicle owned by the person to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state by a person whose license or registration certificate is suspended or revoked, whose application for license has been denied, or who has never applied for a license, except as permitted under this act. A person who violates this subsection is guilty of a misdemeanor, punishable as follows:

(a) If the person's operator's or chauffeur's license has been suspended under section 321a because that person has failed to answer a citation or has failed to comply with an order or judgment issued pursuant to section 907, by imprisonment for not more than 90 days, or a fine of not more than \$100.00, or both.

(b) For a violation, other than a violation punishable under subdivision (a), by imprisonment for not more than 90 days, or by a fine of not more than \$500.00, or both. Unless the vehicle was stolen or used with the permission of a person who did not knowingly permit an unlicensed driver to operate the vehicle, the registration plates of the vehicle shall be confiscated.

(c) For a second or subsequent violation punishable under subdivision (b), by imprisonment for not more than 1 year, or a fine of not more than \$1,000.00, or both. Unless the vehicle was stolen, the registration plates of the vehicle shall be confiscated.

(2) The secretary of state, upon receiving a record of the conviction or probate court disposition of a person upon a charge of unlawful operation of a motor vehicle while the license of the person is suspended or revoked or of the conviction, civil infraction determination, or probate court disposition of a person for a moving violation of the vehicle laws of this state or a political subdivision of this state while the license of the person is suspended or revoked immediately shall extend the period of the first suspension or revocation for an additional like period. This subsection shall apply only if the violation occurs during a suspension of definite length, or if the violation occurs before the person is approved for a license following a revocation.

(3) The secretary of state, upon receiving a record of the conviction, bond forfeiture, or a civil infraction determination of a person upon a charge of unlawful operation of a motor vehicle requiring a class 1, class 2, or class 3 indorsement or vehicle group designation while the indorsement or designation is suspended pursuant to section 319a or 319b, or revoked, immediately shall extend the period of suspension or revocation for an additional like period. This subsection shall apply only if the violation occurs during a suspension of definite length, or if the violation occurs before the person is approved for a license following a revocation, or if the person operates a commercial vehicle while disqualified under title XII of Public Law 99-570, 100 Stat. 3207-170.

(4) If the secretary of state receives records of more than 1 conviction, civil infraction determination, or probate court disposition resulting from the same incident, all of the convictions, civil infraction determinations, or probate court dispositions shall be treated as a single violation for purposes of extending the period of suspension or revocation under subsection (2) or (3).

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

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

Sec. 904b. (1) When a person is convicted under section 904(1) of operating a motor vehicle while his or her license to operate a motor vehicle is suspended, revoked, or denied, the motor vehicle, if it is owned in whole or in part by that person, shall be ordered impounded for not less than 30 or more than 120 days from the date of judgment.

(2) An order of impoundment issued pursuant to subsection (1) is valid throughout the state. Any peace officer may execute the impoundment order. The order shall include the implied consent of the owner of the vehicle to the storage for insurance coverage purposes.

(3) The owner of a motor vehicle impounded pursuant to this section is liable for expenses incurred in the removal and storage of the vehicle whether or not the vehicle is returned to him or her. The vehicle shall be returned to the owner only if the owner pays the expenses for removal and storage. If redemption is not made or the vehicle is not returned as provided in this section within 30 days after the time set in the impoundment order for return of the vehicle, the vehicle shall be considered an abandoned vehicle and disposed of as provided in section 252.

(4) Nothing in this section affects the rights of a conditional vendor, chattel mortgagee or lessor of a motor vehicle registered in the name of another person as owner who becomes subject to this act.

Sec. 910. A conviction based on a plea of nolo contendere shall be treated in the same manner as a conviction based on a plea of guilty or a finding of guilt for all purposes under this act, except that neither the plea nor the conviction shall be admissible as substantive evidence of conduct at issue in a civil case arising out of the same occurrence.

Section 2. Sections 320e and 625h of Act No. 300 of the Public Acts of 1949 as amended by this amendatory act shall take effect October 1, 1991.

Section 3. Sections 303, 625, 904, and 904b of Act No. 300 of the Public Acts of 1949, as amended by this amendatory act, and sections 624a and 910 of Act No. 300 of the Public Acts of 1949, as added by this amendatory act, shall take effect January 1, 1992.

Section 4. The following acts and parts of acts and parts of the act are repealed effective January 1, 1992:

(a) Section 625j of Act No. 300 of the Public Acts of 1949, being section 257.625j of the Michigan Compiled Laws.

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

Section 5. This amendatory act shall not take effect unless all of the following bills of the 86th Legislature are enacted into law:

(a) Senate Bill No. 314.

(b) Senate Bill No. 315.

(c) House Bill No. 4827.

This act is ordered to take immediate effect.

.....
Clerk of the House of Representatives.

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Secretary of the Senate.

Approved

.....
Governor.