

HOUSE BILL No. 4828

May 14, 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 and referred to the Committee on Judiciary.

A bill 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

"Michigan vehicle code,"

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:

1 Section 1. The title and sections 303, 320e, 625, 625h,
2 904, and 904b of Act No. 300 of the Public Acts of 1949, sections
3 303 and 904 as amended by Act No. 346 of the Public Acts of 1988,
4 section 320e as amended by Act No. 232 of the Public Acts of
5 1987, section 625 as amended by Act No. 109 of the Public Acts of
6 1987, and section 625h as added by Act No. 310 of the Public Acts
7 of 1982, being sections 257.303, 257.320e, 257.625, 257.625h,
8 257.904, and 257.904b of the Michigan Compiled Laws, are amended
9 and sections 624a and 910 are added to read as follows:

TITLE

11 An act to provide for the registration, titling, sale,
12 transfer, and regulation of CERTAIN vehicles operated upon the
13 public highways of this state or any other place open to the gen-
14 eral public OR GENERALLY ACCESSIBLE TO MOTOR VEHICLES and dis-
15 tressed vehicles; to provide for the licensing of dealers; to
16 provide for the examination, licensing, and control of operators
17 and chauffeurs; to provide for the giving of proof of financial
18 responsibility and security by owners and operators of vehicles;
19 to provide for the imposition, levy, and collection of specific
20 taxes on vehicles, and the levy and collection of sales and use
21 taxes, license fees, and permit fees; to provide for the regula-
22 tion and use of streets and highways; to create certain funds; to
23 provide penalties and sanctions for a violation of this act; to
24 provide for civil liability of owners and operators of vehicles
25 and service of process on residents and nonresidents; to provide
26 for the levy of certain assessments; to provide for the
27 enforcement of this act; to provide for the creation of and to

1 prescribe the powers and duties of certain state AND LOCAL
2 agencies; to repeal all other acts or parts of acts inconsistent
3 with this act or contrary to this act; and to repeal certain
4 parts of this act on a specific date.

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

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

21 (b) ~~To a~~ A person, as a chauffeur, who is ~~+17 years of age~~
22 ~~or~~ less THAN 18 YEARS OF AGE, except that the secretary of state
23 may issue a license to a person who is not less than 16 years of
24 age and who has satisfactorily passed a driver education course
25 and examination given by a public school or nonpublic school of
26 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) ~~To a~~ A person ~~whose license has been revoked under~~
6 ~~this act until the later of the following.~~ WHO HAS BEEN CON-
7 VICTED UNDER SECTION 625(4) OR (5).

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

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

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

24 (i) ~~Two~~ ANY COMBINATION OF 2 convictions ~~under section~~
25 ~~625(1) or (2), or 1 conviction under section 625(1) and 1 convic-~~
26 ~~tion under section 625(2)~~ within 7 years FOR 1 OR MORE OF THE
27 FOLLOWING:

1 (A) A VIOLATION OF SECTION 625(1), (4), OR (5).

2 (B) A VIOLATION OF FORMER SECTION 625(1) OR (2).

3 (ii) ~~Three~~ ANY COMBINATION OF 3 convictions ~~under section~~
4 ~~625b~~ within 10 years FOR 1 OR MORE OF THE FOLLOWING:

5 (A) A VIOLATION OF SECTION 625(1), (3), (4), OR (5).

6 (B) A VIOLATION OF FORMER SECTION 625(1) OR (2) OR FORMER
7 SECTION 625B.

8 (f) ~~To a~~ A person who in the opinion of the secretary of
9 state is afflicted with or suffering from a physical or mental
10 disability or disease which prevents that person from exercising
11 reasonable and ordinary control over a motor vehicle while oper-
12 ating the motor vehicle upon the highways.

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

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

22 (i) ~~To a~~ A person who is an habitual criminal. Two con-
23 victions of a felony involving the use of a motor vehicle in this
24 or another state shall be prima facie evidence that the person is
25 an habitual criminal.

26 (j) ~~To a~~ A person who is unable to pass a knowledge,
27 skill, or ability test administered by the secretary of state in

1 connection with the issuance of an original operator's or
2 chauffeur's license, original motorcycle indorsement, or an orig-
3 inal or renewal of a vehicle group designation or vehicle
4 indorsement.

5 (k) ~~To a~~ A person who has been convicted, received a pro-
6 bate court ~~finding~~ DISPOSITION, or been determined responsible
7 for 2 or more moving violations under a law of this state, a
8 local ordinance substantially corresponding to a law of this
9 state, or a law of another state substantially corresponding to a
10 law of this state, within the preceding 3 years, if the viola-
11 tions occurred prior to the issuance of an original license to
12 the person in this or another state.

13 (l) ~~To a~~ A nonresident.

14 (M) A PERSON NOT LICENSED UNDER THIS ACT WHO HAS BEEN CON-
15 VICTED OF OR RECEIVED A PROBATE COURT DISPOSITION FOR COMMITTING
16 A CRIME DESCRIBED IN SECTION 319, 324, OR 904. A PERSON SHALL BE
17 DENIED A LICENSE UNDER THIS SUBDIVISION FOR THE LENGTH OF TIME
18 THAT CORRESPONDS TO THE PERIOD OF THE LICENSING SANCTION THAT
19 WOULD HAVE BEEN IMPOSED UNDER SECTION 319, 324, OR 904 IF THE
20 PERSON HAD BEEN LICENSED AT THE TIME OF THE VIOLATION.

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

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

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

4 (c) ~~Two~~ ANY COMBINATION OF 2 convictions ~~under section~~
5 ~~625(1) or (2), or 1 conviction under section 625(1) and 1 convic-~~
6 ~~tion under section 625(2)~~ within 7 years FOR 1 OR MORE OF THE
7 FOLLOWING:

8 (i) A VIOLATION OF SECTION 625(1).

9 (ii) A VIOLATION OF FORMER SECTION 625(1) OR (2).

10 (iii) A VIOLATION OF SECTION 625(4) OR (5).

11 (D) ONE CONVICTION UNDER SECTION 625(4) OR (5).

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

14 (i) A VIOLATION OF SECTION 625(1), (3), (4), OR (5).

15 (ii) A VIOLATION OF FORMER SECTION 625(1) OR (2) OR FORMER
16 SECTION 625B.

17 (3) The secretary of state shall revoke a license under sub-
18 section (2) notwithstanding a court order issued under section
19 625, SECTION 625B, FORMER SECTION 625(1) OR (2), or FORMER
20 SECTION 625b, or a local ordinance substantially corresponding to
21 section 625, SECTION 625B, FORMER SECTION 625(1) or (2), or
22 FORMER SECTION 625b.

23 (4) THE SECRETARY OF STATE SHALL NOT ISSUE A LICENSE UNDER
24 THIS ACT TO A PERSON WHOSE LICENSE HAS BEEN REVOKED UNDER THIS
25 ACT OR DENIED UNDER SUBSECTION (1)(D), (E), (H), OR (I) UNTIL
26 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 ~~-\$60.00~~ \$90.00 to the secretary of state

before a license is issued or returned to the person. ~~The~~

~~increase in the reinstatement fee from \$25.00 to \$60.00 shall be~~

~~imposed for a license which is issued or returned on or after~~

~~April 5, 1988 regardless of when the license was suspended,~~

~~revoked, or restricted.~~ THE INCREASE IN THE REINSTATEMENT FEE

FROM \$60.00 TO \$90.00 SHALL BE IMPOSED FOR A LICENSE WHICH 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 \$90.00, \$20.00

SHALL BE ALLOCATED TO THE DEPARTMENT OF STATE AND \$10.00 SHALL BE

DEPOSITED BY THE DEPARTMENT OF TREASURY IN THE DRUNK DRIVING

PREVENTION EQUIPMENT AND TRAINING FUND CREATED UNDER SECTION

1 625H. The fee shall be waived if the license was suspended or
2 restricted because of the person's mental or physical infirmity
3 or disability.

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

9 (3) JUDICIAL REVIEW OF AN ADMINISTRATIVE LICENSING SANCTION
10 UNDER SECTION 303 SHALL BE GOVERNED BY THE LAW IN EFFECT AT THE
11 TIME THE OFFENSE WAS COMMITTED OR ATTEMPTED.

12 SEC. 624A. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), A
13 PERSON SHALL NOT TRANSPORT OR POSSESS ALCOHOLIC LIQUOR IN A CON-
14 TAINER THAT IS OPEN OR UNCAPPED OR UPON WHICH THE SEAL IS BROKEN
15 WITHIN THE PASSENGER COMPARTMENT OF A VEHICLE UPON A HIGHWAY OR
16 OTHER PLACE GENERALLY ACCESSIBLE TO MOTOR VEHICLES, INCLUDING AN
17 AREA DESIGNATED FOR THE PARKING OF VEHICLES, IN THIS STATE.

18 (2) A PERSON MAY TRANSPORT OR POSSESS ALCOHOLIC LIQUOR IN A
19 CONTAINER THAT IS OPEN OR UNCAPPED OR UPON WHICH THE SEAL IS
20 BROKEN WITHIN THE PASSENGER COMPARTMENT OF A VEHICLE UPON A HIGH-
21 WAY OR OTHER PLACE GENERALLY ACCESSIBLE TO MOTOR VEHICLES,
22 INCLUDING AN AREA DESIGNATED FOR THE PARKING OF VEHICLES IN THIS
23 STATE, IF THE VEHICLE DOES NOT HAVE A TRUNK OR COMPARTMENT SEPA-
24 RATE FROM THE PASSENGER COMPARTMENT, THE CONTAINER IS ENCLOSED OR
25 ENCASED, AND THE CONTAINER IS NOT READILY ACCESSIBLE TO THE OCCU-
26 PANTS OF THE VEHICLE.

1 (3) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
2 MISDEMEANOR.

3 (4) THIS SECTION DOES NOT APPLY TO A PASSENGER IN A
4 CHARTERED VEHICLE AUTHORIZED TO OPERATE BY THE MICHIGAN DEPART-
5 MENT OF TRANSPORTATION.

6 Sec. 625. (1) A person, whether licensed or not, ~~who is~~
7 ~~under the influence of intoxicating liquor or a controlled sub-~~
8 ~~stance, or a combination of intoxicating liquor and a controlled~~
9 ~~substance,~~ shall not operate a vehicle upon a highway or other
10 place ~~open to the general public~~ GENERALLY ACCESSIBLE TO MOTOR
11 VEHICLES, including an area designated for the parking of vehi-
12 cles, within ~~the~~ THIS state ~~. A peace officer may, without a~~
13 ~~warrant, arrest a person when the peace officer has reasonable~~
14 ~~cause to believe that the person was, at the time of an accident,~~
15 ~~the driver of a vehicle involved in the accident and was operat-~~
16 ~~ing the vehicle upon a public highway or other place open to the~~
17 ~~general public, including an area designated for the parking of~~
18 ~~vehicles, in the state while in violation of this subsection or~~
19 ~~of subsection (2), or of a local ordinance substantially corre-~~
20 ~~sponding to this subsection or subsection (2).~~ IF EITHER OF THE
21 FOLLOWING APPLIES:

22 (A) THE PERSON IS UNDER THE INFLUENCE OF INTOXICATING LIQUOR
23 OR A CONTROLLED SUBSTANCE, OR A COMBINATION OF INTOXICATING
24 LIQUOR AND A CONTROLLED SUBSTANCE.

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

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

6 (2) ~~(3)~~ The owner of a vehicle or a person in charge or in
7 control of a vehicle shall not authorize or knowingly permit the
8 vehicle to be operated upon a highway or other place ~~open to the~~
9 ~~general public,~~ GENERALLY ACCESSIBLE TO MOTOR VEHICLES including
10 an area designated for the parking of motor vehicles, within
11 ~~the~~ THIS state by a person who is under the influence of intox-
12 icating liquor or a controlled substance, or a combination of
13 intoxicating liquor and a controlled substance, OR WHO HAS A
14 BLOOD ALCOHOL CONTENT OF 0.10% OR MORE BY WEIGHT OF ALCOHOL.

15 (3) A PERSON, WHETHER LICENSED OR NOT, SHALL NOT OPERATE A
16 VEHICLE UPON A HIGHWAY OR OTHER PLACE GENERALLY ACCESSIBLE TO
17 MOTOR VEHICLES INCLUDING AN AREA DESIGNATED FOR THE PARKING OF
18 VEHICLES WITHIN THIS STATE WHEN, DUE TO THE CONSUMPTION OF AN
19 INTOXICATING LIQUOR, A CONTROLLED SUBSTANCE, OR A COMBINATION OF
20 AN INTOXICATING LIQUOR AND A CONTROLLED SUBSTANCE, THE PERSON'S
21 ABILITY TO OPERATE THE VEHICLE IS VISIBLY IMPAIRED. IF A PERSON
22 IS CHARGED WITH VIOLATING SUBSECTION (1), A FINDING OF GUILTY
23 UNDER THIS SUBSECTION MAY BE RENDERED.

24 (4) A PERSON, WHETHER LICENSED OR NOT, WHO OPERATES A MOTOR
25 VEHICLE UPON A HIGHWAY OR OTHER PLACE GENERALLY ACCESSIBLE TO
26 MOTOR VEHICLES, INCLUDING AN AREA DESIGNATED FOR THE PARKING OF
27 VEHICLES, WITHIN THIS STATE, UNDER THE INFLUENCE OF INTOXICATING

1 LIQUOR OR A CONTROLLED SUBSTANCE, OR A COMBINATION OF
 2 INTOXICATING LIQUOR AND A CONTROLLED SUBSTANCE, OR WITH A BLOOD
 3 ALCOHOL CONTENT OF 0.10% OR MORE BY WEIGHT OF ALCOHOL, AND BY THE
 4 OPERATION OF THAT MOTOR VEHICLE CAUSES THE DEATH OF ANOTHER
 5 PERSON IS GUILTY OF A FELONY, PUNISHABLE BY IMPRISONMENT FOR NOT
 6 MORE THAN 15 YEARS, OR A FINE OF NOT LESS THAN \$2,500.00 OR MORE
 7 THAN \$10,000.00, OR BOTH.

8 (5) A PERSON, WHETHER LICENSED OR NOT, WHO OPERATES A MOTOR
 9 VEHICLE UPON A HIGHWAY OR OTHER PLACE GENERALLY ACCESSIBLE TO
 10 MOTOR VEHICLES, INCLUDING AN AREA DESIGNATED FOR THE PARKING OF
 11 VEHICLES, WITHIN THIS STATE, UNDER THE INFLUENCE OF INTOXICATING
 12 LIQUOR OR A CONTROLLED SUBSTANCE, OR A COMBINATION OF INTOXICAT-
 13 ING LIQUOR AND A CONTROLLED SUBSTANCE, OR WITH A BLOOD ALCOHOL
 14 CONTENT OF 0.10% OR MORE BY WEIGHT OF ALCOHOL, AND BY THE OPERA-
 15 TION OF THAT MOTOR VEHICLE CAUSES A LONG-TERM INCAPACITATING
 16 INJURY TO ANOTHER PERSON IS GUILTY OF A FELONY, PUNISHABLE BY
 17 IMPRISONMENT FOR NOT MORE THAN 5 YEARS, OR A FINE OF NOT LESS
 18 THAN \$1,000.00 OR MORE THAN \$5,000.00, OR BOTH. AS USED IN THIS
 19 SUBSECTION, "LONG-TERM INCAPACITATING INJURY" MEANS AN INJURY
 20 THAT HAS CAUSED A PERSON TO BE IN A COMATOSE STATE, A QUADRIPLE-
 21 GIC STATE, A HEMIPLEGIC STATE, OR A PARAPLEGIC STATE, WHICH STATE
 22 IS LIKELY TO CONTINUE FOR 1 YEAR OR MORE.

23 (6) IF A PERSON IS CONVICTED OF VIOLATING SUBSECTION (1),
 24 THE FOLLOWING SHALL APPLY:

25 (A) ~~-(4)-~~ Except as otherwise provided in ~~this section, a~~
 26 ~~person who is convicted of a violation of subsection (1), (2), or~~
 27 ~~(3)-~~ SUBDIVISIONS (B) AND (D), THE PERSON is guilty of a

1 misdemeanor, ~~punishable~~ AND MAY BE PUNISHED by ~~imprisonment~~ 1
2 OR MORE OF THE FOLLOWING:

3 (i) SERVICE TO THE COMMUNITY FOR A PERIOD OF NOT MORE THAN
4 45 DAYS.

5 (ii) IMPRISONMENT for not more than 90 days. ~~, or a~~

6 (iii) A fine of not less than \$100.00 ~~nor~~ OR more than
7 \$500.00. ~~, or both, together with costs of the prosecution. As~~
8 ~~part of the sentence for a violation of subsection (1) or (2),~~
9 ~~the court shall order the secretary of state to suspend the~~
10 ~~operator's or chauffeur's license of the person for a period of~~
11 ~~not less than 6 months nor more than 2 years. The court may~~
12 ~~order the secretary of state to issue to the person a restricted~~
13 ~~license permitting the person during all or a specified portion~~
14 ~~of the period of suspension to drive only to and from the~~
15 ~~person's residence and work location; in the course of the~~
16 ~~person's employment or occupation; to and from an alcohol or drug~~
17 ~~education program or treatment program as ordered by the court;~~
18 ~~to and from the person's residence and an educational institution~~
19 ~~at which the person is enrolled as a student; or pursuant to a~~
20 ~~combination of these restrictions. The court may also order that~~
21 ~~the restricted license include the requirement that a person~~
22 ~~shall not operate a motor vehicle unless the vehicle is equipped~~
23 ~~with a functioning certified ignition interlock device. The~~
24 ~~device shall be set to render the motor vehicle inoperable if the~~
25 ~~device detects 0.02% or more by weight of alcohol in the blood of~~
26 ~~the person who offers a breath sample. The court may order~~ 7
27 ~~installation of a certified ignition interlock device on any~~

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

~~17 (i) The specific place or places of employment.~~
~~18 (ii) The territory or territories regularly visited by the~~
~~19 person in pursuance of the person's occupation.~~

~~20 (B) (5) A person who violates subsection (1) or (2) or a~~
~~21 local ordinance substantially corresponding to subsection (1) or~~
~~22 (2) IF THE VIOLATION OCCURS within 7 years of a prior~~
~~23 conviction, may THE PERSON SHALL be sentenced to imprisonment~~
~~24 BOTH A FINE OF NOT LESS THAN \$200.00 OR MORE THAN \$1,000.00 AND~~
~~25 EITHER OF THE FOLLOWING:~~

1 (i) PERFORMING SERVICE TO THE COMMUNITY FOR A PERIOD OF NOT
2 LESS THAN 10 DAYS OR MORE THAN 90 DAYS AND MAY BE IMPRISONED FOR
3 NOT MORE THAN 1 YEAR.

4 (ii) IMPRISONMENT for not LESS THAN 48 CONSECUTIVE HOURS OR
5 more than 1 year, ~~or a fine of not more than \$1,000.00, or both~~
6 AND MAY BE SENTENCED TO SERVICE TO THE COMMUNITY FOR A PERIOD OF
7 NOT MORE THAN 90 DAYS. ~~As part of the sentence, the court shall~~
8 ~~order the secretary of state to revoke the operator's or~~
9 ~~chauffeur's license of the person. For purposes of this section,~~
10 ~~"prior conviction" means a conviction under subsection (1) or~~
11 ~~(2), a local ordinance substantially corresponding to subsection~~
12 ~~(1) or (2), or a law of another state substantially corresponding~~
13 ~~to subsection (1) or (2).~~

14 (C) A TERM OF IMPRISONMENT IMPOSED UNDER SUBDIVISION (B)(ii)
15 SHALL NOT BE SUSPENDED.

16 (D) ~~(6) A person who violates subsection (1) or (2) or a~~
17 ~~local ordinance substantially corresponding to subsection (1) or~~
18 ~~(2)~~ IF THE VIOLATION OCCURS within 10 years of 2 or more prior
19 convictions, ~~as defined in subsection (5),~~ THE PERSON is guilty
20 of a felony, ~~. As part of the sentence, the court shall order~~
21 ~~the secretary of state to revoke the operator's or chauffeur's~~
22 ~~license of the person.~~ AND SHALL BE SENTENCED TO IMPRISONMENT
23 FOR NOT LESS THAN 1 YEAR OR MORE THAN 5 YEARS, OR A FINE OF NOT
24 LESS THAN \$500.00 OR MORE THAN \$5,000.00, OR BOTH.

25 ~~(7) As part of the sentence for a violation of subsection~~
26 ~~(1) or (2), or a local ordinance substantially corresponding to~~
27 ~~subsection (1) or (2), the court may order the person to perform~~

1 ~~service to the community, as designated by the court, without~~
2 ~~compensation, for a period not to exceed 12 days. The person~~
3 ~~shall reimburse the state or appropriate local unit of government~~
4 ~~for the cost of insurance incurred by the state or local unit of~~
5 ~~government as a result of the person's activities under this~~
6 ~~subsection.~~

7 ~~(8) Before imposing sentence for a violation of subsection~~
8 ~~(1) or (2) or a local ordinance substantially corresponding to~~
9 ~~subsection (1) or (2), the court shall order the person to~~
10 ~~undergo screening and assessment by a person or agency designated~~
11 ~~by the office of substance abuse services, to determine whether~~
12 ~~the person is likely to benefit from rehabilitative services,~~
13 ~~including alcohol or drug education and alcohol or drug treatment~~
14 ~~programs. As part of the sentence, the court may order the~~
15 ~~person to participate in and successfully complete 1 or more~~
16 ~~appropriate rehabilitative programs. The person shall pay for~~
17 ~~the costs of the screening, assessment, and rehabilitative~~
18 ~~services.~~

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

25 ~~(10) The operator's or chauffeur's license of a person found~~
26 ~~guilty of violating subsection (1) or (2), or a local ordinance~~
27 ~~substantially corresponding to subsection (1) or (2), shall be~~

~~1 surrendered to the court in which the person was convicted, and
2 the court shall immediately forward the surrendered license and
3 an abstract of conviction to the secretary of state. The
4 abstract of conviction shall indicate the sentence imposed. Upon
5 receipt of, and pursuant to the abstract of conviction, the sec-
6 retary of state shall suspend or revoke the person's license and,
7 if ordered by the court and the person is otherwise eligible for
8 a license, issue to the person a restricted license stating the
9 limited driving privileges indicated on the abstract. If the
10 license is not forwarded to the secretary of state, an explana-
11 tion of the reason why the license is absent shall be attached.
12 If the conviction is appealed to circuit court, that court may,
13 ex parte, order the secretary of state to rescind the suspension,
14 revocation, or restricted license issued pursuant to this
15 section.~~

16 (E) 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 SUPERVISION INCURRED BY THE STATE OR LOCAL UNIT OF
20 GOVERNMENT AS A RESULT OF THE PERSON'S ACTIVITIES IN THAT
21 SERVICE.

22 (F) AS USED IN THIS SUBSECTION, "PRIOR CONVICTION" MEANS A
23 CONVICTION FOR A VIOLATION OF SECTION 625(1), (4), OR (5), OR
24 FORMER SECTION 625(1) OR (2), A LOCAL ORDINANCE SUBSTANTIALLY
25 CORRESPONDING TO SECTION 625(1), OR FORMER SECTION 625(1) OR (2),
26 OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO SECTION
27 625(1), (4), OR (5), OR FORMER SECTION 625(1) OR (2).

1 (7) IN ADDITION TO IMPOSING THE SANCTIONS PRESCRIBED UNDER
2 SUBSECTIONS (4), (5), AND (6), THE COURT MAY, PURSUANT TO THE
3 CODE OF CRIMINAL PROCEDURE, ACT NO. 175 OF THE PUBLIC ACTS OF
4 1927, BEING SECTIONS 760.1 TO 776.21 OF THE MICHIGAN COMPILED
5 LAWS, ORDER THE PERSON TO PAY THE COSTS OF THE PROSECUTION.

6 (8) THE COURT SHALL IMPOSE LICENSE SANCTIONS PURSUANT TO
7 SECTION 625B.

8 (9) A PERSON WHO IS CONVICTED OF VIOLATING SUBSECTION (2) IS
9 GUILTY OF A MISDEMEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT MORE
10 THAN 90 DAYS, OR A FINE OF NOT LESS THAN \$100.00 OR MORE THAN
11 \$500.00, OR BOTH.

12 (10) IF A PERSON IS CONVICTED OF VIOLATING SUBSECTION (3),
13 THE FOLLOWING SHALL APPLY:

14 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISIONS (B) AND
15 (C), THE PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY 1 OR
16 MORE OF THE FOLLOWING:

17 (i) SERVICE TO THE COMMUNITY FOR A PERIOD OF NOT MORE THAN
18 45 DAYS.

19 (ii) IMPRISONMENT FOR NOT MORE THAN 90 DAYS.

20 (iii) A FINE OF NOT MORE THAN \$300.00.

21 (B) IF THE VIOLATION OCCURS WITHIN 7 YEARS OF 1 PRIOR CON-
22 VICTION, THE PERSON SHALL BE SENTENCED TO BOTH A FINE OF NOT LESS
23 THAN \$200.00 OR MORE THAN \$1,000.00, AND EITHER OF THE
24 FOLLOWING:

25 (i) PERFORMING SERVICE TO THE COMMUNITY FOR A PERIOD OF NOT
26 LESS THAN 10 DAYS OR MORE THAN 90 DAYS AND MAY BE SENTENCED TO
27 IMPRISONMENT FOR NOT MORE THAN 1 YEAR.

1 (ii) IMPRISONMENT FOR NOT MORE THAN 1 YEAR AND MAY BE
2 SENTENCED TO COMMUNITY SERVICE FOR NOT MORE THAN 90 DAYS.

3 (C) IF THE VIOLATION OCCURS WITHIN 10 YEARS OF 2 OR MORE
4 PRIOR CONVICTIONS, THE PERSON SHALL BE SENTENCED TO BOTH A FINE
5 OF NOT LESS THAN \$200.00 OR MORE THAN \$1,000.00, AND EITHER OF
6 THE FOLLOWING:

7 (i) PERFORMING SERVICE TO THE COMMUNITY FOR A PERIOD OF NOT
8 LESS THAN 10 DAYS OR MORE THAN 90 DAYS AND MAY BE SENTENCED TO
9 IMPRISONMENT FOR NOT MORE THAN 1 YEAR.

10 (ii) IMPRISONMENT FOR NOT MORE THAN 1 YEAR AND MAY BE SEN-
11 TENCED TO COMMUNITY SERVICE FOR NOT MORE THAN 90 DAYS.

12 (D) AS USED IN SUBDIVISIONS (B) AND (C), "PRIOR CONVICTION"
13 MEANS A CONVICTION FOR A VIOLATION OF SECTION 625(1), (3), (4),
14 OR (5), OR FORMER SECTION 625(1) OR (2), OR FORMER SECTION 625B
15 OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION
16 625(1), OR FORMER SECTION 625(1) OR (2), OR FORMER SECTION 625B,
17 OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO SECTION
18 625(1), (3), (4), OR (5), OR FORMER SECTION 625(1) OR (2), OR
19 FORMER SECTION 625B.

20 (E) IN ADDITION TO IMPOSING THE SANCTIONS PRESCRIBED IN SUB-
21 DIVISION (A), (B), OR (C), THE COURT MAY, PURSUANT TO THE CODE OF
22 CRIMINAL PROCEDURE, ACT NO. 175 OF THE PUBLIC ACTS OF 1927, ORDER
23 THE PERSON TO PAY THE COSTS OF THE PROSECUTION.

24 (F) THE COURT SHALL ORDER THE SECRETARY OF STATE TO IMPOSE
25 LICENSE SANCTIONS PURSUANT TO SECTION 625B.

26 (G) A PERSON SENTENCED TO PERFORM SERVICE TO THE COMMUNITY
27 UNDER THIS SUBSECTION SHALL NOT RECEIVE COMPENSATION, AND SHALL

1 REIMBURSE THE STATE OR APPROPRIATE LOCAL UNIT OF GOVERNMENT FOR
2 THE COST OF SUPERVISION INCURRED BY THE STATE OR LOCAL UNIT OF
3 GOVERNMENT AS A RESULT OF THE PERSON'S ACTIVITIES IN THAT
4 SERVICE.

5 (11) IF THE PROSECUTING ATTORNEY INTENDS TO SEEK AN ENHANCED
6 SENTENCE UNDER SUBSECTION (6)(B) OR (D) OR (10)(B) OR (C) BASED
7 UPON THE DEFENDANT HAVING 1 OR MORE PRIOR CONVICTIONS, THE PROSE-
8 CUTING ATTORNEY SHALL INCLUDE ON THE COMPLAINT AND INFORMATION
9 FILED IN DISTRICT COURT, CIRCUIT COURT, RECORDER'S COURT, MUNICI-
10 PAL COURT, OR PROBATE COURT A STATEMENT LISTING THE DEFENDANT'S
11 PRIOR CONVICTIONS.

12 (12) A PRIOR CONVICTION SHALL BE ESTABLISHED AT SENTENCING
13 BY 1 OR MORE OF THE FOLLOWING:

14 (A) AN ABSTRACT OF CONVICTION.

15 (B) A COPY OF THE DEFENDANT'S DRIVING RECORD.

16 (C) AN ADMISSION BY THE DEFENDANT.

17 (13) A PERSON WHO IS CONVICTED OF AN ATTEMPTED VIOLATION OF
18 SUBSECTION (1) OR (3), OR A LOCAL ORDINANCE SUBSTANTIALLY CORRE-
19 SPONDING TO SUBSECTION (1) OR (3) SHALL BE PUNISHED AS IF THE
20 OFFENSE HAD BEEN COMPLETED.

21 (14) WHEN ASSESSING POINTS AND TAKING LICENSING ACTION UNDER
22 THIS ACT, THE SECRETARY OF STATE AND THE COURT SHALL TREAT A CON-
23 VICTION OF AN ATTEMPTED VIOLATION OF SUBSECTION (1) OR (3) OR A
24 LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SUBSECTION (1) OR
25 (3), OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO
26 SUBSECTION (1) OR (3) THE SAME AS IF THE OFFENSE HAD BEEN
27 COMPLETED.

1 Sec. 625h. ~~(1) A peace officer who has reasonable cause~~
2 ~~to believe that a person was operating a vehicle upon a public~~
3 ~~highway or other place open to the general public, including an~~
4 ~~area designated for the parking of vehicles, in the state, and~~
5 ~~that the person by the consumption of intoxicating liquor may~~
6 ~~have affected his or her ability to operate a vehicle, may~~
7 ~~require the person to submit to a preliminary chemical breath~~
8 ~~analysis.~~

9 ~~(2) A peace officer may arrest a person based in whole or in~~
10 ~~part upon the results of a preliminary chemical breath analysis.~~

11 ~~(3) The results of a preliminary chemical breath analysis~~
12 ~~shall be admissible in a criminal prosecution for a crime enumer-~~
13 ~~ated in section 625a(1) or in an administrative hearing under~~
14 ~~section 625f, solely to assist the court or hearing officer in~~
15 ~~determining a challenge to the validity of an arrest. This sub-~~
16 ~~section does not limit the introduction of other competent evi-~~
17 ~~dence offered to establish the validity of an arrest.~~

18 ~~(4) A person who submits to a preliminary chemical breath~~
19 ~~analysis shall remain subject to the requirements of sections~~
20 ~~625a, 625c, 625d, 625e, and 625f for the purposes of chemical~~
21 ~~tests described in those sections.~~

22 ~~(5) A person who refuses to submit to a preliminary chemical~~
23 ~~breath analysis upon a lawful request by a peace officer is~~
24 ~~responsible for a civil infraction.~~

25 ~~(6) Section 625g shall apply to a preliminary chemical~~
26 ~~breath analysis.~~ (1) THE DRUNK DRIVING PREVENTION EQUIPMENT AND
27 TRAINING FUND IS CREATED AS A SEPARATE FUND IN THE STATE

1 TREASURY. MONEY IN THE FUND SHALL BE EXPENDED ONLY AS PROVIDED
2 IN SUBSECTION (2). THE STATE TREASURER SHALL CREDIT TO THE FUND
3 ALL MONEY RECEIVED FOR THAT PURPOSE UNDER SECTION 320E, AND AS
4 OTHERWISE PROVIDED BY LAW. THE STATE TREASURER SHALL INVEST
5 MONEY IN THE FUND IN THE SAME MANNER AS SURPLUS FUNDS ARE
6 INVESTED UNDER SECTION 143 OF ACT NO. 105 OF THE PUBLIC ACTS OF
7 1985, BEING SECTION 21.143 OF THE MICHIGAN COMPILED LAWS.
8 EARNINGS FROM THE FUND SHALL BE CREDITED TO THE FUND. MONEY IN
9 THE FUND AT THE END OF THE FISCAL YEAR SHALL REMAIN IN THE FUND,
10 AND SHALL NOT REVERT TO THE GENERAL FUND.

11 (2) THE DEPARTMENT OF STATE POLICE SHALL ADMINISTER THE FUND
12 TO PROVIDE AND MAINTAIN BREATH ALCOHOL TESTING EQUIPMENT AND TO
13 PROVIDE TRAINING TO LAW ENFORCEMENT PERSONNEL OF THIS STATE AND
14 TO LAW ENFORCEMENT PERSONNEL OF LOCAL UNITS OF GOVERNMENT OF THIS
15 STATE TO REDUCE THE INCIDENCE OF DRUNK AND IMPAIRED DRIVING IN
16 THIS STATE. A LAW ENFORCEMENT ENTITY THAT RECEIVES A DISTRIBUTION
17 UNDER THIS SUBSECTION SHALL USE THAT DISTRIBUTION TO PURCHASE
18 OR MAINTAIN BREATH ALCOHOL TESTING EQUIPMENT OR TO PROVIDE
19 TRAINING TO LAW ENFORCEMENT PERSONNEL OF THAT ENTITY TO REDUCE
20 THE INCIDENCE OF DRUNK AND IMPAIRED DRIVING IN THIS STATE, AND
21 NOT TO SUPPLANT LOCAL, FEDERAL, OR OTHER STATE FUNDS THAT ARE
22 AVAILABLE FOR LAW ENFORCEMENT PURPOSES.

23 (3) THE DEPARTMENT OF TREASURY SHALL, BEFORE NOVEMBER 1 OF
24 EACH YEAR, NOTIFY THE DEPARTMENT OF STATE POLICE OF THE BALANCE
25 IN THE FUND AT THE CLOSE OF THE PRECEDING FISCAL YEAR.

26 (4) THE DEPARTMENT OF STATE POLICE SHALL PROMULGATE RULES TO
27 IMPLEMENT THIS SECTION.

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

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

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

6 (B) FOR A VIOLATION, OTHER THAN A VIOLATION PUNISHABLE UNDER
7 SUBDIVISION (A), BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR BY
8 A FINE OF NOT MORE THAN \$500.00, OR BOTH. UNLESS THE VEHICLE WAS
9 STOLEN OR USED WITH THE PERMISSION OF A PERSON WHO DID NOT KNOW-
10 INGLY PERMIT AN UNLICENSED DRIVER TO OPERATE THE VEHICLE, THE
11 REGISTRATION PLATES OF THE VEHICLE SHALL BE CONFISCATED.

12 (C) ~~(3) A person convicted of~~ FOR a second or subsequent
13 violation ~~of this section is guilty of a misdemeanor,~~ punish-
14 able UNDER SUBDIVISION (B), by imprisonment for not ~~less than 5~~
15 ~~days nor~~ more than 1 year, or a fine of not more than ~~\$500.00~~
16 \$1,000.00, or both. Unless the vehicle was stolen, the registra-
17 tion plates of the vehicle shall be confiscated.

18 (2) ~~(4)~~ The secretary of state, upon receiving a record of
19 the conviction or probate court ~~finding~~ DISPOSITION of a person
20 upon a charge of unlawful operation of a motor vehicle while the
21 license of the person is suspended ~~,~~ OR revoked ~~,~~ ~~or denied,~~
22 or of the conviction, civil infraction determination, or probate
23 court ~~finding~~ DISPOSITION of a person for a MOVING violation of
24 the ~~motor~~ vehicle laws of this state OR A POLITICAL SUBDIVISION
25 OF THIS STATE while the license of the person is suspended ~~,~~ OR
26 revoked ~~,~~ ~~or denied,~~ immediately shall extend the period of the
27 first suspension or revocation for an additional like period. ~~,~~

1 ~~or if a period has not been determined, then for not less than 30~~
2 ~~days nor more than 1 year.~~ THIS SUBSECTION SHALL APPLY ONLY IF
3 THE VIOLATION OCCURS DURING A SUSPENSION OF DEFINITE LENGTH, OR
4 IF THE VIOLATION OCCURS BEFORE THE PERSON IS APPROVED FOR A
5 LICENSE FOLLOWING A REVOCATION.

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

19 (4) IF THE SECRETARY OF STATE RECEIVES RECORDS OF MORE THAN
20 1 CONVICTION, CIVIL INFRACTION DETERMINATION, OR PROBATE COURT
21 DISPOSITION RESULTING FROM THE SAME INCIDENT, ALL OF THE CONVIC-
22 TIONS, CIVIL INFRACTION DETERMINATIONS, OR PROBATE COURT DISPOSI-
23 TIONS SHALL BE TREATED AS A SINGLE VIOLATION FOR PURPOSES OF
24 EXTENDING THE PERIOD OF SUSPENSION OR REVOCATION UNDER
25 SUBSECTION (2) OR (3).

26 (5) ~~(6)~~ Before ~~the plea of the person is accepted under~~
27 A PERSON IS ARRAIGNED BEFORE A DISTRICT COURT MAGISTRATE OR JUDGE

1 ON A CHARGE OF VIOLATING this section, the arresting officer
2 shall ~~check with~~ OBTAIN THE DRIVING RECORD OF THE PERSON FROM
3 the secretary of state ~~to determine the record and status of the~~
4 ~~person according to the records of the secretary of state and so~~
5 ~~inform~~ AND SHALL FURNISH THE RECORD TO the court. THE DRIVING
6 RECORD OF THE PERSON MAY BE OBTAINED FROM THE SECRETARY OF
7 STATE'S COMPUTER INFORMATION NETWORK.

8 (6) ~~(7)~~ This section shall not apply to a person who oper-
9 ates a vehicle solely for the purpose of protecting human life or
10 property, if the life or property is endangered and the summoning
11 of prompt aid is essential.

12 Sec. 904b. (1) When a person is convicted UNDER SECTION
13 904(1) of ~~an offense specified in subsections (a) or (b) of sec-~~
14 ~~tion 904, a~~ OPERATING A MOTOR VEHICLE WHILE HIS OR HER LICENSE
15 TO OPERATE A MOTOR VEHICLE IS SUSPENDED, REVOKED, OR DENIED, THE
16 motor vehicle, IF IT IS owned in whole or in part by ~~him~~ THAT
17 PERSON, shall be ordered impounded for not less than 30 ~~nor~~ OR
18 more than 120 days from the date of judgment. ~~The~~

19 (2) AN order of impoundment ~~shall be~~ ISSUED PURSUANT TO
20 SUBSECTION (1) IS valid throughout the state. ~~and any~~ ANY peace
21 officer ~~is authorized to~~ MAY execute the impoundment order.
22 The order shall include the implied consent of the owner of the
23 vehicle to the storage for insurance coverage purposes.

24 (3) The owner OF A MOTOR VEHICLE IMPOUNDED PURSUANT TO THIS
25 SECTION is liable for expenses incurred in the removal and stor-
26 age of the vehicle whether or not the vehicle is returned to him
27 OR HER. The vehicle shall be returned to ~~him~~ THE OWNER only

1 ~~upon payment of such~~ IF THE OWNER PAYS THE expenses FOR REMOVAL
2 AND STORAGE. If redemption is not made or the vehicle is not
3 returned ~~—~~ as provided in this section ~~—~~ within 30 days after
4 the time set IN THE IMPOUNDMENT ORDER for return of the vehicle,
5 ~~in the impounding order,~~ the vehicle shall be ~~deemed~~
6 CONSIDERED an abandoned vehicle and disposed of as provided in
7 section 252.

8 (4) Nothing in this section affects the rights of a condi-
9 tional vendor, chattel mortgagee or lessor of a motor vehicle
10 registered in the name of another PERSON as owner who becomes
11 subject to ~~the provisions of~~ this act.

12 SEC. 910. A CONVICTION BASED ON A PLEA OF NOLO CONTENDERE
13 SHALL BE TREATED IN THE SAME MANNER AS A CONVICTION BASED ON A
14 PLEA OF GUILTY OR A FINDING OF GUILT FOR ALL PURPOSES UNDER THIS
15 ACT, EXCEPT THAT NEITHER THE PLEA NOR THE CONVICTION SHALL BE
16 ADMISSIBLE AS SUBSTANTIVE EVIDENCE OF CONDUCT AT ISSUE IN A CIVIL
17 CASE ARISING OUT OF THE SAME OCCURRENCE.

18 Section 2. Section 320e of Act No. 300 of the Public Acts
19 of 1949 as amended by this amendatory act shall take effect
20 October 1, 1991.

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

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

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

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

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

9 (a) Senate Bill No. _____ or House Bill No. 4827 (request
10 no. 00990'91 *).

11 (b) Senate Bill No. _____ or House Bill No. _____ (request
12 no. 00991'91 *).

13 (c) Senate Bill No. _____ or House Bill No. _____ (request
14 no. 00992'91 *).