



HOUSE BILL No. 4839

June 8, 1993, Introduced by Reps. Fitzgerald, Bandstra, Martin and Nye and referred to the Committee on Judiciary.

A bill to amend sections 319, 321a, 625, 625a, 625b, 625c, 625d, and 625i of Act No. 300 of the Public Acts of 1949, entitled as amended

"Michigan vehicle code,"

section 319 as amended by Act No. 93 of the Public Acts of 1991, sections 321a and 625d as amended by Act No. 95 of the Public Acts of 1991, section 625 as amended by Act No. 98 of the Public Acts of 1991, sections 625a, 625b, and 625c as amended by Act No. 100 of the Public Acts of 1991, and section 625i as amended by Act No. 99 of the Public Acts of 1991, being sections 257.319, 257.321a, 257.625, 257.625a, 257.625b, 257.625c, 257.625d, and 257.625i of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 319, 321a, 625, 625a, 625b, 625c, 625d,
2 and 625i of Act No. 300 of the Public Acts of 1949, section 319

1 as amended by Act No. 93 of the Public Acts of 1991,
2 sections 321a and 625d as amended by Act No. 95 of the Public
3 Acts of 1991, section 625 as amended by Act No. 98 of the Public
4 Acts of 1991, sections 625a, 625b, and 625c as amended by Act
5 No. 100 of the Public Acts of 1991, and section 625i as amended
6 by Act No. 99 of the Public Acts of 1991, being sections 257.319,
7 257.321a, 257.625, 257.625a, 257.625b, 257.625c, 257.625d, and
8 257.625i of the Michigan Compiled Laws, are amended to read as
9 follows:

10 Sec. 319. (1) The secretary of state shall immediately sus-
11 pend for a period of not less than 90 days or more than 2 years,
12 the license of a person upon receiving a record of the conviction
13 or probate court disposition of the person for any of the follow-
14 ing crimes or attempts to commit any of the following crimes,
15 whether the conviction or probate court disposition is under a
16 law of this state, a local ordinance substantially corresponding
17 to a law of this state, or a law of another state substantially
18 corresponding to a law of this state:

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

21 (b) Perjury or the making of a false certification to the
22 secretary of state under any law requiring the registration of a
23 motor vehicle or regulating the operation of a motor vehicle on a
24 highway.

25 (c) A violation of section 324, 413, or 414 of the Michigan
26 penal code, Act No. 328 of the Public Acts of 1931, being
27 sections 750.324, 750.413, and 750.414 of the Michigan Compiled

1 Laws; or a violation of section 1 of Act No. 214 of the Public
2 Acts of 1931, being section 752.191 of the Michigan Compiled
3 Laws.

4 (d) Conviction upon 3 charges of reckless driving within the
5 preceding 36 months.

6 (e) Failing to stop and disclose identity at the scene of an
7 accident resulting in death or injury to another person, in vio-
8 lation of section 617 or 617a.

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

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

16 (ii) The vehicle was used to transport a victim of the
17 felony.

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

19 (iv) The vehicle was necessary for the commission of the
20 felony.

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

8 (4) If a court has not ordered a suspension of a person's
9 license as authorized by this act, the secretary of state shall
10 suspend the license as follows, notwithstanding a court order
11 issued under section 625(1), (3), (4), ~~or~~ (5), or (6),
12 section 625b, ~~or~~ former section 625(1) or (2), or former sec-
13 tion 625b, or a local ordinance substantially corresponding to
14 section 625(1), ~~or~~ (3), or (6), section 625b, ~~or~~ former sec-
15 tion 625(1) or (2), or former section 625b:

16 (a) For a period of not less than 90 days or more than 1
17 year, upon receiving a record of the conviction of the person for
18 a violation of section 625(3), a local ordinance substantially
19 corresponding to section 625(3), or a law of another state sub-
20 stantially corresponding to section 625(3), if the person has no
21 prior convictions within 7 years for a violation of
22 section 625(1), (3), (4), or (5), ~~or~~ former section 625(1) or
23 (2), or former section 625b, a local ordinance substantially cor-
24 responding to section 625(1) or (3), ~~or~~ former section 625(1)
25 or (2), or former section 625b, or a law of another state sub-
26 stantially corresponding to section 625(1), (3), (4), or (5),
27 ~~or~~ former section 625(1) or (2), or former section 625b.

1 (b) For a period of not less than 6 months or more than 2
2 years, if the person has the following convictions within a
3 7-year period, whether under the law of this state, a local ordi-
4 nance substantially corresponding to a law of this state, or a
5 law of another state substantially corresponding to a law of this
6 state:

7 (i) One conviction under section 625(1) or former section
8 625(1) or (2). However, if the conviction is under a law of
9 another state substantially corresponding to section 625(1) or
10 former section 625(1) or (2), the secretary of state may waive
11 the 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 authorized under this subsection and that the suspen-
15 sion or restriction was served in the other state, or may grant
16 restrictions.

17 (ii) Any combination of 2 convictions under section 625(3)
18 or former section 625b.

19 (iii) One conviction under section 625(1) or former section
20 625(1) or (2) and 1 conviction under section 625(3) or former
21 section 625b.

22 (iv) One conviction under section 625(4) or (5) followed by
23 1 conviction under section 625(3).

24 (C) FOR A PERIOD OF NOT MORE THAN 45 DAYS, UPON RECEIVING A
25 RECORD OF THE CONVICTION OF THE PERSON FOR A VIOLATION OF
26 SECTION 625(6), A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO
27 SECTION 625(6), OR A LAW OF ANOTHER STATE SUBSTANTIALLY

1 CORRESPONDING TO SECTION 625(6), IF THE PERSON HAS NO PRIOR
2 CONVICTIONS WITHIN 7 YEARS FOR A VIOLATION OF SECTION 625(1),
3 (3), (4), (5), OR (6), FORMER SECTION 625(1) OR (2), OR FORMER
4 SECTION 625B, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO
5 SECTION 625(1), (3), OR (6), FORMER SECTION 625(1) OR (2), OR
6 FORMER SECTION 625B, OR A LAW OF ANOTHER STATE SUBSTANTIALLY COR-
7 RESPONDING TO SECTION 625(1), (3), (4), (5), OR (6), FORMER SEC-
8 TION 625(1) OR (2), OR FORMER SECTION 625B.

9 (D) FOR A PERIOD OF NOT MORE THAN 1 YEAR, UPON RECEIVING A
10 RECORD OF THE CONVICTION OF THE PERSON FOR A VIOLATION OF
11 SECTION 625(6), A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO
12 SECTION 625(6), OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRE-
13 SPONDING TO SECTION 625(6), IF THE PERSON HAS 1 OR MORE PRIOR
14 CONVICTIONS WITHIN 7 YEARS FOR A VIOLATION OF SECTION 625(1),
15 (3), (4), (5), OR (6), FORMER SECTION 625(1) OR (2), OR FORMER
16 SECTION 625B, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO
17 SECTION 625(1), (3), OR (6), FORMER SECTION 625(1) OR (2), OR
18 FORMER SECTION 625B, OR A LAW OF ANOTHER STATE SUBSTANTIALLY COR-
19 RESPONDING TO SECTION 625(1), (3), (4), (5), OR (6), FORMER SEC-
20 TION 625(1) OR (2), OR FORMER SECTION 625B.

21 (5) Upon receipt of a certificate of conviction pursuant to
22 section 33b(3) of the Michigan liquor control act, Act No. 8 of
23 the Public Acts of the Extra Session of 1933, being section
24 436.33b of the Michigan Compiled Laws, or a local ordinance or
25 law of another state substantially corresponding to section
26 33b(3) of Act No. 8 of the Public Acts of the Extra Session of
27 1933, the secretary of state shall suspend the person's

1 operator's or chauffeur's license for a period of 90 days. A
2 suspension under this subsection shall be in addition to any
3 other suspension of the person's license.

4 (6) Upon receipt of the record of the conviction or probate
5 court disposition of a person for a violation of section 602a of
6 this act or section 479a(1), (4), or (5) of Act No. 328 of the
7 Public Acts of 1931, being section 750.479a of the Michigan
8 Compiled Laws, the secretary of state immediately shall suspend
9 the license of the person for the period ordered by the court as
10 part of the sentence or disposition.

11 (7) A suspension pursuant to this section shall be imposed
12 notwithstanding a court order issued under section 625(1), (3),
13 (4), ~~or~~ (5), OR (6) or section 625b, or a local ordinance sub-
14 stantially corresponding to section 625(1), ~~or~~ (3), OR (6) or
15 section 625b.

16 (8) If the secretary of state receives records of more than
17 1 conviction or probate court disposition of a person resulting
18 from the same incident, a suspension shall be imposed only for
19 the violation to which the longest period of suspension applies
20 under this section.

21 (9) As used in this section, "probate court disposition"
22 means the entry of a probate court order of disposition for a
23 child found to be within the provisions of chapter XIIIA of Act
24 No. 288 of the Public Acts of 1939, being sections 712A.1 to
25 712A.28 of the Michigan Compiled Laws.

26 Sec. 321a. (1) A person who fails to answer a citation, or
27 a notice to appear in court for a violation of this act or a

1 local ordinance substantially corresponding to a provision of
2 this act, or for any matter pending, or who fails to comply with
3 an order or judgment issued pursuant to section 907 is guilty of
4 a misdemeanor. A violation of this subsection shall not be con-
5 sidered a violation for any purpose under section 320a.

6 (2) Except as provided in subsection (3), 28 days or more
7 after the date of noncompliance with an order or judgment, the
8 court shall give notice by mail at the last known address of the
9 person that if the person fails to appear or fails to comply with
10 the order or judgment issued pursuant to section 907, including,
11 but not limited to, paying all fines and costs, within 14 days
12 after the notice is issued, the secretary of state shall suspend
13 the person's operator's or chauffeur's license. If the person
14 fails to appear or fails to comply with the order or judgment
15 issued pursuant to section 907, including, but not limited to,
16 paying all fines and costs, within the 14-day period, the court
17 shall, within 14 days, inform the secretary of state, who shall
18 immediately suspend the license of the person and notify the
19 person of the suspension by regular mail at the person's last
20 known address.

21 (3) If the person is charged with, or convicted of, a viola-
22 tion of section 625(1), (2), (3), (4), ~~or~~ (5), OR (6) or a
23 local ordinance substantially corresponding to section 625(1),
24 (2), ~~or~~ (3), OR (6) and the person fails to answer a citation
25 or a notice to appear in court, or for any matter pending, or
26 fails to comply with an order or judgment of the court,
27 including, but not limited to, paying all fines, costs, and crime

1 victim rights assessments, the court shall immediately give
2 notice by first-class mail sent to the person's last known
3 address that if the person fails to appear within 7 days after
4 the notice is issued, or fails to comply with the order or judg-
5 ment of the court, including, but not limited to, paying all
6 fines, costs, and crime victim rights assessments, within 14 days
7 after the notice is issued, the secretary of state shall suspend
8 the person's operator's or chauffeur's license. If the person
9 fails to appear within the 7-day period, or fails to comply with
10 the order or judgment of the court, including, but not limited
11 to, paying all fines, costs, and crime victim rights assessments,
12 within the 14-day period, the court shall immediately inform the
13 secretary of state who shall immediately suspend the person's
14 operator's or chauffeur's license and notify the person of the
15 suspension by first-class mail sent to the person's last known
16 address.

17 (4) A suspension imposed under subsection (2) or (3) shall
18 remain in effect until both of the following occur:

19 (a) The court informs the secretary of state that the person
20 has appeared before the court and that all matters relating to
21 the violation or to the noncompliance with section 907 are
22 resolved.

23 (b) The person has paid to the court a \$25.00 driver license
24 reinstatement fee. The increase in the reinstatement fee from
25 \$10.00 to \$25.00 shall be imposed for a license that is suspended
26 on or after April 5, 1988 regardless of when the license was
27 suspended.

1 (5) The court shall not notify the secretary of state, and
2 the secretary of state shall not suspend the person's license, if
3 the person fails to appear in response to a citation issued for,
4 or fails to comply with an order or judgment involving 1 or more
5 of the following infractions:

6 (a) The parking or standing of a vehicle.

7 (b) A pedestrian, passenger, or bicycle violation.

8 (6) The court may notify a person who has done either of the
9 following, that if the person does not appear within 10 days
10 after the notice is issued, the court will inform the secretary
11 of state of the person's failure to appear:

12 (a) Failed to answer 2 or more parking violation notices or
13 citations for violating a provision of this act or an ordinance
14 substantially corresponding to a provision of this act pertaining
15 to handicapper parking issued or served after the effective date
16 of the amendatory act that added this subdivision.

17 (b) Failed to answer 6 or more parking violation notices or
18 citations, issued or served after March 31, 1981, regarding ille-
19 gal parking.

20 (7) The secretary of state, upon being informed of the fail-
21 ure of a person to appear as provided in subsection (6), shall
22 not issue a license to the person until both of the following
23 occur:

24 (a) The court informs the secretary of state that the person
25 has resolved all outstanding matters regarding the notices or
26 citations.

1 (b) The person has paid to the court a \$25.00 driver license
2 reinstatement fee. The increase in the reinstatement fee from
3 \$10.00 to \$25.00 shall be imposed for a license that is suspended
4 on or after April 5, 1988 regardless of when the license was
5 suspended. If the court determines that the person is not
6 responsible for any of the parking violations for which the
7 person's license was suspended under this subsection, the court
8 shall waive payment of the fee.

9 (8) For the purposes of subsections (4)(a) and (7)(a), the
10 court shall give to the person a copy of the information being
11 transmitted to the secretary of state. Upon showing that copy,
12 the person shall not be arrested or issued a citation for driving
13 on a suspended license on the basis of any matter resolved under
14 subsection (4)(a) or (7)(a), even if the information being sent
15 to the secretary of state has not yet been received or recorded
16 by the department.

17 (9) Sixty percent of the driver license reinstatement fees
18 received under subsections (4)(b) and (7)(b) shall be transmitted
19 by the court to the secretary of state on a monthly basis. The
20 funds received by the secretary of state pursuant to this subsec-
21 tion shall be deposited in the state general fund and shall be
22 used to defray the expenses of the secretary of state in process-
23 ing the suspension and reinstatement of driver licenses under
24 this section.

25 Sec. 625. (1) A person, whether licensed or not, shall not
26 operate a vehicle upon a highway or other place open to the
27 general public or generally accessible to motor vehicles,

1 including an area designated for the parking of vehicles, within
2 this state if either of the following applies:

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

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

8 (2) The owner of a vehicle or a person in charge or in con-
9 trol of a vehicle shall not authorize or knowingly permit the
10 vehicle to be operated upon a highway or other place open to the
11 general public or generally accessible to motor vehicles, includ-
12 ing an area designated for the parking of motor vehicles, within
13 this state by a person who is under the influence of intoxicating
14 liquor or a controlled substance, or a combination of intoxicat-
15 ing liquor and a controlled substance, or who has a blood alcohol
16 content of 0.10% or more by weight of alcohol.

17 (3) A person, whether licensed or not, shall not operate a
18 vehicle upon a highway or other place open to the general public
19 or generally accessible to motor vehicles, including an area des-
20 ignated for the parking of vehicles within this state when, due
21 to the consumption of an intoxicating liquor, a controlled sub-
22 stance, or a combination of an intoxicating liquor and a con-
23 trolled substance, the person's ability to operate the vehicle is
24 visibly impaired. If a person is charged with violating subsec-
25 tion (1) OR (6), a finding of guilty under this subsection may be
26 rendered.

1 (4) A person, whether licensed or not, who operates a motor
2 vehicle upon a highway or other place open to the general public
3 or generally accessible to motor vehicles, including an area des-
4 ignated for the parking of vehicles, within this state, under the
5 influence of intoxicating liquor or a controlled substance, or a
6 combination of intoxicating liquor and a controlled substance, or
7 with a blood alcohol content of 0.10% or more by weight of alco-
8 hol, and by the operation of that motor vehicle causes the death
9 of another person is guilty of a felony, punishable by imprison-
10 ment for not more than 15 years, or a fine of not less than
11 \$2,500.00 or more than \$10,000.00, or both.

12 (5) A person, whether licensed or not, who operates a motor
13 vehicle upon a highway or other place open to the general public
14 or generally accessible to motor vehicles, including an area des-
15 ignated for the parking of vehicles, within this state, under the
16 influence of intoxicating liquor or a controlled substance, or a
17 combination of intoxicating liquor and a controlled substance, or
18 with a blood alcohol content of 0.10% or more by weight of alco-
19 hol, and by the operation of that motor vehicle causes a
20 long-term incapacitating injury to another person is guilty of a
21 felony, punishable by imprisonment for not more than 5 years, or
22 a fine of not less than \$1,000.00 or more than \$5,000.00, or
23 both. As used in this subsection, "long-term incapacitating
24 injury" means an injury that has caused a person to be in a coma-
25 tose state, a quadriplegic state, a hemiplegic state, or a para-
26 plegic state, which state is likely to continue for 1 year or
27 more.

1 (6) A PERSON WHO IS LESS THAN 21 YEARS OF AGE, WHETHER
2 LICENSED OR NOT, SHALL NOT OPERATE A VEHICLE UPON A HIGHWAY OR
3 OTHER PLACE OPEN TO THE GENERAL PUBLIC OR GENERALLY ACCESSIBLE TO
4 MOTOR VEHICLES, INCLUDING AN AREA DESIGNATED FOR THE PARKING OF
5 VEHICLES, WITHIN THIS STATE IF THE PERSON HAS A BLOOD ALCOHOL
6 CONTENT OF MORE THAN 0.00% BY WEIGHT OF ALCOHOL. IF A PERSON IS
7 CHARGED WITH VIOLATING SUBSECTION (1)(B), A FINDING OF GUILTY
8 UNDER THIS SUBSECTION MAY BE RENDERED.

9 (7) ~~(6)~~ If a person is convicted of violating subsection
10 (1), the following shall apply:

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

14 (i) Service to the community for a period of not more than
15 45 days.

16 (ii) Imprisonment for not more than 90 days.

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

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

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

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

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

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

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

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

20 ~~—(7) In addition to imposing the sanctions prescribed under~~
21 ~~subsections (4), (5), and (6), the court may, pursuant to the~~
22 ~~code of criminal procedure, Act No. 175 of the Public Acts of~~
23 ~~1927, being sections 760.1 to 776.21 of the Michigan Compiled~~
24 ~~Laws, order the person to pay the costs of the prosecution.~~

25 (G) ~~—(8)~~ The court shall impose license sanctions pursuant
26 to section 625b.

1 (8) ~~(9)~~ A person who is convicted of violating subsection
2 (2) is guilty of a misdemeanor, punishable by imprisonment for
3 not more than 90 days, or a fine of not less than \$100.00 or more
4 than \$500.00, or both.

5 (9) ~~(10)~~ If a person is convicted of violating
6 subsection (3), the following shall apply:

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

10 (i) Service to the community for a period of not more than
11 45 days.

12 (ii) Imprisonment for not more than 90 days.

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

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

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

21 (ii) Imprisonment for not more than 1 year and may be sen-
22 tenced to community service for not more than 90 days.

23 (c) If the violation occurs within 10 years of 2 or more
24 prior convictions, the person shall be sentenced to both a fine
25 of not less than \$200.00 or more than \$1,000.00, and either of
26 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 sentenced to
3 imprisonment for not more than 1 year.

4 (ii) Imprisonment for not more than 1 year and may be sen-
5 tenced to community service for not more than 90 days.

6 (d) As used in ~~subdivisions (b) and (c)~~ THIS SUBSECTION,
7 "prior conviction" means a conviction for a violation of section
8 625(1), (3), (4), or (5), ~~or~~ former section 625(1) or (2), or
9 former section 625b, ~~or~~ a local ordinance substantially corre-
10 sponding to section 625(1) ~~or~~ (3), former section 625(1) or
11 (2), or former section 625b, or a law of another state substan-
12 tially corresponding to section 625(1), (3), (4), or (5), ~~or~~
13 former section 625(1) or (2), or former section 625b.

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

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

20 (F) ~~(g)~~ A person sentenced to perform service to the com-
21 munity under this subsection shall not receive compensation, and
22 shall reimburse the state or appropriate local unit of government
23 for the cost of supervision incurred by the state or local unit
24 of government as a result of the person's activities in that
25 service.

26 (10) IF A PERSON IS CONVICTED OF VIOLATING SUBSECTION (6),
27 THE FOLLOWING SHALL APPLY:

1 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION (B), THE
2 PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY 1 OR BOTH OF THE
3 FOLLOWING:

4 (i) SERVICE TO THE COMMUNITY FOR A PERIOD OF NOT MORE THAN
5 45 DAYS.

6 (ii) A FINE OF NOT MORE THAN \$250.00.

7 (B) IF THE VIOLATION OCCURS WITHIN 7 YEARS OF 1 OR MORE
8 PRIOR CONVICTIONS, THE PERSON MAY BE SENTENCED TO 1 OR BOTH OF
9 THE FOLLOWING:

10 (i) SERVICE TO THE COMMUNITY FOR A PERIOD OF NOT MORE THAN
11 60 DAYS.

12 (ii) A FINE OF NOT MORE THAN \$500.00.

13 (C) THE COURT SHALL IMPOSE LICENSE SANCTIONS PURSUANT TO
14 SECTION 625B.

15 (D) A PERSON SENTENCED TO PERFORM SERVICE TO THE COMMUNITY
16 UNDER THIS SUBSECTION SHALL NOT RECEIVE COMPENSATION, AND SHALL
17 REIMBURSE THE STATE OR APPROPRIATE LOCAL UNIT OF GOVERNMENT FOR
18 THE COST OF SUPERVISION INCURRED BY THE STATE OR LOCAL UNIT OF
19 GOVERNMENT AS A RESULT OF THE PERSON'S ACTIVITIES IN THAT
20 SERVICE.

21 (E) AS USED IN THIS SUBSECTION, "PRIOR CONVICTION" MEANS A
22 CONVICTION FOR A VIOLATION OF SECTION 625(1), (3), (4), (5), OR
23 (6), FORMER SECTION 625(1) OR (2), OR FORMER SECTION 625B, A
24 LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 625(1),
25 (3), OR (6), FORMER SECTION 625(1) OR (2), OR FORMER SECTION
26 625B, OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO

1 SECTION 625(1), (3), (4), (5), OR (6), FORMER SECTION 625(1) OR
2 (2), OR FORMER SECTION 625B.

3 (11) IN ADDITION TO IMPOSING THE SANCTIONS PRESCRIBED UNDER
4 SUBSECTION (4), (5), (7), (9), OR (10), THE COURT MAY, PURSUANT
5 TO THE CODE OF CRIMINAL PROCEDURE, ACT NO. 175 OF THE PUBLIC ACTS
6 OF 1927, BEING SECTIONS 760.1 TO 776.21 OF THE MICHIGAN COMPILED
7 LAWS, ORDER THE PERSON TO PAY THE COSTS OF THE PROSECUTION.

8 (12) ~~(11)~~ If the prosecuting attorney intends to seek an
9 enhanced sentence under subsection ~~(6)(b) or (d) or (10)(b) or~~
10 ~~(c)~~ (7)(B) OR (D), SUBSECTION (9)(B) OR (C), OR
11 SUBSECTION (10)(B) based upon the defendant having 1 or more
12 prior convictions, the prosecuting attorney shall include on the
13 complaint and information filed in district court, circuit court,
14 recorder's court, municipal court, or probate court a statement
15 listing the defendant's prior convictions.

16 (13) ~~(12)~~ A prior conviction shall be established at sen-
17 tencing by 1 or more of the following:

18 (a) An abstract of conviction.

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

20 (c) An admission by the defendant.

21 (14) ~~(13)~~ A person who is convicted of an attempted viola-
22 tion of subsection (1), ~~or~~ (3), OR (6) or a local ordinance
23 substantially corresponding to subsection (1), ~~or~~ (3), OR (6)
24 shall be punished as if the offense had been completed.

25 (15) ~~(14)~~ When assessing points and taking licensing
26 action under this act, the secretary of state and the court shall
27 treat a conviction of an attempted violation of subsection (1),

1 ~~or~~ (3), or (6), a local ordinance substantially corresponding
2 to subsection (1), ~~or~~ (3), OR (6), or a law of another state
3 substantially corresponding to subsection (1), ~~or~~ (3), OR (6)
4 the same as if the offense had been completed.

5 Sec. 625a. (1) A peace officer, without a warrant, may
6 arrest a person when the peace officer has reasonable cause to
7 believe that the person was, at the time of an accident, the
8 operator of a vehicle involved in the accident in this state
9 while in violation of section 625(1), (3), (4), ~~or~~ (5), OR (6)
10 or a local ordinance substantially corresponding to section
11 625(1), ~~or~~ (3), OR (6).

12 (2) A peace officer who has reasonable cause to believe that
13 a person was operating a vehicle upon a public highway or other
14 place open to the public or generally accessible to motor vehi-
15 cles, including an area designated for the parking of vehicles,
16 in this state, and that the person by the consumption of intoxi-
17 cating liquor may have affected his or her ability to operate a
18 vehicle, or reasonable cause to believe that a person was operat-
19 ing a commercial motor vehicle within the state while the
20 person's blood contained any measurable amount of alcohol by
21 weight or while the person had any detectable presence of intoxi-
22 cating liquor, may require the person to submit to a preliminary
23 chemical breath analysis. The following provisions shall apply
24 with respect to a preliminary chemical breath analysis:

25 (a) A peace officer may arrest a person based in whole or in
26 part upon the results of a preliminary chemical breath analysis.

1 (b) The results of a preliminary chemical breath analysis
2 are admissible in a criminal prosecution for a crime enumerated
3 in section 625c(1) or in an administrative hearing solely to
4 assist the court or hearing officer in determining a challenge to
5 the validity of an arrest. This subdivision does not limit the
6 introduction of other competent evidence offered to establish the
7 validity of an arrest.

8 (c) A person who submits to a preliminary chemical breath
9 analysis shall remain subject to the requirements of sections
10 625c, 625d, 625e, and 625f for the purposes of chemical tests
11 described in those sections.

12 (d) Except as provided in subsection (5), a person who
13 refuses to submit to a preliminary chemical breath analysis upon
14 a lawful request by a peace officer is responsible for a civil
15 infraction.

16 (3) The results of a preliminary chemical breath analysis
17 conducted pursuant to this section shall be used by a police
18 officer to determine whether a person shall be ordered
19 out-of-service under section 319d. A police officer shall order
20 out-of-service as required under section 319d a person who was
21 operating a commercial motor vehicle and who refuses to submit to
22 a preliminary chemical breath analysis as provided in this
23 section. This section does not limit use of other competent evi-
24 dence by the police officer to determine whether a person shall
25 be ordered out-of-service under section 319d.

26 (4) A person who was operating a commercial motor vehicle
27 and who is requested to submit to a preliminary chemical breath

1 analysis under this section shall be advised that refusal of the
2 request of a police officer to take a test described in this sec-
3 tion is a misdemeanor, punishable by imprisonment for not more
4 than 90 days, or a fine of not more than \$100.00, or both, and
5 shall result in the issuance of a 24-hour out-of-service order.

6 (5) A person who was operating a commercial motor vehicle
7 and who refuses to submit to a preliminary chemical breath analy-
8 sis upon a lawful request by a police officer is guilty of a mis-
9 demeanor, punishable by imprisonment for not more than 90 days,
10 or a fine of not more than \$100.00, or both.

11 (6) 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 sub-
15 stance or both in a driver's blood at the time alleged as shown
16 by chemical analysis of the person's blood, urine, or breath is
17 admissible into evidence in any civil or criminal proceeding.

18 (b) A person arrested for a crime described in
19 section 625c(1) shall be advised of all of the following:

20 (i) That if he or she takes a chemical test of his or her
21 blood, urine, or breath administered at the request of a peace
22 officer, he or she has the right to demand that a person of his
23 or her own choosing administer 1 of the chemical tests; that the
24 results of the test are admissible in a judicial proceeding as
25 provided under this act and shall be considered with other compe-
26 tent evidence in determining the innocence or guilt of the
27 defendant; and that he or she is responsible for obtaining a

1 chemical analysis of a test sample obtained pursuant to his or
2 her own request.

3 (ii) That if he or she refuses the request of a peace offi-
4 cer to take a test described in subparagraph (i), a test shall
5 not be given without a court order, but the peace officer may
6 seek to obtain such a court order.

7 (iii) That his or her refusal of the request of a peace
8 officer to take a test described in subparagraph (i) shall result
9 in the suspension of his or her operator's or chauffeur's license
10 and vehicle group designation or operating privilege, and in the
11 addition of 6 points to his or her driver record.

12 (c) A sample or specimen of urine or breath shall be taken
13 and collected in a reasonable manner. Only a licensed physician,
14 or a licensed nurse or medical technician under the direction of
15 a licensed physician and qualified to withdraw blood acting in a
16 medical environment, at the request of a peace officer, may with-
17 draw blood for the purpose of determining the amount of alcohol
18 or presence of a controlled substance or both in the person's
19 blood, as provided in this subsection. Liability for a crime or
20 civil damages predicated on the act of withdrawing or analyzing
21 blood and related procedures shall not attach to a qualified
22 person who withdraws or analyzes blood or assists in the with-
23 drawal or analysis in accordance with this act unless the with-
24 drawal or analysis is performed in a negligent manner.

25 (d) A chemical test described in this subsection shall be
26 administered at the request of a peace officer having reasonable
27 grounds to believe the person has committed a crime described in

1 section 625c(1). A person who takes a chemical test administered
2 at the request of a peace officer, as provided in this section,
3 shall be given a reasonable opportunity to have a person of his
4 or her own choosing administer 1 of the chemical tests described
5 in this subsection within a reasonable time after his or her
6 detention, and the results of the test shall be admissible and
7 shall be considered with other competent evidence in determining
8 the innocence or guilt of the defendant. If the person charged
9 is administered a chemical test by a person of his or her own
10 choosing, the person charged shall be responsible for obtaining a
11 chemical analysis of the test sample.

12 (e) If, after an accident, the driver of a vehicle involved
13 in the accident is transported to a medical facility and a sample
14 of the driver's blood is withdrawn at that time for the purpose
15 of medical treatment, the results of a chemical analysis of that
16 sample shall be admissible in any civil or criminal proceeding to
17 show the amount of alcohol or presence of a controlled substance
18 or both in the person's blood at the time alleged, regardless of
19 whether the person had been offered or had refused a chemical
20 test. The medical facility or person performing the chemical
21 analysis shall disclose the results of the analysis to a prose-
22 cuting attorney who requests the results for use in a criminal
23 prosecution as provided in this subdivision. A medical facility
24 or person disclosing information in compliance with this subsec-
25 tion shall not be civilly or criminally liable for making the
26 disclosure.

1 (f) If, after an accident, the driver of a vehicle involved
2 in the accident is deceased, a sample of the decedent's blood
3 shall be withdrawn in a manner directed by the medical examiner
4 for the purpose of determining the amount of alcohol or the pres-
5 ence of a controlled substance, or both, in the decedent's
6 blood. The medical examiner shall give the results of the chemi-
7 cal analysis of the sample to the law enforcement agency investi-
8 gating the accident, and that agency shall forward the results to
9 the department of state police.

10 (g) The department of state police shall promulgate uniform
11 rules for the administration of chemical tests for the purposes
12 of this section.

13 (7) The provisions of subsection (6) relating to chemical
14 testing do not limit the introduction of any other competent evi-
15 dence bearing upon the question of whether or not a person was
16 impaired by, or under the influence of, intoxicating liquor or a
17 controlled substance, or a combination of intoxicating liquor and
18 a controlled substance, or whether the person had a blood alcohol
19 content of 0.10% or more, OR IF THE PERSON IS LESS THAN 21 YEARS
20 OF AGE WHETHER THE PERSON HAD A BLOOD ALCOHOL CONTENT OF MORE
21 THAN 0.00%, by weight of alcohol.

22 (8) If a chemical test described in subsection (6) is admin-
23 istered, the results of the test shall be made available to the
24 person charged or the person's attorney upon written request to
25 the prosecution, with a copy of the request filed with the
26 court. The prosecution shall furnish the results at least 2 days
27 before the day of the trial. The results of the test shall be

1 offered as evidence by the prosecution in that trial. Failure to
2 fully comply with the request shall bar the admission of the
3 results into evidence by the prosecution.

4 (9) Except in a prosecution relating solely to a violation
5 of section 625(1)(b) OR (6), the amount of alcohol in the
6 driver's blood at the time alleged as shown by chemical analysis
7 of the person's blood, urine, or breath shall give rise to the
8 following presumptions:

9 (a) If there was at the time 0.07% or less by weight of
10 alcohol in the defendant's blood, it shall be presumed that the
11 defendant's ability to operate a motor vehicle was not impaired
12 due to the consumption of intoxicating liquor, and that the
13 defendant was not under the influence of intoxicating liquor.

14 (b) If there was at the time in excess of 0.07% but less
15 than 0.10% by weight of alcohol in the defendant's blood, it
16 shall be presumed that the defendant's ability to operate a vehi-
17 cle was impaired within the provisions of section 625(3) due to
18 the consumption of intoxicating liquor.

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

22 (10) A person's refusal to submit to a chemical test as pro-
23 vided in subsection (6) shall be admissible in a criminal prose-
24 cution for a crime described in section 625c(1) only for the pur-
25 pose of showing that a test was offered to the defendant, but not
26 as evidence in determining innocence or guilt of the defendant.
27 The jury shall be instructed accordingly.

1 Sec. 625b. (1) A person arrested for a misdemeanor
2 violation of section 625(1), ~~or~~ (3), OR (6) or section 625m, or
3 a local ordinance substantially corresponding to section 625(1),
4 ~~or~~ (3), OR (6) or section 625m, shall be arraigned on the
5 citation, complaint, or warrant not more than 14 days after the
6 date of arrest or, if an arrest warrant is reissued, not more
7 than 14 days after the reissued arrest warrant is served.

8 (2) The court shall schedule a pretrial conference between
9 the prosecuting attorney, the defendant, and the defendant's
10 attorney in each case in which the defendant is charged with a
11 misdemeanor violation of section 625(1), ~~or~~ (3), OR (6) or
12 section 625m, or a local ordinance substantially corresponding to
13 section 625(1), ~~or~~ (3), OR (6) or section 625m. The pretrial
14 conference shall be held not more than 35 days after the date of
15 the person's arrest for the violation or, if an arrest warrant is
16 reissued, not more than 35 days after the date the reissued
17 arrest warrant is served, unless the court has only 1 judge who
18 sits in more than 1 location in that district, in which case the
19 pretrial conference shall be held not more than 42 days after the
20 date of the person's arrest for the violation or, if an arrest
21 warrant is reissued, not more than 42 days after the date the
22 reissued arrest warrant is served. The court shall order the
23 defendant to attend the pretrial conference and may accept a plea
24 by the defendant at the conclusion of the pretrial conference.
25 The court may adjourn the pretrial conference upon the motion of
26 a party for good cause shown. Not more than 1 adjournment shall
27 be granted to a party, and the length of an adjournment shall not

1 exceed 14 days. The court shall, except for delay attributable
2 to the unavailability of the defendant, a witness, or material
3 evidence, or due to an interlocutory appeal or exceptional cir-
4 cumstances, but not a delay caused by docket congestion, finally
5 adjudicate, by a plea of guilty or nolo contendere, or the entry
6 of a verdict, or by other final disposition, a case in which the
7 defendant is charged with a misdemeanor violation of section 625
8 (1), ~~or~~ (3), OR (6) or section 625m, or a local ordinance sub-
9 stantially corresponding to section 625(1), ~~or~~ (3), OR (6) or
10 section 625m, within 77 days after the person is arrested for the
11 violation or, if an arrest warrant is reissued, not more than 77
12 days after the date the reissued arrest warrant is served.

13 (3) Before accepting a plea of guilty or nolo contendere
14 under section 625, or a local ordinance substantially correspond-
15 ing to section 625(1), (2), ~~or~~ (3), OR (6), the court shall
16 advise the accused of the maximum possible term of imprisonment
17 and the maximum possible fine that may be imposed for the viola-
18 tion, and shall advise the defendant that the maximum possible
19 license sanctions that may be imposed will be based upon the
20 master driving record maintained by the secretary of state pursu-
21 ant to section 204a.

22 (4) Before imposing sentence, other than court-ordered
23 license sanctions, for a violation of section 625(1), (3), (4),
24 ~~or~~ (5), OR (6) or a local ordinance substantially corresponding
25 to section 625(1), ~~or~~ (3), OR (6), the court shall order the
26 person to undergo screening and assessment by a person or agency
27 designated by the office of substance abuse services, to

1 determine whether the person is likely to benefit from
2 rehabilitative services, including alcohol or drug education and
3 alcohol or drug treatment programs. As part of the sentence, the
4 court may order the person to participate in and successfully
5 complete 1 or more appropriate rehabilitative programs. The
6 person shall pay for the costs of the screening, assessment, and
7 rehabilitative services.

8 (5) Immediately upon acceptance by the court of a plea of
9 guilty or nolo contendere or upon entry of a verdict of guilty
10 for a violation of section 625(1), (3), (4), ~~or~~ (5), OR (6) or
11 a local ordinance substantially corresponding to section 625(1),
12 ~~or~~ (3), OR (6), whether or not the person is eligible to be
13 sentenced as a multiple offender, the court shall consider all
14 prior convictions currently entered upon the Michigan driving
15 record of the person, except those convictions which, upon motion
16 by the defendant, are determined by the court to be constitution-
17 ally invalid, and shall impose the following licensing
18 sanctions:

19 (a) For a conviction under section 625(4) or (5), the court
20 shall order the secretary of state to revoke the operator's or
21 chauffeur's license of the person and shall not order the secre-
22 tary of state to issue a restricted license to the person.

23 (b) For a conviction under section 625(1) or a local ordi-
24 nance substantially corresponding to section 625(1):

25 (i) If the court finds that the person has no prior convic-
26 tions within 7 years for a violation of section 625(1), (3), (4),
27 or (5), ~~or~~ former section 625(1) or (2), or former section

1 625b, a local ordinance substantially corresponding to section
2 625(1) or (3), ~~or~~ former section 625(1) or (2), or former sec-
3 tion 625b, or a law of another state substantially corresponding
4 to section 625(1), (3), (4), or (5), ~~or~~ former section 625(1)
5 or (2), or former section 625b, the court shall order the secre-
6 tary of state to suspend the operator's or chauffeur's license of
7 the person for a period of not less than 6 months or more than
8 2 years. The court may order the secretary of state to issue to
9 the person a restricted license during all or a specified portion
10 of the period of suspension, except that a restricted license
11 shall not be issued during the first 30 days of the period of
12 suspension.

13 (ii) If the court finds that the person has 1 prior convic-
14 tion within 7 years for a violation of section 625(3) or former
15 section 625b, a local ordinance substantially corresponding to
16 section 625(3) or former section 625b, or a law of another state
17 substantially corresponding to section 625(3) or former
18 section 625b, the court shall order the secretary of state to
19 suspend the operator's or chauffeur's license of the person for a
20 period of not less than 6 months or more than 2 years. The court
21 may order the secretary of state to issue to the person a
22 restricted license during all or any portion of the period of
23 suspension, except that a restricted license shall not be issued
24 during the first 60 days of the period of suspension.

25 (iii) If the court finds that the person has 1 or more prior
26 convictions within 7 years for a violation of section 625(1),
27 (4), or (5) ~~or~~ or former section 625(1) or (2), a local

1 ordinance substantially corresponding to section 625(1) or former
 2 section 625(1) or (2), or a law of another state substantially
 3 corresponding to section 625(1), (4), or (5) ~~—~~ or former sec-
 4 tion 625(1) or (2), or that the person has 2 or more prior con-
 5 victions within 10 years for a violation of section 625(1), (3),
 6 (4), or (5), ~~or~~ former section 625(1) or (2), or former section
 7 625b, a local ordinance substantially corresponding to section
 8 625(1) or (3), ~~or~~ former section 625(1) or (2), or former sec-
 9 tion 625b, or a law of another state substantially corresponding
 10 to section 625(1), (3), (4), or (5), ~~or~~ former section 625(1)
 11 or (2), or former section 625b, the court shall order the secre-
 12 tary of state to revoke the operator's or chauffeur's license of
 13 the person and shall not order the secretary of state to issue a
 14 restricted license to the person.

15 (c) For a conviction under section 625(3) or a local ordi-
 16 nance substantially corresponding to section 625(3):

17 (i) If the court finds that the convicted person has no
 18 prior conviction within 7 years for a violation of section
 19 625(1), (3), (4), or (5), ~~or~~ former section 625(1) or (2), or
 20 former section 625b, a local ordinance substantially correspond-
 21 ing to section 625(1) or (3), ~~or~~ former section 625(1) or (2),
 22 or former section 625b, or a law of another state substantially
 23 corresponding to section 625(1), (3), (4), or (5), ~~or~~ former
 24 section 625(1) or (2), or former section 625b, the court shall
 25 order the secretary of state to suspend the operator's or
 26 chauffeur's license of the person for a period of not less than
 27 90 days or more than 1 year. The court may order the secretary

1 of state to issue to the person a restricted license during all
2 or a specified portion of the period of suspension.

3 (ii) If the court finds that the person has 1 prior convic-
4 tion within 7 years for a violation of section 625(1), (3), (4),
5 or (5), ~~or~~ former section 625(1) or (2), or former section
6 625b, a local ordinance substantially corresponding to section
7 625(1) or (3), ~~or~~ former section 625(1) or (2), or former sec-
8 tion 625b, or a law of another state substantially corresponding
9 to section 625(1), (3), (4), or (5), ~~or~~ former section 625(1)
10 or (2), or FORMER section 625b, the court shall order the secre-
11 tary of state to suspend the operator's or chauffeur's license of
12 the person for a period of not less than 6 months or more than 2
13 years. The court may order the secretary of state to issue to
14 the person a restricted license during all or any portion of the
15 suspension period, except that a restricted license shall not be
16 issued during the first 60 days of the period of suspension.

17 (iii) If the court finds that the person has 2 or more prior
18 convictions within 10 years for a violation of section 625(1),
19 (3), (4), or (5), ~~or~~ former section 625(1) or (2), or former
20 section 625b, a local ordinance substantially corresponding to
21 section 625(1) or (3), ~~or~~ former section 625(1) or (2), or
22 former section 625b, or a law of another state substantially cor-
23 responding to section 625(1), (3), (4), or (5), ~~or~~ former sec-
24 tion 625(1) or (2), or former section 625b, the court shall order
25 the secretary of state to revoke the operator's or chauffeur's
26 license of the person and shall not order the secretary of state
27 to issue a restricted license to the person.

1 (D) FOR A CONVICTION UNDER SECTION 625(6) OR A LOCAL
2 ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 625(6):

3 (i) IF THE COURT FINDS THAT THE CONVICTED PERSON HAS NO
4 PRIOR CONVICTION WITHIN 7 YEARS FOR A VIOLATION OF SECTION
5 625(1), (3), (4), (5), OR (6), FORMER SECTION 625(1) OR (2), OR
6 FORMER SECTION 625B, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPOND-
7 ING TO SECTION 625(1), (3), OR (6), FORMER SECTION 625(1) OR (2),
8 OR FORMER SECTION 625B, OR A LAW OF ANOTHER STATE SUBSTANTIALLY
9 CORRESPONDING TO SECTION 625(1), (3), (4), (5), OR (6), FORMER
10 SECTION 625(1) OR (2), OR FORMER SECTION 625B, THE COURT SHALL
11 ORDER THE SECRETARY OF STATE TO SUSPEND THE OPERATOR'S OR
12 CHAUFFEUR'S LICENSE OF THE PERSON FOR A PERIOD OF NOT MORE THAN
13 90 DAYS. THE COURT MAY ORDER THE SECRETARY OF STATE TO ISSUE TO
14 THE PERSON A RESTRICTED LICENSE DURING ALL OR A SPECIFIED PORTION
15 OF THE PERIOD OF SUSPENSION.

16 (ii) IF THE COURT FINDS THAT THE PERSON HAS 1 OR MORE PRIOR
17 CONVICTIONS WITHIN 7 YEARS FOR A VIOLATION OF SECTION 625(1),
18 (3), (4), (5), OR (6), FORMER SECTION 625(1) OR (2), OR FORMER
19 SECTION 625B, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO
20 SECTION 625(1), (3), OR (6), FORMER SECTION 625(1) OR (2), OR
21 FORMER SECTION 625B, OR A LAW OF ANOTHER STATE SUBSTANTIALLY COR-
22 RESPONDING TO SECTION 625(1), (3), (4), (5), OR (6), FORMER SEC-
23 TION 625(1) OR (2), OR FORMER SECTION 625B, THE COURT SHALL ORDER
24 THE SECRETARY OF STATE TO SUSPEND THE OPERATOR'S OR CHAUFFEUR'S
25 LICENSE OF THE PERSON FOR A PERIOD OF NOT MORE THAN 1 YEAR. THE
26 COURT MAY ORDER THE SECRETARY OF STATE TO ISSUE TO THE PERSON A
27 RESTRICTED LICENSE DURING ALL OR ANY PORTION OF THE SUSPENSION

1 PERIOD, EXCEPT THAT A RESTRICTED LICENSE SHALL NOT BE ISSUED
2 DURING THE FIRST 60 DAYS OF THE PERIOD OF SUSPENSION.

3 (6) A restricted license issued pursuant to an order under
4 subsection (5) shall permit the person to whom it is issued to do
5 1 or more of the following:

6 (a) Drive to and from the person's residence and work
7 location.

8 (b) Drive in the course of the person's employment or
9 occupation.

10 (c) Drive to and from the person's residence and an alcohol
11 or drug education or treatment program as ordered by the court.

12 (d) Drive to and from the person's residence and the court
13 probation department, or a court-ordered community service pro-
14 gram, or both.

15 (e) Drive to and from the person's residence and an educa-
16 tional institution at which the person is enrolled as a student.

17 (7) The court may order that the restricted license issued
18 pursuant to subsection (5) include the requirement that the
19 person shall not operate a motor vehicle unless the vehicle is
20 equipped with a functioning ignition interlock device. The
21 device shall be set to render the motor vehicle inoperable if the
22 device detects a blood alcohol content of 0.02% or more by weight
23 of alcohol in the person who offers a breath sample. The court
24 may order installation of an ignition interlock device on any
25 motor vehicle that the person owns or operates, the costs of
26 which shall be borne by the person whose license is restricted.

1 (8) The court shall not order the secretary of state under
2 subsection (5) to issue a restricted license that would permit a
3 person to operate a truck or truck tractor, including a trailer,
4 that hauls hazardous materials.

5 (9) The court shall not order the secretary of state to
6 issue a restricted license unless the person states under oath,
7 and the court finds pursuant to testimony taken in open court or
8 pursuant to statements contained in a sworn affidavit on a form
9 prescribed by the state court administrator, that the person is
10 unable to take public transportation to and from his or her work
11 location, place of alcohol or drug education treatment,
12 court-ordered community service program, or educational institu-
13 tion, and does not have any family members or other individuals
14 able to provide transportation.

15 (10) The court order issued under subsection (5) and the
16 restricted license shall indicate the permitted destination of
17 the person, the approved route or routes if specified by the
18 court, and permitted times of travel.

19 (11) As used in this section, "work location" means, as
20 applicable, either the specific place or places of employment, or
21 the territory or territories regularly visited by the person in
22 pursuance of the person's occupation, or both.

23 (12) Immediately upon acceptance by the court of a plea of
24 guilty or nolo contendere or upon entry of a verdict of guilty
25 for a violation of section 625(1), (3), (4), ~~or~~ (5), OR (6) or
26 a local ordinance substantially corresponding to section 625(1),
27 ~~or~~ (3), OR (6), the person shall surrender to the court his or

1 her operator's or chauffeur's license or permit. The court shall
2 immediately destroy the license or permit and forward an abstract
3 of conviction with court-ordered license sanctions to the secre-
4 tary of state. Upon receipt of, and pursuant to, the abstract of
5 conviction with court-ordered license sanctions, the secretary of
6 state shall suspend or revoke the person's license and, if
7 ordered by the court and the person is otherwise eligible for a
8 license, issue to the person a restricted license stating the
9 limited driving privileges indicated on the abstract. If the
10 judgment and sentence is appealed to circuit court, the court
11 may, ex parte, order the secretary of state to stay the suspen-
12 sion, revocation, or restricted license issued pursuant to this
13 section pending the outcome of the appeal.

14 (13) In addition to any other suspension or revocation
15 ordered under this section and as part of the sentence imposed
16 upon a person who violates section 625(1), (3), (4), or (5) or a
17 local ordinance substantially corresponding to section 625(1) or
18 (3) while operating a commercial motor vehicle, the court shall
19 order the secretary of state to suspend the vehicle group desig-
20 nations on the person's operator's or chauffeur's license in
21 accordance with section 319b(1)(c), except that if the vehicle
22 was transporting hazardous material required to have a placard
23 pursuant to 49 C.F.R. parts 100 to 199, the court shall order the
24 secretary of state to suspend the vehicle group designations on
25 the person's operator's or chauffeur's license in accordance with
26 section 319b(1)(d). The court shall not order the secretary of

1 state to issue a restricted license that would permit the person
2 to operate a commercial motor vehicle.

3 (14) In addition to any other suspension or revocation
4 ordered under this section and as part of the sentence imposed
5 upon a person who is convicted of a violation of section 625(1),
6 (3), (4), or (5) or a local ordinance substantially corresponding
7 to section 625(1) or (3) while operating a commercial motor vehi-
8 cle within 10 years of a prior conviction, the court shall order
9 the secretary of state to revoke the vehicle group designations
10 on the person's operator's or chauffeur's license in accordance
11 with section 319b(1)(e). The court shall not order the secretary
12 of state to issue a restricted license that would permit the
13 person to operate a commercial motor vehicle. As used in this
14 ~~section~~ SUBSECTION, "prior conviction" means a conviction under
15 ~~subsection 625(1), (3), (4), or (5), or~~ SECTION 625(1), (3),
16 (4), OR (5), former section 625(1) or (2), or former section
17 625b, a local ordinance substantially corresponding to section
18 625(1) or (3), ~~or~~ former section 625(1) or (2), or former sec-
19 tion 625b, or a law of another state substantially corresponding
20 to section 625(1), (3), (4), or (5), ~~or~~ former section 625(1)
21 or (2), or former section 625b involving the operation of a com-
22 mercial motor vehicle, or a conviction under section 625m, a
23 local ordinance substantially corresponding to section 625m, or a
24 law of another state substantially corresponding to section
25 625m.

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

1 generally accessible to motor vehicles, including an area
2 designated for the parking of vehicles, within this state is con-
3 sidered to have given consent to chemical tests of his or her
4 blood, breath, or urine for the purpose of determining the amount
5 of alcohol or presence of a controlled substance or both in his
6 or her blood, in all of the following circumstances:

7 (a) If the person is arrested for a violation of section
8 625(1), (3), (4), ~~or~~ (5), OR (6), section 625a(5), or section
9 625m, or a local ordinance substantially corresponding to section
10 625(1), ~~or~~ (3), OR (6), section 625a(5), or section 625m.

11 (b) If the person is arrested for felonious driving, negli-
12 gent homicide, manslaughter, or murder resulting from the opera-
13 tion of a motor vehicle, and the peace officer had reasonable
14 grounds to believe that the person was operating the vehicle
15 while impaired by or under the influence of intoxicating liquor
16 or a controlled substance or a combination of intoxicating liquor
17 and a controlled substance, or while having a blood alcohol con-
18 tent of 0.10% or more, OR IF THE PERSON IS LESS THAN 21 YEARS OF
19 AGE WHILE HAVING A BLOOD ALCOHOL CONTENT OF MORE THAN 0.00%, by
20 weight of alcohol.

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

25 (3) The tests shall be administered as provided in section
26 625a(6).

1 Sec. 625d. (1) If a person refuses the request of a peace
2 officer to submit to a chemical test offered pursuant to section
3 ~~625a(3)~~ 625A(6), a test shall not be given without a court
4 order, but the officer may seek to obtain the court order.

5 (2) A written report shall immediately be forwarded to the
6 secretary of state by the peace officer. The report shall state
7 that the officer had reasonable grounds to believe that the
8 person had committed a crime described in section 625c(1), and
9 that the person had refused to submit to the test upon the
10 request of the peace officer and had been advised of the conse-
11 quences of the refusal. The form of the report shall be pre-
12 scribed and furnished by the secretary of state.

13 Sec. 625i. (1) The department of state police shall prepare
14 an annual report which shall be designated the Michigan annual
15 drunk driving audit. The secretary of state, circuit court, dis-
16 trict court, probate court, municipal courts, and local units of
17 government in this state shall cooperate with the department of
18 state police to provide information necessary for the preparation
19 of the report. A copy of the report prepared under this subsec-
20 tion shall be submitted to the governor, the secretary of the
21 senate, the clerk of the house of representatives, and the secre-
22 tary of state on June 1 of each year. The report shall contain
23 for each county in the state all of the following information
24 applicable to the immediately preceding calendar year:

25 (a) The number of alcohol related motor vehicle accidents
26 resulting in bodily injury, including a breakdown of the number

1 of those injuries occurring per capita of population and per road
2 mile in the county.

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

6 (c) The number of alcohol related motor vehicle accidents,
7 other than those enumerated in subdivisions (a) and (b), includ-
8 ing the breakdown described in subdivision (a).

9 (d) The number of arrests made for violations of section
10 625(1)(a) or (b) or local ordinances substantially corresponding
11 to section 625(1)(a) or (b).

12 (e) The number of arrests made for violations of section
13 625(3) or local ordinances substantially corresponding to section
14 625(3).

15 (F) THE NUMBER OF ARRESTS MADE FOR VIOLATIONS OF
16 SECTION 625(6) OR LOCAL ORDINANCES SUBSTANTIALLY CORRESPONDING TO
17 SECTION 625(6).

18 (G) ~~-(f)-~~ The number of arrests made for violations of
19 section 625(4) or (5).

20 (H) ~~-(g)-~~ The number of operator's or chauffeur's licenses
21 suspended pursuant to section 625f.

22 (I) ~~-(h)-~~ The number of arrests made for violations of
23 section 625m or local ordinances substantially corresponding to
24 section 625m. This subdivision shall apply after December 31,
25 1992.

26 (2) The secretary of state shall compile a report of
27 dispositions of charges for violations of section 625(1), (3),

1 (4), ~~or~~ (5), OR (6) OR SECTION 625M or local ordinances
2 substantially corresponding to section 625(1), ~~or~~ (3), OR (6)
3 or section 625m ~~or local ordinances substantially corresponding~~
4 ~~to section 625m~~ by each judge for inclusion in the annual
5 report. The report compiled by the secretary of state shall
6 include information regarding all of the following:

- 7 (a) The number of dismissals granted.
- 8 (b) The number of convictions entered.
- 9 (c) The number of acquittals entered.
- 10 (d) The number of licenses suspended, revoked, or
11 restricted.
- 12 (e) The average length of imprisonment imposed.
- 13 (f) The average length of community service imposed in lieu
14 of imprisonment.
- 15 (g) The average fine imposed.

16 (3) The secretary of state shall enter into a contract with
17 the university of Michigan transportation research institute, in
18 which the university of Michigan transportation research insti-
19 tute shall evaluate the effect and impact of the 1991 legislation
20 addressing drunk and impaired driving in this state and report
21 its findings to the governor and the legislature not later than
22 October 1, 1994.