



HOUSE BILL No. 5078

October 5, 1993, Introduced by Reps. Gustafson, Jaye and Galloway and referred to the Committee on Judiciary.

A bill to amend sections 306, 307, 308, 310c, 319, 320a, 321a, 625, 625a, 625b, 625c, 625d, 625i, and 811 of Act No. 300 of the Public Acts of 1949, entitled as amended

"Michigan vehicle code,"

section 306 as amended by Act No. 346 of the Public Acts of 1988, section 307 as amended by Act No. 181 of the Public Acts of 1990, section 308 as amended by Act No. 404 of the Public Acts of 1988, section 319 as amended by Act No. 93 of the Public Acts of 1991, section 320a as amended by Act No. 94 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, section 625i as amended by Act No. 99 of the Public Acts of 1991, and section 811 as amended by Act No. 235 of the Public Acts of 1992, being

sections 257.306, 257.307, 257.308, 257.310c, 257.319, 257.320a, 257.321a, 257.625, 257.625a, 257.625b, 257.625c, 257.625d, 257.625i, and 257.811 of the Michigan Compiled Laws; and to add section 310e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 306, 307, 308, 310c, 319, 320a, 321a,
2 625, 625a, 625b, 625c, 625d, 625i, and 811 of Act No. 300 of the
3 Public Acts of 1949, section 306 as amended by Act No. 346 of the
4 Public Acts of 1988, section 307 as amended by Act No. 181 of the
5 Public Acts of 1990, section 308 as amended by Act No. 404 of the
6 Public Acts of 1988, section 319 as amended by Act No. 93 of the
7 Public Acts of 1991, section 320a as amended by Act No. 94 of the
8 Public Acts of 1991, sections 321a and 625d as amended by Act
9 No. 95 of the Public Acts of 1991, section 625 as amended by Act
10 No. 98 of the Public Acts of 1991, sections 625a, 625b, and 625c
11 as amended by Act No. 100 of the Public Acts of 1991,
12 section 625i as amended by Act No. 99 of the Public Acts of 1991,
13 and section 811 as amended by Act No. 235 of the Public Acts of
14 1992, being sections 257.306, 257.307, 257.308, 257.310c,
15 257.319, 257.320a, 257.321a, 257.625, 257.625a, 257.625b,
16 257.625c, 257.625d, 257.625i, and 257.811 of the Michigan
17 Compiled Laws, are amended and section 310e is added to read as
18 follows:

19 Sec. 306. (1) ~~The secretary of state upon~~ UPON receiving
20 from a person ~~16 or 17 years of age who has successfully~~
21 ~~completed a driver education course and examination offered~~
22 ~~pursuant to section 811, who has been licensed in another state~~

1 ~~or country for at least 1 year and is less than 18 years of age,~~
2 ~~or~~ who is 18 years of age or older ~~—~~ an application for a tem-
3 porary instruction permit, THE SECRETARY OF STATE may issue that
4 permit entitling the applicant, while carrying the permit, to
5 drive a motor vehicle other than a motor vehicle requiring an
6 indorsement under section 312a or a vehicle group designation
7 under section 312e upon the highways for a period of ~~+50-~~ 180
8 days when accompanied by a licensed adult operator or chauffeur
9 who is actually occupying a seat beside the driver.

10 (2) THE SECRETARY OF STATE MAY ISSUE A TEMPORARY INSTRUCTION
11 PERMIT TO A PERSON 16 OR 17 YEARS OF AGE WHO HAS SUCCESSFULLY
12 COMPLETED AN APPROVED DRIVER EDUCATION COURSE OR TO A PERSON WHO
13 HAS BEEN LICENSED IN ANOTHER STATE OR COUNTRY FOR NOT LESS THAN 1
14 YEAR AND WHO IS LESS THAN 18 YEARS OF AGE. THE TEMPORARY
15 INSTRUCTION PERMIT AUTHORIZES THE HOLDER TO DRIVE A MOTOR VEHI-
16 CLE, EXCEPT A MOTOR VEHICLE REQUIRING AN INDORSEMENT UNDER
17 SECTION 312A OR A VEHICLE GROUP DESIGNATION UNDER SECTION 312E,
18 UPON A HIGHWAY WHEN ACCOMPANIED BY A LICENSED PARENT OR GUARDIAN,
19 OR WHEN ACCOMPANIED BY A NONLICENSED PARENT OR GUARDIAN AND A
20 LICENSED ADULT FOR THE PURPOSE OF ADDITIONAL INSTRUCTION UNTIL
21 THE PERSON REACHES 18 YEARS OF AGE.

22 (3) ~~-(2)-~~ A student enrolled in a driver education program
23 or a motorcycle safety course approved by the department of edu-
24 cation may operate a motor vehicle without holding an operator's
25 license or permit while under the direct supervision of the pro-
26 gram instructor.

1 (4) ~~-(3)-~~ A student enrolled in an approved driver education
2 program and who has successfully completed 10 hours of classroom
3 instruction and the equivalent of 2 hours of behind-the-wheel
4 training may be issued a temporary driver education certificate
5 furnished by the department of education which authorizes a stu-
6 dent to drive a motor vehicle, other than a motor vehicle requir-
7 ing an indorsement pursuant to section 312a or a vehicle group
8 designation pursuant to section 312e, when accompanied by a
9 licensed parent or guardian, or when accompanied by a nonlicensed
10 parent or guardian and a licensed adult for the purpose of
11 receiving additional instruction until the end of the student's
12 driver education course.

13 (5) ~~-(4)-~~ Upon successful completion of an approved driver
14 education course the secretary of state may validate a driver
15 education certificate issued to an applicant. The driver educa-
16 tion certificate authorizes the holder to drive a motor vehicle,
17 except a motor vehicle requiring an indorsement under section
18 312a or a vehicle group designation under section 312e, when
19 accompanied by a licensed parent or guardian, or when accompanied
20 by a nonlicensed parent or guardian and a licensed adult for the
21 purpose of additional instruction until reaching 18 years of
22 age.

23 (6) ~~-(5)-~~ The secretary of state, upon receiving proper
24 application from a person 16 or 17 years of age who is enrolled
25 in or has successfully completed an approved motorcycle safety
26 course under section 811a, or a person who is 18 years of age or
27 older and who holds a valid operator's or chauffeur's license,

1 may issue a motorcycle temporary instruction permit, entitling
2 the applicant, while carrying the permit, to operate a motorcycle
3 upon the public streets and highways for a period of 150 days,
4 but only when under the constant visual supervision of a licensed
5 motorcycle operator at least 18 years of age. The applicant
6 shall not operate the motorcycle at night or with a passenger.

7 (7) ~~-(6)-~~ The secretary of state, upon receiving proper
8 application from a person who is 18 years of age or older, who
9 holds a valid operator's or chauffeur's license, may issue a tem-
10 porary instruction permit entitling the person while carrying the
11 permit to drive a vehicle requiring a vehicle group designation
12 or vehicle group indorsement under section 312e upon the streets
13 and highways, for a period of 150 days, but only when accompanied
14 by a licensed adult operator or chauffeur who is licensed with
15 the appropriate vehicle group designation and indorsement for the
16 vehicle group being driven and who is actually occupying a seat
17 beside the driver, or behind the driver if the permittee is driv-
18 ing a bus or school bus. In addition, if a permittee is enrolled
19 in a driver training program for drivers of motor vehicles
20 requiring a vehicle group designation or vehicle group indorse-
21 ment under section 312e, which program is conducted by a college;
22 university; commercial driver training school licensed by the
23 department pursuant to Act No. 369 of the Public Acts of 1974, as
24 amended, being sections 256.601 to 256.609 of the Michigan
25 Compiled Laws; or a local or intermediate school district, the
26 permittee may drive a vehicle requiring a vehicle group
27 designation or vehicle group indorsement on the streets and

1 highways of this state for a period of 150 days when accompanied
2 by an instructor licensed with the appropriate vehicle group des-
3 ignation and indorsement for the vehicle being driven who is
4 either occupying the seat beside the driver or in direct visual
5 and audio communication with the permittee.

6 Sec. 307. (1) An application for an operator's or
7 chauffeur's license shall be made upon a form furnished by the
8 secretary of state and shall contain all of the following:

9 (a) For an operator's or chauffeur's license, full name,
10 date of birth, address of residence, height, eye color, and sig-
11 nature of the applicant, and other information required or per-
12 mitted on the license pursuant to this chapter.

13 (b) For an operator's or chauffeur's license with a vehicle
14 group designation or indorsement, full name, social security
15 number, date of birth, address of residence, height, sex, and
16 signature of the applicant, and other information required or
17 permitted on the license pursuant to this chapter.

18 (c) For an operator's or chauffeur's license with a vehicle
19 group designation or indorsement, the following certifications
20 made by the applicant:

21 (i) That the applicant meets the applicable federal physical
22 driver qualification requirements pursuant to 49 C.F.R. part 391
23 if the applicant operates or intends to operate in interstate
24 commerce or meets the applicable physical qualifications pursuant
25 to the rules promulgated by the department of state police under
26 the motor carrier safety act of 1963, Act No. 181 of the Public
27 Acts of 1963, being sections 480.11 to 480.21 of the Michigan

1 Compiled Laws, if the applicant operates or intends to operate in
2 intrastate commerce.

3 (ii) That the vehicle in which the applicant will take the
4 driving skills tests is representative of the type of vehicle the
5 applicant operates or intends to operate.

6 (iii) That the applicant has not been convicted of an
7 offense as described in section 312f or 319b.

8 (iv) That the applicant does not have a driver's license
9 from more than 1 state.

10 (d) For an operator's or chauffeur's license with a vehicle
11 group designation or indorsement and for which the applicant
12 claims a waiver of the driving test as provided in section 312f,
13 the following additional certifications made by the applicant
14 concerning the 2-year period immediately prior to application:

15 (i) That the applicant has not had more than 1 license.

16 (ii) That the applicant has not had any license suspended,
17 revoked, or canceled.

18 (iii) That the applicant has not been convicted of any
19 offense listed in section 319b while operating a motor vehicle.

20 (iv) That the applicant has not been convicted of a moving
21 violation under state or local law relating to motor vehicle
22 traffic control arising in connection with a traffic accident.

23 (v) That the applicant is regularly employed in a job
24 requiring the operation of a commercial motor vehicle.

25 (vi) That the applicant qualifies under either of the
26 following:

1 (A) Has passed a behind-the-wheel driving test given by a
2 state with a classified licensing and testing system and taken in
3 a representative vehicle for that applicant's driver's license
4 classification.

5 (B) Has operated, for at least 2 years immediately preceding
6 application, a vehicle representative of the commercial motor
7 vehicle group or passenger vehicle for which he or she is
8 applying. Evidence shall be provided by the applicant's employer
9 or by the applicant if self-employed.

10 (E) FOR AN OPERATOR'S OR CHAUFFEUR'S LICENSE FOR AN APPLI-
11 CANT WHO IS LESS THAN 18 YEARS OF AGE, THE FOLLOWING CERTIFICA-
12 TIONS MADE BY A PARENT OR GUARDIAN OF THE APPLICANT OR, IF THE
13 APPLICANT DOES NOT HAVE A PARENT OR GUARDIAN, BY ANOTHER RESPON-
14 SIBLE ADULT:

15 (i) THAT THE APPLICANT HAS OPERATED A VEHICLE NOT LESS THAN
16 40 HOURS DURING DAYTIME ON A HIGHWAY WHEN ACCOMPANIED BY THE
17 PARENT, GUARDIAN, OR ADULT.

18 (ii) THAT THE APPLICANT HAS OPERATED A VEHICLE NOT LESS THAN
19 10 HOURS DURING NIGHTTIME ON A HIGHWAY WHEN ACCOMPANIED BY THE
20 PARENT, GUARDIAN, OR ADULT.

21 (2) An applicant for an operator's or chauffeur's license
22 may be photographed at the time the application for the license
23 is made. The secretary of state shall acquire by purchase or
24 lease the equipment for taking the photographs and shall furnish
25 the equipment to the local unit. Equipment purchased or leased
26 pursuant to this section shall be acquired under standard
27 purchasing procedures of the department of management and budget

1 based on standards and specifications established by the
2 secretary of state. Equipment shall not be purchased or leased
3 until an appropriation for the equipment has been made by the
4 legislature. A photograph taken pursuant to this section shall
5 appear on the applicant's operator's or chauffeur's license only,
6 and the photograph, a copy of the photograph, or a negative of
7 the photograph shall not be retained by the secretary of state or
8 any other agency.

9 (3) An application shall be signed and certified by the
10 applicant and shall be accompanied by the proper fee. This fee
11 shall be collected by the examiner and forwarded to the secretary
12 of state with the application. This fee shall be refunded to the
13 applicant if the license applied for is denied, but the fee shall
14 not be refunded to an applicant who fails to complete the exami-
15 nation requirements of the secretary of state within 90 days
16 after the date of application for a license.

17 (4) If an application is received from a person previously
18 licensed in another jurisdiction, the secretary of state shall
19 request a copy of the applicant's record from the other
20 jurisdiction. When received, the driving record shall become a
21 part of the driver's record in this state with the same force and
22 effect as if it had been entered on the driver's record in this
23 state in the original instance. If the application is for an
24 original, renewal, or change of a vehicle group designation or
25 indorsement, the secretary of state shall also check the
26 applicant's driving record with the national drivers register and

1 the United States department of transportation before issuance of
2 that group designation or indorsement.

3 (5) Except for a vehicle group designation or indorsement,
4 the secretary of state may issue a renewal operator's or
5 chauffeur's license for 1 additional 4-year period by mail. The
6 secretary of state shall not issue a renewal license by mail
7 unless the licensee has a driving record that is free of convic-
8 tions and civil infraction determinations for the 48 months pre-
9 ceding renewal. However, the secretary of state shall not refuse
10 to issue a renewal license by mail because of a conviction or
11 civil infraction determination for which fines and costs were
12 waived pursuant to section 901a or section 907. When a license
13 is renewed by mail, the secretary of state shall issue evidence
14 of renewal which shall be affixed to the previously issued
15 license to indicate the date the license expires in the future.
16 This evidence of renewal shall be manufactured in the same manner
17 required for the operator's license in section 310.

18 (6) Upon request, the secretary of state shall provide an
19 information manual to an applicant explaining how to obtain a
20 vehicle group designation or indorsement. The manual shall con-
21 tain the information required pursuant to 49 C.F.R. part 383.

22 Sec. 308. (1) The secretary of state shall not approve the
23 application of a ~~minor~~ PERSON WHO IS LESS THAN 18 YEARS OF AGE
24 for an operator's license unless the application is signed by the
25 ~~father, mother,~~ PARENT or guardian of the applicant, or if ~~a~~
26 ~~minor has no father, mother,~~ THE PERSON DOES NOT HAVE A PARENT
27 or guardian, then a license shall not be granted to the ~~minor~~

1 PERSON unless the application is signed by another responsible
2 adult.

3 (2) This section shall not apply to minors emancipated pur-
4 suant to Act No. 293 of the Public Acts of 1968, being sections
5 722.1 to 722.6 of the Michigan Compiled Laws.

6 Sec. 310c. (1) ~~No~~ THE SECRETARY OF STATE SHALL NOT ISSUE
7 AN operator's or chauffeur's license ~~shall be issued~~ to ~~any~~ A
8 person who has not been previously licensed in this or any other
9 state or country until ~~30~~ 180 days after he OR SHE has obtained
10 a temporary instruction permit or a validated driver education
11 certificate. ~~except any~~

12 (2) THIS SECTION DOES NOT APPLY TO A person WHO IS on active
13 duty in the armed forces of the United States ~~while~~ IF HE OR
14 SHE IS on furlough and ~~possessing~~ POSSESSES a valid United
15 States government motor vehicle operator's identification card
16 and furlough papers.

17 SEC. 310E. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SEC-
18 TION, AN OPERATOR'S OR CHAUFFEUR'S LICENSE ISSUED TO A PERSON WHO
19 IS LESS THAN 18 YEARS OF AGE AFTER THE EFFECTIVE DATE OF THIS
20 SECTION IS A PROVISIONAL RESTRICTED LICENSE FOR 2 YEARS AFTER THE
21 DATE OF ISSUANCE.

22 (2) THE SECRETARY OF STATE SHALL CODE A PROVISIONAL
23 RESTRICTED LICENSE IN A MANNER WHICH CLEARLY INDICATES THAT THE
24 PERSON IS THE HOLDER OF A PROVISIONAL RESTRICTED LICENSE AND
25 SUBJECT TO THE RESTRICTIONS DESCRIBED IN THIS SECTION.

26 (3) DURING THE FIRST 12 MONTHS AFTER THE DATE OF ISSUANCE OF
27 A PROVISIONAL RESTRICTED LICENSE AND DURING ANY ADDITIONAL

1 RESTRICTED PERIOD IMPOSED UNDER SUBSECTION (5), THE LICENSEE
2 SHALL NOT DO EITHER OF THE FOLLOWING:

3 (A) OPERATE A MOTOR VEHICLE WITHIN THIS STATE FROM 11 P.M.
4 TO 5 A.M. WHEN ACCOMPANIED BY ANY PASSENGERS, NOT INCLUDING A
5 RELATIVE OF THE LICENSEE WHO RESIDES IN THE SAME HOUSEHOLD WITH
6 THE LICENSEE.

7 (B) OPERATE A MOTOR VEHICLE WITHIN THIS STATE FROM 5 A.M.
8 TO 11 P.M. WHEN ACCOMPANIED BY MORE THAN 1 PASSENGER, NOT INCLUD-
9 ING A RELATIVE OF THE LICENSEE WHO RESIDES IN THE SAME HOUSEHOLD
10 WITH THE LICENSEE.

11 (4) DURING THE 12 MONTHS IMMEDIATELY SUBSEQUENT TO THE
12 RESTRICTED PERIOD DESCRIBED IN SUBSECTION (3) AND DURING ANY
13 ADDITIONAL RESTRICTED PERIOD IMPOSED UNDER SUBSECTION (5), THE
14 LICENSEE SHALL NOT OPERATE A MOTOR VEHICLE WITHIN THIS STATE FROM
15 11 P.M. TO 5 A.M. WHEN ACCOMPANIED BY MORE THAN 1 PASSENGER, NOT
16 INCLUDING A RELATIVE OF THE LICENSEE WHO RESIDES IN THE SAME
17 HOUSEHOLD WITH THE LICENSEE.

18 (5) THE RESTRICTED PERIOD DESCRIBED IN SUBSECTION (3) OR (4)
19 SHALL BE EXTENDED BEYOND 12 MONTHS IF ANY OF THE FOLLOWING OCCUR
20 AND ARE RECORDED ON THE LICENSEE'S DRIVING RECORD DURING THE
21 RESTRICTED PERIOD DESCRIBED IN SUBSECTION (3) OR (4) OR ANY ADDI-
22 TIONAL PERIOD IMPOSED UNDER THIS SUBSECTION:

23 (A) A MOVING VIOLATION RESULTING IN A CONVICTION OR CIVIL
24 INFRACTION DETERMINATION.

25 (B) AN ACCIDENT FOR WHICH THE OFFICIAL POLICE REPORT INDI-
26 CATES A MOVING VIOLATION ON THE PART OF THE LICENSEE.

1 (C) AN ACCIDENT FOR WHICH THE OFFICIAL POLICE REPORT
2 INDICATES THE LICENSEE HAD BEEN DRINKING INTOXICATING LIQUOR.

3 (D) A LICENSE SUSPENSION FOR A REASON OTHER THAN A MENTAL OR
4 PHYSICAL DISABILITY.

5 (E) A VIOLATION OF SUBSECTION (3) OR (4).

6 (6) THE RESTRICTED PERIOD DESCRIBED IN SUBSECTION (3) OR (4)
7 SHALL BE EXTENDED UNDER SUBSECTION (5) UNTIL THE LICENSEE COM-
8 PLETES 12 CONSECUTIVE MONTHS WITHOUT A MOVING VIOLATION, ACCI-
9 DENT, SUSPENSION, OR RESTRICTED PERIOD VIOLATION LISTED IN
10 SUBSECTION (5).

11 (7) NOTICE SHALL BE GIVEN BY FIRST-CLASS MAIL TO THE LAST
12 KNOWN ADDRESS OF A LICENSEE WHEN EITHER OF THE FOLLOWING OCCURS:

13 (A) THE RESTRICTED PERIOD DESCRIBED IN SUBSECTION (3) NO
14 LONGER APPLIES TO THE LICENSEE AND THE RESTRICTED PERIOD
15 DESCRIBED IN SUBSECTION (4) APPLIES TO THE LICENSEE.

16 (B) THE RESTRICTED PERIOD DESCRIBED IN SUBSECTION (4) NO
17 LONGER APPLIES TO THE LICENSEE.

18 (C) THE RESTRICTED PERIOD DESCRIBED IN SUBSECTION (3) OR (4)
19 FOR THE LICENSEE IS EXTENDED UNDER SUBSECTION (5).

20 (8) A PERSON WHO VIOLATES SUBSECTION (3) OR (4) IS RESPONS-
21 BLE FOR A CIVIL INFRACTION.

22 (9) IF A PERSON IS DETERMINED RESPONSIBLE FOR A VIOLATION OF
23 SUBSECTION (3) OR (4), THE FOLLOWING SHALL APPLY:

24 (A) IF THE PERSON IS LESS THAN 18 YEARS OF AGE, THE COURT
25 SHALL SEND WRITTEN NOTIFICATION OF THE DISPOSITION OF THE CASE TO
26 1 OR BOTH PARENTS OR A GUARDIAN OF THE PERSON.

1 (B) THE COURT SHALL ORDER THE PERSON TO PAY COSTS UNDER
2 SECTION 907(4).

3 (C) THE COURT SHALL NOT ORDER A CIVIL FINE UNDER
4 SECTION 907(2).

5 (10) THIS SECTION DOES NOT APPLY TO A PERSON IF EITHER OF
6 THE FOLLOWING APPLIES:

7 (A) THE PERSON IS ACCOMPANIED BY A PARENT OR GUARDIAN.

8 (B) THE PERSON HAS BEEN EMANCIPATED PURSUANT TO ACT NO. 293
9 OF THE PUBLIC ACTS OF 1968, BEING SECTIONS 722.1 TO 722.6 OF THE
10 MICHIGAN COMPILED LAWS.

11 (11) FOR PURPOSES OF THIS SECTION:

12 (A) UPON CONVICTION FOR A MOVING VIOLATION, THE DATE OF THE
13 ARREST FOR THE VIOLATION SHALL BE USED IN DETERMINING WHETHER THE
14 CONVICTION OCCURRED WITHIN THE RESTRICTED PERIOD.

15 (B) UPON ENTRY OF A CIVIL INFRACTION DETERMINATION FOR A
16 MOVING VIOLATION, THE DATE OF ISSUANCE OF A CITATION FOR A CIVIL
17 INFRACTION SHALL BE USED IN DETERMINING WHETHER THE CIVIL INFRAC-
18 TION DETERMINATION OCCURRED WITHIN THE RESTRICTED PERIOD.

19 (C) A SUSPENSION SHALL BE CONSIDERED PART OF A DRIVING
20 RECORD FROM THE DATE THE SUSPENSION IS IMPOSED UNTIL THE SUSPEN-
21 SION IS TERMINATED.

22 (D) THE DATE OF THE OFFICIAL POLICE REPORT SHALL BE USED IN
23 DETERMINING WHETHER A LICENSEE WAS DRIVING A MOTOR VEHICLE
24 INVOLVED IN AN ACCIDENT FOR WHICH THE OFFICIAL POLICE REPORT
25 INDICATES A MOVING VIOLATION ON THE PART OF THE LICENSEE OR INDI-
26 CATES THE LICENSEE HAD BEEN DRINKING INTOXICATING LIQUOR.

1 (12) AS USED IN THIS SECTION, "RELATIVE" MEANS ANY OF THE
2 FOLLOWING:

3 (A) BROTHER OR STEPBROTHER.

4 (B) SISTER OR STEPSISTER.

5 (C) STEPPARENT.

6 (D) GRANDPARENT OR STEPGRANDPARENT.

7 (E) GREAT GRANDPARENT OR STEPGREAT GRANDPARENT.

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

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

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

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

1 Acts of 1931, being section 752.191 of the Michigan Compiled
2 Laws.

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

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

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

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

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

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

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

20 (2) The secretary of state shall suspend the license of a
21 person convicted of malicious destruction resulting from the
22 operation of a motor vehicle under section 382 of the Michigan
23 penal code, Act No. 328 of the Public Acts of 1931, as amended,
24 being section 750.382 of the Michigan Compiled Laws, for a period
25 of not more than 1 year as ordered by the court as part of the
26 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), section
12 625b, ~~or~~ former section 625(1) or (2), or former section 625b,
13 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 90 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. 320a. (1) The secretary of state, within 10 days after
27 the receipt of a properly prepared abstract from this or another

1 state, shall record the date of conviction, civil infraction
 2 determination, or probate court disposition, and the number of
 3 points for each, based on the following formula, except as other-
 4 wise provided in this section and section 629c:

- 5 (a) Manslaughter, negligent homicide, or a felony
 6 resulting from the operation of a motor vehicle..... 6 points
- 7 (b) A violation of section 625(1) or a law or
 8 ordinance substantially corresponding to section 625(1) 6 points
- 9 (c) A violation or attempted violation of section
 10 625(4) or (5)..... 6 points
- 11 (d) Failing to stop and disclose identity at the
 12 scene of an accident when required by law..... 6 points
- 13 (e) Operating a motor vehicle in a reckless manner 6 points
- 14 (f) Violation of any law or ordinance pertaining
 15 to speed by exceeding the lawful maximum by more than
 16 15 miles per hour..... 4 points
- 17 (g) Violation of section 625(3) or a law or ordi-
 18 nance substantially corresponding to section 625(3).... 4 points
- 19 (h) Fleeing or eluding an officer..... 6 points
- 20 (i) Violation of section 626a or a law or ordi-
 21 nance substantially corresponding to section 626a..... 4 points
- 22 (j) Violation of any law or ordinance pertaining
 23 to speed by exceeding the lawful maximum by more than
 24 10 but not more than 15 miles per hour or careless
 25 driving in violation of section 626b or a law or ordi-
 26 nance substantially corresponding to section 626b..... 3 points

- 1 (k) Violation of any law or ordinance pertaining
 2 to speed by exceeding the lawful maximum by 10 miles
 3 per hour or less..... 2 points
- 4 (l) Disobeying a traffic signal or stop sign, or
 5 improper passing..... 3 points
- 6 (m) Violation of section 624a or a law or ordi-
 7 nance substantially corresponding to section 624a..... 2 points
- 8 (N) A VIOLATION OF SECTION 310E(3) OR (4) OR A LAW
 9 OR ORDINANCE SUBSTANTIALLY CORRESPONDING TO
 10 SECTION 310E(3) OR (4)..... 2 POINTS
- 11 (O) ~~(n)~~ All other moving violations pertaining
 12 to the operation of motor vehicles reported under this
 13 section..... 2 points
- 14 (2) Points shall not be entered for a violation of section
 15 310E(3), 311, 625m, 658, 717, 719, 719a, or 723.
- 16 (3) Points shall not be entered for bond forfeitures.
- 17 (4) Points shall not be entered for overweight loads or for
 18 defective equipment.
- 19 (5) If more than 1 conviction, civil infraction determina-
 20 tion, or probate court disposition results from the same inci-
 21 dent, points shall be entered only for the violation that
 22 receives the highest number of points under this section.
- 23 (6) If a person has accumulated 9 points as provided in this
 24 section, the secretary of state may call the person in for an
 25 interview as to the person's driving ability and record after due
 26 notice as to time and place of the interview. If the person

1 fails to appear as provided in this subsection, the secretary of
2 state shall add 3 points to the person's record.

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

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

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

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

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

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

26 (9) The secretary of state shall enter 6 points upon the
27 record of a person whose license is suspended or denied pursuant

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

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

12 Sec. 321a. (1) A person who fails to answer a citation, or
13 a notice to appear in court for a violation of this act or a
14 local ordinance substantially corresponding to a provision of
15 this act, or for any matter pending, or who fails to comply with
16 an order or judgment issued pursuant to section 907 is guilty of
17 a misdemeanor. A violation of this subsection shall not be con-
18 sidered a violation for any purpose under section 320a.

19 (2) Except as provided in subsection (3), 28 days or more
20 after the date of noncompliance with an order or judgment, the
21 court shall give notice by mail at the last known address of the
22 person that if the person fails to appear or fails to comply with
23 the order or judgment issued pursuant to section 907, including,
24 but not limited to, paying all fines and costs, within 14 days
25 after the notice is issued, the secretary of state shall suspend
26 the person's operator's or chauffeur's license. If the person
27 fails to appear or fails to comply with the order or judgment

1 issued pursuant to section 907, including, but not limited to,
2 paying all fines and costs, within the 14-day period, the court
3 shall, within 14 days, inform the secretary of state, who shall
4 immediately suspend the license of the person and notify the
5 person of the suspension by regular mail at the person's last
6 known address.

7 (3) If the person is charged with, or convicted of, a viola-
8 tion of section 625(1), (2), (3), (4), ~~or~~ (5), OR (6) or a
9 local ordinance substantially corresponding to section 625(1),
10 (2), ~~or~~ (3), OR (6) and the person fails to answer a citation
11 or a notice to appear in court, or for any matter pending, or
12 fails to comply with an order or judgment of the court, includ-
13 ing, but not limited to, paying all fines, costs, and crime
14 victim rights assessments, the court shall immediately give
15 notice by first-class mail sent to the person's last known
16 address that if the person fails to appear within 7 days after
17 the notice is issued, or fails to comply with the order or judg-
18 ment of the court, including, but not limited to, paying all
19 fines, costs, and crime victim rights assessments, within 14 days
20 after the notice is issued, the secretary of state shall suspend
21 the person's operator's or chauffeur's license. If the person
22 fails to appear within the 7-day period, or fails to comply with
23 the order or judgment of the court, including, but not limited
24 to, paying all fines, costs, and crime victim rights assessments,
25 within the 14-day period, the court shall immediately inform the
26 secretary of state who shall immediately suspend the person's
27 operator's or chauffeur's license and notify the person of the

1 suspension by first-class mail sent to the person's last known
2 address.

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

5 (a) The court informs the secretary of state that the person
6 has appeared before the court and that all matters relating to
7 the violation or to the noncompliance with section 907 are
8 resolved.

9 (b) The person has paid to the court a \$25.00 driver license
10 reinstatement fee. The increase in the reinstatement fee from
11 \$10.00 to \$25.00 shall be imposed for a license that is suspended
12 on or after April 5, 1988 regardless of when the license was
13 suspended.

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

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

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

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

25 (a) Failed to answer 2 or more parking violation notices or
26 citations for violating a provision of this act or an ordinance
27 substantially corresponding to a provision of this act pertaining

1 to handicapper parking issued or served after the effective date
2 of the amendatory act that added this subdivision.

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

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

10 (a) The court informs the secretary of state that the person
11 has resolved all outstanding matters regarding the notices or
12 citations.

13 (b) The person has paid to the court a \$25.00 driver license
14 reinstatement fee. The increase in the reinstatement fee from
15 \$10.00 to \$25.00 shall be imposed for a license that is suspended
16 on or after April 5, 1988 regardless of when the license was
17 suspended. If the court determines that the person is not
18 responsible for any of the parking violations for which the
19 person's license was suspended under this subsection, the court
20 shall waive payment of the fee.

21 (8) For the purposes of subsections (4)(a) and (7)(a), the
22 court shall give to the person a copy of the information being
23 transmitted to the secretary of state. Upon showing that copy,
24 the person shall not be arrested or issued a citation for driving
25 on a suspended license on the basis of any matter resolved under
26 subsection (4)(a) or (7)(a), even if the information being sent

1 to the secretary of state has not yet been received or recorded
2 by the department.

3 (9) Sixty percent of the driver license reinstatement fees
4 received under subsections (4)(b) and (7)(b) shall be transmitted
5 by the court to the secretary of state on a monthly basis. The
6 funds received by the secretary of state pursuant to this subsec-
7 tion shall be deposited in the state general fund and shall be
8 used to defray the expenses of the secretary of state in process-
9 ing the suspension and reinstatement of driver licenses under
10 this section.

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

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

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

21 (2) The owner of a vehicle or a person in charge or in con-
22 trol of a vehicle shall not authorize or knowingly permit the
23 vehicle to be operated upon a highway or other place open to the
24 general public or generally accessible to motor vehicles, includ-
25 ing an area designated for the parking of motor vehicles, within
26 this state by a person who is under the influence, of
27 intoxicating liquor or a controlled substance, or a combination

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

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

13 (4) A person, whether licensed or not, who operates a motor
14 vehicle upon a highway or other place open to the general public
15 or generally accessible to motor vehicles, including an area des-
16 ignated for the parking of vehicles, within this state, under the
17 influence of intoxicating liquor or a controlled substance, or a
18 combination of intoxicating liquor and a controlled substance, or
19 with a blood alcohol content of 0.10% or more by weight of alco-
20 hol, and by the operation of that motor vehicle causes the death
21 of another person is guilty of a felony, punishable by imprison-
22 ment for not more than 15 years, or a fine of not less than
23 \$2,500.00 or more than \$10,000.00, or both.

24 (5) A person, whether licensed or not, who operates a motor
25 vehicle upon a highway or other place open to the general public
26 or generally accessible to motor vehicles, including an area
27 designated for the parking of vehicles, within this state, under

1 the influence of intoxicating liquor or a controlled substance,
2 or a combination of intoxicating liquor and a controlled sub-
3 stance, or with a blood alcohol content of 0.10% or more by
4 weight of alcohol, and by the operation of that motor vehicle
5 causes a long-term incapacitating injury to another person is
6 guilty of a felony, punishable by imprisonment for not more than
7 5 years, or a fine of not less than \$1,000.00 or more than
8 \$5,000.00, or both. As used in this subsection, "long-term inca-
9 pacitating injury" means an injury that has caused a person to be
10 in a comatose state, a quadriplegic state, a hemiplegic state, or
11 a paraplegic state, which state is likely to continue for 1 year
12 or more.

13 (6) A PERSON WHO IS LESS THAN 21 YEARS OF AGE, WHETHER
14 LICENSED OR NOT, SHALL NOT OPERATE A VEHICLE UPON A HIGHWAY OR
15 OTHER PLACE OPEN TO THE GENERAL PUBLIC OR GENERALLY ACCESSIBLE TO
16 MOTOR VEHICLES, INCLUDING AN AREA DESIGNATED FOR THE PARKING OF
17 VEHICLES, WITHIN THIS STATE IF THE PERSON HAS A BLOOD ALCOHOL
18 CONTENT OF MORE THAN 0.02% BY WEIGHT OF ALCOHOL. IF A PERSON IS
19 CHARGED WITH VIOLATING SUBSECTION (1)(B), A FINDING OF GUILTY
20 UNDER THIS SUBSECTION MAY BE RENDERED.

21 (7) ~~(6)~~ If a person is convicted of violating subsection
22 (1), the following shall apply:

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

26 (i) Service to the community for a period of not more than
27 45 days.

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

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

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

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

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

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

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

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

25 (f) As used in this subsection, "prior conviction" means a
26 conviction for a violation of section 625(1), (4), or (5) ~~or~~ or
27 former section 625(1) or (2), a local ordinance substantially

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

3 (F) ~~(g)~~ A person sentenced to perform service to the com-
4 munity under this subsection shall not receive compensation, and
5 shall reimburse the state or appropriate local unit of government
6 for the cost of supervision incurred by the state or local unit
7 of government as a result of the person's activities in that
8 service.

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

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

14 (i) SERVICE TO THE COMMUNITY FOR A PERIOD OF NOT MORE THAN
15 45 DAYS.

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

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

20 (i) SERVICE TO THE COMMUNITY FOR A PERIOD OF NOT MORE THAN
21 60 DAYS.

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

23 (C) THE COURT SHALL IMPOSE LICENSE SANCTIONS PURSUANT TO
24 SECTION 625B.

25 (D) A PERSON SENTENCED TO PERFORM SERVICE TO THE COMMUNITY
26 UNDER THIS SUBSECTION SHALL NOT RECEIVE COMPENSATION, AND SHALL
27 REIMBURSE THE STATE OR APPROPRIATE LOCAL UNIT OF GOVERNMENT FOR

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

4 (E) AS USED IN THIS SUBSECTION, "PRIOR CONVICTION" MEANS A
5 CONVICTION FOR A VIOLATION OF SECTION 625(1), (3), (4), (5), OR
6 (6), FORMER SECTION 625(1) OR (2), OR FORMER SECTION 625B, A
7 LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 625(1),
8 (3), OR (6), FORMER SECTION 625(1) OR (2), OR FORMER SECTION
9 625B, OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO
10 SECTION 625(1), (3), (4), (5), OR (6), FORMER SECTION 625(1) OR
11 (2), OR FORMER SECTION 625B.

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

17 (12) ~~+(11)~~ If the prosecuting attorney intends to seek an
18 enhanced sentence under subsection ~~-(6)(b) or (d) or (10)(b) or~~
19 ~~(e)~~ (7)(B) OR (D), SUBSECTION (9)(B) OR (C), OR
20 SUBSECTION (10)(B) based upon the defendant having 1 or more
21 prior convictions, the prosecuting attorney shall include on the
22 complaint and information filed in district court, circuit court,
23 recorder's court, municipal court, or probate court a statement
24 listing the defendant's prior convictions.

25 (13) ~~+(12)~~ A prior conviction shall be established at sen-
26 tencing by 1 or more of the following:

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

3 (F) ~~-(g)-~~ A person sentenced to perform service to the com-
4 munity under this subsection shall not receive compensation, and
5 shall reimburse the state or appropriate local unit of government
6 for the cost of supervision incurred by the state or local unit
7 of government as a result of the person's activities in that
8 service.

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

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

14 (i) SERVICE TO THE COMMUNITY FOR A PERIOD OF NOT MORE THAN
15 45 DAYS.

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

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

20 (i) SERVICE TO THE COMMUNITY FOR A PERIOD OF NOT MORE THAN
21 60 DAYS.

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

23 (C) THE COURT SHALL IMPOSE LICENSE SANCTIONS PURSUANT TO
24 SECTION 625B.

25 (D) A PERSON SENTENCED TO PERFORM SERVICE TO THE COMMUNITY
26 UNDER THIS SUBSECTION SHALL NOT RECEIVE COMPENSATION, AND SHALL
27 REIMBURSE THE STATE OR APPROPRIATE LOCAL UNIT OF GOVERNMENT FOR

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

4 (E) AS USED IN THIS SUBSECTION, "PRIOR CONVICTION" MEANS A
 5 CONVICTION FOR A VIOLATION OF SECTION 625(1), (3), (4), (5), OR
 6 (6), FORMER SECTION 625(1) OR (2), OR FORMER SECTION 625B, A
 7 LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 625(1),
 8 (3), OR (6), FORMER SECTION 625(1) OR (2), OR FORMER SECTION
 9 625B, OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO
 10 SECTION 625(1), (3), (4), (5), OR (6), FORMER SECTION 625(1) OR
 11 (2), OR FORMER SECTION 625B.

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

17 (12) ~~(11)~~ If the prosecuting attorney intends to seek an
 18 enhanced sentence under subsection ~~(6)(b) or (d) or (10)(b) or~~
 19 ~~(e)~~ (7)(B) OR (D), SUBSECTION (9)(B) OR (C), OR
 20 SUBSECTION (10)(B) based upon the defendant having 1 or more
 21 prior convictions, the prosecuting attorney shall include on the
 22 complaint and information filed in district court, circuit court,
 23 recorder's court, municipal court, or probate court a statement
 24 listing the defendant's prior convictions.

25 (13) ~~(12)~~ A prior conviction shall be established at sen-
 26 tencing by 1 or more of the following:

1 (a) An abstract of conviction.

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

3 (c) An admission by the defendant.

4 (14) ~~(13)~~ A person who is convicted of an attempted viola-
5 tion of subsection (1), ~~or~~ (3), OR (6) or a local ordinance
6 substantially corresponding to subsection (1), ~~or~~ (3), OR (6)
7 shall be punished as if the offense had been completed.

8 (15) ~~(14)~~ When assessing points and taking licensing
9 action under this act, the secretary of state and the court shall
10 treat a conviction of an attempted violation of subsection (1),
11 ~~or~~ (3), or (6), a local ordinance substantially corresponding
12 to subsection (1), ~~or~~ (3), OR (6), or a law of another state
13 substantially corresponding to subsection (1), ~~or~~ (3), OR (6)
14 the same as if the offense had been completed.

15 Sec. 625a. (1) A peace officer, without a warrant, may
16 arrest a person when the peace officer has reasonable cause to
17 believe that the person was, at the time of an accident, the
18 operator of a vehicle involved in the accident in this state
19 while in violation of section 625(1), (3), (4), ~~or~~ (5), OR (6)
20 or a local ordinance substantially corresponding to section
21 625(1), ~~or~~ (3), OR (6).

22 (2) A peace officer who has reasonable cause to believe that
23 a person was operating a vehicle upon a public highway or other
24 place open to the public or generally accessible to motor vehi-
25 cles, including an area designated for the parking of vehicles,
26 in this state, and that the person by the consumption of
27 intoxicating liquor may have affected his or her ability to

1 operate a vehicle, or reasonable cause to believe that a person
2 was operating a commercial motor vehicle within the state while
3 the person's blood contained any measurable amount of alcohol by
4 weight or while the person had any detectable presence of intoxi-
5 cating liquor, may require the person to submit to a preliminary
6 chemical breath analysis. The following provisions shall apply
7 with respect to a preliminary chemical breath analysis:

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

10 (b) The results of a preliminary chemical breath analysis
11 are admissible in a criminal prosecution for a crime enumerated
12 in section 625c(1) or in an administrative hearing solely to
13 assist the court or hearing officer in determining a challenge to
14 the validity of an arrest. This subdivision does not limit the
15 introduction of other competent evidence offered to establish the
16 validity of an arrest.

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

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

25 (3) The results of a preliminary chemical breath analysis
26 conducted pursuant to this section shall be used by a police
27 officer to determine whether a person shall be ordered

1 out-of-service under section 319d. A police officer shall order
2 out-of-service as required under section 319d a person who was
3 operating a commercial motor vehicle and who refuses to submit to
4 a preliminary chemical breath analysis as provided in this
5 section. This section does not limit use of other competent evi-
6 dence by the police officer to determine whether a person shall
7 be ordered out-of-service under section 319d.

8 (4) A person who was operating a commercial motor vehicle
9 and who is requested to submit to a preliminary chemical breath
10 analysis under this section shall be advised that refusal of the
11 request of a police officer to take a test described in this sec-
12 tion is a misdemeanor, punishable by imprisonment for not more
13 than 90 days, or a fine of not more than \$100.00, or both, and
14 shall result in the issuance of a 24-hour out-of-service order.

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

20 (6) The following provisions apply with respect to chemical
21 tests and analysis of a person's blood, urine, or breath, other
22 than preliminary chemical breath analysis:

23 (a) The amount of alcohol or presence of a controlled sub-
24 stance or both in a driver's blood at the time alleged as shown
25 by chemical analysis of the person's blood, urine, or breath is
26 admissible into evidence in any civil or criminal proceeding.

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

3 (i) That if he or she takes a chemical test of his or her
4 blood, urine, or breath administered at the request of a peace
5 officer, he or she has the right to demand that a person of his
6 or her own choosing administer 1 of the chemical tests; that the
7 results of the test are admissible in a judicial proceeding as
8 provided under this act and shall be considered with other compe-
9 tent evidence in determining the innocence or guilt of the
10 defendant; and that he or she is responsible for obtaining a
11 chemical analysis of a test sample obtained pursuant to his or
12 her own request.

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

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

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

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

8 (d) A chemical test described in this subsection shall be
9 administered at the request of a peace officer having reasonable
10 grounds to believe the person has committed a crime described in
11 section 625c(1). A person who takes a chemical test administered
12 at the request of a peace officer, as provided in this section,
13 shall be given a reasonable opportunity to have a person of his
14 or her own choosing administer 1 of the chemical tests described
15 in this subsection within a reasonable time after his or her
16 detention, and the results of the test shall be admissible and
17 shall be considered with other competent evidence in determining
18 the innocence or guilt of the defendant. If the person charged
19 is administered a chemical test by a person of his or her own
20 choosing, the person charged shall be responsible for obtaining a
21 chemical analysis of the test sample.

22 (e) If, after an accident, the driver of a vehicle involved
23 in the accident is transported to a medical facility and a sample
24 of the driver's blood is withdrawn at that time for the purpose
25 of medical treatment, the results of a chemical analysis of that
26 sample shall be admissible in any civil or criminal proceeding to
27 show the amount of alcohol or presence of a controlled substance

1 or both in the person's blood at the time alleged, regardless of
2 whether the person had been offered or had refused a chemical
3 test. The medical facility or person performing the chemical
4 analysis shall disclose the results of the analysis to a prose-
5 cuting attorney who requests the results for use in a criminal
6 prosecution as provided in this subdivision. A medical facility
7 or person disclosing information in compliance with this subsec-
8 tion shall not be civilly or criminally liable for making the
9 disclosure.

10 (f) If, after an accident, the driver of a vehicle involved
11 in the accident is deceased, a sample of the decedent's blood
12 shall be withdrawn in a manner directed by the medical examiner
13 for the purpose of determining the amount of alcohol or the pres-
14 ence of a controlled substance, or both, in the decedent's
15 blood. The medical examiner shall give the results of the chemi-
16 cal analysis of the sample to the law enforcement agency investi-
17 gating the accident, and that agency shall forward the results to
18 the department of state police.

19 (g) The department of state police shall promulgate uniform
20 rules for the administration of chemical tests for the purposes
21 of this section.

22 (7) The provisions of subsection (6) relating to chemical
23 testing do not limit the introduction of any other competent evi-
24 dence bearing upon the question of whether or not a person was
25 impaired by, or under the influence of, intoxicating liquor or a
26 controlled substance, or a combination of intoxicating liquor and
27 a controlled substance, or whether the person had a blood alcohol

1 content of 0.10% or more, OR IF THE PERSON IS LESS THAN 21 YEARS
2 OF AGE WHETHER THE PERSON HAD A BLOOD ALCOHOL CONTENT OF MORE
3 THAN 0.02%, by weight of alcohol.

4 (8) If a chemical test described in subsection (6) is admin-
5 istered, the results of the test shall be made available to the
6 person charged or the person's attorney upon written request to
7 the prosecution, with a copy of the request filed with the
8 court. The prosecution shall furnish the results at least 2 days
9 before the day of the trial. The results of the test shall be
10 offered as evidence by the prosecution in that trial. Failure to
11 fully comply with the request shall bar the admission of the
12 results into evidence by the prosecution.

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

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

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

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

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

10 Sec. 625b. (1) A person arrested for a misdemeanor viola-
11 tion of section 625(1), ~~or~~ (3), OR (6) or section 625m, or a
12 local ordinance substantially corresponding to section 625(1),
13 ~~or~~ (3), OR (6) or section 625m, shall be arraigned on the
14 citation, complaint, or warrant not more than 14 days after the
15 date of arrest or, if an arrest warrant is reissued, not more
16 than 14 days after the reissued arrest warrant is served.

17 (2) The court shall schedule a pretrial conference between
18 the prosecuting attorney, the defendant, and the defendant's
19 attorney in each case in which the defendant is charged with a
20 misdemeanor violation of section 625(1), ~~or~~ (3), OR (6) or
21 section 625m, or a local ordinance substantially corresponding to
22 section 625(1), ~~or~~ (3), OR (6) or section 625m. The pretrial
23 conference shall be held not more than 35 days after the date of
24 the person's arrest for the violation or, if an arrest warrant is
25 reissued, not more than 35 days after the date the reissued
26 arrest warrant is served, unless the court has only 1 judge who
27 sits in more than 1 location in that district, in which case the

1 pretrial conference shall be held not more than 42 days after the
2 date of the person's arrest for the violation or, if an arrest
3 warrant is reissued, not more than 42 days after the date the
4 reissued arrest warrant is served. The court shall order the
5 defendant to attend the pretrial conference and may accept a plea
6 by the defendant at the conclusion of the pretrial conference.
7 The court may adjourn the pretrial conference upon the motion of
8 a party for good cause shown. Not more than 1 adjournment shall
9 be granted to a party, and the length of an adjournment shall not
10 exceed 14 days. The court shall, except for delay attributable
11 to the unavailability of the defendant, a witness, or material
12 evidence, or due to an interlocutory appeal or exceptional cir-
13 cumstances, but not a delay caused by docket congestion, finally
14 adjudicate, by a plea of guilty or nolo contendere, or the entry
15 of a verdict, or by other final disposition, a case in which the
16 defendant is charged with a misdemeanor violation of section 625
17 (1), ~~or~~ (3), OR (6) or section 625m, or a local ordinance sub-
18 stantially corresponding to section 625(1), ~~or~~ (3), OR (6) or
19 section 625m, within 77 days after the person is arrested for the
20 violation or, if an arrest warrant is reissued, not more than 77
21 days after the date the reissued arrest warrant is served.

22 (3) Before accepting a plea of guilty or nolo contendere
23 under section 625, or a local ordinance substantially correspond-
24 ing to section 625(1), (2), ~~or~~ (3), OR (6), the court shall
25 advise the accused of the maximum possible term of imprisonment
26 and the maximum possible fine that may be imposed for the
27 violation, and shall advise the defendant that the maximum

1 possible license sanctions that may be imposed will be based upon
2 the master driving record maintained by the secretary of state
3 pursuant to section 204a.

4 (4) Before imposing sentence, other than court-ordered
5 license sanctions, for a violation of section 625(1), (3), (4),
6 ~~or~~ (5), OR (6) or a local ordinance substantially corresponding
7 to section 625(1), ~~or~~ (3), OR (6), the court shall order the
8 person to undergo screening and assessment by a person or agency
9 designated by the office of substance abuse services, to deter-
10 mine whether the person is likely to benefit from rehabilitative
11 services, including alcohol or drug education and alcohol or drug
12 treatment programs. As part of the sentence, the court may order
13 the person to participate in and successfully complete 1 or more
14 appropriate rehabilitative programs. The person shall pay for
15 the costs of the screening, assessment, and rehabilitative
16 services.

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

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

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

7 (i) If the court finds that the person has no prior convic-
8 tions within 7 years for a violation of section 625(1), (3), (4),
9 or (5), ~~or~~ former section 625(1) or (2), or former section
10 625b, a local ordinance substantially corresponding to section
11 625(1) or (3), ~~or~~ former section 625(1) or (2), or former sec-
12 tion 625b, or a law of another state substantially corresponding
13 to section 625(1), (3), (4), or (5), ~~or~~ former section 625(1)
14 or (2), or former section 625b, the court shall order the secre-
15 tary of state to suspend the operator's or chauffeur's license of
16 the person for a period of not less than 6 months or more than
17 2 years. The court may order the secretary of state to issue to
18 the person a restricted license during all or a specified portion
19 of the period of suspension, except that a restricted license
20 shall not be issued during the first 30 days of the period of
21 suspension.

22 (ii) If the court finds that the person has 1 prior convic-
23 tion within 7 years for a violation of section 625(3) or former
24 section 625b, a local ordinance substantially corresponding to
25 section 625(3) or former section 625b, or a law of another state
26 substantially corresponding to section 625(3) or former
27 section 625b, the court shall order the secretary of state to

1 suspend the operator's or chauffeur's license of the person for a
2 period of not less than 6 months or more than 2 years. The court
3 may order the secretary of state to issue to the person a
4 restricted license during all or any portion of the period of
5 suspension, except that a restricted license shall not be issued
6 during the first 60 days of the period of suspension.

7 (iii) If the court finds that the person has 1 or more prior
8 convictions within 7 years for a violation of section 625(1),
9 (4), or (5) ~~—~~ or former section 625(1) or (2), a local ordi-
10 nance substantially corresponding to section 625(1) or former
11 section 625(1) or (2), or a law of another state substantially
12 corresponding to section 625(1), (4), or (5) ~~—~~ or former sec-
13 tion 625(1) or (2), or that the person has 2 or more prior con-
14 victions within 10 years for a violation of section 625(1), (3),
15 (4), or (5), ~~or~~ former section 625(1) or (2), or former section
16 625b, a local ordinance substantially corresponding to section
17 625(1) or (3), ~~or~~ former section 625(1) or (2), or former sec-
18 tion 625b, or a law of another state substantially corresponding
19 to section 625(1), (3), (4), or (5), ~~or~~ former section 625(1)
20 or (2), or former section 625b, the court shall order the secre-
21 tary of state to revoke the operator's or chauffeur's license of
22 the person and shall not order the secretary of state to issue a
23 restricted license to the person.

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

26 (i) If the court finds that the convicted person has no
27 prior conviction within 7 years for a violation of section

1 625(1), (3), (4), or (5), ~~or~~ former section 625(1) or (2), or
2 former section 625b, a local ordinance substantially correspond-
3 ing to section 625(1) or (3), ~~or~~ former section 625(1) or (2),
4 or former section 625b, or a law of another state substantially
5 corresponding to section 625(1), (3), (4), or (5), ~~or~~ former
6 section 625(1) or (2), or former section 625b, the court shall
7 order the secretary of state to suspend the operator's or
8 chauffeur's license of the person for a period of not less than
9 90 days or more than 1 year. The court may order the secretary
10 of state to issue to the person a restricted license during all
11 or a specified portion of the period of suspension.

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

26 (iii) If the court finds that the person has 2 or more prior
27 convictions within 10 years for a violation of section 625(1),

1 (3), (4), or (5), ~~or~~ former section 625(1) or (2), or former
2 section 625b, a local ordinance substantially corresponding to
3 section 625(1) or (3), ~~or~~ former section 625(1) or (2), or
4 former section 625b, or a law of another state substantially cor-
5 responding to section 625(1), (3), (4), or (5), ~~or~~ former sec-
6 tion 625(1) or (2), or former section 625b, the court shall order
7 the secretary of state to revoke the operator's or chauffeur's
8 license of the person and shall not order the secretary of state
9 to issue a restricted license to the person.

10 (D) FOR A CONVICTION UNDER SECTION 625(6) OR A LOCAL ORDI-
11 NANCE SUBSTANTIALLY CORRESPONDING TO SECTION 625(6):

12 (i) IF THE COURT FINDS THAT THE CONVICTED PERSON HAS NO
13 PRIOR CONVICTION WITHIN 7 YEARS FOR A VIOLATION OF SECTION
14 625(1), (3), (4), (5), OR (6), FORMER SECTION 625(1) OR (2), OR
15 FORMER SECTION 625B, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPOND-
16 ING TO SECTION 625(1), (3), OR (6), FORMER SECTION 625(1) OR (2),
17 OR FORMER SECTION 625B, OR A LAW OF ANOTHER STATE SUBSTANTIALLY
18 CORRESPONDING TO SECTION 625(1), (3), (4), (5), OR (6), FORMER
19 SECTION 625(1) OR (2), OR FORMER SECTION 625B, THE COURT SHALL
20 ORDER THE SECRETARY OF STATE TO SUSPEND THE OPERATOR'S OR
21 CHAUFFEUR'S LICENSE OF THE PERSON FOR A PERIOD OF NOT MORE THAN
22 90 DAYS. THE COURT MAY ORDER THE SECRETARY OF STATE TO ISSUE TO
23 THE PERSON A RESTRICTED LICENSE DURING ALL OR A SPECIFIED PORTION
24 OF THE PERIOD OF SUSPENSION.

25 (ii) 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 (3), (4), (5), OR (6), FORMER SECTION 625(1) OR (2), OR FORMER

1 SECTION 625B, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO
2 SECTION 625(1), (3), OR (6), FORMER SECTION 625(1) OR (2), OR
3 FORMER SECTION 625B, OR A LAW OF ANOTHER STATE SUBSTANTIALLY COR-
4 RESPONDING TO SECTION 625(1), (3), (4), (5), OR (6), FORMER SEC-
5 TION 625(1) OR (2), OR FORMER SECTION 625B, THE COURT SHALL ORDER
6 THE SECRETARY OF STATE TO SUSPEND THE OPERATOR'S OR CHAUFFEUR'S
7 LICENSE OF THE PERSON FOR A PERIOD OF NOT MORE THAN 1 YEAR. THE
8 COURT MAY ORDER THE SECRETARY OF STATE TO ISSUE TO THE PERSON A
9 RESTRICTED LICENSE DURING ALL OR ANY PORTION OF THE SUSPENSION
10 PERIOD, EXCEPT THAT A RESTRICTED LICENSE SHALL NOT BE ISSUED
11 DURING THE FIRST 60 DAYS OF THE PERIOD OF SUSPENSION.

12 (6) A restricted license issued pursuant to an order under
13 subsection (5) shall permit the person to whom it is issued to do
14 1 or more of the following:

15 (a) Drive to and from the person's residence and work
16 location.

17 (b) Drive in the course of the person's employment or
18 occupation.

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

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

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

26 (7) The court may order that the restricted license issued
27 pursuant to subsection (5) include the requirement that the

1 person shall not operate a motor vehicle unless the vehicle is
2 equipped with a functioning ignition interlock device. The
3 device shall be set to render the motor vehicle inoperable if the
4 device detects a blood alcohol content of 0.02% or more by weight
5 of alcohol in the person who offers a breath sample. The court
6 may order installation of an ignition interlock device on any
7 motor vehicle that the person owns or operates, the costs of
8 which shall be borne by the person whose license is restricted.

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

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

23 (10) The court order issued under subsection (5) and the
24 restricted license shall indicate the permitted destination of
25 the person, the approved route or routes if specified by the
26 court, and permitted times of travel.

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

5 (12) Immediately upon acceptance by the court of a plea of
6 guilty or nolo contendere or upon entry of a verdict of guilty
7 for a violation of section 625(1), (3), (4), ~~or~~ (5), OR (6) or
8 a local ordinance substantially corresponding to section 625(1),
9 ~~or~~ (3), OR (6), the person shall surrender to the court his or
10 her operator's or chauffeur's license or permit. The court shall
11 immediately destroy the license or permit and forward an abstract
12 of conviction with court-ordered license sanctions to the secre-
13 tary of state. Upon receipt of, and pursuant to, the abstract of
14 conviction with court-ordered license sanctions, the secretary of
15 state shall suspend or revoke the person's license and, if
16 ordered by the court and the person is otherwise eligible for a
17 license, issue to the person a restricted license stating the
18 limited driving privileges indicated on the abstract. If the
19 judgment and sentence is appealed to circuit court, the court
20 may, ex parte, order the secretary of state to stay the suspen-
21 sion, revocation, or restricted license issued pursuant to this
22 section pending the outcome of the appeal.

23 (13) In addition to any other suspension or revocation
24 ordered under this section and as part of the sentence imposed
25 upon a person who violates section 625(1), (3), (4), or (5) or a
26 local ordinance substantially corresponding to section 625(1) or
27 (3) while operating a commercial motor vehicle, the court shall

1 order the secretary of state to suspend the vehicle group
2 designations on the person's operator's or chauffeur's license in
3 accordance with section 319b(1)(c), except that if the vehicle
4 was transporting hazardous material required to have a placard
5 pursuant to 49 C.F.R. parts 100 to 199, the court shall order the
6 secretary of state to suspend the vehicle group designations on
7 the person's operator's or chauffeur's license in accordance with
8 section 319b(1)(d). The court shall not order the secretary of
9 state to issue a restricted license that would permit the person
10 to operate a commercial motor vehicle.

11 (14) In addition to any other suspension or revocation
12 ordered under this section and as part of the sentence imposed
13 upon a person who is convicted of a violation of section 625(1),
14 (3), (4), or (5) or a local ordinance substantially corresponding
15 to section 625(1) or (3) while operating a commercial motor vehi-
16 cle within 10 years of a prior conviction, the court shall order
17 the secretary of state to revoke the vehicle group designations
18 on the person's operator's or chauffeur's license in accordance
19 with section 319b(1)(e). The court shall not order the secretary
20 of state to issue a restricted license that would permit the
21 person to operate a commercial motor vehicle. As used in this
22 ~~section~~ SUBSECTION, "prior conviction" means a conviction under
23 ~~subsection 625(1), (3), (4), or (5), or~~ SECTION 625(1), (3),
24 (4), OR (5), former section 625(1) or (2), or former section
25 625b, a local ordinance substantially corresponding to section
26 625(1) or (3), ~~or~~ former section 625(1) or (2), or former
27 section 625b, or a law of another state substantially

1 corresponding to section 625(1), (3), (4), or (5), ~~or~~ former
2 section 625(1) or (2), or former section 625b involving the oper-
3 ation of a commercial motor vehicle, or a conviction under
4 section 625m, a local ordinance substantially corresponding to
5 section 625m, or a law of another state substantially correspond-
6 ing to section 625m.

7 Sec. 625c. (1) A person who operates a vehicle upon a
8 public highway or other place open to the general public or gen-
9 erally accessible to motor vehicles, including an area designated
10 for the parking of vehicles, within this state is considered to
11 have given consent to chemical tests of his or her blood, breath,
12 or urine for the purpose of determining the amount of alcohol or
13 presence of a controlled substance or both in his or her blood,
14 in all of the following circumstances:

15 (a) If the person is arrested for a violation of section
16 625(1), (3), (4), ~~or~~ (5), OR (6), section 625a(5), or section
17 625m, or a local ordinance substantially corresponding to section
18 625(1), ~~or~~ (3), OR (6), section 625a(5), or section 625m.

19 (b) If the person is arrested for felonious driving, negli-
20 gent homicide, manslaughter, or murder resulting from the opera-
21 tion of a motor vehicle, and the peace officer had reasonable
22 grounds to believe that the person was operating the vehicle
23 while impaired by or under the influence of intoxicating liquor
24 or a controlled substance or a combination of intoxicating liquor
25 and a controlled substance, or while having a blood alcohol con-
26 tent of 0.10% or more, OR IF THE PERSON IS LESS THAN 21 YEARS OF

1 AGE WHILE HAVING A BLOOD ALCOHOL CONTENT OF MORE THAN 0.02%, by
2 weight of alcohol.

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

7 (3) The tests shall be administered as provided in section
8 625a(6).

9 Sec. 625d. (1) If a person refuses the request of a peace
10 officer to submit to a chemical test offered pursuant to section
11 ~~625a(3)~~ 625A(6), a test shall not be given without a court
12 order, but the officer may seek to obtain the court order.

13 (2) A written report shall immediately be forwarded to the
14 secretary of state by the peace officer. The report shall state
15 that the officer had reasonable grounds to believe that the
16 person had committed a crime described in section 625c(1), and
17 that the person had refused to submit to the test upon the
18 request of the peace officer and had been advised of the conse-
19 quences of the refusal. The form of the report shall be pre-
20 scribed and furnished by the secretary of state.

21 Sec. 625i. (1) The department of state police shall prepare
22 an annual report which shall be designated the Michigan annual
23 drunk driving audit. The secretary of state, circuit court, dis-
24 trict court, probate court, municipal courts, and local units of
25 government in this state shall cooperate with the department of
26 state police to provide information necessary for the preparation
27 of the report. A copy of the report prepared under this

1 subsection shall be submitted to the governor, the secretary of
2 the senate, the clerk of the house of representatives, and the
3 secretary of state on June 1 of each year. The report shall con-
4 tain for each county in the state all of the following informa-
5 tion applicable to the immediately preceding calendar year:

6 (a) The number of alcohol related motor vehicle accidents
7 resulting in bodily injury, including a breakdown of the number
8 of those injuries occurring per capita of population and per road
9 mile in the county.

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

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

16 (d) The number of arrests made for violations of section
17 625(1)(a) or (b) or local ordinances substantially corresponding
18 to section 625(1)(a) or (b).

19 (e) The number of arrests made for violations of section
20 625(3) or local ordinances substantially corresponding to section
21 625(3).

22 (F) THE NUMBER OF ARRESTS MADE FOR VIOLATIONS OF
23 SECTION 625(6) OR LOCAL ORDINANCES SUBSTANTIALLY CORRESPONDING TO
24 SECTION 625(6).

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

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

3 (I) ~~-(h)-~~ The number of arrests made for violations of
4 section 625m or local ordinances substantially corresponding to
5 section 625m. This subdivision shall apply after December 31,
6 1992.

7 (2) The secretary of state shall compile a report of dispo-
8 sitions of charges for violations of section 625(1), (3), (4),
9 ~~or~~ (5), OR (6) OR SECTION 625M or local ordinances substan-
10 tially corresponding to section 625(1), ~~or~~ (3), OR (6) or
11 section 625m ~~or local ordinances substantially corresponding to~~
12 ~~section 625m~~ by each judge for inclusion in the annual report.
13 The report compiled by the secretary of state shall include
14 information regarding all of the following:

15 (a) The number of dismissals granted.

16 (b) The number of convictions entered.

17 (c) The number of acquittals entered.

18 (d) The number of licenses suspended, revoked, or
19 restricted.

20 (e) The average length of imprisonment imposed.

21 (f) The average length of community service imposed in lieu
22 of imprisonment.

23 (g) The average fine imposed.

24 (3) The secretary of state shall enter into a contract with
25 the university of Michigan transportation research institute, in
26 which the university of Michigan transportation research
27 institute shall evaluate the effect and impact of the 1991

1 legislation addressing drunk and impaired driving in this state
 2 and report its findings to the governor and the legislature not
 3 later than October 1, 1994.

4 Sec. 811. (1) An application for an operator's or
 5 chauffeur's license as provided in sections 307 and 312 and an
 6 application for a minor's restricted license as provided in sec-
 7 tion 312 shall be accompanied by the following fees:

8	Operator's license.....	\$ 12.00
9	Chauffeur's license.....	20.00
10	Minor's restricted license.....	5.00

11 (2) The secretary of state shall deposit the money received
 12 and collected under subsection (1) in the state treasury to the
 13 credit of the general fund. The secretary of state shall refund
 14 out of the fees collected to each county or municipality acting
 15 as an examining officer or examining bureau \$2.50 for each appli-
 16 cant examined for an original license, \$1.00 for each applicant
 17 examined for an original chauffeur's license, and \$1.00 for every
 18 other applicant examined, if the application is not denied and
 19 the money refunded is paid to the county or local treasurer and
 20 is appropriated to the county, municipality, or officer or bureau
 21 receiving the money for the purpose of carrying out this act.
 22 The state treasurer shall deposit the sum of \$4.00 in a driver
 23 education fund for each person examined for an original license,
 24 a renewal operator's license, an original chauffeur's license, or
 25 a renewal chauffeur's license, except that the sum deposited for
 26 each 2-year operator's or 2-year chauffeur's license shall be

1 \$2.00. The department of education shall use the money in the
2 driver education fund for administration of a driver education
3 program and for distribution to local school districts to be used
4 for driver education programs. Any unexpended and unencumbered
5 balance remaining in the driver education fund at the end of the
6 fiscal year in excess of \$150,000.00 shall revert to the general
7 fund.

8 (3) From the money credited to the driver education fund,
9 the legislature shall appropriate annually funds to the depart-
10 ment of education for state administration of the program. In
11 addition, the department of education shall distribute to local
12 public school districts from the driver education fund 50% of the
13 previous fiscal year's statewide average cost per student, as
14 determined by the department of education, or the actual cost per
15 student, whichever is less, for each student completing an
16 approved driver education course. The driver education courses
17 shall be conducted by the local public school district, or may be
18 conducted for the local school district by the intermediate dis-
19 trict at the request of the local district, and, subject to eli-
20 gibility requirements established under section 1302 of the
21 school code of 1976, Act No. 451 of the Public Acts of 1976,
22 being section 380.1302 of the Michigan Compiled Laws, enrollment
23 in driver education courses shall be open to children enrolled in
24 the high school grades of public, parochial, and private schools
25 as well as resident out-of-school youth. Reimbursement to local
26 school districts shall be made on the basis of an application
27 made by the local school district superintendent to the

1 department of education. If money appropriated from the driver
2 education fund is not sufficient to provide for state administra-
3 tion of the driver education program and to reimburse local
4 school districts for each student completing an approved driver
5 education course, then payments made to local school districts
6 shall be prorated to the amount that is appropriated and avail-
7 able in the fund.

8 (4) As used in this section, "driver education courses"
9 ~~include~~ INCLUDES classroom instruction, behind the wheel
10 instruction, and observation in an automobile under the supervi-
11 sion of a qualified teacher or licensed instructor. The depart-
12 ment of education shall not require that licensed driver training
13 school teachers or instructors be certificated under Act No. 451
14 of the Public Acts of 1976, as amended, being sections 380.1 to
15 380.1852 of the Michigan Compiled Laws.

16 (5) The department of education ~~may~~ SHALL promulgate rules
17 pursuant to the administrative procedures act of 1969, Act
18 No. 306 of the Public Acts of 1969, as amended, being sections
19 24.201 to 24.328 Michigan Compiled Laws, ~~including~~ TO IMPLEMENT
20 THIS SECTION. THE RULES SHALL INCLUDE, AT A MINIMUM, instruc-
21 tional standards, teacher qualifications, reimbursement proce-
22 dures, and ~~other requirements to further implement this section~~
23 A REQUIREMENT THAT A PARENT OR GUARDIAN OF A STUDENT ATTEND AN
24 ORIENTATION PROGRAM REGARDING THE DRIVER EDUCATION COURSE.

25 (6) Notwithstanding sections 301, 303, 306, and 308, an
26 operator's license shall not be issued to a person under 18 years
27 of age unless that person successfully passes a driver education

1 course and examination given by a public school, nonpublic
2 school, or an equivalent course approved by the department of
3 education given by a licensed driver training school. A person
4 who has been a holder of a motor vehicle operator's license
5 issued by any other state, territory, or possession of the United
6 States, or any other sovereignty for 1 year immediately before
7 application for an operator's license under this act is not
8 required to comply with this sub section. Restricted licenses
9 may be issued pursuant to section 312 without compliance with
10 this subsection. Subject to eligibility requirements established
11 under section 1302 of Act No. 451 of the Public Acts of 1976, a
12 driver education course shall be made available for a person
13 under 18 years of age within a time that will enable that person
14 to qualify for a license before the time that the person is per-
15 mitted by law to have a license.

16 (7) A public school system shall not impose a charge or
17 enrollment fee for a driver education course upon a student
18 desiring to take the course as a duly enrolled student for the
19 course in a school of the public school system.

20 (8) Not later than ~~5 years after the effective date of the~~
21 ~~amendatory act that added this subsection~~ DECEMBER 30, 1996, the
22 secretary of state shall prepare and submit to the legislature a
23 report comparing aggregate driver record information for drivers
24 trained in driver education programs for which eligibility
25 requirements have been established under section 1302 of Act
26 No. 451 of the Public Acts of 1976 to aggregate driver record

1 information for drivers trained in driver education programs for
2 which such eligibility requirements have not been established.