



HOUSE BILL No. 5629

June 9 1994 Introduced by Rep Yokich and referred to the Committee on Judiciary

A bill to amend the title and sections 208, 303, 319, 323 625, 625b, 625d, 625g, 625k 625l 732, 904, and 910 of Act No 300 of the Public Acts of 1949, entitled as amended Michigan vehicle code," section 208 as amended by Act No 310 of the Public Acts of 1982, sections 303 and 625 as amended and section 910 as added by Act No 98 of the Public Acts of 1991 section 319 as amended by Act No 93 of the Public Acts of 1991, sections 323, 625b, 732, and 904 as amended by Act No 100 of the Public Acts of 1991, sections 625d and 625g as amended by Act No 95 of the Public Acts of 1991 and sections 625k and 625l as added by Act No 109 of the Public Acts of 1987, being sections 257 208, 257 303, 257 319, 257 323, 257 625, 257 625b, 257 625d, 257 625g, 257 625k, 257 625l, 257 732, 257 904, and 257 910 of the Michigan Compiled Laws and to add sections 625n and 625o

15	TITLE
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04313 93

1 regulation and use of streets and highways to create certain
 2 funds to provide penalties and sanctions for a violation of this
 3 act to provide for civil liability of owners and operators of
 4 vehicles and service of process on residents and nonresidents to
 5 provide for the levy of certain assessments to provide for the
 6 enforcement of this act to provide for the creation of and to
 7 prescribe the powers and duties of certain state and local agen-
 8 cies to repeal all other acts or parts of acts inconsistent with
 9 this act or contrary to this act and to repeal certain parts of
 10 this act on a specific date

11 Sec 208 (1) Records of the department, other than those
 12 declared by law to be confidential for the DEPARTMENT S use, ~~of~~
 13 ~~the department,~~ shall be open to public inspection under rules
 14 ~~as~~ the secretary of state ~~may promulgate~~ PROMULGATES, pursu-
 15 ant to section 3 of the freedom of information act, Act No 442
 16 of the Public Acts of 1976, being section 15 233 of the Michigan
 17 Compiled Laws

18 (2) ~~The~~ EXCEPT AS OTHERWISE SPECIFIED IN THIS SECTION, THE
 19 secretary of state may destroy any DEPARTMENT records ~~of the~~
 20 ~~department which have been~~ maintained on file for 7 years,
 21 including the information contained in the central file main-
 22 tained under section 204a ~~, except the following~~

23 (3) ~~(a)~~ Records of convictions of any offense for which
 24 points are provided under section 320a(1)(a), (b), ~~(f), or (g)~~
 25 ~~which~~ (C), OR (G) OR SECTION 320A(9) may be destroyed after
 26 being maintained on file for 10 years

1 (4) ~~-(b)-~~ Records of stolen vehicles reported in section 253
 2 ~~which~~ may be destroyed after being maintained on file for the
 3 year of entry plus 4 years

4 (5) ~~-(c)-~~ Except as otherwise specified in this act records
 5 ~~which~~ the secretary of state ~~may consider~~ CONSIDERS obsolete
 6 and of no further service in carrying out the DEPARTMENT S powers
 7 and duties ~~of the department~~ MAY BE DESTROYED UPON THAT
 8 DETERMINATION

9 (6) ~~-(3)-~~ ~~The secretary of state may destroy a record of sus-~~
 10 ~~pension under section 321a, 180 days after termination of the~~
 11 ~~suspension, if the~~ IF A record of suspension UNDER SECTION 321A
 12 does not contain a conviction for a violation of section 904 or a
 13 local ordinance substantially corresponding to section 904 during
 14 the period of suspension, THE SECRETARY OF STATE MAY DESTROY THE
 15 RECORD 180 DAYS AFTER THE SUSPENSION TERMINATES or as provided in
 16 ~~subsection~~ SUBSECTIONS (2) TO (5)

17 (7) ~~-(4)-~~ The secretary of state may destroy a record of
 18 receipt of the notice provided for in section 321a(3) after the
 19 court involved informs the secretary of state that all outstand-
 20 ing matters regarding section 321a(3) have been resolved

21 (8) ~~-(5)-~~ The secretary of state may destroy a record main-
 22 tained pursuant to section 204a 180 days after the nonresident
 23 driver against whom a civil infraction determination is entered
 24 complies with an order or judgment issued pursuant to section
 25 907

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

1 (a) A person as an operator who is less than 18 years of
2 age except ~~that~~ the secretary of state may issue a license to
3 a person who is not less than 16 years of age and who has satis-
4 factorily passed a driver education course and examination given
5 by a public school or nonpublic school of this or another state
6 offering a course approved by the department of education or an
7 equivalent course and examination as prescribed in section 811
8 The secretary of state may issue A RESTRICTED LICENSE to a person
9 not less than 14 years of age ~~a restricted license~~ as provided
10 in this act This subdivision ~~shall~~ DOES not apply to a person
11 who has ~~been the holder of~~ HELD a valid driver s license issued
12 by another state territory or possession of the United States
13 or another sovereignty for at least 1 year immediately before
14 application for a driver's license under this act

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

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

24 (d) A person who has been convicted under section 625(4) or
25 (5)

26 (E) A CONVICTION FOR MANSLAUGHTER OR MURDER RESULTING FROM
27 THE OPERATION OF A MOTOR VEHICLE

1 (F) ~~(e)~~ A person who is an habitual violator of the
 2 criminal laws relating to operating a vehicle while impaired by
 3 or under the influence of intoxicating liquor or a controlled
 4 substance or a combination of intoxicating liquor and a con-
 5 trolled substance, or with ~~a blood~~ AN alcohol content of
 6 ~~0 + 10%~~ 0 10 GRAMS or more ~~by weight of alcohol~~ PER 100 MILLI-
 7 LITERS OF BLOOD PER 210 LITERS OF BREATH OR PER 67 MILLILITERS
 8 OF URINE Convictions of any of the following whether under a
 9 law of this state a local ordinance substantially corresponding
 10 to a law of this state or a law of another state substantially
 11 corresponding to a law of this state ~~shall be~~ ARE prima facie
 12 evidence that the person is an habitual violator as described in
 13 this subdivision

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

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

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

18 (2) Any combination of 3 convictions within 10 years for 1
 19 or more of the following

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

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

23 (G) ~~(f)~~ A person who in the opinion of the secretary of
 24 state is afflicted with or suffering from a physical or mental
 25 disability or disease ~~which prevents~~ PREVENTING that person
 26 from exercis ng reasonable and ordinary control over a motor
 27 vehicle while operating the motor vehicle upon the highways

1 (H) ~~(g)~~ A person who is unable to understand highway
2 warning or direction signs in the English language

3 (I) ~~(h)~~ A person who is an habitually reckless driver
4 ~~Four~~ TWO convictions WITHIN 7 YEARS of reckless driving under
5 this act or any other law of this state relating to reckless
6 driving or under a local ordinance of this state or a law of
7 another state ~~which~~ THAT defines the term reckless driving
8 substantially ~~similar~~ SIMILARLY to the law of this state ~~shall~~
9 ~~be~~ ARE prima facie evidence that the person is an habitually
10 reckless driver

11 (J) ~~(i)~~ A person who is an habitual criminal Two convic-
12 tions of a felony ~~involving the use of~~ IN WHICH a motor vehicle
13 WAS USED in this or another state ~~shall be~~ ARE prima facie evi-
14 dence that the person is an habitual criminal

15 (K) ~~(j)~~ A person who is unable to pass a knowledge skill
16 or ability test administered by the secretary of state in connec-
17 tion with the issuance of an original operator s or chauffeur's
18 license original motorcycle indorsement, or an original or
19 renewal of a vehicle group designation or vehicle indorsement

20 (L) ~~(k)~~ A person who has been convicted OF, received a
21 probate court disposition FOR, or been determined responsible for
22 2 or more moving violations under a law of this state, a local
23 ordinance substantially corresponding to a law of this state, or
24 a law of another state substantially corresponding to a law of
25 this state, within the preceding 3 years ~~—~~ if the violations
26 occurred ~~prior to the~~ BEFORE issuance of an original license to
27 the person in this or another state

1 (M) ~~(L)~~ A nonresident

2 (N) ~~(m)~~ A person not licensed under this act who has been
 3 convicted of, ~~or~~ received a probate court disposition for
 4 ~~committing~~ OR BEEN DETERMINED RESPONSIBLE FOR a crime OR CIVIL
 5 INFRACTION described in section 319, 324, or 904 A person shall
 6 be denied a license under this subdivision for the length of time
 7 ~~that corresponds~~ CORRESPONDING to the period of the licensing
 8 sanction that would have been imposed under section 319 324, or
 9 904 if the person had been licensed at the time of the
 10 violation

11 (2) Upon receipt of the appropriate records of conviction
 12 the secretary of state shall revoke the operator s or chauffeur s
 13 license of a person having any of the following, ~~convictions,~~
 14 whether under a law of this state, a local ordinance substan-
 15 tially corresponding to a law of this state or a law of another
 16 state substantially corresponding to a law of this state

17 (a) ~~Four~~ TWO convictions of reckless driving within 7
 18 years

19 (b) Two convictions of a felony ~~involving the use of~~ IN
 20 WHICH a motor vehicle WAS USED within 7 years

21 (c) Any combination of 2 convictions within 7 years for ~~+~~
 22 ~~or more~~ ANY of the following

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

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

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

26 (iv) MANSLAUGHTER OR MURDER RESULTING FROM THE OPERATION OF
 27 A MOTOR VEHICLE

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

2 (E) A CONVICTION FOR MANSLAUGHTER OR MURDER RESULTING FROM
3 THE OPERATION OF A MOTOR VEHICLE

4 (F) ~~(e)~~ Any combination of 3 convictions within 10 years
5 for ~~1 or more~~ ANY of the following

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

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

9 (iii) MANSLAUGHTER OR MURDER RESULTING FROM THE OPERATION OF
10 A MOTOR VEHICLE

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

17 (4) The secretary of state shall not issue a license under
18 this act to a person whose license has been revoked under this
19 act or denied under subsection (1)(d), (e) ~~(h), or (i)~~ (F)
20 (I) OR (J) until both of the following occur

21 (a) The later of the following

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

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

(b) The person meets the requirements of the department

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

(6) AS USED IN THIS SECTION, "FELONY IN WHICH A MOTOR VEHICLE WAS USED MEANS A FELONY DURING THE COMMISSION OF WHICH THE PERSON CONVICTED OPERATED A MOTOR VEHICLE AND WHILE OPERATING THE VEHICLE PRESENTED REAL OR POTENTIAL HARM TO PERSONS OR PROPERTY AND 1 OR MORE OF THE FOLLOWING CIRCUMSTANCES EXISTED

(A) THE VEHICLE WAS USED AS AN INSTRUMENT OF THE FELONY

(B) THE VEHICLE WAS USED TO TRANSPORT A VICTIM OF THE FELONY

(C) THE VEHICLE WAS USED TO FLEE THE SCENE OF THE FELONY

(D) THE VEHICLE WAS NECESSARY FOR THE COMMISSION OF THE FELONY

Sec 319 (1) The secretary of state shall immediately suspend ~~for a period of not less than 90 days or more than 2 years~~ the A PERSON S license ~~of a person~~ FOR NOT LESS THAN 90 DAYS OR MORE THAN 2 YEARS upon receiving a record of the PERSON S conviction ~~or probate court disposition of the person~~ for any of the following crimes or attempts to commit any of the following crimes, whether the conviction ~~or probate court disposition~~ is under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state

1 (a) Fraudulently altering or forging documents pertaining to
2 motor vehicles, in violation of section 257

3 (b) Perjury or ~~the~~ making ~~of~~ a false certification to
4 the secretary of state under any law requiring the registration
5 of a motor vehicle or regulating the operation of a motor vehicle
6 on a highway

7 (c) A violation of section 324, 413 or 414 of the Michigan
8 penal code, Act No 328 of the Public Acts of 1931, being sec-
9 tions 750 324, 750 413, and 750 414 of the Michigan Compiled
10 Laws, — or a violation of section 1 of Act No 214 of the
11 Public Acts of 1931, being section 752 191 of the Michigan
12 Compiled Laws

13 (d) ~~Conviction upon 3 charges of~~ A CONVICTION FOR reckless
14 driving ~~within the preceding 36 months~~

15 (e) Failing to stop and disclose identity at the scene of an
16 accident resulting in death or injury to another person — in
17 violation of section 617 or 617a

18 (f) A felony in which a motor vehicle was used As used in
19 this section, felony in which a motor vehicle was used means a
20 felony during the commission of which the person convicted oper-
21 ated a motor vehicle and while operating the vehicle presented
22 real or potential harm to persons or property and 1 or more of
23 the following circumstances existed

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

25 (ii) The vehicle was used to transport a victim of the
26 felony

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

2 (iv) The vehicle was necessary for the commission of the
3 felony

4 (2) The secretary of state shall suspend the license of a
5 person convicted of malicious destruction resulting from the
6 operation of a motor vehicle under section 382 of the Michigan
7 penal code, Act No 328 of the Public Acts of 1931, as amended,
8 being section 750 382 of the Michigan Compiled Laws, for ~~a~~
9 ~~period of~~ not more than 1 year as ordered by the court as part
10 of the sentence

11 (3) The secretary of state shall immediately suspend ~~the~~ A
12 PERSON S license ~~of a person~~ for the period specified in the
13 certificate of conviction upon ~~receipt of~~ RECEIVING the
14 person s license and certificate of conviction forwarded to the
15 secretary of state pursuant to section 367c of the Michigan penal
16 code, Act No 328 of the Public Acts of 1931 being section
17 750 367c of the Michigan Compiled Laws

18 (4) If a court has not ordered a suspension of a person s
19 license as authorized by this act the secretary of state shall
20 suspend the license as follows notwithstanding a court order
21 issued under section 625(1) ~~OR (3), (4), or (5), or~~
22 section 625b, ~~or~~ former section 625(1) or (2), or former sec-
23 tion 625b ~~or~~ a local ordinance substantially corresponding to
24 section 625(1) or (3), ~~or~~ section 625b, ~~or~~ former section
25 625(1) or (2), or former section 625b

26 (a) For ~~a period of~~ not less than 90 days or more than 1
27 year ~~or~~ upon receiving a record of the PERSON'S conviction ~~of~~

1 ~~the person~~ for a violation of section 625(3), a local ordinance
 2 substantially corresponding to section 625(3) or a law of
 3 another state substantially corresponding to section 625(3), if
 4 the person has no prior convictions within 7 years for a viola-
 5 tion of section 625(1), (3), (4), or (5) ~~or~~ former section
 6 625(1) or (2) or former section 625b, a local ordinance substan-
 7 tially corresponding to section 625(1) or (3) ~~or~~ former sec-
 8 tion 625(1) or (2) or former section 625b, or a law of another
 9 state substantially corresponding to section 625(1) (3) (4) or
 10 (5) ~~or~~ former section 625(1) or (2), or former section 625b

11 (b) For ~~a period of~~ not less than 6 months or more than 2
 12 years — UPON RECEIVING A RECORD OF THE PERSON S CONVICTION if
 13 the person has the following convictions, ~~within a 7 year~~
 14 ~~period~~ whether under the law of this state a local ordinance
 15 substantially corresponding to a law of this state, or a law of
 16 another state substantially corresponding to a law of this
 17 state

18 (1) One conviction under section 625(1) or former section
 19 625(1) or (2) ~~However, if the conviction is under a law of~~
 20 ~~another state substantially corresponding to section 625(1) or~~
 21 ~~former section 625(1) or (2), the secretary of state may waive~~
 22 ~~the suspension under this subdivision if the person submits proof~~
 23 ~~that a court suspended or restricted his or her license for a~~
 24 ~~period equal to or greater than the period of suspension or~~
 25 ~~restriction authorized under this subsection and that the suspen-~~
 26 ~~sion or restriction was served in the other state, or may grant~~
 27 ~~restrictions~~

1 (ii) Any combination of 2 convictions under section 625(3)
2 or former section 625b WITHIN A 7-YEAR PERIOD

3 (iii) One conviction under section 625(1) or former section
4 625(1) or (2) and 1 conviction under section 625(3) or former
5 section 625b WITHIN A 7-YEAR PERIOD

6 (iv) One conviction under section 625(4) or (5) followed by
7 1 conviction under section 625(3) WITHIN A 7-YEAR PERIOD

8 (5) THE SECRETARY OF STATE MAY DO EITHER OF THE FOLLOWING

9 (A) WAIVE A SUSPENSION OF A PERSON S LICENSE UNDER SUBSEC-
10 TION (4) IF THE PERSON CONVICTED OF A VIOLATION DESCRIBED IN
11 SUBSECTION (4) SUBMITS PROOF THAT A COURT REVOKED, SUSPENDED OR
12 RESTRICTED HIS OR HER LICENSE FOR A PERIOD EQUAL TO OR GREATER
13 THAN THE SUSPENSION PERIOD PRESCRIBED UNDER SUBSECTION (4) FOR
14 THE VIOLATION AND THE REVOCATION SUSPENSION, OR RESTRICTION WAS
15 SERVED FOR THE VIOLATION

16 (B) GRANT A RESTRICTED LICENSE IN LIEU OF A WAIVER DESCRIBED
17 IN SUBDIVISION (A)

18 (6) ~~(5)~~ Upon ~~receipt of~~ RECEIVING a certificate of con-
19 viction pursuant to section 33b(3) of the Michigan liquor control
20 act Act No 8 of the Public Acts of the Extra Session of 1933,
21 being section 436 33b of the Michigan Compiled Laws, or a local
22 ordinance or law of another state substantially corresponding to
23 section 33b(3) of Act No 8 of the Public Acts of the Extra
24 Session of 1933, the secretary of state shall suspend the
25 person s operator s or chauffeur's license for ~~a period of~~
26 90 days A suspension under this subsection shall be in addition
27 to any other suspension of the person's license

1 (7) ~~-(6)-~~ Upon ~~receipt of~~ RECEIVING the record of ~~the~~ A
 2 PERSON'S conviction ~~or probate court disposition of a person~~
 3 for a violation of section 602a of this act or section 479a(1)
 4 (4) or (5) of Act No 328 of the Public Acts of 1931, being sec-
 5 tion 750 479a of the Michigan Compiled Laws, the secretary of
 6 state immediately shall suspend the PERSON'S license ~~of the~~
 7 ~~person~~ for the period ordered by the court as part of the sen-
 8 tence or disposition

9 (8) ~~-(7)-~~ A suspension pursuant to this section shall be
 10 imposed notwithstanding a court order issued under
 11 section 625(1), (3), (4), or (5), or section 625b ~~—~~ or a local
 12 ordinance substantially corresponding to section 625(1) or (3) or
 13 section 625b

14 (9) ~~-(8)-~~ If the secretary of state receives records of more
 15 than 1 conviction ~~or probate court disposition~~ of a person
 16 resulting from the same incident, a suspension shall be imposed
 17 only for the violation to which the longest period of suspension
 18 applies under this section

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

24 Sec 323 (1) A person ~~who is~~ aggrieved by a final deter-
 25 mination of the secretary of state denying the person an
 26 operator's or chauffeur's license, a vehicle group designation,
 27 or an indorsement on a license or revoking, suspending, or

1 restricting an operator s or chauffeur s license vehicle group
2 designation or an indorsement may petition for a review of the
3 determination in the circuit court in the county where the person
4 was arrested if the denial or suspension was imposed pursuant to
5 section 625f or pursuant to the order of a trial court under sec-
6 tion 328 or in all other cases in the circuit court in the
7 PERSON S county of residence ~~of the person~~ The PERSON SHALL
8 FILE THE petition ~~shall be filed~~ within 63 days after the
9 determination is made except that for good cause shown the court
10 may allow the PERSON TO FILE THE petition ~~to be filed~~ within
11 182 days after the determination is made As provided in
12 section 625f, a peace officer ~~who is~~ aggrieved by a determina-
13 tion of a hearing officer in favor of a person who requested a
14 hearing under section 625f may with the PROSECUTING ATTORNEY S
15 consent ~~of the prosecuting attorney,~~ petition for review of
16 the determination in the circuit court in the county where the
17 arrest was made The PEACE OFFICER SHALL FILE THE petition
18 ~~shall be filed~~ within 63 days after the determination is made
19 except that for good cause shown the court may allow the PEACE
20 OFFICER TO FILE THE petition ~~to be filed~~ within 182 days after
21 the determination is made

22 (2) The circuit court shall enter an order setting the cause
23 for hearing for a day certain ~~that is~~ not more than 63 days
24 after the ORDER S date ~~of the order~~ The order, ~~together~~
25 ~~with~~ a copy of the petition that includes the person's full
26 name, current address, birth date, and driver's license number,
27 and all supporting affidavits ~~,~~ shall be served on the

1 secretary of state s office in Lansing not less than 20 days
2 before the date set for the hearing If the person is seeking a
3 review of the record prepared pursuant to section 322 or
4 section 625f, the service upon the secretary of state shall be
5 made not less than 50 days before the date set for the hearing

6 (3) Except as provided in subsections (4) and (6), the court
7 may take testimony and examine ~~into~~ all the facts and circum-
8 stances ~~incident~~ RELATING to the denial, suspension restric-
9 tion, or revocation of the person s license The court may
10 affirm modify or set aside the restriction, suspension revoca-
11 tion or denial, except ~~that~~ the court shall not order the sec-
12 retary of state to issue a restricted or unrestricted chauffeur s
13 license that would permit ~~a~~ THE person to drive a ~~truck or~~
14 ~~truck tractor, including a trailer,~~ COMMERCIAL MOTOR VEHICLE
15 that hauls a hazardous material The ~~order of the~~ court shall
16 ~~be duly entered~~ ENTER THE ORDER and the petitioner shall file a
17 certified copy of the order with the secretary of state's office
18 in Lansing within 7 days after entry of the order

19 (4) In reviewing a determination under section 625f, the
20 court shall confine its consideration to 1 or both of the
21 following

22 (a) A review of the record prepared pursuant to section
23 ~~625f(3)~~ 625F to determine whether the hearing officer properly
24 determined the issues enumerated in section 625f

25 (b) A determination of whether to order ~~the issuance of~~ a
26 restricted license ISSUED as provided in section 323c

1 (5) This section does not apply to a denial revocation
 2 suspension or restriction imposed pursuant to a court order
 3 issued as part of the sentence for a conviction under section
 4 625 section 625m, former section 625(1) or (2), or former sec-
 5 tion 625b ~~—~~ or a local ordinance substantially corresponding to
 6 section 625(1), (2), or (3) section 625m, former section 625(1)
 7 or (2) or former section 625b

8 (6) In reviewing a determination resulting in a denial or
 9 revocation under section 303(1)(d), ~~or~~ (e) OR (F) or SECTION
 10 303(2)(c) (d) ~~or~~ (e) OR (F), the court shall confine its
 11 consideration to a review of the record prepared pursuant to sec-
 12 tion 322 or the driving record created under section 204a The
 13 court shall set aside the SECRETARY OF STATE'S determination ~~of~~
 14 ~~the secretary of state~~ only if THE PETITIONER S substantial
 15 rights ~~of the petitioner~~ have been prejudiced because the
 16 determination is any of the following

17 (a) In violation of the Constitution of the United States,
 18 ~~of~~ the state constitution of 1963, or ~~of~~ a statute

19 (b) In excess of the SECRETARY OF STATE'S statutory author-
 20 ity or jurisdiction ~~of the secretary of state~~

21 (c) Made upon unlawful procedure resulting in material prej-
 22 udice to the petitioner

23 (d) Not supported by competent, material, and substantial
 24 evidence on the whole record

25 (e) Arbitrary, capricious, or clearly an abuse or unwar-
 26 ranted exercise of discretion

1 (f) Affected by other substantial and material error of
2 law

3 (7) This section does not apply to a denial, revocation,
4 suspension or restriction imposed pursuant to the financial
5 responsibility act contained in chapter V

6 (8) This section does not apply to a suspension, revocation,
7 or denial of a class 1 2, or 3 indorsement or a vehicle group
8 designation imposed pursuant to section 312f, 319a, or 319b

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

14 (a) The person is under the influence of intoxicating liquor
15 or a controlled substance or a combination of intoxicating
16 liquor and a controlled substance

17 (b) The person has a blood alcohol content of 0 10% or more
18 by weight of alcohol

19 (2) The owner of a vehicle or a person in charge or in con-
20 trol of a vehicle shall not authorize or knowingly permit the
21 vehicle to be operated ~~upon a highway or other place open to the~~
22 ~~general public or generally accessible to motor vehicles, includ-~~
23 ~~ing an area designated for the parking of motor vehicles,~~ within
24 this state by a person who is under the influence of intoxicating
25 liquor or a controlled substance, or a combination of intoxicat-
26 ing liquor and a controlled substance, or who has a blood alcohol
27 content of 0 10% or more by weight of alcohol

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

11 (4) A person whether licensed or not, who operates a motor
12 vehicle ~~upon a highway or other place open to the general public~~
13 ~~or generally accessible to motor vehicles, including an area des-~~
14 ~~ignated for the parking of vehicles, within this state, under the~~
15 ~~influence of intoxicating liquor or a controlled substance, or a~~
16 ~~combination of intoxicating liquor and a controlled substance, or~~
17 ~~with a blood alcohol content of 0.10% or more by weight of~~
18 ~~alcohol~~ IN VIOLATION OF SUBSECTION (1) OR (3) and by the opera-
19 tion of that motor vehicle causes the death of another person is
20 guilty of a felony ~~—~~ punishable by imprisonment for not more
21 than 15 years ~~—~~ or a fine of not less than \$2,500.00 or more
22 than \$10,000.00 or both

23 (5) A person, whether licensed or not, who operates a motor
24 vehicle ~~upon a highway or other place open to the general public~~
25 ~~or generally accessible to motor vehicles, including an area des-~~
26 ~~ignated for the parking of vehicles, within this state, under the~~
27 ~~influence of intoxicating liquor or a controlled substance, or a~~

1 ~~combination of intoxicating liquor and a controlled substance, or~~
 2 ~~with a blood alcohol content of 0.10% or more by weight of~~
 3 ~~alcohol,~~ IN VIOLATION OF SUBSECTION (1) OR (3) and by the opera-
 4 tion of that motor vehicle causes a long-term incapacitating
 5 injury to another person is guilty of a felony, punishable by
 6 imprisonment for not more than 5 years, or a fine of not less
 7 than \$1 000 00 or more than \$5,000 00, or both As used in this
 8 subsection, 'long-term incapacitating injury' means an injury
 9 that has caused a person to be in a comatose state a quadriple-
 10 gic state, a hemiplegic state, or a paraplegic state, which state
 11 is likely to continue for 1 year or more

12 (6) If a person is convicted of violating subsection (1)
 13 ALL OF the following ~~shall~~ apply

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

17 (i) ~~Service to the community for a period of~~ COMMUNITY
 18 SERVICE FOR not more than 45 days

19 (ii) Imprisonment for not more than 90 days

20 (iii) A fine of not less than \$100 00 or more than \$500 00

21 (b) If the violation occurs within 7 years of a prior con-
 22 viction the person shall be sentenced to ~~both~~ PAY a fine of
 23 not less than \$200 00 or more than \$1,000 00 and either of the
 24 following

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

1 (11) Imprisonment for not less than 48 consecutive hours or
 2 more than 1 year ~~—~~ and may be sentenced to COMMUNITY service
 3 ~~to the community for a period of~~ not more than 90 days

4 (c) A term of imprisonment imposed under subdivision (b)(11)
 5 shall not be suspended

6 (d) If the violation occurs within 10 years of 2 or more
 7 prior convictions, the person is guilty of a felony ~~—~~ and shall
 8 be ~~sentenced to imprisonment for not less than 1 year or more~~
 9 ~~than 5 years, or a fine of not less than \$500 00 or more than~~
 10 ~~\$5,000 00, or both~~ PUNISHED BY 1 OF THE FOLLOWING, AND MAY BE
 11 FINED NOT MORE THAN \$5,000 00

12 (1) IMPRISONMENT UNDER THE JURISDICTION OF THE DEPARTMENT OF
 13 CORRECTIONS FOR AN INDETERMINATE SENTENCE OF NOT LESS THAN 1 YEAR
 14 OR MORE THAN 5 YEARS

15 (11) IMPRISONMENT IN THE COUNTY JAIL FOR NOT LESS THAN 30
 16 DAYS OR MORE THAN 1 YEAR

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

23 (E) ~~(f)~~ As used in this subsection, "prior conviction"
 24 means a conviction for a violation OR ATTEMPTED VIOLATION of sec-
 25 tion 625(1), (4), or (5) ~~—~~ or former section 625(1) or (2), a
 26 local ordinance substantially corresponding to section 625(1) ~~—~~
 27 or former section 625(1) or (2), or a law of another state

1 substantially corresponding to section 625(1) (4) or (5) ~~—~~ or
 2 former section 625(1) or (2)

3 ~~(7) In addition to imposing the sanctions prescribed under~~
 4 ~~subsections (4), (5), and (6), the court may, pursuant to the~~
 5 ~~code of criminal procedure, Act No 175 of the Public Acts of~~
 6 ~~1927, being sections 760 1 to 776 21 of the Michigan Compiled~~
 7 ~~Laws, order the person to pay the costs of the prosecution—~~

8 ~~(8) The court shall impose license sanctions pursuant to~~
 9 ~~section 625b—~~

10 (7) ~~(9)~~ A person ~~who is~~ convicted of violating subsec-
 11 tion (2) is guilty of a misdemeanor ~~—~~ punishable by imprison-
 12 ment for not more than 90 days ~~—~~ or a fine of not less than
 13 \$100 00 or more than \$500 00, or both

14 (8) ~~(10)~~ If a person is convicted of violating subsection
 15 (3) ALL OF the following ~~shall~~ apply

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

19 (i) ~~Service to the community for a period of~~ COMMUNITY
 20 SERVICE FOR not more than 45 days

21 (ii) Imprisonment for not more than 90 days

22 (iii) A fine of not more than \$300 00

23 (b) If the violation occurs within 7 years of 1 prior con-
 24 viction the person shall be sentenced to ~~both~~ PAY a fine of
 25 not less than \$200 00 or more than \$1,000 00, and either of the
 26 following

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

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

6 (c) If the violation occurs within 10 years of 2 or more
7 prior convictions, the person shall be sentenced to ~~both~~ PAY a
8 fine of not less than \$200 00 or more than \$1,000 00, and either
9 of the following

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

13 (2) Imprisonment for not more than 1 year and may be sen-
14 tenced to community service for not more than 90 days

15 (d) As used in ~~subdivisions (b) and (c)~~ THIS SUBSECTION,
16 prior conviction" means a conviction for a violation OR
17 ATTEMPTED VIOLATION of section 625(1), (3), (4), or (5), ~~or~~
18 former section 625(1) or (2) or former section 625 ~~or~~ a local
19 ordinance substantially corresponding to section 625(1) OR (3),
20 ~~or~~ former section 625(1) or (2), or former section 625b, or a
21 law of another state substantially corresponding to section
22 625(1), (3), (4), or (5), ~~or~~ former section 625(1) or (2), or
23 former section 625b

24 (9) ~~(e)~~ In addition to imposing the sanctions prescribed
25 ~~in subdivision (a), (b), or (c)~~ UNDER SUBSECTION (4), (5), (6),
26 OR (8) the court may ~~, pursuant to the code of criminal~~
27 ~~procedure, Act No 175 of the Public Acts of 1927,~~ order the

1 person to pay the costs of the prosecution, PURSUANT TO THE CODE
2 OF CRIMINAL PROCEDURE, ACT NO 175 OF THE PUBLIC ACTS OF 1927
3 BEING SECTIONS 760 1 TO 776 21 OF THE MICHIGAN COMPILED LAWS

4 (10) ~~(f)~~ The court shall ~~order the secretary of state to~~
5 impose license sanctions pursuant to section 625b

6 (11) ~~(g)~~ A person sentenced to perform COMMUNITY service
7 ~~to the community~~ under this ~~subsection~~ SECTION shall not
8 receive compensation ~~—~~ and shall reimburse the state or appro-
9 priate local unit of government for the cost of supervision
10 incurred by the state or local unit of government as a result of
11 the person's activities in that service

12 (12) ~~(++)~~ If the prosecuting attorney intends to seek an
13 enhanced sentence under subsection (6)(b) or (d) or ~~(+0)(b)~~
14 (8)(B) or (c) based upon the defendant having 1 or more prior
15 convictions, the prosecuting attorney shall include on the com-
16 plaint and information, OR AN AMENDED COMPLAINT AND INFORMATION
17 filed in district court, circuit court, recorder's court, munici-
18 pal court, or probate court a statement listing the defendant's
19 prior convictions

20 (13) ~~(+2)~~ A prior conviction shall be established at sen-
21 tencing by 1 or more of the following

22 (a) An abstract of conviction

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

24 (c) An admission by the defendant

25 (14) ~~(+3)~~ A person who is convicted of an attempted viola-
26 tion of subsection (1) or (3) ~~—~~ or a local ordinance

1 substantially corresponding to subsection (1) or (3) shall be
2 punished as if the offense had been completed

3 (15) ~~(14)~~ When assessing points and taking licensing
4 action under this act, the secretary of state and the court shall
5 treat a conviction ~~of~~ FOR an attempted violation of subsection
6 (1) ~~or~~ (3), ~~or~~ (4), OR (5) a local ordinance substantially
7 corresponding to subsection (1) or (3), or a law of another state
8 substantially corresponding to subsection (1), ~~or~~ (3), (4), OR
9 (5) the same as if the offense had been completed

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

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

1 IS LATER IF the court has only 1 judge who sits in more than 1
 2 location in that district ~~in which case~~ the pretrial confer-
 3 ence shall be held not more than 42 days after the ~~date of the~~
 4 person s arrest for the violation or, if an arrest warrant is
 5 ISSUED OR reissued, not more than 42 days after ~~the date~~ the
 6 ISSUED OR reissued arrest warrant is served, WHICHEVER IS LATER
 7 The court shall order the defendant to attend the pretrial con-
 8 ference and may accept a plea by the defendant at the conclusion
 9 of the pretrial conference The court may adjourn the pretrial
 10 conference upon the motion of a party for good cause shown Not
 11 more than 1 adjournment shall be granted to a party and the
 12 length of an adjournment shall not exceed 14 days ~~The court~~
 13 ~~shall, except~~

14 (3) EXCEPT for delay attributable to the unavailability of
 15 the defendant, a witness, or material evidence ~~—~~ or due to an
 16 interlocutory appeal or exceptional circumstances, but not a
 17 delay caused by docket congestion, THE COURT SHALL finally adju-
 18 dicate, by a plea of guilty or nolo contendere, ~~or the~~ entry of
 19 a verdict, or ~~by~~ other final disposition, a case in which the
 20 defendant is charged with a misdemeanor violation of
 21 section 625(1) or (3) ~~—~~ or section 625m ~~—~~ or a local ordi-
 22 nance substantially corresponding to section 625(1) or (3) ~~—~~ or
 23 section 625m ~~—~~ within 77 days after the person is arrested for
 24 the violation or, if an arrest warrant is ISSUED OR reissued, not
 25 more than 77 days after the date the ISSUED OR reissued arrest
 26 warrant is served, WHICHEVER IS LATER

1 (4) ~~-(3)-~~ Before accepting a plea of guilty or nolo
2 contendere under section 625 ~~—~~ or a local ordinance
3 substantially corresponding to section 625(1) (2) or (3), the
4 court shall advise the accused of the maximum possible term of
5 imprisonment and the maximum possible fine that may be imposed
6 for the violation, and shall advise the defendant that the maxi-
7 mum possible license sanctions that may be imposed will be based
8 upon the master driving record maintained by the secretary of
9 state pursuant to section 204a

10 (5) ~~-(4)-~~ Before imposing sentence, other than court-ordered
11 license sanctions, for a violation of section 625(1), (3), (4),
12 or (5) or a local ordinance substantially corresponding to sec-
13 tion 625(1) or (3), the court shall order the person to undergo
14 screening and assessment by a person or agency designated by the
15 office of substance abuse services ~~—~~ to determine whether the
16 person is likely to benefit from rehabilitative services, includ-
17 ing alcohol or drug education and alcohol or drug treatment
18 programs As part of the sentence, the court may order the
19 person to participate in and successfully complete 1 or more
20 appropriate rehabilitative programs The person shall pay for
21 the costs of the screening, assessment and rehabilitative
22 services

23 (6) ~~-(5)-~~ Immediately upon acceptance by the court of a plea
24 of guilty or nolo contendere or upon entry of a verdict of guilty
25 for a violation of section 625(1), (3), (4), or (5) or a local
26 ordinance substantially corresponding to section 625(1) or (3),
27 whether or not the person is eligible to be sentenced as a

1 multiple offender, the court shall consider all prior convictions
 2 currently entered upon the PERSON'S Michigan driving record, ~~of~~
 3 ~~the person,~~ except ~~those~~ convictions ~~which,~~ THE COURT
 4 DETERMINES upon THE DEFENDANT S motion ~~by the defendant, are~~
 5 ~~determined by the court~~ to be constitutionally invalid, and
 6 shall impose the following licensing sanctions

7 (a) For a conviction under section 625(4) or (5), the court
 8 shall order the secretary of state to revoke the PERSON S
 9 operator s or chauffeur s license ~~of the person~~ and shall not
 10 order the secretary of state to issue a restricted license to the
 11 person

12 (b) For a conviction under section 625(1) or a local ordi-
 13 nance substantially corresponding to section 625(1)

14 (1) If the court finds ~~that~~ the person has no prior con-
 15 victions within 7 years for a violation of section 625(1), (3)
 16 (4) or (5) ~~or~~ former section 625(1) or (2), or former section
 17 625b, a local ordinance substantially corresponding to section
 18 625(1) or (3), ~~or~~ former section 625(1) or (2) or former sec-
 19 tion 625b, or a law of another state substantially corresponding
 20 to section 625(1), (3), (4) or (5), ~~or~~ former section 625(1)
 21 or (2) or former section 625b, the court shall order the secre-
 22 tary of state to suspend the PERSON S operator's or chauffeur's
 23 license ~~of the person~~ for ~~a period of~~ not less than 6 months
 24 or more than 2 years The court may order the secretary of state
 25 to issue to the person a restricted license during all or a spec-
 26 ified portion of the ~~period of~~ suspension, except that a

1 restricted license shall not be issued during the first 30 days
2 of the ~~period of~~ suspension

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

16 (111) If the court finds ~~that~~ the person has 1 or more
17 prior convictions within 7 years for a violation of section
18 625(1), (4), or (5) ~~or~~ or former section 625(1) or (2), a local
19 ordinance substantially corresponding to section 625(1) or former
20 section 625(1) or (2) or a law of another state substantially
21 corresponding to section 625(1) (4), or (5) ~~or~~ or former sec-
22 tion 625(1) or (2), or that the person has 2 or more prior con-
23 victions within 10 years for a violation of section 625(1), (3),
24 (4) or (5), ~~or~~ 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, the court shall
 3 order the secretary of state to revoke the PERSON S operator s or
 4 chauffeur's license ~~of the person~~ and shall not order the sec-
 5 retary of state to issue a restricted license to the person

6 (c) For a conviction under section 625(3) or a local ordi-
 7 nance substantially corresponding to section 625(3)

8 (1) If the court finds ~~that~~ the ~~convicted~~ person has no
 9 prior conviction within 7 years for a violation of section
 10 625(1) (3), (4), or (5), ~~or~~ former section 625(1) or (2), or
 11 former section 625b, a local ordinance substantially correspond-
 12 ing to section 625(1) or (3), ~~or~~ former section 625(1) or (2),
 13 or former section 625b, or a law of another state substantially
 14 corresponding to section 625(1), (3), (4), or (5) ~~or~~ former
 15 section 625(1) or (2), or former section 625b, the court shall
 16 order the secretary of state to suspend the PERSON S operator s
 17 or chauffeur's license ~~of the person~~ for ~~a period of~~ not less
 18 than 90 days or more than 1 year The court may order the secre-
 19 tary of state to issue to the person a restricted license during
 20 all or a specified portion of the ~~period of~~ suspension

21 (2) If the court finds ~~that~~ the person has 1 prior con-
 22 viction within 7 years for a violation of section 625(1), (3),
 23 (4), or (5), ~~or~~ former section 625(1) or (2), or former section
 24 625b, a local ordinance substantially corresponding to section
 25 625(1) or (3), ~~or~~ former section 625(1) or (2), or former sec-
 26 tion 625b, or a law of another state substantially corresponding
 27 to section 625(1), (3), (4), or (5), ~~or~~ former section 625(1)

1 or (2) or FORMER section 625b, the court shall order the
 2 secretary of state to suspend the PERSON'S operator's or
 3 chauffeur s license ~~of the person~~ for ~~a period of~~ not less
 4 than 6 months or more than 2 years The court may order the sec-
 5 retary of state to issue to the person a restricted license
 6 during all or any portion of the suspension, ~~period,~~ except
 7 that a restricted license shall not be issued during the first
 8 60 days of the ~~period of~~ suspension

9 (111) If the court finds ~~that~~ the person has 2 or more
 10 prior convictions within 10 years for a violation of section
 11 625(1) (3), (4), or (5), ~~or~~ former section 625(1) or (2), or
 12 former section 625b, a local ordinance substantially correspond-
 13 ing to section 625(1) or (3), ~~or~~ former section 625(1) or (2),
 14 or former section 625b, or a law of another state substantially
 15 corresponding to section 625(1), (3), (4), or (5), ~~or~~ former
 16 section 625(1) or (2), or former section 625b, the court shall
 17 order the secretary of state to revoke the PERSON S operator's or
 18 chauffeur s license ~~of the person~~ and shall not order the sec-
 19 retary of state to issue a restricted license to the person

20 (7) ~~(6)~~ A restricted license issued pursuant to an order
 21 under subsection ~~(5)~~ (6) shall permit the person to whom it is
 22 issued to ~~do~~ DRIVE UNDER 1 or more of the following

23 CIRCUMSTANCES

24 (a) ~~Drive to~~ TO and from the person's residence and work
 25 location

26 (b) ~~Drive in~~ IN the course of the person s employment or
 27 occupation

1 (c) ~~Drive to~~ TO and from the person's residence and an
 2 alcohol or drug education or treatment program as ordered by the
 3 court

4 (d) ~~Drive to~~ TO and from the person's residence and the
 5 court probation department ~~or~~ or a court-ordered community serv-
 6 ice program, or both

7 (e) ~~Drive to~~ TO and from the person's residence and an
 8 educational institution at which the person is enrolled as a
 9 student

10 (8) ~~(7)~~ The court may order that the restricted license
 11 issued pursuant to subsection ~~(5)~~ (6) include the requirement
 12 that the person ~~shall~~ not operate a motor vehicle unless the
 13 vehicle is equipped with a functioning ignition interlock
 14 device The device shall be set to render the motor vehicle
 15 inoperable if the device detects ~~a blood~~ AN alcohol content of
 16 ~~0.02% 0.02 GRAMS or more by weight of alcohol in~~ PER 210
 17 LITERS OF BREATH OF the person who offers a breath sample The
 18 court may order installation of an ignition interlock device on
 19 any motor vehicle that the person owns or operates the costs of
 20 which ~~shall be borne by~~ the person whose license is restricted
 21 SHALL BEAR THE COURT SHALL NOT ORDER THE INSTALLATION OF AN
 22 IGNITION INTERLOCK DEVICE UNLESS THE MANUFACTURER OF THE DEVICE
 23 HAS COMPLIED WITH SECTION 625K

24 (9) ~~(8)~~ The court shall not order the secretary of state
 25 under subsection ~~(5)~~ (6) to issue a restricted license that
 26 would permit ~~a~~ THE person to operate a ~~truck or truck tractor,~~

1 ~~including a trailer,~~ COMMERCIAL MOTOR VEHICLE that hauls
2 hazardous materials

3 (10) ~~-(9)-~~ The court shall not order the secretary of state
4 to issue a restricted license unless the person states under
5 oath and the court finds pursuant to testimony taken in open
6 court or pursuant to statements contained in a sworn affidavit on
7 a form prescribed by the state court administrator, that the
8 person is unable to take public transportation to and from his or
9 her work location place of alcohol or drug education treatment,
10 court-ordered community service program, or educational institu-
11 tion and does not have any family members or other individuals
12 able to provide transportation

13 (11) ~~-(10)-~~ The court order issued under subsection ~~-(5)-~~
14 (6) and the restricted license shall indicate the permitted
15 destination of the person, the approved route or routes if speci-
16 fied by the court, and permitted times of travel

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

21 (12) Immediately upon acceptance by the court of a plea of
22 guilty or nolo contendere or upon entry of a verdict of guilty
23 for a violation of section 625(1), (3), (4), or (5) ~~—~~ or a
24 local ordinance substantially corresponding to section 625(1) or
25 (3), the person shall surrender to the court his or her
26 operator s or chauffeur s license or permit The court shall
27 immediately destroy the license or permit and forward an abstract

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

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

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

24 (15) AS USED IN THIS SECTION, 'WORK LOCATION' MEANS, AS
 25 APPLICABLE, THE SPECIFIC PLACE OR PLACES OF EMPLOYMENT OR THE
 26 TERRITORY OR TERRITORIES REGULARLY VISITED BY THE PERSON IN
 27 PURSUANCE OF THE PERSON S OCCUPATION, OR BOTH

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

6 (2) ~~A~~ THE PEACE OFFICER SHALL IMMEDIATELY FORWARD A writ-
7 ten report ~~shall immediately be forwarded~~ to the secretary of
8 state ~~by the peace officer~~ The report shall state that the
9 officer had reasonable grounds to believe ~~that~~ the person ~~had~~
10 committed a crime described in section 625c(1) ~~and that~~ the
11 person ~~had~~ refused to submit to the test upon the PEACE
12 OFFICER S request, ~~of the peace officer~~ and THE PERSON had been
13 advised of the consequences of the refusal The SECRETARY OF
14 STATE SHALL PRESCRIBE AND FURNISH THE form of the report ~~shall~~
15 ~~be prescribed and furnished by the secretary of state~~

16 Sec 625g (1) If a person refuses a chemical test offered
17 pursuant to section ~~625a(3)~~ 625A, or submits to the chemical
18 test and the test reveals a blood alcohol content of 0 10% or
19 more by weight of alcohol the peace officer who requested the
20 person to submit to the test shall do all of the following

21 (a) On behalf of the secretary of state immediately confis-
22 cate the person's license or permit to operate a motor vehicle
23 ~~—~~ and, if the person is otherwise eligible for a license or
24 permit, issue a temporary license or permit to the person, ON A
25 FORM PROVIDED BY THE SECRETARY OF STATE, that is valid until the
26 OCCURRENCE OF 1 OF THE FOLLOWING

1 (1) THE criminal charges against the person are dismissed
2 ~~or until the~~

3 (11) THE person pleads guilty or nolo contendere to, or is
4 found guilty of those charges ~~The temporary license or permit~~
5 ~~shall be on a form provided by the secretary of state~~

6 (111) THE PROSECUTING ATTORNEY ELECTS NOT TO PROSECUTE THE
7 PERSON

8 (b) Except as provided in subsection (2), immediately do all
9 of the following

10 (1) Forward a copy of the written report of the person's
11 refusal to submit to a chemical test to the secretary of state

12 (11) Notify the secretary of state by means of the law
13 enforcement information network that a temporary license or
14 permit was issued to the person

15 (111) ~~Except as provided in subsection (2), destroy~~
16 DESTROY the person's driver's license or permit

17 (2) If a person submits to a chemical test offered pursuant
18 to section ~~625a(3)~~ 625A that requires the withdrawal of blood
19 and a report of the results of that chemical test is not immedi-
20 ately available, the peace officer who requested the person to
21 submit to the test shall comply with subsection (1)(a) pending
22 receipt of the test report If ~~upon receipt,~~ the report
23 reveals ~~a blood~~ AN alcohol content of ~~0.10%~~ 0.10 GRAMS or
24 more ~~by weight of alcohol~~ PER 100 MILLILITERS OF BLOOD PER 210
25 LITERS OF BREATH, OR PER 67 MILLILITERS OF URINE, the peace offi-
26 cer who requested the person to submit to the test shall
27 immediately comply with subsection (1)(b) If ~~upon receipt,~~

1 the report reveals ~~a blood~~ AN alcohol content of less than
 2 ~~0-10% by weight of alcohol~~ 0 10 GRAMS PER 100 MILLILITERS OF
 3 BLOOD, PER 210 LITERS OF BREATH, OR PER 67 MILLILITERS OF URINE,
 4 the peace officer who requested the person to submit to the test
 5 shall immediately notify the person of the test results ~~—~~ and
 6 immediately return the person's license or permit by first-class
 7 mail to the address given at the time of arrest

8 (3) IF A PROSECUTING ATTORNEY ELECTS NOT TO PROSECUTE THE
 9 PERSON DESCRIBED IN SUBSECTION (1), HE OR SHE SHALL NOTIFY THE
 10 SECRETARY OF STATE OF HIS OR HER ELECTION ON A FORM PRESCRIBED
 11 AND FURNISHED BY THE SECRETARY OF STATE

12 Sec 625k (1) The department shall ~~circulate specifica-~~
 13 ~~tions to all known manufacturers, and shall certify or cause to~~
 14 ~~be certified~~ APPROVE AN ignition interlock ~~devices and~~ DEVICE
 15 CERTIFIED BY A DEPARTMENT-APPROVED LABORATORY AS COMPLYING WITH
 16 THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION'S MODEL SPECI-
 17 FICATIONS FOR BREATH ALCOHOL IGNITION INTERLOCK DEVICES (BAIID),
 18 57 F R P 11772 (APRIL 7, 1992) SUBJECT TO SUBSECTION (4) THE
 19 DEPARTMENT shall publish a list of all manufacturers of APPROVED
 20 certified devices

21 (2) The ~~cost of certification shall be borne by the~~
 22 ~~manufacturers~~ MANUFACTURER of AN interlock ignition ~~devices~~
 23 DEVICE SHALL BEAR THE COST OF THAT DEVICE S CERTIFICATION ~~In~~
 24 ~~certifying the devices, those which are accurate, do not impede~~
 25 ~~the safe operation of the vehicle, and have the fewest opportuni-~~
 26 ~~ties to be bypassed shall be certified~~

1 (3) A LABORATORY THAT CERTIFIES AN INTERLOCK IGNITION DEVICE
2 AS PROVIDED IN THIS SECTION SHALL IMMEDIATELY NOTIFY THE
3 DEPARTMENT OF THAT CERTIFICATION

4 (4) THE DEPARTMENT SHALL NOT INCLUDE THE MANUFACTURER OF A
5 CERTIFIED IGNITION INTERLOCK DEVICE ON THE LIST OF MANUFACTURERS
6 PUBLISHED PURSUANT TO SUBSECTION (1) UNLESS THE MANUFACTURER HAS
7 FILED COPIES OF ALL OF THE FOLLOWING WITH THE DEPARTMENT

8 (A) A BOND EXECUTED AS PROVIDED IN SECTION 6250

9 (B) EVIDENCE OF INSURANCE AS DESCRIBED IN SECTION 625N

10 (C) AN AFFIDAVIT THAT THE IGNITION INTERLOCK DEVICE IS BOTH
11 OF THE FOLLOWING

12 (1) A BLOOD ALCOHOL CONCENTRATION EQUIVALENCE MEASURING
13 DEVICE THAT PREVENTS A MOTOR VEHICLE FROM BEING STARTED AT ANY
14 TIME WITHOUT FIRST DETERMINING THROUGH A DEEP LUNG SAMPLE THE
15 OPERATOR S EQUIVALENT BREATH ALCOHOL LEVEL

16 (2) CALIBRATED TO PREVENT THE MOTOR VEHICLE FROM STARTING
17 IF THE OPERATOR S BLOOD ALCOHOL LEVEL REACHES A LEVEL OF 0.02% AS
18 MEASURED BY THE TEST

19 (5) A MANUFACTURER THAT HAS MADE A FILING UNDER SUBSECTION
20 (4) SHALL IMMEDIATELY NOTIFY THE DEPARTMENT IF THE DEVICE NO
21 LONGER MEETS THE REQUIREMENTS OF SUBSECTION (4)(C)

22 (6) THE DEPARTMENT SHALL NOTIFY THE COURTS OF A NOTICE
23 RECEIVED UNDER SUBSECTION (5) IF A COURT RECEIVES THE NOTIFICA-
24 TION REQUIRED BY THIS SUBSECTION, THE COURT SHALL NOT ORDER
25 INSTALLATION OF THE IGNITION INTERLOCK DEVICE DESCRIBED IN THE
26 NOTICE, AND SHALL ORDER THE REPLACEMENT OR REMOVAL OF ANY OF

1 THOSE IGNITION INTERLOCK DEVICES INSTALLED PURSUANT TO A PREVIOUS
2 ORDER

3 (7) A MANUFACTURER SHALL PROVIDE TO EACH PERSON WHO HAS A
4 COURT-ORDERED IGNITION INTERLOCK DEVICE A COPY OF THE INFORMATION
5 FILED WITH THE DEPARTMENT UNDER SUBSECTION (4)(A) AND (B) A
6 PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR,
7 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF
8 NOT MORE THAN \$1,000 00, OR BOTH, TOGETHER WITH COSTS OF THE
9 PROSECUTION

10 (8) A PERSON WHO KNOWINGLY PROVIDES FALSE INFORMATION TO THE
11 DEPARTMENT UNDER SUBSECTION (2) OR (4) IS GUILTY OF A FELONY,
12 PUNISHABLE BY IMPRISONMENT FOR NOT LESS THAN 5 YEARS OR MORE THAN
13 10 YEARS OR A FINE OF NOT LESS THAN \$5,000 00 OR MORE THAN
14 \$10 000 00, OR BOTH, TOGETHER WITH COSTS OF THE PROSECUTION

15 (9) A PERSON WHO NEGLIGENTLY PROVIDES FALSE INFORMATION TO
16 THE DEPARTMENT UNDER SUBSECTION (3) OR (4) IS GUILTY OF A MISDE-
17 MEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR, OR A
18 FINE OF NOT MORE THAN \$1,000 00, OR BOTH, TOGETHER WITH COSTS OF
19 THE PROSECUTION

20 (10) A PERSON WHO KNOWINGLY FAILS TO COMPLY WITH
21 SUBSECTION (5) IS GUILTY OF A FELONY, PUNISHABLE BY IMPRISONMENT
22 FOR NOT LESS THAN 5 YEARS OR MORE THAN 10 YEARS, OR A FINE OF NOT
23 LESS THAN \$5 000 00 OR MORE THAN \$10,000 00 OR BOTH, TOGETHER
24 WITH COSTS OF THE PROSECUTION

25 (11) A PERSON WHO NEGLIGENTLY FAILS TO COMPLY WITH SUBSEC-
26 TION (5) IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY IMPRISONMENT

1 FOR NOT MORE THAN 1 YEAR, OR A FINE OF NOT MORE THAN \$1,000 00
2 OR BOTH TOGETHER WITH COSTS OF THE PROSECUTION

3 Sec 625/ (1) The ~~department~~ MANUFACTURER OF AN IGNITION
4 INTERLOCK DEVICE shall design a warning label, ~~which shall be~~
5 ~~promptly affixed by~~ AND the person who has a court-ordered igni-
6 tion interlock device ~~installed~~ SHALL PROMPTLY AFFIX THAT LABEL
7 to each ignition interlock device upon installation The label
8 shall contain a warning that any person tampering circumventing
9 or otherwise misusing the device is guilty of a misdemeanor pun-
10 ishable as provided by law

11 (2) A person who has a court-ordered ignition interlock
12 device installed ~~—~~ and whose driving privilege is restricted
13 pursuant to section ~~625 or~~ 625b ~~—~~ shall not request or
14 solicit any other person to blow into an ignition interlock
15 device or to start a vehicle equipped with the device for the
16 purpose of providing the person whose driving privilege is
17 restricted with an operable vehicle

18 (3) A person shall not blow into an ignition interlock
19 device or start a motor vehicle equipped with the device for the
20 purpose of providing an operable vehicle to a person who has a
21 court-ordered interlock device installed ~~—~~ and whose driving
22 privilege is restricted pursuant to section ~~625 or~~ 625b

23 (4) A person shall not tamper with or circumvent the opera-
24 tion of an ignition interlock device

25 (5) A person who violates this section is guilty of a misde-
26 meanor, punishable by imprisonment for not more than 6 months or
27 a fine of not more than \$5,000 00, or both

1 (6) As used in this section and sections ~~625,~~ 625b ~~and~~
2 625k 625N, AND 6250, 'ignition interlock device' or device
3 means a blood alcohol concentration equivalence measuring device
4 ~~which~~ THAT prevents a motor vehicle from being started at any
5 time without first determining through a deep lung sample the
6 operator's equivalent breath alcohol level. The system shall be
7 calibrated so that the motor vehicle may not be started if the
8 blood alcohol level of the operator, as measured by the test,
9 reaches a level of 0.02%.

10 SEC 625N (1) A PERSON SHALL NOT SELL, LEASE, OR INSTALL
11 IN A VEHICLE IN THIS STATE AN IGNITION INTERLOCK DEVICE UNLESS
12 THE IGNITION INTERLOCK DEVICE MANUFACTURER CARRIES LIABILITY
13 INSURANCE COVERING PRODUCT LIABILITY, INCLUDING, BUT NOT LIMITED
14 TO INSURANCE TO INDEMNIFY THE DEPARTMENT AND ANY PERSON INJURED
15 AS A RESULT OF A MALFUNCTION OR DESIGN DEFECT OF THE IGNITION
16 INTERLOCK DEVICE OR A MISREPRESENTATION ABOUT THE IGNITION INTER-
17 LOCK DEVICE.

18 (2) THE INSURANCE REQUIRED BY SUBSECTION (1) SHALL BE IN AN
19 AMOUNT OF NOT LESS THAN \$1,000,000.00 PER INCIDENT.

20 (3) THE PROVIDER OF INSURANCE DESCRIBED IN THIS SECTION MAY
21 CANCEL THE INSURANCE UPON 30 DAYS' WRITTEN NOTICE TO THE DEPART-
22 MENT AND IS NOT LIABLE FOR A CLAIM ARISING FROM AN EVENT THAT
23 OCCURS AFTER THE EFFECTIVE DATE OF A CANCELLATION MADE IN COMPLI-
24 ANCE WITH THIS SECTION.

25 SEC 6250 (1) A PERSON SHALL NOT SELL, LEASE, OR INSTALL
26 IN A VEHICLE IN THIS STATE AN IGNITION INTERLOCK DEVICE UNLESS
27 THE MANUFACTURER OF THE DEVICE HAS OBTAINED AN EXECUTED BOND.

1 DESCRIBED IN SUBSECTION (2) OR A RENEWAL CERTIFICATE FOR THAT
2 BOND

3 (2) THE BOND REQUIRED UNDER SUBSECTION (1) SHALL BE IN THE
4 AMOUNT OF \$50,000 00 WITH A SURETY APPROVED BY THE DEPARTMENT AND
5 SHALL BE CONDITIONED TO INDEMNIFY OR REIMBURSE A PERSON WHO HAS
6 AN IGNITION INTERLOCK DEVICE INSTALLED ON HIS OR HER VEHICLE FOR
7 MONETARY LOSS CAUSED BY THE MANUFACTURER S FRAUD, CHEATING MIS-
8 REPRESENTATION, OR DEFAULTING ON A CONTRACTUAL OBLIGATION
9 WHETHER THE FRAUD, CHEATING, MISREPRESENTATION, OR DEFAULTING WAS
10 DONE BY THE MANUFACTURER OR BY AN EMPLOYEE OR AGENT OF THE
11 MANUFACTURER

12 (3) THE SURETY ON THE BOND DESCRIBED IN SUBSECTION (2) IS
13 REQUIRED TO MAKE INDEMNIFICATION OR REIMBURSEMENT FOR A MONETARY
14 LOSS ONLY AFTER FINAL JUDGMENT HAS BEEN ENTERED IN A COURT OF
15 RECORD AGAINST THE MANUFACTURER OR AN EMPLOYEE OR AGENT OF THE
16 MANUFACTURER THE SURETY ON THE BOND MAY CANCEL THE BOND UPON 30
17 DAYS WRITTEN NOTICE TO THE DEPARTMENT AND IS NOT LIABLE FOR A
18 LOSS ARISING FROM AN EVENT THAT OCCURS AFTER THE EFFECTIVE DATE
19 OF THE CANCELLATION

20 Sec 732 (1) Each municipal judge and each clerk of a
21 court of record shall keep a full record of every case in which a
22 person is charged with or cited for a violation of this act or
23 ~~of~~ a law corresponding to this act regulating the operation of
24 vehicles on highways EXCEPT AS PROVIDED IN SUBSECTION (15), THE
25 MUNICIPAL JUDGE OR CLERK OF THE COURT OF RECORD SHALL PREPARE AND
26 IMMEDIATELY FORWARD TO THE SECRETARY OF STATE AN ABSTRACT OF THE
27 COURT RECORD AS FOLLOWS

1 (A) ~~(2)~~ Within 14 days after ~~the~~ A conviction ~~or~~
2 forfeiture of bail ~~of a person, or~~ entry of a civil infraction
3 determination, default judgment, or probate court ~~order of~~ dis-
4 position ~~for a child found to be within the provisions of chap-~~
5 ~~ter XIII A of Act No 288 of the Public Acts of 1939, being sec-~~
6 ~~tions 712A 1 to 712A 28 of the Michigan Compiled Laws,~~ upon a
7 charge of ~~—~~ or citation for ~~—~~ violating this act or a local
8 ordinance corresponding to this act regulating the operation of
9 vehicles on highways ~~—, and, for—~~

10 (B) FOR each case charging a violation of section 625(1),
11 (3) (4) or (5) or a local ordinance substantially correspond-
12 ing to section 625(1) or (3) in which the charge is dismissed or
13 the defendant is acquitted ~~—, except as provided in subsection~~
14 ~~(15), the municipal judge or clerk of the court of record shall~~
15 ~~prepare and immediately forward to the secretary of state an~~
16 ~~abstract of the record of the court for the case—The abstract~~
17 ~~shall be certified by signature, stamp, or facsimile signature by~~
18 ~~the person required to prepare the abstract to be true and~~
19 ~~correct—~~

20 (2) If a city or village department, bureau, or person is
21 authorized to accept a payment of money as a settlement for a
22 violation of a local ordinance corresponding to this act, the
23 city or village department, bureau, or person shall send a full
24 report of each case in which a person pays any amount of money to
25 the city or village department, bureau, or person to the secre-
26 tary of state upon a form prescribed by the secretary of state

1 (3) The abstract or report required under this section shall
2 be made upon a form furnished by the secretary of state and shall
3 include all of the following

4 (a) The name address, and date of birth of the person
5 charged or cited

6 (b) The number of the person s operator s or chauffeur s
7 license if any

8 (c) The date and nature of the violation

9 (d) The type of vehicle driven at the time of the violation
10 and if the vehicle is a commercial motor vehicle, that vehicle's
11 group designation and indorsement classification

12 (e) The date of the conviction, finding, forfeiture, judg-
13 ment or determination

14 (f) Whether bail was forfeited

15 (g) Any license revocation, restriction, suspension, or
16 denial ordered by the court pursuant to this act

17 (h) Other information considered necessary to the secretary
18 of state

19 (4) The clerk of the court also shall forward an abstract of
20 the COURT record ~~of the court~~ to the secretary of state upon
21 ~~the~~ A PERSON'S conviction ~~of a person or entry of a probate~~
22 ~~court order of disposition for a child found to be within the~~
23 ~~provisions of chapter XIIIA of Act No 288 of the Public Acts of~~
24 ~~1939~~ involving any of the following

25 (a) A violation of section 324, 413, 414, or 479a of the
26 Michigan penal code, Act No 328 of the Public Acts of 1931,

1 being sections 750 324 750 413 750 414 and 750 479a of the
2 Michigan Compiled Laws

3 (b) A violation of section 1 of Act No 214 of the Public
4 Acts of 1931, being section 752 191 of the Michigan Compiled
5 Laws

6 (C) MANSLAUGHTER OR MURDER RESULTING FROM THE OPERATION OF A
7 MOTOR VEHICLE

8 (D) ~~(c)~~ An attempt to commit any of the offenses described
9 in ~~subdivision (a) or (b)~~ SUBDIVISIONS (A) TO (C)

10 (5) As used in subsections (6) to (8) felony in which a
11 motor vehicle was used means a felony during the commission of
12 which the person operated a motor vehicle and while operating the
13 vehicle presented real or potential harm to persons or property
14 and 1 or more of the following circumstances existed

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

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

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

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

21 (6) If a person is charged with a felony in which a motor
22 vehicle was used, other than a felony specified in subsection (4)
23 or section 319(1)(a) to (e), the prosecuting attorney shall
24 include the following statement on the complaint and information
25 filed in district or circuit court

26 "You are charged with the commission of a felony in which a
27 motor vehicle was used If you are convicted and the judge finds

1 that the conviction is for a felony in which a motor vehicle was
2 used as defined in section 319 of the Michigan vehicle code, Act
3 No 300 of the Public Acts of 1949 being section 257 319 of the
4 Michigan Compiled Laws, your driver s license shall be suspended
5 by the secretary of state '

6 (7) If a ~~child~~ JUVENILE is accused of an act the nature of
7 which constitutes a felony in which a motor vehicle was used
8 other than a felony specified in subsection (4) or section
9 319(1)(a) to (e), the prosecuting attorney or juvenile DIVISION
10 OF THE PROBATE court shall include THE FOLLOWING STATEMENT on the
11 petition filed in the probate court

12 You are accused of an act the nature of which constitutes a
13 felony in which a motor vehicle was used If the accusation is
14 found to be true and the judge or referee finds that the nature
15 of the act constitutes a felony in which a motor vehicle was
16 used, as defined in section 319 of the Michigan vehicle code Act
17 No 300 of the Public Acts of 1949, being section 257 319 of the
18 Michigan Compiled Laws, your driver's license shall be suspended
19 by the secretary of state '

20 (8) If the judge or juvenile court referee determines as
21 part of the sentence or disposition that the felony for which the
22 defendant was convicted ~~or adjudicated and with respect to~~ AND
23 FOR which notice was given pursuant to subsection (6) or (7) is a
24 felony in which a motor vehicle was used, the clerk of the court
25 shall forward an abstract of the court record of that conviction
26 ~~or adjudication~~ to the secretary of state

1 (9) As used in subsections (10) and (11) '~~Felony~~ FELONY
 2 in which a commercial motor vehicle was used" means a felony
 3 during the commission of which the person operated a commercial
 4 motor vehicle and while the person was operating the vehicle 1 or
 5 more of the following circumstances existed

6 (a) The vehicle was used as an instrument of the felony

7 (b) The vehicle was used to transport a victim of the
 8 felony

9 (c) The vehicle was used to flee the scene of the felony

10 (d) The vehicle was necessary for the commission of the
 11 felony

12 (10) If a person is charged with a felony in which a commer-
 13 cial motor vehicle was used and for which a vehicle group desig-
 14 nation on a license is subject to suspension or revocation under
 15 section 319b(1)(c)(~~iii~~) 319b(1)(d), or 319b(1)(e)(~~iii~~) or (vi)
 16 the prosecuting attorney shall include the following statement on
 17 the complaint and information filed in district or circuit
 18 court

19 You are charged with the commission of a felony in which a
 20 commercial motor vehicle was used If you are convicted and the
 21 judge finds that the conviction is for a felony in which a com-
 22 mercial motor vehicle was used as defined in section 319b of the
 23 Michigan vehicle code, Act No 300 of the Public Acts of 1949,
 24 being section 257 319b of the Michigan Compiled Laws, all vehicle
 25 group designations on your driver's license shall be suspended or
 26 revoked by the secretary of state "

1 (11) If the judge determines as part of the sentence that
2 the felony for which the defendant was convicted and with respect
3 to which notice was given pursuant to subsection (10) is a felony
4 in which a commercial motor vehicle was used, the clerk of the
5 court shall forward an abstract of the court record of that con-
6 viction to the secretary of state

7 (12) Every person required to forward abstracts to the sec-
8 retary of state under this section shall certify for the period
9 from January 1 through June 30 and for the period from July 1
10 through December 31 that all abstracts required to be forwarded
11 during the period have been forwarded The certification shall
12 be filed with the secretary of state not later than 28 days after
13 the end of the period covered by the certification The certifi-
14 cation shall be made upon a form furnished by the secretary of
15 state and shall include all of the following

16 (a) The name and title of the person required to forward
17 abstracts

18 (b) The court for which the certification is filed

19 (c) The time period covered by the certification

20 (d) The following statement

21 'I certify that all abstracts required by section 732 of the
22 Michigan vehicle code, MCL 257 732 MSA 9 2432 for the period
23 _____ through _____ have been forwarded to the secre-
24 tary of state '

25 (e) Other information the secretary of state considers
26 necessary

1 (f) The signature of the person required to forward
2 abstracts

3 (13) The failure, refusal, or neglect of a person to comply
4 with this section ~~shall constitute~~ CONSTITUTES misconduct in
5 office and ~~shall be~~ IS grounds for removal from office

6 (14) Except as provided in subsection (15), the secretary of
7 state shall keep all abstracts received under this section at the
8 secretary of state's main office and the abstracts shall be open
9 for public inspection during the office s usual business hours
10 Each abstract shall be entered upon the master driving record of
11 the person to whom it pertains

12 (15) The court shall not submit, and the secretary of state
13 shall discard and not enter on the master driving record, an
14 abstract for a conviction, civil infraction determination or
15 probate court ~~order of~~ disposition for any of the following
16 offenses

17 (a) The parking or standing of a vehicle

18 (b) A nonmoving violation that is not the basis for the sec-
19 retary of state's suspension revocation or denial of an
20 operator s or chauffeur s license

21 (c) A violation of chapter II that is not the basis for the
22 secretary of state's suspension revocation, or denial of an
23 operator s or chauffeur's license

24 (d) A pedestrian, passenger, or bicycle violation

25 (e) A violation of section 710e

26 (16) The secretary of state shall discard and not enter on
27 the master driving record an abstract for a bond forfeiture that

1 occurred outside this state However, the secretary of state
2 shall retain and enter on the master driving record an abstract
3 of an out-of-state bond forfeiture for an offense that occurred
4 after January 1, 1990 in connection with the operation of a com-
5 mercial motor vehicle

6 (17) The secretary of state shall inform the courts of this
7 state of the nonmoving violations and violations of chapter II
8 that are used by the secretary of state as the basis for the sus-
9 pension, restriction, revocation, or denial of an operator's or
10 chauffeur's license

11 (18) If a conviction, civil infraction determination, or
12 probate court ~~order of~~ disposition is reversed upon appeal, the
13 person whose conviction, determination, or ~~order of~~ PROBATE
14 COURT disposition has been reversed may serve on the secretary of
15 state a certified copy of the order of reversal ~~, and the~~ THE
16 secretary of state shall enter the order in the proper book or
17 index in connection with the record of the conviction civil
18 infraction determination, or probate court ~~order of~~
19 disposition

20 (19) The secretary of state may permit a city or village
21 department, bureau, person, or court to modify the requirement as
22 to the time and manner of reporting a conviction, civil infrac-
23 tion determination, settlement, or probate court ~~order of~~ dis-
24 position to the secretary of state if the modification will
25 increase the economy and efficiency of collecting and utilizing
26 the records If the permitted abstract of court record reporting
27 a conviction, civil infraction determination, settlement, or

1 probate court ~~order of~~ disposition originates as a part of the
2 written notice to appear ~~—~~ authorized in section 728(1) or
3 742(1) the form of the written notice and report shall be as
4 prescribed by the secretary of state

5 Sec 904 (1) A person whose operator s or chauffeur's
6 license or registration certificate has been suspended or revoked
7 and who has been notified as provided in section 212 of that sus-
8 pension or revocation, whose application for license has been
9 denied or who has never applied for a license, shall not operate
10 a motor vehicle ~~upon a highway or other place open to the gen-~~
11 ~~eral public or generally accessible to motor vehicles, including~~
12 ~~an area designated for the parking of motor vehicles~~ within this
13 state A person shall not knowingly permit a motor vehicle owned
14 by the person to be operated upon a highway or other place open
15 to the general public or generally accessible to motor vehicles,
16 including an area designated for the parking of vehicles, within
17 this state by a person whose license or registration certificate
18 is suspended or revoked, whose application for license has been
19 denied or who has never applied for a license, except as permit-
20 ted under this act A person who violates this subsection is
21 guilty of a misdemeanor ~~—~~ punishable as follows

22 ~~-(a) If the person's operator's or chauffeur's license has~~
23 ~~been suspended under section 321a because that person has failed~~
24 ~~to answer a citation or has failed to comply with an order or~~
25 ~~judgment issued pursuant to section 907, by imprisonment for not~~
26 ~~more than 90 days, or a fine of not more than \$100 00, or both~~

1 (A) ~~(b)~~ For a FIRST violation, ~~other than a violation~~
 2 ~~punishable under subdivision (a),~~ by imprisonment for not more
 3 than 90 days ~~—~~ or ~~by~~ a fine of not more than \$500 00, or
 4 both Unless the vehicle was stolen or used with the permission
 5 of a person who did not knowingly permit an unlicensed driver to
 6 operate the vehicle, the registration plates of the vehicle shall
 7 be confiscated

8 (B) ~~(c)~~ For a second or subsequent violation, ~~punishable~~
 9 ~~under subdivision (b),~~ by imprisonment for not more than 1 year
 10 ~~—~~ or a fine of not more than \$1,000 00, or both Unless the
 11 vehicle was stolen, the registration plates of the vehicle shall
 12 be confiscated

13 (2) ~~The secretary of state, upon~~ UPON receiving a record
 14 of ~~the~~ A PERSON'S conviction ~~or probate court disposition of a~~
 15 ~~person upon a charge of~~ FOR unlawful operation of a motor vehi-
 16 cle while the PERSON'S license ~~of the person~~ is suspended or
 17 revoked or of ~~the~~ A PERSON S conviction civil infraction
 18 determination, or probate court disposition ~~of a person~~ for a
 19 moving violation of the vehicle laws of this state or a political
 20 subdivision of this state while the PERSON'S license ~~of the~~
 21 ~~person~~ is suspended or revoked, THE SECRETARY OF STATE immedi-
 22 ately shall extend the period of the first suspension or revoca-
 23 tion for an additional like period This subsection ~~shall~~
 24 ~~apply~~ APPLIES only if the violation occurs during a suspension
 25 of definite length ~~—~~ or if the violation occurs before the
 26 person is approved for a license following a revocation

1 (3) ~~The secretary of state, upon~~ UPON receiving a record
2 of the conviction, A bond forfeiture, or a civil infraction
3 determination of a person ~~upon a charge of~~ FOR unlawful opera-
4 tion of a motor vehicle requiring a class 1, class 2, or class 3
5 indorsement or vehicle group designation while the indorsement or
6 designation is suspended pursuant to section 319a or 319b, or
7 revoked, THE SECRETARY OF STATE immediately shall extend the
8 period of suspension or revocation for an additional like
9 period This subsection ~~shall apply~~ APPLIES only if the viola-
10 tion occurs during a suspension of definite length, ~~or~~ if the
11 violation occurs before the person is approved for a license fol-
12 lowing a revocation, or if the person operates a commercial vehi-
13 cle while disqualified under the commercial motor vehicle safety
14 act of 1986 title XII of Public Law 99-570, 100 Stat
15 3207-170

16 (4) If the secretary of state receives records of more than
17 1 conviction, civil infraction determination, or probate court
18 disposition resulting from the same incident, all of the convic-
19 tions, civil infraction determinations, or probate court disposi-
20 tions shall be treated as a single violation for purposes of
21 extending the period of suspension or revocation under
22 subsection (2) or (3)

23 (5) Before a person is arraigned before a district court
24 magistrate or judge on a charge of violating this section, the
25 arresting officer shall obtain the PERSON'S driving record ~~of~~
26 ~~the person~~ from the secretary of state and shall furnish the
27 record to the court The driving record of the person may be

1 obtained from the secretary of state s computer information
2 network

3 (6) This section does not apply to a person who operates a
4 vehicle solely for the purpose of protecting human life or prop-
5 erty ~~—~~ if the life or property is endangered and ~~the~~ summon-
6 ing ~~of~~ prompt aid is essential

7 (7) A person whose vehicle group designation is suspended or
8 revoked and who has been notified as provided in section 212 of
9 that suspension or revocation, or whose application for a vehicle
10 group designation has been denied ~~—~~ as provided in this act, or
11 who has never applied for a vehicle group designation ~~—~~ and who
12 operates a commercial motor vehicle within this state except as
13 permitted under this act while any of those conditions exist is
14 guilty of a misdemeanor ~~—~~ punishable, except as otherwise pro-
15 vided in this section, by imprisonment for not less than 3 days
16 or more than 90 days ~~—~~ or a fine of not more than \$100 00, or
17 both

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