



# HOUSE BILL No. 5745

September 14, 1994 Introduced by Rep Nye and referred to the Committee on Judiciary

A bill to amend sections 625a, 625b, 625c, 625f, 625g, 625k, 625l, 625m, 732, 904, and 910 of Act No 300 of the Public Acts of 1949, entitled as amended

"Michigan vehicle code,"

sections 625a, 625b, and 625c as amended by Act No 211 of the Public Acts of 1994, sections 625f and 904 as amended by Act No 100 of the Public Acts of 1991, section 625g as amended by Act No 95 of the Public Acts of 1991, sections 625k and 625l as added by Act No 109 of the Public Acts of 1987, section 625m as added by Act No 94 of the Public Acts of 1991, section 732 as amended by Act No 359 of the Public Acts of 1993, and section 910 as added by Act No 98 of the Public Acts of 1991, being sections 257 625a, 257 625b, 257 625c, 257 625f, 257 625g, 257 625k, 257 625l, 257 625m, 257 732, 257 904, and 257 910 of the Michigan Compiled Laws

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT**

1       Section 1     Sections 625a, 625b, 625c, 625f, 625g, 625k,  
2 625l, 625m, 732, 904, and 910 of Act No 300 of the Public Acts  
3 of 1949, sections 625a, 625b, and 625c as amended by Act No 211  
4 of the Public Acts of 1994, sections 625f and 904 as amended by  
5 Act No 100 of the Public Acts of 1991, section 625g as amended  
6 by Act No 95 of the Public Acts of 1991, sections 625k and 625l  
7 as added by Act No 109 of the Public Acts of 1987, section 625m  
8 as added by Act No 94 of the Public Acts of 1991, section 732 as  
9 amended by Act No 359 of the Public Acts of 1993, and  
10 section 910 as added by Act No 98 of the Public Acts of 1991,  
11 being sections 257 625a, 257 625b, 257 625c, 257 625f, 257 625g,  
12 257 625k, 257 625l, 257 625m, 257 732, 257 904, and 257 910 of  
13 the Michigan Compiled Laws, are amended to read as follows

14       Sec 625a   (1) A peace officer ~~, without a warrant,~~ may,  
15 arrest a person WITHOUT A WARRANT when the peace officer has rea-  
16 sonable cause to believe ~~that~~ the person was, at the time of an  
17 accident IN THIS STATE, the operator of a vehicle involved in the  
18 accident ~~in this state while~~ AND WAS OPERATING THE VEHICLE in  
19 violation of section 625(1), (3), ~~(4), (5),~~ or (6) or a local  
20 ordinance substantially corresponding to section 625(1), (3), or  
21 (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  
25 vehicles, including an area designated for the parking of  
26 vehicles, in this state ~~—~~ and that the person by the

1 consumption of intoxicating liquor may have affected his or her  
2 ability to operate a vehicle, or reasonable cause to believe that  
3 a person was operating a commercial motor vehicle within the  
4 state while the person's blood, BREATH, OR URINE contained any  
5 measurable amount of alcohol ~~by weight~~ or while the person had  
6 any detectable presence of intoxicating liquor, or reasonable  
7 cause to believe that a person who is less than 21 years of age  
8 was operating a vehicle upon a public highway or other place open  
9 to the public or generally accessible to motor vehicles, includ-  
10 ing an area designated for the parking of vehicles, within this  
11 state, while the person had any bodily alcohol content as that  
12 term is defined in section 625(6), may require the person to  
13 submit to a preliminary chemical breath analysis The following  
14 provisions apply with respect to a preliminary chemical breath  
15 analysis ADMINISTERED PURSUANT TO THIS SUBSECTION

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

18 (b) The results of a preliminary chemical breath analysis  
19 are admissible in a criminal prosecution for a crime enumerated  
20 in section 625c(1) or in an administrative hearing ~~solely to~~  
21 ~~assist the court or hearing officer in determining a challenge to~~  
22 ~~the validity of an arrest This subdivision does not limit the~~  
23 ~~introduction of other competent evidence offered to establish the~~  
24 ~~validity of an arrest~~

25 (c) A person who submits to a preliminary chemical breath  
26 analysis remains subject to the requirements of sections 625c,

1 625d, 625e, and 625f for ~~the~~ purposes of chemical tests  
2 described in those sections

3 (d) Except as provided in subsection (5), a person who  
4 refuses to submit to a preliminary chemical breath analysis upon  
5 a lawful request by a peace officer is responsible for a civil  
6 infraction

7 (3) ~~The~~ A PEACE OFFICER SHALL USE THE results of a prelim-  
8 inary chemical breath analysis conducted pursuant to this section  
9 ~~shall be used by a police officer~~ to determine whether TO ORDER  
10 a person ~~shall be ordered~~ out-of-service under section 319d A  
11 ~~police~~ PEACE officer shall order out-of-service as required  
12 under section 319d a person who was operating a commercial motor  
13 vehicle and who refuses to submit to a preliminary chemical  
14 breath analysis as provided in this section This section does  
15 not limit use of other competent evidence by the ~~police~~ PEACE  
16 officer to determine whether TO ORDER a person ~~shall be ordered~~  
17 out-of-service under section 319d

18 (4) A person who was operating a commercial motor vehicle  
19 and who is requested to submit to a preliminary chemical breath  
20 analysis under this section shall be advised that ~~refusal of~~  
21 ~~the~~ REFUSING A PEACE OFFICER'S request ~~of a police officer~~ to  
22 take a test described in this section is a misdemeanor ~~—~~ pun-  
23 ishable by imprisonment for not more than 90 days ~~—~~ or a fine  
24 of not more than \$100 00, or both, and will result in the issu-  
25 ance of a 24-hour out-of-service order

26 (5) A person who was operating a commercial motor vehicle  
27 and who refuses to submit to a preliminary chemical breath

1 analysis upon a PEACE OFFICER'S lawful request ~~by a police~~  
2 ~~officer~~ is guilty of a misdemeanor ~~—~~ punishable by imprison-  
3 ment for not more than 90 days ~~—~~ or a fine of not more than  
4 \$100 00, or both

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

8 (a) The amount of alcohol or presence of a controlled sub-  
9 stance or both in a driver's blood OR URINE OR THE AMOUNT OF  
10 ALCOHOL IN A PERSON'S BREATH at the time alleged as shown by  
11 chemical analysis of the person s blood, urine, or breath is  
12 admissible into evidence in any civil or criminal proceeding

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

15 (i) ~~That if~~ IF he or she takes a chemical test of his or  
16 her blood, urine or breath administered at the request of a  
17 peace officer, he or she has the right to demand that a person of  
18 his or her own choosing administer 1 of the chemical tests ~~—~~  
19 ~~that the~~

20 (ii) THE results of the test are admissible in a judicial  
21 proceeding as provided under this act and will be considered with  
22 other competent evidence in determining the DEFENDANT'S innocence  
23 or guilt ~~of the defendant and that he~~

24 (iii) HE or she is responsible for obtaining a chemical  
25 analysis of a test sample obtained pursuant to his or her own  
26 request

1       (1v) ~~(1v) That if~~ IF he or she refuses the request of a  
2 peace officer to take a test described in subparagraph (1), a  
3 test shall not be given without a court order, but the peace  
4 officer may seek to obtain such a court order

5       (v) ~~(1v) That his or her refusal of the~~ REFUSING A PEACE  
6 OFFICER'S request ~~of a peace officer~~ to take a test described  
7 in subparagraph (1) will result in the suspension of his or her  
8 operator's or chauffeur's license and vehicle group designation  
9 or operating privilege ~~—~~ and in the addition of 6 points to his  
10 or her driver record

11       (c) A sample or specimen of urine or breath shall be taken  
12 and collected in a reasonable manner   Only a licensed physician,  
13 or an individual operating under the delegation of a licensed  
14 physician under section 16215 of the Public health code, Act  
15 No 368 of the Public Acts of 1978, being section 333 16215 of  
16 the Michigan Compiled Laws, and qualified to withdraw blood  
17 acting in a medical environment, ~~at the request of a peace~~  
18 ~~officer,~~ may withdraw blood ~~for the purpose of determining~~ AT  
19 A PEACE OFFICER'S REQUEST TO DETERMINE the amount of alcohol or  
20 presence of a controlled substance or both in the person's blood,  
21 as provided in this subsection   Liability for a crime or civil  
22 damages predicated on the act of withdrawing or analyzing blood  
23 and related procedures does not attach to a licensed physician or  
24 individual operating under the delegation of a licensed physician  
25 who withdraws or analyzes blood or assists in the withdrawal or  
26 analysis in accordance with this act unless the withdrawal or  
27 analysis is performed in a negligent manner

1 (d) A chemical test described in this subsection shall be  
2 administered at the request of a peace officer having reasonable  
3 grounds to believe the person has committed a crime described in  
4 section 625c(1) A person who takes a chemical test administered  
5 at ~~the~~ A PEACE OFFICER'S request ~~of a peace officer,~~ as pro-  
6 vided in this section ~~,~~ shall be given a reasonable opportunity  
7 to have a person of his or her own choosing administer 1 of the  
8 chemical tests described in this subsection within a reasonable  
9 time after his or her detention ~~, and the~~ THE TEST results  
10 ~~of the test~~ are admissible and shall be considered with other  
11 competent evidence in determining the DEFENDANT'S innocence or  
12 guilt ~~of the defendant~~ If the person charged is administered  
13 a chemical test by a person of his or her own choosing, the  
14 person charged is responsible for obtaining a chemical analysis  
15 of the test sample

16 (e) If, after an accident, the driver of a vehicle involved  
17 in the accident is transported to a medical facility and a sample  
18 of the driver's blood is withdrawn at that time for ~~the purpose~~  
19 ~~of~~ medical treatment, the results of a chemical analysis of that  
20 sample are admissible in any civil or criminal proceeding to show  
21 the amount of alcohol or presence of a controlled substance or  
22 both in the person's blood at the time alleged, regardless of  
23 whether the person had been offered or had refused a chemical  
24 test The medical facility or person performing the chemical  
25 analysis shall disclose the results of the analysis to a prose-  
26 cuting attorney who requests the results for use in a criminal  
27 prosecution as provided in this subdivision A medical facility

1 or person disclosing information in compliance with this  
2 subsection is not civilly or criminally liable for making the  
3 disclosure

4 (f) If, after an accident, the driver of a vehicle involved  
5 in the accident is deceased, a sample of the decedent's blood  
6 shall be withdrawn in a manner directed by THE medical examiner  
7 ~~for the purpose of determining~~ TO DETERMINE the amount of alco-  
8 hol or the presence of a controlled substance, or both, in the  
9 decedent's blood The medical examiner shall give the results of  
10 the chemical analysis of the sample to the law enforcement agency  
11 investigating the accident ~~—~~ and that agency shall forward the  
12 results to the department of state police

13 (g) The department of state police shall promulgate uniform  
14 rules under the administrative procedures act of 1969, Act  
15 No 306 of the Public Acts of 1969, being sections 24 201 to  
16 24 328 of the Michigan Compiled Laws, for the administration of  
17 chemical tests for the purposes of this section

18 (7) The provisions of subsection (6) relating to chemical  
19 testing do not limit the introduction of any other competent evi-  
20 dence bearing upon the question of whether ~~or not~~ a person was  
21 impaired by, or under the influence of, intoxicating liquor or a  
22 controlled substance, or a combination of intoxicating liquor and  
23 a controlled substance, or whether the person had ~~a blood~~ AN  
24 alcohol content of ~~0 +0%~~ 0 10 GRAMS or more PER 100 MILLILITERS  
25 OF BLOOD, PER 210 LITERS OF BREATH, OR PER 67 MILLILITERS OF  
26 URINE, or if the person is less than 21 years of age, whether the  
27 person had any bodily alcohol content within his or her body As



1 used in this section, "any bodily alcohol content" means either  
2 of the following

3 (a) ~~A blood~~ AN alcohol content of not less than ~~0 02%~~  
4 0 02 GRAMS or more than ~~0 07% by weight of alcohol~~ 0 07 GRAMS  
5 PER 100 MILLILITERS OF BLOOD, PER 210 LITERS OF BREATH, OR PER 67  
6 MILLILITERS OF URINE

7 (b) Any presence of alcohol within a person's body resulting  
8 from the consumption of intoxicating liquor, OTHER THAN CONSUMP-  
9 TION OF INTOXICATING LIQUOR AS A PART OF A GENERALLY RECOGNIZED  
10 RELIGIOUS SERVICE OR CEREMONY

11 (8) If a chemical test described in subsection (6) is admin-  
12 istered, the ~~results of the~~ test RESULTS shall be made avail-  
13 able to the person charged or the person's attorney upon written  
14 request to the prosecution, with a copy of the request filed with  
15 the court The prosecution shall furnish the results at least 2  
16 days before the day of the trial The ~~results of~~ PROSECUTION  
17 SHALL OFFER the test ~~shall be offered~~ RESULTS as evidence ~~by~~  
18 ~~the prosecution~~ in that trial Failure to fully comply with the  
19 request bars the admission of the results into evidence by the  
20 prosecution

21 (9) Except in a prosecution relating solely to a violation  
22 of section 625(1)(b) or (6), the amount of alcohol in the  
23 driver's blood, BREATH, OR URINE at the time alleged as shown by  
24 chemical analysis of the person s blood, ~~urine, or~~ breath, OR  
25 URINE gives rise to the following presumptions

26 (a) If there ~~was~~ WERE at the time ~~0 07%~~ 0 07 GRAMS or  
27 less ~~by weight~~ of alcohol ~~in~~ PER 100 MILLILITERS OF the

1 defendant s blood PER 210 LITERS OR THE DEFENDANT'S BREATH, OR  
2 PER 67 MILLILITERS OF THE DEFENDANT'S URINE, it is presumed that  
3 the defendant's ability to operate a motor vehicle was not  
4 impaired due to the consumption of intoxicating liquor, and that  
5 the defendant was not under the influence of intoxicating  
6 liquor

7 (b) If there ~~was~~ WERE at the time ~~in excess of 0.07%~~  
8 MORE THAN 0.07 GRAMS but less than ~~0.10% by weight~~ 0.10 GRAMS  
9 of alcohol ~~in~~ PER 100 MILLILITERS OF the defendant's blood, PER  
10 210 LITERS OF THE DEFENDANT'S BREATH, OR PER 67 MILLILITERS OF  
11 THE DEFENDANT'S URINE, it is presumed that the defendant's abil-  
12 ity to operate a vehicle was impaired within the provisions of  
13 section 625(3) due to the consumption of intoxicating liquor

14 (c) If there ~~was~~ WERE at the time ~~0.10%~~ 0.10 GRAMS or  
15 more ~~by weight~~ of alcohol ~~in~~ PER 100 MILLILITERS OF the  
16 defendant's blood, PER 210 LITERS OF THE DEFENDANT'S BREATH, OR  
17 PER 67 MILLILITERS OF THE DEFENDANT'S URINE it is presumed that  
18 the defendant was under the influence of intoxicating liquor

19 (10) A person's refusal to submit to a chemical test as pro-  
20 vided in subsection (6) is admissible in a criminal prosecution  
21 for a crime described in section 625c(1) only ~~for the purpose of~~  
22 ~~showing~~ TO SHOW that a test was offered to the defendant, but  
23 not as evidence in determining THE DEFENDANT'S innocence or  
24 guilt ~~of the defendant~~ The jury shall be instructed  
25 accordingly

26 Sec 625b (1) A person arrested for a misdemeanor  
27 violation of section 625(1), (3), or (6) or section 625m or a

1 local ordinance substantially corresponding to section 625(1),  
2 (3), or (6) or section 625m ~~—~~ shall be arraigned on the  
3 citation, complaint, or warrant not more than 14 days after the  
4 arrest for the violation or, if an arrest warrant is issued or  
5 reissued, not more than 14 days after the issued or reissued  
6 arrest warrant is served, whichever is later THE COURT SHALL  
7 NOT DISMISS A CASE OR IMPOSE ANY OTHER SANCTION FOR A FAILURE TO  
8 COMPLY WITH THIS TIME LIMIT The time limit does not apply to a  
9 violation of section 625(1) punishable under section 625(7)(d) or  
10 a violation of section 625(1), (3), or (6) or section 625m joined  
11 with a felony charge

12 (2) The court shall schedule a pretrial conference between  
13 the prosecuting attorney, the defendant, and the defendant's  
14 attorney in each case in which the defendant is charged with a  
15 misdemeanor violation of section 625(1), (3), or (6) or  
16 section 625m ~~—~~ or a local ordinance substantially corresponding  
17 to section 625(1), (3), or (6) or section 625m The pretrial  
18 conference shall be held not more than 35 days after the person's  
19 arrest for the violation or, if an arrest warrant is issued or  
20 reissued, not more than 35 days after the issued or reissued  
21 arrest warrant is served whichever is later If the court has  
22 only 1 judge who sits in more than 1 location in that district,  
23 the pretrial conference shall be held not more than 42 days after  
24 the person's arrest for the violation or, if an arrest warrant is  
25 issued or reissued, not more than 42 days after the date the  
26 issued or reissued arrest warrant is served, whichever is later  
27 THE COURT SHALL NOT DISMISS A CASE OR IMPOSE ANY OTHER SANCTION

1 FOR A FAILURE TO COMPLY WITH THE APPLICABLE TIME LIMIT The 35-  
2 and 42-day time limits do not apply to a violation of  
3 section 625(1) punishable under section 625(7)(d) or a violation  
4 of section 625(1), (3), or (6) or section 625m joined with a  
5 felony charge The court shall order the defendant to attend the  
6 pretrial conference and may accept a plea by the defendant at the  
7 conclusion of the pretrial conference The court may adjourn the  
8 pretrial conference upon the motion of a party for good cause  
9 shown Not more than 1 adjournment shall be granted to a party,  
10 and the length of an adjournment shall not exceed 14 days

11 (3) Except for delay attributable to the unavailability of  
12 the defendant, a witness, or material evidence or due to an  
13 interlocutory appeal or exceptional circumstances, but not a  
14 delay caused by docket congestion the court shall finally adju-  
15 dicate, by a plea of guilty or nolo contendere, entry of a ver-  
16 dict, or other final disposition, a case in which the defendant  
17 is charged with a misdemeanor violation of section 625(1), (3),  
18 or (6) or section 625m or a local ordinance substantially corre-  
19 sponding to section 625(1), (3), or (6) or section 625m, within  
20 77 days after the person is arrested for the violation or, if an  
21 arrest warrant is issued or reissued, not more than 77 days after  
22 the date the issued or reissued arrest warrant is served, which-  
23 ever is later ~~The dismissal of a case for a violation of this~~  
24 ~~time limit does not preclude issuing a new complaint and warrant~~  
25 ~~charging the same violation~~ THE COURT SHALL NOT DISMISS A CASE  
26 OR IMPOSE ANY OTHER SANCTION FOR A FAILURE TO COMPLY WITH THIS  
27 TIME LIMIT The 77-day time limit does not apply to a violation

1 of section 625(1) punishable under section 625(7)(d) or a  
2 violation of section 625(1), (3), or (6) or section 625m joined  
3 with a felony charge

4       (4) ~~-(3)-~~ Before accepting a plea of guilty or nolo conten-  
5 dere under section 625 or a local ordinance substantially corre-  
6 sponding to section 625(1), (2), (3), or (6), the court shall  
7 advise the accused of the maximum possible term of imprisonment  
8 and the maximum possible fine that may be imposed for the viola-  
9 tion, and shall advise the defendant that the maximum possible  
10 license sanctions that may be imposed will be based upon the  
11 master driving record maintained by the secretary of state pursu-  
12 ant to section 204a

13       (5) ~~-(4)-~~ Before imposing sentence, other than court-ordered  
14 license sanctions, for a violation of section 625(1), (3), (4),  
15 (5), or (6) or a local ordinance substantially corresponding to  
16 section 625(1), (3), or (6), the court shall order the person  
17 undergo screening and assessment by a person or agency designated  
18 by the office of substance abuse services ~~—~~ to determine  
19 whether the person is likely to benefit from rehabilitative serv-  
20 ices, including alcohol or drug education and alcohol or drug  
21 treatment programs As part of the sentence, the court may order  
22 the person to participate in and successfully complete 1 or more  
23 appropriate rehabilitative programs The person shall pay for  
24 the costs of the screening, reassessment, and rehabilitative  
25 services

26       (6) ~~-(5)-~~ Immediately upon acceptance by the court of a plea  
27 of guilty or nolo contendere or upon entry of a verdict of guilty

1 for a violation of section 625(1), (3), (4), (5), or (6) or a  
 2 local ordinance substantially corresponding to section 625(1),  
 3 (3), or (6), whether or not the person is eligible to be sen-  
 4 tenced as a multiple offender, the court shall consider all prior  
 5 convictions currently entered upon the ~~person's~~ Michigan driv-  
 6 ing record, ~~of the person,~~ except ~~those~~ convictions ~~which,~~  
 7 THE COURT DETERMINES upon THE DEFENDANT'S motion ~~by the~~  
 8 ~~defendant, are determined by the court~~ to be constitutionally  
 9 invalid, and shall impose the following licensing sanctions

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

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

17 (c) If the court finds that the person has no prior convic-  
 18 tions within 7 years for a violation of section 625(1), (3), (4),  
 19 or (5), former section 625(1) or (2), or former section 625b, a  
 20 local ordinance substantially corresponding to section 625(1) or  
 21 (3), ~~or~~ former section 625(1) or (2) or former section 625b, or  
 22 a law of another state substantially corresponding to section  
 23 625(1), (3), (4), or (5), former section 625(1) or (2), or former  
 24 section 625b, the court shall order the secretary of state to  
 25 suspend the PERSON'S operator's or chauffeur's license ~~of the~~  
 26 ~~person~~ for ~~a period of~~ not less than 6 months or more than  
 27 2 years If the court finds compelling circumstances under

1 subsection ~~-(9)-~~ (10) sufficient to warrant the issuance of a  
 2 restricted license to a person, the court may order the secretary  
 3 of state to issue to the person a restricted license during all  
 4 or a specified portion of the ~~period of~~ suspension, except that  
 5 a restricted license shall not be issued during the first 30 days  
 6 of the ~~period of~~ suspension

7       (11) If the court finds that the person has 1 prior convic-  
 8 tion within 7 years for a violation of section 625(3) or former  
 9 section 625b, a local ordinance substantially corresponding to  
 10 section 625(3) or former section 625b, or a law of another state  
 11 substantially corresponding to section 625(3) or former  
 12 section 625b, the court shall order the secretary of state to  
 13 suspend the PERSON'S operator's or chauffeur's license ~~of the~~  
 14 ~~person~~ for ~~a period of~~ not less than 6 months or more than  
 15 2 years   If the court finds compelling circumstances under sub-  
 16 section ~~-(9)-~~ (10) sufficient to warrant the issuance of a  
 17 restricted license to a person, the court may order the secretary  
 18 of state to issue to the person a restricted license during all  
 19 or any portion of the ~~period of~~ suspension, except that a  
 20 restricted license shall not be issued during the first 60 days  
 21 of the ~~period of~~ suspension

22       (111) If the court finds that the person has 1 or more prior  
 23 convictions within 7 years for a violation of section 625(1),  
 24 (4), or (5) or former section 625(1) or (2), a local ordinance  
 25 substantially corresponding to section 625(1) or former section  
 26 625(1) or (2), or a law of another state substantially  
 27 corresponding to section 625(1), (4), or (5) ~~—~~ or former

1 section 625(1) or (2), or that the person has 2 or more prior  
 2 convictions within 10 years for a violation of section 625(1),  
 3 (3), (4), or (5), former section 625(1) or (2), or former section  
 4 625b, a local ordinance substantially corresponding to section  
 5 625(1) or (3), former section 625(1) or (2), or former section  
 6 625b, or a law of another state substantially corresponding to  
 7 section 625(1), (3), (4), or (5), former section 625(1) or (2),  
 8 or former section 625b, the court shall order the secretary of  
 9 state to revoke the PERSON'S operator s or chauffeur's license  
 10 ~~of the person~~ and shall not order the secretary of state to  
 11 issue a restricted license to the person

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

14 (1) If the court finds that the convicted person has no  
 15 prior conviction within 7 years for a violation of section  
 16 625(1), (3), (4), or (5) former section 625(1) or (2), or former  
 17 section 625b a local ordinance substantially corresponding to  
 18 section 625(1) or (3), former section 625(1) or (2), or former  
 19 section 625b, or a law of another state substantially correspond-  
 20 ing to section 625(1), (3), (4), or (5), former section 625(1) or  
 21 (2), or former section 625b, the court shall order the secretary  
 22 of state to suspend the PERSON'S operator's or chauffeur's  
 23 license ~~of the person~~ for ~~a period of~~ not less than 90 days  
 24 or more than 1 year However, if the person is convicted of a  
 25 violation of section 625(3) or a local ordinance substantially  
 26 corresponding to section 625(3) for operating a vehicle when, due  
 27 to the consumption of a controlled substance or a combination of



1 intoxicating liquor and a controlled substance, the person's  
 2 ability to operate the vehicle was visibly impaired, the court  
 3 shall order the secretary of state to suspend the operator's or  
 4 chauffeur's license of the person for ~~a period of~~ not less than  
 5 6 months or more than 1 year. If the court finds compelling cir-  
 6 cumstances under subsection ~~(9)~~ (10) sufficient to warrant the  
 7 issuance of a restricted license to a person, the court may order  
 8 the secretary of state to issue to the person a restricted  
 9 license during all or a specified portion of the ~~period of~~  
 10 suspension.

11 (11) If the court finds that the person has 1 prior convic-  
 12 tion within 7 years for a violation of section 625(1), (3), (4),  
 13 or (5), former section 625(1) or (2), or former section 625b, a  
 14 local ordinance substantially corresponding to section 625(1) or  
 15 (3), former section 625(1) or (2), or former section 625b, or a  
 16 law of another state substantially corresponding to section  
 17 625(1), (3), (4), or (5), former section 625(1) or (2), or former  
 18 section 625b, the court shall order the secretary of state to  
 19 suspend the PERSON'S operator s or chauffeur s license ~~of the~~  
 20 ~~person~~ for ~~a period of~~ not less than 6 months or more than 2  
 21 years. If the court finds compelling circumstances under subsec-  
 22 tion ~~(9)~~ (10) sufficient to warrant the issuance of a  
 23 restricted license to a person, the court may order the secretary  
 24 of state to issue to the person a restricted license during all  
 25 or any portion of the suspension, ~~period,~~ except that a  
 26 restricted license shall not be issued during the first 60 days  
 27 of the ~~period of~~ suspension.

1       (111) If the court finds that the person has 2 or more prior  
2 convictions within 10 years for a violation of section 625(1),  
3 (3), (4), or (5), former section 625(1) or (2), or former section  
4 625b, a local ordinance substantially corresponding to section  
5 625(1) or (3), former section 625(1) or (2), or former section  
6 625b, or a law of another state substantially corresponding to  
7 section 625(1), (3), (4), or (5), former section 625(1) or (2),  
8 or former section 625b, the court shall order the secretary of  
9 state to revoke the PERSON'S operator's or chauffeur's license  
10 ~~of the person~~ and shall not order the secretary of state to  
11 issue a restricted license to the person

12       (d) For a conviction under section 625(6) or a local ordi-  
13 nance substantially corresponding to section 625(6)

14       (1) If the court finds that the convicted person has no  
15 prior conviction within 7 years for a violation of section  
16 625(1), (3), (4), (5), or (6), former section 625(1) or (2), or  
17 former section 625b, a local ordinance substantially correspond-  
18 ing to section 625(1), (3), or (6), former section 625(1) or (2),  
19 or former section 625b, or a law of another state substantially  
20 corresponding to section 625(1), (3), (4), (5), or (6), former  
21 section 625(1) or (2), or former section 625b, the court shall  
22 order the secretary of state to suspend the operator's or  
23 chauffeur's license of the person for ~~a period of~~ not less than  
24 30 days or more than 90 days   The court may order the secretary  
25 of state to issue to the person a restricted license during all  
26 or a specified portion of the ~~period of~~ suspension

1       (11) If the court finds that the person has 1 or more 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, the court shall order  
 9 the secretary of state to suspend the operator's or chauffeur's  
 10 license of the person for ~~a period of~~ not less than 90 days or  
 11 more than 1 year. The court may order the secretary of state to  
 12 issue to the person a restricted license during all or any por-  
 13 tion of the suspension, ~~period,~~ except that a restricted  
 14 license shall not be issued during the first 90 days of the  
 15 ~~period of~~ suspension.

16       (7) ~~(6)~~ A restricted license issued pursuant to an order  
 17 under subsection ~~(5)~~ (6) shall permit the person to whom it is  
 18 issued to ~~do~~ DRIVE UNDER 1 or more of the following  
 19 CIRCUMSTANCES

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

22       (b) ~~Drive in~~ IN the course of the person's employment or  
 23 occupation

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

1 (d) ~~Drive to~~ TO and from the person's residence and the  
2 court probation department ~~—~~ or a court-ordered community  
3 service program, or both

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

7 (8) ~~(7)~~ The court may order that the restricted license  
8 issued pursuant to subsection ~~(5)~~ (6) include the requirement  
9 that the person shall not operate a motor vehicle unless the  
10 vehicle is equipped with a functioning ignition interlock  
11 device The device shall be set to render the motor vehicle  
12 inoperable if the device detects ~~a blood~~ AN alcohol content of  
13 ~~0-02% 0 02 GRAMS or more by weight of alcohol in~~ PER 210  
14 LITERS OF BREATH OF the person who offers a breath sample The  
15 court may order installation of an ignition interlock device on  
16 any motor vehicle that the person owns or operates, the costs of  
17 which ~~shall be borne by~~ the person whose license is restricted  
18 SHALL BEAR

19 (9) ~~(8)~~ The court shall not order the secretary of state  
20 under subsection ~~(5)~~ (6) to issue a restricted license that  
21 would permit a person to operate a commercial motor vehicle that  
22 hauls hazardous materials

23 (10) ~~(9)~~ The court shall not order the secretary of state  
24 to issue a restricted license unless the person states under  
25 oath, and the court finds pursuant to testimony taken in open  
26 court or pursuant to statements contained in a sworn affidavit on

1 a form prescribed by the state court administrator, that both of  
2 the following are true

3 (a) The person needs vehicular transportation to and from  
4 his or her work location, place of alcohol or drug education  
5 treatment, court probation department, court-ordered community  
6 service program, or educational institution, or in the course of  
7 the person's employment or occupation

8 (b) The person is unable to take public transportation and  
9 does not have any family members or other individuals able to  
10 provide transportation to a destination or for a purpose  
11 described in subdivision (a)

12 (11) ~~-(10)-~~ The court order issued under subsection ~~-(5)-~~  
13 (6) and the restricted license shall indicate the permitted  
14 destinations of the person or the permitted purposes for which  
15 the person may operate a vehicle, the approved route or routes if  
16 specified 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), (5), or (6) or a  
24 local ordinance substantially corresponding to section 625(1),  
25 (3), or (6), 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 subsection, "prior conviction" means a conviction under section  
13 625(1), (3), (4), or (5), ~~or~~ former section 625(1) or (2), or  
14 former section 625b, a local ordinance substantially correspond-  
15 ing to section 625(1) or (3), former section 625(1) or (2), or  
16 former section 625b, or a law of another state substantially cor-  
17 responding to section 625(1), (3), (4), or (5), former section  
18 625(1) or (2), or former section 625b involving the operation of  
19 a commercial motor vehicle, or a conviction under section 625m, a  
20 local ordinance substantially corresponding to section 625m, or a  
21 law of another state substantially corresponding to section  
22 625m

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

1       Sec 625c   (1) A person who operates a vehicle upon a  
 2 public highway or other place open to the general public or  
 3 generally accessible to motor vehicles, including an area desig-  
 4 nated for the parking of vehicles, within this state is consid-  
 5 ered to have given consent to chemical tests of his or her blood,  
 6 breath, or urine for the purpose of determining the amount of  
 7 alcohol or presence of a controlled substance or both in his or  
 8 her blood ~~—~~ OR URINE OR THE AMOUNT OF ALCOHOL IN HIS OR HER  
 9 BREATH in all of the following circumstances

10       (a) If the person is arrested for a violation of section  
 11 625(1), (3), (4), (5), or (6), section 625a(5), or section 625m,  
 12 or a local ordinance substantially corresponding to section  
 13 625(1), (3), or (6), section 625a(5), or section 625m

14       (b) If the person is arrested for felonious driving, negli-  
 15 gent homicide, manslaughter, or murder resulting from the opera-  
 16 tion of a motor vehicle, and the peace officer had reasonable  
 17 grounds to believe ~~that~~ the person was operating the vehicle  
 18 while impaired by or under the influence of intoxicating liquor  
 19 or a controlled substance or a combination of intoxicating liquor  
 20 and a controlled substance, or while having ~~a blood~~ AN alcohol  
 21 content of ~~0-10%~~ 0 10 GRAMS or more PER 100 MILLILITERS OF  
 22 BLOOD, PER 210 LITERS OF BREATH, OR PER 67 MILLILITERS OF URINE,  
 23 or if the person is less than 21 years of age while having any  
 24 bodily alcohol content   As used in this subdivision, "any bodily  
 25 alcohol content" means either of the following

26       (1) ~~A blood~~ AN alcohol content of not less than ~~0-02%~~  
 27 0 02 GRAMS or more than ~~0-07% by weight of alcohol~~ 0 07 GRAMS



1 PER 100 MILLILITERS OF BLOOD, PER 210 LITERS OF BREATH, OR PER 67  
2 MILLILITERS OF URINE

3 (11) Any presence of alcohol within a person's body result-  
4 ing from the consumption of intoxicating liquor, OTHER THAN CON-  
5 SUMPTION OF INTOXICATING LIQUOR AS PART OF A GENERALLY RECOGNIZED  
6 RELIGIOUS SERVICE OR CEREMONY

7 (2) A person who is afflicted with hemophilia, diabetes, or  
8 a condition requiring the use of an anticoagulant under the  
9 direction of a physician is not considered to have given consent  
10 to the withdrawal of blood

11 (3) The tests shall be administered as provided in section  
12 625a(6)

13 Sec 625f (1) If a person who refuses to submit to a chem-  
14 ical test pursuant to section 625d does not request a hearing  
15 within 14 days ~~of~~ AFTER the date of notice pursuant to  
16 section 625e, the secretary of state shall impose the following  
17 license sanctions

18 (a) If the person was operating a vehicle other than a com-  
19 mercial motor vehicle, suspend or deny the person's operator s or  
20 chauffeur s license or permit to drive, or nonresident operating  
21 privilege, for ~~a period of~~ 6 months ~~—~~ or, for a second or  
22 subsequent refusal within ~~a period of~~ 7 years, for 1 year If  
23 the person is a resident without a license or permit to operate a  
24 vehicle in the state, the secretary of state shall ~~deny to~~ NOT  
25 ISSUE the person ~~the issuance of~~ a license or permit for ~~a~~  
26 ~~period of~~ 6 months ~~—~~ or, for a second or subsequent refusal  
27 within ~~a period of~~ 7 years, for 1 year

1 (b) If the person was operating a commercial motor vehicle,  
2 for the first refusal, suspend all vehicle group designations on  
3 the person's operator's or chauffeur's license or permit ~~—~~ or  
4 nonresident privilege to operate a commercial motor vehicle ~~—~~  
5 or, if the person is a resident without a license or permit to  
6 operate a commercial motor vehicle in the state, ~~deny the issu-~~  
7 ~~ance to~~ NOT ISSUE the person ~~of~~ an operator's or chauffeur's  
8 license with vehicle group designations, for ~~a period of~~ 1  
9 year

10 (c) If the person was operating a commercial motor vehicle,  
11 for a second or subsequent refusal that occurred in a separate  
12 incident from ~~—~~ and within 10 years of ~~—~~ a prior refusal,  
13 revoke all vehicle group designations on the person's operator's  
14 or chauffeur's license or permit ~~—~~ or nonresident privilege to  
15 operate a commercial motor vehicle ~~—~~ or, if the person is a  
16 resident without a license or permit to operate a commercial  
17 motor vehicle in the state ~~deny the issuance to~~ NOT ISSUE the  
18 person ~~of~~ an operator s or chauffeur s license with vehicle  
19 group designations, for ~~a period of~~ not less than 10 years and  
20 until the person is approved for the issuance of a vehicle group  
21 designation

22 (d) If the person was operating a commercial motor vehicle  
23 and was arrested for an offense enumerated in section 625c other  
24 than a violation of section 625a(5) or 625m, impose the license  
25 sanction described in subdivision (a) and the license sanction  
26 described in subdivision (b) or (c), as applicable

1       (2) If a hearing is requested, the secretary of state shall  
2 hold the hearing in the same manner and under the same conditions  
3 as provided in section 322 ~~A person shall not order a hearing~~  
4 ~~officer to make a particular finding on any issue enumerated~~  
5 ~~under subdivisions (a) to (d)~~ Not less than 5 days' notice of  
6 the hearing shall be mailed to the person requesting the hearing,  
7 to the peace officer who filed the report under section 625d, and  
8 if the prosecuting attorney requests receipt of the notice, to  
9 the prosecuting attorney of the county where the arrest was  
10 made The hearing officer may administer oaths, issue subpoenas  
11 for the attendance of necessary witnesses, and grant a reasonable  
12 request for an adjournment Not more than 1 adjournment shall be  
13 granted to a party and the length of an adjournment shall not  
14 exceed 14 days A hearing under this subsection shall be sched-  
15 uled to be held within 45 days after the date of arrest ~~and~~  
16 ~~shall, except~~ FOR THE VIOLATION THE HEARING OFFICER SHALL NOT  
17 IMPOSE ANY SANCTION FOR A FAILURE TO COMPLY WITH THESE TIME  
18 LIMITS

19       (3) EXCEPT for delay attributable to the unavailability of  
20 the defendant, a witness, or material evidence, or due to an  
21 interlocutory appeal or exceptional circumstances, but not a  
22 delay caused by docket congestion, A HEARING SHALL be finally  
23 adjudicated within 77 days after the date of arrest THE HEARING  
24 OFFICER SHALL NOT IMPOSE ANY SANCTION FOR A FAILURE TO COMPLY  
25 WITH THIS TIME LIMIT

26       (4) The hearing shall cover only the following issues

1 (a) Whether the peace officer had reasonable grounds to  
2 believe that the person had committed a crime described in  
3 section 625c(1)

4 (b) Whether the person was placed under arrest for a crime  
5 described in section 625c(1)

6 (c) If the person refused to submit to the test upon the  
7 request of the officer, whether the refusal was reasonable

8 (d) Whether the person was advised of the rights under  
9 section 625a(6)

10 (5) A PERSON SHALL NOT ORDER A HEARING OFFICER TO MAKE A  
11 PARTICULAR FINDING ON ANY ISSUE ENUMERATED IN SUBSECTION (4)(A)  
12 TO (D)

13 (6) ~~(3)~~ The hearing officer shall make a record of  
14 ~~proceedings~~ A HEARING held pursuant to ~~subsection (2)~~ THIS  
15 SECTION The record shall be prepared and transcribed in accord-  
16 ance with section 86 of the administrative procedures act of  
17 1969, Act No 306 of the Public Acts of 1969, being section  
18 24 286 of the Michigan Compiled Laws Upon notification of the  
19 filing of a petition for judicial review pursuant to section 323  
20 AND NOT LESS THAN 10 DAYS BEFORE THE MATTER IS SET FOR REVIEW,  
21 the hearing officer shall transmit to the court in which the  
22 petition was filed ~~, not less than 10 days before the matter is~~  
23 ~~set for review,~~ the original or a certified copy of the official  
24 record of the proceedings Proceedings at which evidence was  
25 presented need not be transcribed and transmitted if the sole  
26 reason for review is to determine whether ~~or not~~ the court will  
27 order the issuance of a restricted license The parties to the

1 proceedings for judicial review may stipulate that the record be  
2 shortened A party unreasonably refusing to stipulate to a  
3 shortened record may be taxed by the court in which the petition  
4 is filed for the additional costs The court may permit subse-  
5 quent corrections to the record

6 (7) ~~(4) After a hearing, if~~ IF the person who requested  
7 ~~the~~ A hearing does not prevail, the secretary of state shall  
8 impose the following license sanctions AFTER THE HEARING

9 (a) If the person was operating a vehicle other than a com-  
10 mercial motor vehicle, suspend or deny issuance of a license or  
11 driving permit or a nonresident operating privilege of the person  
12 for ~~a period of~~ 6 months ~~or~~ or, for a second or subsequent  
13 refusal within 7 years, for 1 year If the person is a resident  
14 without a license or permit to operate a vehicle in the state,  
15 the secretary of state shall ~~deny to~~ NOT ISSUE the person ~~the~~  
16 ~~issuance of~~ a license or permit for ~~a period of~~ 6 months ~~or~~  
17 or, for a second or subsequent refusal within 7 years, for 1  
18 year The person may file a petition in the circuit court of the  
19 county in which the arrest was made to review the suspension or  
20 denial as provided in section 323 ~~If after the hearing the~~  
21 ~~person who requested the hearing prevails, the peace officer who~~  
22 ~~filed the report under section 625d may, with the consent of the~~  
23 ~~prosecuting attorney, file a petition in the circuit court of the~~  
24 ~~county in which the arrest was made to review the determination~~  
25 ~~of the hearing officer as provided in section 323~~

26 (b) If the person was operating a commercial motor vehicle,  
27 impose the sanction prescribed under subsection (1)(b) or (1)(c)

1 as applicable The person may file a petition in the circuit  
 2 court of the county in which the arrest was made to review the  
 3 suspension or denial as provided in section 323

4 (c) If the person was operating a commercial motor vehicle  
 5 and was arrested for an offense enumerated in section 625c ~~—~~  
 6 other than a violation of section 625a(5) or 625m, impose the  
 7 license sanctions described in ~~both~~ subdivisions (a) and (b)

8 (8) IF THE PERSON WHO REQUESTED THE HEARING PREVAILS, THE  
 9 PEACE OFFICER WHO FILED THE REPORT UNDER SECTION 625D MAY, WITH  
 10 THE CONSENT OF THE PROSECUTING ATTORNEY, FILE A PETITION IN THE  
 11 CIRCUIT COURT OF THE COUNTY IN WHICH THE ARREST WAS MADE TO  
 12 REVIEW THE DETERMINATION OF THE HEARING OFFICER AS PROVIDED IN  
 13 SECTION 323

14 (9) ~~-(5)-~~ When it has been finally determined that a  
 15 nonresident's privilege to operate a vehicle in the state has  
 16 been suspended or denied, the department shall give notice in  
 17 writing of the action taken to the motor vehicle administrator of  
 18 the state of the person's residence and of each state in which he  
 19 or she has a license to operate a motor vehicle

20 Sec 625g (1) If a person refuses a chemical test offered  
 21 pursuant to section ~~625a(3)~~ 625A(6), or submits to the chemical  
 22 test OR A CHEMICAL TEST IS PERFORMED PURSUANT TO A COURT ORDER  
 23 and the test reveals ~~a blood~~ AN alcohol content of ~~0+0%~~ 0 10  
 24 GRAMS or more ~~by weight of alcohol~~ PER 100 MILLILITERS OF  
 25 BLOOD, PER 210 LITERS OF BREATH, OR PER 67 MILLILITERS OF URINE,  
 26 the peace officer who requested the person to submit to the test  
 27 shall do all of the following

1 (a) On behalf of the secretary of state, immediately  
 2 confiscate the person's license or permit to operate a motor  
 3 vehicle ~~—~~ and, if the person is otherwise eligible for a  
 4 license or permit, issue a temporary license or permit to the  
 5 person ~~that is valid until the criminal charges against the~~  
 6 ~~person are dismissed, or until the person pleads guilty or nolo~~  
 7 ~~contendere to, or is found guilty of, those charges~~ The tempo-  
 8 rary license or permit shall be on a form provided by the secre-  
 9 tary of state

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

12 (i) Forward a copy of the written report of the person's  
 13 refusal to submit to a chemical test REQUIRED UNDER SECTION 625D  
 14 to the secretary of state

15 (ii) Notify the secretary of state by means of the law  
 16 enforcement information network that a temporary license or  
 17 permit was issued to the person

18 (iii) ~~Except as provided in subsection (2), destroy~~  
 19 DESTROY the person's driver's license or permit

20 (2) If a person submits to a chemical test offered pursuant  
 21 to section ~~625a(3)~~ 625A(6) that requires ~~the withdrawal~~ AN  
 22 ANALYSIS of blood OR URINE and a report of the results of that  
 23 chemical test is not immediately available, the peace officer who  
 24 requested the person to submit to the test shall comply with  
 25 subsection (1)(a) pending receipt of the test report If ~~—~~ upon  
 26 receipt, the report reveals ~~a blood~~ AN alcohol content of  
 27 ~~0-10%~~ 0-10 GRAMS or more ~~by weight of alcohol~~ PER 100

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

11 (3) A TEMPORARY LICENSE OR PERMIT ISSUED UNDER THIS SECTION  
 12 IS VALID FOR 1 OF THE FOLLOWING TIME PERIODS

13 (A) IF THE CASE IS NOT PROSECUTED, FOR 90 DAYS AFTER ISSU-  
 14 ANCE OR UNTIL THE PERSON'S LICENSE OR PERMIT IS SUSPENDED PURSU-  
 15 ANT TO SECTION 625F, WHICHEVER OCCURS EARLIER THE PROSECUTING  
 16 ATTORNEY SHALL NOTIFY THE SECRETARY OF STATE IF A CASE IS NOT  
 17 PROSECUTED

18 (B) IF THE CASE IS PROSECUTED, UNTIL THE CRIMINAL CHARGES  
 19 AGAINST THE PERSON ARE DISMISSED, THE PERSON PLEADS GUILTY OR  
 20 NOLO CONTENDERE TO OR IS FOUND GUILTY OF OR ACQUITTED OF THOSE  
 21 CHARGES, OR THE PERSON'S LICENSE OR PERMIT IS SUSPENDED PURSUANT  
 22 TO SECTION 625F, WHICHEVER OCCURS EARLIER

23 Sec 625k (1) The department shall ~~circulate specifica-~~  
 24 ~~tions to all known manufacturers, and shall certify or cause to~~  
 25 ~~be certified~~ APPROVE AN ignition interlock ~~devices and~~ DEVICE  
 26 CERTIFIED BY A DEPARTMENT-APPROVED LABORATORY AS COMPLYING WITH  
 27 THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION'S MODEL



1 SPECIFICATIONS FOR BREATH ALCOHOL IGNITION INTERLOCK DEVICES

2 (BAIID), 57 F R P 11772 (APRIL 7, 1992) SUBJECT TO

3 SUBSECTION (4), THE DEPARTMENT shall publish a list of all manu-  
4 facturers of APPROVED certified devices

5 (2) The ~~cost of certification shall be borne by the~~  
6 ~~manufacturers~~ MANUFACTURER of AN interlock ignition ~~devices~~  
7 DEVICE SHALL BEAR THE COST OF THAT DEVICE'S CERTIFICATION ~~in~~  
8 ~~certifying the devices, those which are accurate, do not impede~~  
9 ~~the safe operation of the vehicle, and have the fewest opportuni-~~  
10 ~~ties to be bypassed shall be certified~~

11 (3) A LABORATORY THAT CERTIFIES AN INTERLOCK IGNITION DEVICE  
12 AS PROVIDED IN THIS SECTION SHALL IMMEDIATELY NOTIFY THE DEPART-  
13 MENT OF THAT CERTIFICATION

14 (4) THE DEPARTMENT SHALL NOT INCLUDE THE MANUFACTURER OF A  
15 CERTIFIED IGNITION INTERLOCK DEVICE ON THE LIST OF MANUFACTURERS  
16 PUBLISHED PURSUANT TO SUBSECTION (1) UNLESS THE MANUFACTURER HAS  
17 FILED WITH THE DEPARTMENT COPIES OF AN AFFIDAVIT THAT THE IGNI-  
18 TION INTERLOCK DEVICE IS BOTH OF THE FOLLOWING

19 (A) AN ALCOHOL CONCENTRATION MEASURING DEVICE THAT PREVENTS  
20 A MOTOR VEHICLE FROM BEING STARTED AT ANY TIME WITHOUT FIRST  
21 DETERMINING THROUGH A DEEP LUNG SAMPLE THE OPERATOR'S BREATH  
22 ALCOHOL LEVEL

23 (B) CALIBRATED TO PREVENT THE MOTOR VEHICLE FROM STARTING IF  
24 THE OPERATOR'S BREATH ALCOHOL LEVEL REACHES A LEVEL OF 0.02 GRAMS  
25 PER 210 LITERS OF BREATH AS MEASURED BY THE TEST

1 (5) A MANUFACTURER THAT HAS MADE A FILING UNDER SUBSECTION  
2 (4) SHALL IMMEDIATELY NOTIFY THE DEPARTMENT IF THE DEVICE NO  
3 LONGER MEETS THE REQUIREMENTS OF SUBSECTION (4)

4 (6) THE DEPARTMENT SHALL NOTIFY THE COURTS OF A NOTICE  
5 RECEIVED UNDER SUBSECTION (5) IF A COURT RECEIVES THE NOTIFICA-  
6 TION REQUIRED BY THIS SUBSECTION, THE COURT SHALL NOT ORDER  
7 INSTALLATION OF THE IGNITION INTERLOCK DEVICE DESCRIBED IN THE  
8 NOTICE, AND SHALL ORDER THE REPLACEMENT OR REMOVAL OF ANY OF  
9 THOSE IGNITION INTERLOCK DEVICES INSTALLED PURSUANT TO A PREVIOUS  
10 ORDER

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

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

26 (3) A person shall not blow into an ignition interlock  
27 device or start a motor vehicle equipped with the device for the

1 purpose of providing an operable vehicle to a person who has a  
 2 court-ordered interlock device installed ~~—~~ and whose driving  
 3 privilege is restricted pursuant to section ~~625 or~~ 625b

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

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

9 (6) As used in this section and sections ~~625,~~ 625b ~~—~~ and  
 10 625k, "ignition interlock device" or "device" means ~~a blood~~ AN  
 11 alcohol concentration ~~equivalence~~ measuring device ~~which~~ THAT  
 12 prevents a motor vehicle from being started at any time without  
 13 first determining through a deep lung sample the operator's  
 14 ~~equivalent~~ breath alcohol level The system shall be cali-  
 15 brated so that the motor vehicle may not be started if the  
 16 ~~blood~~ BREATH alcohol level of the operator, as measured by the  
 17 test, reaches a level of ~~0 02%~~ 0 02 GRAMS PER 210 LITERS OF  
 18 BREATH

19 Sec 625m (1) A person, whether licensed or not, ~~whose~~  
 20 ~~blood contains 0 04%~~ WHO HAS AN ALCOHOL CONTENT OF 0 04 GRAMS or  
 21 more but not more than ~~0 07% by weight of alcohol~~ 0 07 GRAMS  
 22 PER 100 MILLILITERS OF BLOOD, PER 210 LITERS OF BREATH, OR PER 67  
 23 MILLILITERS OF URINE shall not operate a commercial motor vehicle  
 24 within ~~the~~ THIS state

25 (2) A ~~police~~ PEACE officer may ~~—, without a warrant,~~  
 26 arrest a person ~~if the police~~ WITHOUT A WARRANT IF THE PEACE  
 27 officer has reasonable cause to believe that the person was, at

1 the time of an accident, the driver of a commercial motor vehicle  
2 involved in the accident and was operating the vehicle in viola-  
3 tion of this section or of a local ordinance substantially corre-  
4 sponding to this section

5       (3) A person who is convicted of a violation of this section  
6 or a local ordinance substantially corresponding to this section  
7 is guilty of a misdemeanor punishable by imprisonment for not  
8 more than 90 days or a fine of not more than \$300 00, or both,  
9 together with costs of the prosecution. As part of the sentence,  
10 the court shall order the secretary of state to suspend the vehi-  
11 cle group designations on the person's operator's or chauffeur's  
12 license pursuant to section 319b(1)(c) or, if the vehicle was  
13 carrying hazardous material required to have a placard pursuant  
14 to 49 C F R parts 100 to 199, in accordance with section  
15 319b(1)(d). The court shall not order the secretary of state to  
16 issue a restricted license that would permit the person to oper-  
17 ate a commercial motor vehicle.

18       (4) A person who violates this section or a local ordinance  
19 substantially corresponding to this section within 10 years of a  
20 prior conviction may be sentenced to imprisonment for not more  
21 than 1 year or a fine of not more than \$1,000 00, or both. As  
22 part of the sentence, the court shall order the secretary of  
23 state to revoke the vehicle group designations on the person's  
24 operator's or chauffeur's license pursuant to section  
25 319b(1)(e). The court shall not order the secretary of state to  
26 issue a restricted license that would permit the person to  
27 operate a commercial motor vehicle. As used in this subsection,

1 prior conviction means a conviction for a violation of this  
 2 section, section 625(1), (3), (4) or (5), former section 625(1)  
 3 or (2), or former section 625b, — a local ordinance substan-  
 4 tially corresponding to this section, section 625(1) or (3),  
 5 former section 625(1) or (2), or former section 625b, — or a  
 6 law of another state substantially corresponding to this section,  
 7 section 625(1), (3), (4), or (5), former section 625(1) or (2),  
 8 or former section 625b, while operating a commercial motor  
 9 vehicle

10 (5) WHEN ASSESSING POINTS AND TAKING LICENSE ACTIONS UNDER  
 11 THIS ACT, THE SECRETARY OF STATE AND THE COURT SHALL TREAT A CON-  
 12 VICTION FOR AN ATTEMPTED VIOLATION OF SUBSECTION (1), A LOCAL  
 13 ORDINANCE SUBSTANTIALLY CORRESPONDING TO SUBSECTION (1), OR A LAW  
 14 OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO SUBSECTION (1)  
 15 THE SAME AS IF THE OFFENSE HAD BEEN COMPLETED

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

24 (A) ~~(2)~~ Within 14 days after ~~the~~ A conviction, ~~or~~ for-  
 25 feiture of bail, ~~of a person,~~ or entry of a civil infraction  
 26 determination ~~—~~ OR default judgment, ~~or probate court order of~~  
 27 ~~disposition for a child found to be within the provisions of~~

1 ~~chapter XIIIA of Act No 288 of the Public Acts of 1939, being~~  
 2 ~~sections 712A 1 to 712A 28 of the Michigan Compiled Laws,~~ upon a  
 3 charge of ~~/~~ or citation for ~~/~~ violating this act or a local  
 4 ordinance corresponding to this act regulating the operation of  
 5 vehicles on highways ~~/ and, for~~

6 (B) IMMEDIATELY FOR each case charging a violation of  
 7 section 625(1), (3), (4), or (5), or a local ordinance substan-  
 8 tially corresponding to section 625(1) or (3) in which the charge  
 9 is dismissed or the defendant is acquitted ~~/ except as pro-~~  
 10 ~~vided in subsection (15), the municipal judge or clerk of the~~  
 11 ~~court of record shall prepare and immediately forward to the sec-~~  
 12 ~~retary of state an abstract of the record of the court for the~~  
 13 ~~case The abstract shall be certified by signature, stamp, or~~  
 14 ~~facsimile signature by the person required to prepare the~~  
 15 ~~abstract to be true and correct~~

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

23 (3) The abstract or report required under this section shall  
 24 be made upon a form furnished by the secretary of state ~~and~~  
 25 AN ABSTRACT SHALL BE CERTIFIED BY SIGNATURE, STAMP, OR FACSIMILE  
 26 SIGNATURE OF THE PERSON REQUIRED TO PREPARE THE ABSTRACT AS

1 CORRECT AN ABSTRACT OR REPORT shall include all of the  
2 following

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

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

7 (c) The date and nature of the violation

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

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

13 (f) Whether bail was forfeited

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

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

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

24 (a) A violation of section 324, 413, 414, or 479a of the  
25 Michigan penal code, Act No 328 of the Public Acts of 1931,  
26 being sections 750 324, 750 413, 750 414, and 750 479a of the  
27 Michigan Compiled Laws

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

4 (C) MANSLAUGHTER OR MURDER RESULTING FROM THE OPERATION OF A  
5 MOTOR VEHICLE

6 (D) ~~-(e)-~~ An attempt to violate, a conspiracy to violate, or  
7 a violation of part 74 or section 17766a of the public health  
8 code, Act No 368 of the Public Acts of 1978, being sections  
9 333 7401 to 333 7461 and 333 17766a of the Michigan Compiled  
10 Laws, or a local ordinance that prohibits conduct prohibited  
11 under part 74 or section 17766a of Act No 368 of the Public Acts  
12 of 1978, unless the convicted person is sentenced to life impris-  
13 onment or a minimum term of imprisonment that exceeds 1 year for  
14 the offense

15 (E) ~~-(d)-~~ An attempt to commit any of the offenses described  
16 in ~~subdivision (a) or (b)~~ SUBDIVISIONS (A) TO (C)

17 (5) As used in subsections (6) to (8) "felony in which a  
18 motor vehicle was used" means a felony during the commission of  
19 which the person operated a motor vehicle and while operating the  
20 vehicle presented real or potential harm to persons or property  
21 and 1 or more of the following circumstances existed

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

23 (b) The vehicle was used to transport a victim of the  
24 felony

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

26 (d) The vehicle was necessary for the commission of the  
27 felony



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

6 "You are charged with the commission of a felony in which a  
7 motor vehicle was used If you are convicted and the judge finds  
8 that the conviction is for a felony in which a motor vehicle was  
9 used, as defined in section 319 of the Michigan vehicle code, Act  
10 No 300 of the Public Acts of 1949, being section 257 319 of the  
11 Michigan Compiled Laws, your driver's license shall be suspended  
12 by the secretary of state "

13 (7) If a ~~child~~ JUVENILE is accused of an act, the nature  
14 of which constitutes a felony in which a motor vehicle was used,  
15 other than a felony specified in subsection (4) or section  
16 319(1)(a) to (e), the prosecuting attorney or juvenile DIVISION  
17 OF THE PROBATE court shall include THE FOLLOWING STATEMENT on the  
18 petition filed in the probate court

19 You are accused of an act the nature of which constitutes a  
20 felony in which a motor vehicle was used If the accusation is  
21 found to be true and the judge or referee finds that the nature  
22 of the act constitutes a felony in which a motor vehicle was  
23 used, as defined in section 319 of the Michigan vehicle code, Act  
24 No 300 of the Public Acts of 1949, being section 257 319 of the  
25 Michigan Compiled Laws, your driver's license shall be suspended  
26 by the secretary of state "

1 (8) If the judge or juvenile court referee determines as  
 2 part of the sentence or disposition that the felony for which the  
 3 defendant was convicted or adjudicated and with respect to which  
 4 notice was given pursuant to subsection (6) or (7) is a felony in  
 5 which a motor vehicle was used, the clerk of the court shall for-  
 6 ward an abstract of the court record of that conviction ~~or~~  
 7 ~~adjudication~~ to the secretary of state

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

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

14 (b) The vehicle was used to transport a victim of the  
 15 felony

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

17 (d) The vehicle was necessary for the commission of the  
 18 felony

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

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

1 judge finds that the conviction is for a felony in which a  
2 commercial motor vehicle was used, as defined in section 319b of  
3 the Michigan vehicle code, Act No 300 of the Public Acts of  
4 1949, being section 257 319b of the Michigan Compiled Laws, all  
5 vehicle group designations on your driver's license shall be sus-  
6 pended or revoked by the secretary of state "

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

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

22 (a) The name and title of the person required to forward  
23 abstracts

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

25 (c) The time period covered by the certification

26 (d) The following statement

1 "I certify that all abstracts required by section 732 of the  
2 Michigan vehicle code, MCL 257 732 MSA 9 2432, for the period  
3 \_\_\_\_\_ through \_\_\_\_\_ have been forwarded to the secre-  
4 tary of state '

5 (e) Other information the secretary of state considers  
6 necessary

7 (f) The signature of the person required to forward  
8 abstracts

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

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

18 (15) Except for controlled substance offenses described in  
19 subsection (4), the court shall not submit, and the secretary of  
20 state shall discard and not enter on the master driving record,  
21 an abstract for a conviction ~~—~~ OR civil infraction determina-  
22 tion ~~— or probate court order of disposition~~ for any of the  
23 following offenses

24 (a) The parking or standing of a vehicle

25 (b) A nonmoving violation that is not the basis for the sec-  
26 retary of state's suspension, revocation, or denial of an  
27 operator's or chauffeur's license

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

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

5 (e) A violation of section 710e

6 (16) The secretary of state shall discard and not enter on  
7 the master driving record an abstract for a bond forfeiture that  
8 occurred outside this state. However, the secretary of state  
9 shall retain and enter on the master driving record an abstract  
10 of an out-of-state bond forfeiture for an offense that occurred  
11 after January 1, 1990 in connection with the operation of a com-  
12 mercial motor vehicle

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

18 (18) If a conviction ~~OR~~ civil infraction determination  
19 ~~, or probate court order of disposition~~ is reversed upon  
20 appeal, the person whose conviction ~~OR~~ determination ~~or~~  
21 ~~order of disposition~~ has been reversed may serve on the secre-  
22 tary of state a certified copy of the order of reversal ~~and~~  
23 ~~the~~ THE secretary of state shall enter the order in the proper  
24 book or index in connection with the record of the conviction ~~OR~~  
25 OR civil infraction determination ~~, or probate court order of~~  
26 ~~disposition~~

1       (19) The secretary of state may permit a city or village  
2 department, bureau, person, or court to modify the requirement as  
3 to the time and manner of reporting a conviction, civil infrac-  
4 tion determination, OR settlement ~~, or probate court order of~~  
5 ~~disposition~~ to the secretary of state if the modification will  
6 increase the economy and efficiency of collecting and utilizing  
7 the records. If the permitted abstract of court record reporting  
8 a conviction, civil infraction determination, OR settlement ~~, or~~  
9 ~~probate court order of disposition~~ originates as a part of the  
10 written notice to appear, authorized in section 728(1) or 742(1),  
11 the form of the written notice and report shall be as prescribed  
12 by the secretary of state.

13       (20) EXCEPT AS PROVIDED IN THIS ACT AND NOTWITHSTANDING ANY  
14 OTHER PROVISION OF LAW, A COURT SHALL NOT ORDER EXPUNGEMENT OF  
15 ANY VIOLATION REPORTABLE TO THE SECRETARY OF STATE UNDER THIS  
16 SECTION.

17       Sec 904   (1) A person whose operator s or chauffeur s  
18 license or registration certificate has been suspended or revoked  
19 and who has been notified as provided in section 212 of that sus-  
20 pension or revocation, whose application for license has been  
21 denied, or who has never applied for a license, shall not operate  
22 a motor vehicle upon a highway or other place open to the general  
23 public or generally accessible to motor vehicles, including an  
24 area designated for the parking of motor vehicles within this  
25 state. A person shall not knowingly permit a motor vehicle owned  
26 by the person to be operated upon a highway or other place open  
27 to the general public or generally accessible to motor vehicles,

1 including an area designated for the parking of vehicles, within  
 2 this state by a person whose license or registration certificate  
 3 is suspended or revoked, whose application for license has been  
 4 denied, or who has never applied for a license, except as permit-  
 5 ted under this act A person who violates this subsection is  
 6 guilty of a misdemeanor ~~—~~ punishable as follows

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

12 (A) ~~(b)~~ For a FIRST violation, ~~other than a violation~~  
 13 ~~punishable under subdivision (a),~~ by imprisonment for not more  
 14 than 90 days ~~—~~ or ~~by~~ a fine of not more than \$500 00, or  
 15 both Unless the vehicle was stolen or used with the permission  
 16 of a person who did not knowingly permit an unlicensed driver to  
 17 operate the vehicle, the registration plates of the vehicle shall  
 18 be confiscated

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

24 (2) ~~The secretary of state, upon~~ UPON receiving a record  
 25 of ~~the~~ A PERSON'S conviction ~~or probate court disposition of a~~  
 26 ~~person upon a charge of~~ FOR unlawful operation of a motor  
 27 vehicle while the PERSON'S license ~~of the person~~ is suspended

1 or revoked or of ~~the~~ A PERSON'S conviction ~~OR~~ OR civil  
 2 infraction determination ~~OR~~ ~~or probate court disposition of a~~  
 3 ~~person~~ for a moving violation of the vehicle laws of this state  
 4 or a political subdivision of this state while the PERSON'S  
 5 license ~~of the person~~ is suspended or revoked, THE SECRETARY OF  
 6 STATE immediately shall extend the period of the first suspension  
 7 or revocation for an additional like period This subsection  
 8 ~~shall apply~~ APPLIES only if the violation occurs during a sus-  
 9 pension of definite length ~~OR~~ or if the violation occurs before  
 10 the person is approved for a license following a revocation

11 (3) ~~The secretary of state, upon~~ UPON receiving a record  
 12 of the conviction, bond forfeiture, or a civil infraction deter-  
 13 mination of a person ~~upon a charge of~~ FOR unlawful operation of  
 14 a motor vehicle requiring a class 1, class 2, or class 3 indorse-  
 15 ment or vehicle group designation while the indorsement or desig-  
 16 nation is suspended pursuant to section 319a or 319b, or revoked,  
 17 THE SECRETARY OF STATE immediately shall extend the period of  
 18 suspension or revocation for an additional like period This  
 19 subsection ~~shall apply~~ APPLIES only if the violation occurs  
 20 during a suspension of definite length, ~~OR~~ if the violation  
 21 occurs before the person is approved for a license following a  
 22 revocation, or if the person operates a commercial vehicle while  
 23 disqualified under the commercial motor vehicle safety act of  
 24 1986, title XII of Public Law 99-570, 100 Stat 3207-170

25 (4) If the secretary of state receives records of more than  
 26 1 conviction ~~OR~~ OR civil infraction determination ~~OR~~ ~~or probate~~  
 27 ~~court disposition~~ resulting from the same incident, all of the



1 convictions ~~—~~ OR civil infraction determinations ~~—, or probate~~  
2 ~~court dispositions~~ shall be treated as a single violation for  
3 purposes of extending the period of suspension or revocation  
4 under subsection (2) or (3)

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

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

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

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

7       Section 2   This amendatory act shall not take effect unless  
8 all of the following bills of the 87th Legislature are enacted  
9 into law

10       (a) Senate Bill No 631

11       (b) House Bill No 4586