



# SENATE BILL No. 394

February, 16, 1993, Introduced by Senators CARL, GEAKE, WELBORN, EHLERS, BOUCHARD, BERRYMAN, WARTNER and DILLINGHAM and referred to the Committee on Judiciary.

A bill to amend sections 303, 625, 625a, 625c, and 625g of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," sections 303 and 625 as amended by Act No. 98 of the Public Acts of 1991, sections 625a and 625c as amended by Act No. 100 of the Public Acts of 1991, and section 625g as amended by Act No. 95 of the Public Acts of 1991, being sections 257.303, 257.625, 257.625a, 257.625c, and 257.625g of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 303, 625, 625a, 625c, and 625g of Act  
2 No. 300 of the Public Acts of 1949, sections 303 and 625 as  
3 amended by Act No. 98 of the Public Acts of 1991, sections 625a  
4 and 625c as amended by Act No. 100 of the Public Acts of 1991,  
5 and section 625g as amended by Act No. 95 of the Public Acts of  
6 1991, being sections 257.303, 257.625, 257.625a, 257.625c, and

1 257.625g of the Michigan Compiled Laws, are amended to read as  
2 follows:

3       Sec. 303. (1) The secretary of state shall not issue a  
4 license under this act to any of the following:

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

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

26       (c) A person whose license has been suspended during the  
27 period for which the license was suspended.

1 (d) A person who has been convicted under section 625(4) or  
2 (5).

3 (e) A person who is an habitual violator of the criminal  
4 laws relating to operating a vehicle while impaired by or under  
5 the influence of intoxicating liquor or a controlled substance or  
6 a combination of intoxicating liquor and a controlled substance,  
7 or with a blood alcohol content of ~~0.10%~~ 0.08% or more by  
8 weight of alcohol. Convictions of any of the following, whether  
9 under a law of this state, a local ordinance substantially corre-  
10 sponding to a law of this state, or a law of another state sub-  
11 stantially corresponding to a law of this state, shall be prima  
12 facie evidence that the person is an habitual violator as  
13 described in this subdivision:

14 (i) 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 (ii) 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 (f) A person who in the opinion of the secretary of state is  
24 afflicted with or suffering from a physical or mental disability  
25 or disease which prevents that person from exercising reasonable  
26 and ordinary control over a motor vehicle while operating the  
27 motor vehicle upon the highways.

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

3 (h) A person who is an habitually reckless driver. Four  
4 convictions of reckless driving under this act or any other law  
5 of this state relating to reckless driving or under a local ordi-  
6 nance of this state or a law of another state which defines the  
7 term "reckless driving" substantially similar to the law of this  
8 state shall be prima facie evidence that the person is an habitu-  
9 ally reckless driver.

10 (i) A person who is an habitual criminal. Two convictions  
11 of a felony involving the use of a motor vehicle in this or  
12 another state shall be prima facie evidence that the person is an  
13 habitual criminal.

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

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

1 (1) A nonresident.

2 (m) A person not licensed under this act who has been  
3 convicted of or received a probate court disposition for commit-  
4 ting a crime described in section 319, 324, or 904. A person  
5 shall be denied a license under this subdivision for the length  
6 of time that corresponds to the period of the licensing sanction  
7 that would have been imposed under section 319, 324, or 904 if  
8 the person had been licensed at the time of the violation.

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

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

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

18 (c) Any combination of 2 convictions within 7 years for 1 or  
19 more of the following:

20 (i) A violation of section 625(1).

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

22 (iii) A violation of section 625(4) or (5).

23 (d) One conviction under section 625(4) or (5).

24 (e) Any combination of 3 convictions within 10 years for 1  
25 or more of the following:

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

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

3       (3) The secretary of state shall revoke a license under sub-  
4 section (2) notwithstanding a court order issued under section  
5 625, section 625b, former section 625(1) or (2), or former sec-  
6 tion 625b, or a local ordinance substantially corresponding to  
7 section 625, section 625b, former section 625(1) or (2), or  
8 former section 625b.

9       (4) The secretary of state shall not issue a license under  
10 this act to a person whose license has been revoked under this  
11 act or denied under subsection (1)(d), (e), (h), or (i) until  
12 both of the following occur:

13       (a) The later of the following:

14       (i) The expiration of not less than 1 year after the license  
15 was revoked or denied.

16       (ii) The expiration of not less than 5 years after the date  
17 of a subsequent revocation or denial occurring within 7 years  
18 after the date of any prior revocation or denial.

19       (b) The person meets the requirements of the department.

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

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

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

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

6 (b) The person has a blood alcohol content of ~~0.10%~~ 0.08%  
7 or more by weight of alcohol.

8 (2) The owner of a vehicle or a person in charge or in con-  
9 trol of a vehicle shall not authorize or knowingly permit the  
10 vehicle to be operated upon a highway or other place open to the  
11 general public or generally accessible to motor vehicles, includ-  
12 ing an area designated for the parking of motor vehicles, within  
13 this state by a person who is under the influence of intoxicating  
14 liquor or a controlled substance, or a combination of intoxicat-  
15 ing liquor and a controlled substance, or who has a blood alcohol  
16 content of ~~0.10%~~ 0.08% or more by weight of alcohol.

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

1       (4) A person, whether licensed or not, who operates a motor  
2 vehicle upon a highway or other place open to the general public  
3 or generally accessible to motor vehicles, including an area des-  
4 ignated for the parking of vehicles, within this state, under the  
5 influence of intoxicating liquor or a controlled substance, or a  
6 combination of intoxicating liquor and a controlled substance, or  
7 with a blood alcohol content of ~~0.10%~~ 0.08% or more by weight  
8 of alcohol, and by the operation of that motor vehicle causes the  
9 death of another person is guilty of a felony, punishable by  
10 imprisonment for not more than 15 years, or a fine of not less  
11 than \$2,500.00 or more than \$10,000.00, or both.

12       (5) A person, whether licensed or not, who operates a motor  
13 vehicle upon a highway or other place open to the general public  
14 or generally accessible to motor vehicles, including an area des-  
15 ignated for the parking of vehicles, within this state, under the  
16 influence of intoxicating liquor or a controlled substance, or a  
17 combination of intoxicating liquor and a controlled substance, or  
18 with a blood alcohol content of ~~0.10%~~ 0.08% or more by weight  
19 of alcohol, and by the operation of that motor vehicle causes a  
20 long-term incapacitating injury to another person is guilty of a  
21 felony, punishable by imprisonment for not more than 5 years, or  
22 a fine of not less than \$1,000.00 or more than \$5,000.00, or  
23 both. As used in this subsection, "long-term incapacitating  
24 injury" means an injury that has caused a person to be in a coma-  
25 tose state, a quadriplegic state, a hemiplegic state, or a para-  
26 plegic state, which state is likely to continue for 1 year or  
27 more.



1 (6) If a person is convicted of violating subsection (1),  
2 the following shall apply:

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

6 (i) Service to the community for a period of not more than  
7 45 days.

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

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

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

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

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

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

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

26 (e) A person sentenced to perform service to the community  
27 under this subsection shall not receive compensation, and shall

1 reimburse the state or appropriate local unit of government for  
2 the cost of supervision incurred by the state or local unit of  
3 government as a result of the person's activities in that  
4 service.

5 (f) As used in this subsection, "prior conviction" means a  
6 conviction for a violation of section 625(1), (4), or (5), or  
7 former section 625(1) or (2), a local ordinance substantially  
8 corresponding to section 625(1), or former section 625(1) or (2),  
9 or a law of another state substantially corresponding to section  
10 625(1), (4), or (5), or former section 625(1) or (2).

11 ~~(7) In addition to imposing the sanctions prescribed under~~  
12 ~~subsections (4), (5), and (6), the court may, pursuant to the~~  
13 ~~code of criminal procedure, Act No. 175 of the Public Acts of~~  
14 ~~1927, being sections 760.1 to 776.21 of the Michigan Compiled~~  
15 ~~Laws, order the person to pay the costs of the prosecution.~~

16 (G) ~~(8)~~ The court shall impose license sanctions pursuant  
17 to section 625b.

18 (7) ~~(9)~~ A person who is convicted of violating subsection  
19 (2) is guilty of a misdemeanor, punishable by imprisonment for  
20 not more than 90 days, or a fine of not less than \$100.00 or more  
21 than \$500.00, or both.

22 (8) ~~(10)~~ If a person is convicted of violating subsection  
23 (3), the following shall apply:

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

1 (i) Service to the community for a period of not more than  
2 45 days.

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

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

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

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

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

14 (c) If the violation occurs within 10 years of 2 or more  
15 prior convictions, the person shall be sentenced to both a fine  
16 of not less than \$200.00 or more than \$1,000.00, and either of  
17 the following:

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

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

23 (d) As used in ~~subdivisions (b) and (c)~~ THIS SUBSECTION,  
24 "prior conviction" means a conviction for a violation of section  
25 625(1), (3), (4), or (5), or former section 625(1) or (2), or  
26 former section 625b or a local ordinance substantially  
27 corresponding to section 625(1), or former section 625(1) or (2),

1 or former section 625b, or a law of another state substantially  
2 corresponding to section 625(1), (3), (4), or (5), or former sec-  
3 tion 625(1) or (2), or former section 625b.

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

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

10 (F) ~~-(g)~~ A person sentenced to perform service to the com-  
11 munity under this subsection shall not receive compensation, and  
12 shall reimburse the state or appropriate local unit of government  
13 for the cost of supervision incurred by the state or local unit  
14 of government as a result of the person's activities in that  
15 service.

16 (9) IN ADDITION TO IMPOSING THE SANCTIONS PRESCRIBED UNDER  
17 SUBSECTION (4), (5), (6), OR (8), THE COURT MAY, PURSUANT TO THE  
18 CODE OF CRIMINAL PROCEDURE, ACT NO. 175 OF THE PUBLIC ACTS OF  
19 1927, BEING SECTIONS 760.1 TO 776.21 OF THE MICHIGAN COMPILED  
20 LAWS, ORDER THE PERSON TO PAY THE COSTS OF THE PROSECUTION.

21 (10) ~~-(11)~~ If the prosecuting attorney intends to seek an  
22 enhanced sentence under subsection (6)(b) or (d) or ~~-(10)(b) or~~  
23 ~~-(e)~~ (8)(B) OR (C) based upon the defendant having 1 or more  
24 prior convictions, the prosecuting attorney shall include on the  
25 complaint and information filed in district court, circuit court,  
26 recorder's court, municipal court, or probate court a statement  
27 listing the defendant's prior convictions.

1       (11) ~~-(12)-~~ A prior conviction shall be established at  
2 sentencing by 1 or more of the following:

3       (a) An abstract of conviction.

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

5       (c) An admission by the defendant.

6       (12) ~~-(13)-~~ A person who is convicted of an attempted viola-  
7 tion of subsection (1) or (3), or a local ordinance substantially  
8 corresponding to subsection (1) or (3) shall be punished as if  
9 the offense had been completed.

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

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

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

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

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

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

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

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

26       (3) The results of a preliminary chemical breath analysis  
27 conducted pursuant to this section shall be used by a police

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

1 a controlled substance, or whether the person had a blood alcohol  
2 content of ~~0.10%~~ 0.08% or more by weight of alcohol.

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

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

17 (a) If there was at the time ~~0.07% or~~ less THAN 0.05% by  
18 weight of alcohol in the defendant's blood, it shall be presumed  
19 that the defendant's ability to operate a motor vehicle was not  
20 impaired due to the consumption of intoxicating liquor, and that  
21 the defendant was not under the influence of intoxicating  
22 liquor.

23 (b) If there was at the time ~~in excess of 0.07%~~ 0.05% OR  
24 MORE but less than ~~0.10%~~ 0.08% by weight of alcohol in the  
25 defendant's blood, it shall be presumed that the defendant's  
26 ability to operate a vehicle was impaired within the provisions  
27 of section 625(3) due to the consumption of intoxicating liquor.

1 (c) If there was at the time ~~0.10%~~ 0.08% or more by weight  
2 of alcohol in the defendant's blood, it shall be presumed that  
3 the defendant was under the influence of intoxicating liquor.

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

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

18 (a) If the person is arrested for a violation of section  
19 625(1), (3), (4), or (5), section 625a(5) or section 625m, or a  
20 local ordinance substantially corresponding to section 625(1) or  
21 (3), section 625a(5), or section 625m.

22 (b) If the person is arrested for felonious driving, negli-  
23 gent homicide, manslaughter, or murder resulting from the opera-  
24 tion of a motor vehicle, and the peace officer had reasonable  
25 grounds to believe that the person was operating the vehicle  
26 while impaired by or under the influence of intoxicating liquor  
27 or a controlled substance or a combination of intoxicating liquor

1 and a controlled substance, or while having a blood alcohol  
2 content of ~~0.10%~~ 0.08% or more by weight of alcohol.

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

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

9 Sec. 625g. (1) If a person refuses a chemical test offered  
10 pursuant to section ~~625a(3)~~ 625A(6), or submits to the chemical  
11 test and the test reveals a blood alcohol content of ~~0.10%~~  
12 0.08% or more by weight of alcohol, the peace officer who  
13 requested the person to submit to the test shall do all of the  
14 following:

15 (a) On behalf of the secretary of state, immediately confis-  
16 cate the person's license or permit to operate a motor vehicle,  
17 and, if the person is otherwise eligible for a license or permit,  
18 issue a temporary license or permit to the person that is valid  
19 until the criminal charges against the person are dismissed, or  
20 until the person pleads guilty or nolo contendere to, or is found  
21 guilty of, those charges. The temporary license or permit shall  
22 be on a form provided by the secretary of state.

23 (b) Except as provided in subsection (2), immediately do all  
24 of the following:

25 (i) Forward a copy of the written report of the person's  
26 refusal to submit to a chemical test to the secretary of state.

1       (ii) Notify the secretary of state by means of the law  
2 enforcement information network that a temporary license or  
3 permit was issued to the person.

4       (iii) Except as provided in subsection (2), destroy the  
5 person's driver's license or permit.

6       (2) If a person submits to a chemical test offered pursuant  
7 to section ~~625a(3)~~ 625A(6) that requires the withdrawal of  
8 blood and a report of the results of that chemical test is not  
9 immediately available, the peace officer who requested the person  
10 to submit to the test shall comply with subsection (1)(a) pending  
11 receipt of the test report. If, upon receipt, the report reveals  
12 a blood alcohol content of ~~0.10%~~ 0.08% or more by weight of  
13 alcohol, the peace officer who requested the person to submit to  
14 the test shall immediately comply with subsection (1)(b). If,  
15 upon receipt, the report reveals a blood alcohol content of less  
16 than ~~0.10%~~ 0.08% by weight of alcohol, the peace officer who  
17 requested the person to submit to the test shall immediately  
18 notify the person of the test results, and immediately return the  
19 person's license or permit by first-class mail to the address  
20 given at the time of arrest.