



SENATE BILL No. 631

May 6, 1993, Introduced by Senator VAN REGENMORTER and referred to the Committee on Judiciary.

A bill to amend sections 208, 303, 319, 323, 625, 625b, 625d, 625f, 625g, 732, 904, and 910 of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," section 208 as amended by Act No. 310 of the Public Acts of 1982, sections 303 and 625 as amended and section 910 as added by Act No. 98 of the Public Acts of 1991, section 319 as amended by Act No. 93 of the Public Acts of 1991, sections 323, 625b, 625f, 732, and 904 as amended by Act No. 100 of the Public Acts of 1991, and sections 625d and 625g as amended by Act No. 95 of the Public Acts of 1991, being sections 257.208, 257.303, 257.319, 257.323, 257.625, 257.625b, 257.625d, 257.625f, 257.625g, 257.732, 257.904, and 257.910 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 208, 303, 319, 323, 625, 625b, 625d,
 2 625f, 625g, 732, 904, and 910 of Act No. 300 of the Public Acts
 3 of 1949, section 208 as amended by Act No. 310 of the Public Acts
 4 of 1982, sections 303 and 625 as amended and section 910 as added
 5 by Act No. 98 of the Public Acts of 1991, section 319 as amended
 6 by Act No. 93 of the Public Acts of 1991, sections 323, 625b,
 7 625f, 732, and 904 as amended by Act No. 100 of the Public Acts
 8 of 1991, and sections 625d and 625g as amended by Act No. 95 of
 9 the Public Acts of 1991, being sections 257.208, 257.303,
 10 257.319, 257.323, 257.625, 257.625b, 257.625d, 257.625f,
 11 257.625g, 257.732, 257.904, and 257.910 of the Michigan Compiled
 12 Laws, are amended to read as follows:

13 Sec. 208. (1) Records of the department, other than those
 14 declared by law to be confidential for the DEPARTMENT'S use, ~~of~~
 15 ~~the department,~~ shall be open to public inspection under rules
 16 ~~as the secretary of state may promulgate~~ PROMULGATES, pursu-
 17 ant to section 3 of the freedom of information act, Act No. 442
 18 of the Public Acts of 1976, being section 15.233 of the Michigan
 19 Compiled Laws.

20 (2) The secretary of state may destroy any DEPARTMENT
 21 records ~~of the department which have been~~ maintained on file
 22 for 7 years, including the information contained in the central
 23 file maintained under section 204a, except the following:

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

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

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

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

17 (4) The secretary of state may destroy a record of receipt
18 of the notice provided for in section 321a(3) after the court
19 involved informs the secretary of state that all outstanding mat-
20 ters regarding section 321a(3) have been resolved.

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

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

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

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

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

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

26 (e) A person who is an habitual violator of the criminal
27 laws relating to operating a vehicle while impaired by or under

1 the influence of intoxicating liquor or a controlled substance or
2 a combination of intoxicating liquor and a controlled substance,
3 or with a blood alcohol content of 0.10% or more by weight of
4 alcohol. Convictions of any of the following, whether under a
5 law of this state, a local ordinance substantially corresponding
6 to a law of this state, or a law of another state substantially
7 corresponding to a law of this state, ~~shall be~~ ARE prima facie
8 evidence that the person is an habitual violator as described in
9 this subdivision:

10 (i) Any combination of 2 convictions within 7 years for 1 or
11 more of the following:

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

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

14 (ii) Any combination of 3 convictions within 10 years for 1
15 or more of the following:

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

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

19 (f) A person who in the opinion of the secretary of state is
20 afflicted with or suffering from a physical or mental disability
21 or disease ~~which~~ THAT prevents that person from exercising rea-
22 sonable and ordinary control over a motor vehicle while operating
23 the motor vehicle upon the highways.

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

26 (h) A person who is an habitually reckless driver. Four
27 convictions of reckless driving under this act or any other law

1 of this state relating to reckless driving or under a local
2 ordinance of this state or a law of another state ~~which~~ THAT
3 defines the term "reckless driving" substantially ~~similar~~
4 SIMILARLY to the law of this state ~~shall be~~ ARE prima facie
5 evidence that the person is an habitually reckless driver.

6 (i) A person who is an habitual criminal. Two convictions
7 of a felony involving the use of a motor vehicle in this or
8 another state ~~shall be~~ ARE prima facie evidence that the person
9 is an habitual criminal.

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

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

23 (l) A nonresident.

24 (m) A person not licensed under this act who has been con-
25 victed of, ~~or~~ received a probate court disposition for
26 committing, OR BEEN DETERMINED RESPONSIBLE FOR a crime OR CIVIL
27 INFRACTION described in section 319, 324, or 904. A person shall

1 be denied a license under this subdivision for the length of time
2 that corresponds to the period of the licensing sanction that
3 would have been imposed under section 319, 324, or 904 if the
4 person had been licensed at the time of the violation.

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

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

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

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

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

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

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

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

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

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

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

25 (3) The secretary of state shall revoke a license under sub-
26 section (2) notwithstanding a court order issued under section
27 625, section 625b, former section 625(1) or (2), or former

1 section 625b — or a local ordinance substantially corresponding
2 to section 625, section 625b, former section 625(1) or (2), or
3 former section 625b.

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

8 (a) The later of the following:

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

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

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

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

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

1 law of this state, or a law of another state substantially
2 corresponding to a law of this state:

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

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

9 (c) A violation of section 324, 413, or 414 of the Michigan
10 penal code, Act No. 328 of the Public Acts of 1931, being sec-
11 tions 750.324, 750.413, and 750.414 of the Michigan Compiled
12 Laws, ~~or~~ or a violation of section 1 of Act No. 214 of the
13 Public Acts of 1931, being section 752.191 of the Michigan
14 *Compiled Laws*.

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

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

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

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

1 (ii) The vehicle was used to transport a victim of the
2 felony.

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

4 (iv) The vehicle was necessary for the commission of the
5 felony.

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

8 (2) The secretary of state shall suspend the license of a
9 person convicted of malicious destruction resulting from the
10 operation of a motor vehicle under section 382 of the Michigan
11 penal code, Act No. 328 of the Public Acts of 1931, as amended,
12 being section 750.382 of the Michigan Compiled Laws, for ~~a~~
13 ~~period of~~ not more than 1 year as ordered by the court as part
14 of the sentence.

15 (3) The secretary of state shall immediately suspend the
16 license of a person for the period specified in the certificate
17 of conviction upon ~~receipt of~~ RECEIVING the person's license
18 and certificate of conviction forwarded to the secretary of state
19 pursuant to section 367c of the Michigan penal code, Act No. 328
20 of the Public Acts of 1931, being section 750.367c of the
21 Michigan Compiled Laws.

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

1 or (3), ~~or~~ section 625b, ~~or~~ former section 625(1) or (2), or
2 former section 625b:

3 (a) For ~~a period of~~ not less than 90 days or more than 1
4 year ~~—~~ upon receiving a record of the PERSON'S conviction ~~of~~
5 ~~the person~~ for a violation of section 625(3), a local ordinance
6 substantially corresponding to section 625(3), or a law of
7 another state substantially corresponding to section 625(3), if
8 the person has no prior convictions within 7 years for a viola-
9 tion of section 625(1), (3), (4), or (5), ~~or~~ former section
10 625(1) or (2), or former section 625b, a local ordinance substan-
11 tially corresponding to section 625(1) or (3), ~~or~~ former sec-
12 tion 625(1) or (2), or former section 625b, or a law of another
13 state substantially corresponding to section 625(1), (3), (4), or
14 (5), ~~or~~ former section 625(1) or (2), or former section 625b.

15 (b) For ~~a period of~~ not less than 6 months or more than 2
16 years ~~—~~ if the person has the following convictions within a
17 7-year period, whether under the law of this state, a local ordi-
18 nance substantially corresponding to a law of this state, or a
19 law of another state substantially corresponding to a law of this
20 state:

21 (i) One conviction under section 625(1) or former section
22 625(1) or (2). ~~However, if the conviction is under a law of~~
23 ~~another state substantially corresponding to section 625(1) or~~
24 ~~former section 625(1) or (2), the secretary of state may waive~~
25 ~~the suspension under this subdivision if the person submits proof~~
26 ~~that a court suspended or restricted his or her license for a~~
27 ~~period equal to or greater than the period of suspension or~~

1 ~~restriction authorized under this subsection and that the~~
2 ~~suspension or restriction was served in the other state, or may~~
3 ~~grant restrictions.~~

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

6 (iii) One conviction under section 625(1) or former section
7 625(1) or (2) and 1 conviction under section 625(3) or former
8 section 625b.

9 (iv) One conviction under section 625(4) or (5) followed by
10 1 conviction under section 625(3).

11 (5) THE SECRETARY OF STATE MAY WAIVE A SUSPENSION OF A
12 PERSON'S LICENSE UNDER SUBSECTION (4)(A) OR (B) IF THE PERSON
13 CONVICTED OF A VIOLATION DESCRIBED IN SUBSECTION (4)(A) OR (B)
14 SUBMITS PROOF THAT A COURT REVOKED, SUSPENDED, OR RESTRICTED HIS
15 OR HER LICENSE FOR A PERIOD EQUAL TO OR GREATER THAN THE PERIOD
16 OF A SUSPENSION PRESCRIBED UNDER SUBSECTION (4)(A) OR (B) FOR THE
17 VIOLATION AND THE REVOCATION, SUSPENSION, OR RESTRICTION WAS
18 SERVED FOR THE VIOLATION, OR MAY GRANT A RESTRICTED LICENSE.

19 (6) ~~-(5)-~~ Upon ~~receipt of~~ RECEIVING a certificate of con-
20 viction pursuant to section 33b(3) of the Michigan liquor control
21 act, Act No. 8 of the Public Acts of the Extra Session of 1933,
22 being section 436.33b of the Michigan Compiled Laws, or a local
23 ordinance or law of another state substantially corresponding to
24 section 33b(3) of Act No. 8 of the Public Acts of the Extra
25 Session of 1933, the secretary of state shall suspend the
26 person's operator's or chauffeur's license for ~~a period of~~

1 90 days. A suspension under this subsection shall be in addition
2 to any other suspension of the person's license.

3 (7) ~~-(6)-~~ Upon ~~receipt of~~ RECEIVING the record of the con-
4 viction or probate court disposition of a person for a violation
5 of section 602a of this act or section 479a(1), (4), or (5) of
6 Act No. 328 of the Public Acts of 1931, being section 750.479a of
7 the Michigan Compiled Laws, the secretary of state immediately
8 shall suspend the license of the person for the period ordered by
9 the court as part of the sentence or disposition.

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

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

20 (10) ~~-(9)-~~ As used in this section, "probate court
21 disposition" means the entry of a probate court order of disposi-
22 tion for a ~~child~~ JUVENILE found to be within the provisions of
23 chapter XIIIA of Act No. 288 of the Public Acts of 1939, being
24 sections 712A.1 to 712A.28 of the Michigan Compiled Laws.

25 Sec. 323. (1) A person who is aggrieved by a final determi-
26 nation of the secretary of state denying the person an operator's
27 or chauffeur's license, a vehicle group designation, or an

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

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

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

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

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

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

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

1 (5) This section does not apply to a SUSPENSION UNDER
2 SECTION 321A OR TO A denial, revocation, suspension, or
3 restriction imposed pursuant to a court order issued as part of
4 the sentence for a conviction under section 625, section 625m,
5 former section 625(1) or (2), or former section 625b ~~—~~ or a
6 local ordinance substantially corresponding to section 625(1),
7 (2), or (3), section 625m, former section 625(1) or (2), or
8 former section 625b.

9 (6) In reviewing a determination resulting in a denial or
10 revocation under section 303(1)(d) or (e) or 303(2)(c), (d), or
11 (e), the court shall confine its consideration to a review of the
12 record prepared pursuant to section 322 or the driving record
13 created under section 204a. The court shall set aside the deter-
14 mination of the secretary of state only if THE PETITIONER'S sub-
15 stantial rights ~~—of the petitioner—~~ have been prejudiced because
16 the determination is any of the following:

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

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

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

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

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

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

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

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

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

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

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

19 (2) The owner of a vehicle or a person in charge or in con-
20 trol of a vehicle shall not authorize or knowingly permit the
21 vehicle to be operated upon a highway or other place open to the
22 general public or generally accessible to motor vehicles, includ-
23 ing an area designated for the parking of motor vehicles, within
24 this state by a person who is under the influence of intoxicating
25 liquor or a controlled substance, or a combination of intoxicat-
26 ing liquor and a controlled substance, or who has a blood alcohol
27 content of 0.10% or more by weight of alcohol.

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

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

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

1 substance, or with a blood alcohol content of 0.10% or more by
 2 weight of alcohol, and by the operation of that motor vehicle
 3 causes a ~~long-term incapacitating~~ SERIOUS injury to another
 4 person is guilty of a felony ~~—~~ punishable by imprisonment for
 5 not more than 5 years ~~—~~ or a fine of not less than \$1,000.00 or
 6 more than \$5,000.00, or both. As used in this subsection,
 7 "~~long-term incapacitating~~ SERIOUS injury" means ~~an injury that~~
 8 ~~has caused a person to be in a comatose state, a quadriplegic~~
 9 ~~state, a hemiplegic state, or a paraplegic state, which state is~~
 10 ~~likely to continue for 1 year or more~~ A PHYSICAL INJURY THAT IS
 11 NOT NECESSARILY PERMANENT, BUT THAT CONSTITUTES SERIOUS BODILY
 12 DISFIGUREMENT OR THAT SERIOUSLY IMPAIRS THE FUNCTIONING OF A BODY
 13 ORGAN OR LIMB. SERIOUS INJURY INCLUDES, BUT IS NOT LIMITED TO, 1
 14 OR MORE OF THE FOLLOWING:

15 (A) THE LOSS OF A LIMB OR USE OF A LIMB.

16 (B) THE LOSS OF A HAND, FOOT, FINGER, OR THUMB OR USE OF A
 17 HAND, FOOT, FINGER, OR THUMB.

18 (C) THE LOSS OF AN EYE OR EAR OR USE OF AN EYE OR EAR.

19 (D) THE LOSS OR SUBSTANTIAL IMPAIRMENT OF A BODILY
 20 FUNCTION.

21 (E) SERIOUS VISIBLE DISFIGUREMENT.

22 (F) A COMATOSE STATE THAT LASTS FOR MORE THAN 1 MONTH.

23 (G) MEASURABLE BRAIN DAMAGE OR MENTAL IMPAIRMENT.

24 (H) A SKULL FRACTURE OR OTHER SERIOUS BONE FRACTURE.

25 (I) SUBDURAL HEMORRHAGE OR HEMATOMA.

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

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

4 (i) Service to the community for ~~a period of~~ not more than
5 45 days.

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

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

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

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

15 (ii) Imprisonment for not less than 48 consecutive hours or
16 more than 1 year ~~and~~ and may be sentenced to service to the com-
17 munity for ~~a period of~~ not more than 90 days.

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

20 (d) If the violation occurs within 10 years of 2 or more
21 prior convictions, the person is guilty of a felony, and shall be
22 sentenced to imprisonment for not less than ~~1 year~~ 30 DAYS or
23 more than 5 years, ~~or a fine of~~ AND MAY BE FINED not ~~less than~~
24 ~~\$500.00 or~~ more than \$5,000.00. ~~or both.~~

25 ~~(e) A person sentenced to perform service to the community~~
26 ~~under this subsection shall not receive compensation, and shall~~
27 ~~reimburse the state or appropriate local unit of government for~~

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

4 (E) ~~(f)~~ As used in this subsection, "prior conviction"
5 means a conviction for a violation OR ATTEMPTED VIOLATION of sec-
6 tion 625(1), (4), or (5) ~~—~~ or former section 625(1) or (2), a
7 local ordinance substantially corresponding to section 625(1) ~~—~~
8 or former section 625(1) or (2), or a law of another state sub-
9 stantially corresponding to section 625(1), (4), or (5) ~~—~~ or
10 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 ~~(8) The court shall impose license sanctions pursuant to
17 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
21 more 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~~ PAY a fine of
7 not less 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~~
10 not less than 10 days or more than 90 days and may be sentenced
11 to 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~~ PAY a
16 fine of not less than \$200.00 or more than \$1,000.00, and either
17 of the following:

18 (i) Performing service to the community for ~~a period of~~
19 not less than 10 days or more than 90 days and may be sentenced
20 to 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 OR
25 ATTEMPTED VIOLATION of section 625(1), (3), (4), or (5), ~~or~~
26 former section 625(1) or (2), or former section 625, ~~or~~ a local
27 ordinance substantially corresponding to section 625(1) OR (3),

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

5 (9) ~~(e)~~ In addition to imposing the sanctions prescribed
 6 ~~in subdivision (a), (b), or (c)~~ UNDER SUBSECTION (4), (5), (6),
 7 OR (8), the court may ~~, pursuant to the code of criminal proce-~~
 8 ~~dure, Act No. 175 of the Public Acts of 1927,~~ order the person
 9 to pay the costs of the prosecution, PURSUANT TO THE CODE OF
 10 CRIMINAL PROCEDURE, ACT NO. 175 OF THE PUBLIC ACTS OF 1927, BEING
 11 SECTIONS 760.1 TO 776.21 OF THE MICHIGAN COMPILED LAWS.

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

14 (11) ~~(g)~~ A person sentenced to perform service to the com-
 15 munity under this ~~subsection~~ SECTION shall not receive compen-
 16 sation ~~,~~ and shall reimburse the state or appropriate local
 17 unit of government for the cost of supervision incurred by the
 18 state or local unit of government as a result of the person's
 19 activities in that service.

20 (12) ~~(11)~~ If the prosecuting attorney intends to seek an
 21 enhanced sentence under subsection (6)(b) or (d) or ~~(10)(b)~~
 22 (8)(B) or (c) based upon the defendant having 1 or more prior
 23 convictions, the prosecuting attorney shall include on the com-
 24 plaint and information filed in district court, circuit court,
 25 recorder's court, municipal court, or probate court a statement
 26 listing the defendant's prior convictions.

1 (13) ~~—(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 (14) ~~—(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 (15) ~~—(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. 625b. (1) A person arrested for a misdemeanor viola-
18 tion of section 625(1) or (3) ~~—~~ or section 625m, or a local
19 ordinance substantially corresponding to section 625(1) or (3)
20 ~~—~~ or section 625m, shall be arraigned on the citation, com-
21 plaint, or warrant not more than 14 days after the ~~date of~~
22 arrest FOR THE VIOLATION or, if an arrest warrant is ISSUED OR
23 reissued, not more than 14 days after the ISSUED OR reissued
24 arrest warrant is served, WHICHEVER IS LATER. THE COURT SHALL
25 NOT DISMISS A CASE OR IMPOSE ANY OTHER SANCTION FOR A FAILURE TO
26 COMPLY WITH THIS TIME LIMIT.

1 (2) The court shall schedule a pretrial conference between
 2 the prosecuting attorney, the defendant, and the defendant's
 3 attorney in each case in which the defendant is charged with a
 4 misdemeanor violation of section 625(1) or (3) ~~—~~ or
 5 section 625m ~~—~~ or a local ordinance substantially corresponding
 6 to section 625(1) or (3) ~~—~~ or section 625m. The pretrial con-
 7 ference shall be held not more than 35 days after ~~the date of~~
 8 the person's arrest for the violation or, if an arrest warrant is
 9 ISSUED OR reissued, not more than 35 days after ~~the date~~ the
 10 ISSUED OR reissued arrest warrant is served, ~~unless~~ WHICHEVER
 11 IS LATER. IF the court has only 1 judge who sits in more than 1
 12 location in that district, ~~in which case~~ the pretrial confer-
 13 ence shall be held not more than 42 days after the ~~date of the~~
 14 person's arrest for the violation or, if an arrest warrant is
 15 ISSUED OR reissued, not more than 42 days after ~~the date~~ the
 16 ISSUED OR reissued arrest warrant is served, WHICHEVER IS LATER.
 17 THE COURT SHALL NOT DISMISS A CASE OR IMPOSE ANY OTHER SANCTION
 18 FOR A FAILURE TO COMPLY WITH THE APPLICABLE TIME LIMIT. The court
 19 shall order the defendant to attend the pretrial conference and
 20 may accept a plea by the defendant at the conclusion of the pre-
 21 trial conference. The court may adjourn the pretrial conference
 22 upon the motion of a party for good cause shown. Not more than 1
 23 adjournment shall be granted to a party, and the length of an
 24 adjournment shall not exceed 14 days. ~~The court shall, except~~
 25 (3) EXCEPT for delay attributable to the unavailability of
 26 the defendant, a witness, or material evidence ~~—~~ or due to an
 27 interlocutory appeal or exceptional circumstances, but not a

1 delay caused by docket congestion, THE COURT SHALL finally
2 adjudicate, by a plea of guilty or nolo contendere, ~~or the~~
3 entry of a verdict, or ~~by~~ other final disposition, a case in
4 which the defendant is charged with a misdemeanor violation of
5 section 625(1) or (3) ~~—~~ or section 625m, or a local ordinance
6 substantially corresponding to section 625(1) or (3) ~~—~~ or
7 section 625m, within 77 days after the person is arrested for the
8 violation or, if an arrest warrant is ISSUED OR reissued, not
9 more than 77 days after the date the ISSUED OR reissued arrest
10 warrant is served, WHICHEVER IS LATER. THE DISMISSAL OF A CASE
11 FOR A VIOLATION OF THIS TIME LIMIT DOES NOT PRECLUDE REISSUING OF
12 THE COMPLAINT AND WARRANT. THE 77-DAY TIME LIMIT DOES NOT APPLY
13 TO A VIOLATION OF SECTION 625(1) THAT IS PUNISHABLE UNDER
14 SECTION 625(6) (D) OR A VIOLATION OF SECTION 625(1) THAT IS JOINED
15 WITH A FELONY CHARGE.

16 (4) ~~—(3)—~~ Before accepting a plea of guilty or nolo conten-
17 dere under section 625, or a local ordinance substantially corre-
18 sponding to section 625(1), (2), or (3), the court shall advise
19 the accused of the maximum possible term of imprisonment and the
20 maximum possible fine that may be imposed for the violation, and
21 shall advise the defendant that the maximum possible license
22 sanctions that may be imposed will be based upon the master driv-
23 ing record maintained by the secretary of state pursuant to
24 section 204a.

25 (5) ~~—(4)—~~ Before imposing sentence, other than court-ordered
26 license sanctions, for a violation of section 625(1), (3), (4),
27 or (5) or a local ordinance substantially corresponding to

1 section 625(1) or (3), the court shall order the person to
2 undergo screening and assessment by a person or agency designated
3 by the office of substance abuse services ~~—~~ to determine
4 whether the person is likely to benefit from rehabilitative serv-
5 ices, including alcohol or drug education and alcohol or drug
6 treatment programs. As part of the sentence, the court may order
7 the person to participate in and successfully complete 1 or more
8 appropriate rehabilitative programs. The person shall pay for
9 the costs of the screening, assessment, and rehabilitative
10 services.

11 (6) ~~(5)~~ Immediately upon acceptance by the court of a plea
12 of guilty or nolo contendere or upon entry of a verdict of guilty
13 for a violation of section 625(1), (3), (4), or (5) or a local
14 ordinance substantially corresponding to section 625(1) or (3),
15 whether or not the person is eligible to be sentenced as a multi-
16 ple offender, the court shall consider all prior convictions cur-
17 rently entered upon the PERSON'S Michigan driving record, ~~of the~~
18 ~~person,~~ except ~~these~~ convictions ~~which,~~ THE COURT DETERMINES
19 upon THE DEFENDANT'S motion ~~by the defendant, are determined by~~
20 ~~the court~~ to be constitutionally invalid, and shall impose the
21 following licensing sanctions:

22 (a) For a conviction under section 625(4) or (5), the court
23 shall order the secretary of state to revoke the PERSON'S
24 operator's or chauffeur's license ~~of the person~~ and shall not
25 order the secretary of state to issue a restricted license to the
26 person.

1 (b) For a conviction under section 625(1) or a local
2 ordinance substantially corresponding to section 625(1):

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

18 (ii) If the court finds ~~that~~ the person has 1 prior con-
19 viction within 7 years for a violation of section 625(3) or
20 former section 625b, a local ordinance substantially correspond-
21 ing to section 625(3) or former section 625b, or a law of another
22 state substantially corresponding to section 625(3) or former
23 section 625b, the court shall order the secretary of state to
24 suspend the PERSON'S operator's or chauffeur's license ~~of the~~
25 ~~person~~ for ~~a period of~~ not less than 6 months or more than
26 2 years. The court may order the secretary of state to issue to
27 the person a restricted license during all or any portion of the

1 ~~period of~~ suspension, except that a restricted license shall
 2 not be issued during the first 60 days of the ~~period of~~
 3 suspension.

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

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

23 (i) If the court finds that the convicted person has no
 24 prior conviction within 7 years for a violation of section
 25 625(1), (3), (4), or (5), ~~or~~ former section 625(1) or (2), or
 26 former section 625b, a local ordinance substantially
 27 corresponding to section 625(1) or (3), ~~or~~ former section

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

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

25 (iii) If the court finds that the person has 2 or more prior
26 convictions within 10 years for a violation of section 625(1),
27 (3), (4), or (5), ~~or~~ former section 625(1) or (2), or former

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

9 (7) ~~(6)~~ A restricted license issued pursuant to an order
10 under subsection ~~(5)~~ (6) shall permit the person to whom it is
11 issued to do 1 or more of the following:

12 (a) Drive to and from the person's residence and work
13 location.

14 (b) Drive in the course of the person's employment or
15 occupation.

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

18 (d) Drive to and from the person's residence and the court
19 probation department ~~—~~ or a court-ordered community service
20 program, or both.

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

23 (8) ~~(7)~~ The court may order that the restricted license
24 issued pursuant to subsection ~~(5)~~ (6) include the requirement
25 that the person shall not operate a motor vehicle unless the
26 vehicle is equipped with a functioning ignition interlock
27 device. The device shall be set to render the motor vehicle

1 inoperable if the device detects a blood alcohol content of 0.02%
2 or more by weight of alcohol in the person who offers a breath
3 sample. The court may order installation of an ignition inter-
4 lock device on any motor vehicle that the person owns or oper-
5 ates, the costs of which shall be borne by the person whose
6 license is restricted.

7 (9) ~~-(8)-~~ The court shall not order the secretary of state
8 under subsection ~~-(5)-~~ (6) to issue a restricted license that
9 would permit ~~-a-~~ THE person to operate a ~~-truck or truck tractor,~~
10 ~~including a trailer,~~ COMMERCIAL MOTOR VEHICLE that hauls hazard-
11 ous materials.

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

22 (11) ~~-(10)-~~ The court order issued under subsection ~~-(5)-~~
23 (6) and the restricted license shall indicate the permitted
24 destination of the person, the approved route or routes if speci-
25 fied by the court, and permitted times of travel.

26 ~~-(11) As used in this section, "work location" means, as~~
27 ~~applicable, either the specific place or places of employment, or~~

~~1 the territory or territories regularly visited by the person in~~
~~2 pursuance of the person's occupation, or both.~~

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

21 (13) In addition to any other suspension or revocation
22 ordered under this section and as part of the sentence imposed
23 upon a person who violates section 625(1), (3), (4), or (5) or a
24 local ordinance substantially corresponding to section 625(1) or
25 (3) while operating a commercial motor vehicle, the court shall
26 order the secretary of state to suspend the vehicle group
27 designations on the person's operator's or chauffeur's license in

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

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

1 commercial motor vehicle, or a conviction under section 625m, a
2 local ordinance substantially corresponding to section 625m, or a
3 law of another state substantially corresponding to section
4 625m.

5 (15) AS USED IN THIS SECTION, "WORK LOCATION" MEANS, AS
6 APPLICABLE, THE SPECIFIC PLACE OR PLACES OF EMPLOYMENT OR THE
7 TERRITORY OR TERRITORIES REGULARLY VISITED BY THE PERSON IN PUR-
8 SUANCE OF THE PERSON'S OCCUPATION, OR BOTH.

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

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

23 Sec. 625f. (1) If a person who refuses to submit to a
24 chemical test pursuant to section 625d does not request a hearing
25 within 14 days ~~of~~ AFTER the date of notice pursuant to
26 section 625e, the secretary of state shall impose the following
27 license sanctions:

1 (a) If the person was operating a vehicle other than a
2 commercial motor vehicle, suspend or deny the person's operator's
3 or chauffeur's license or permit to drive, or nonresident operat-
4 ing privilege, for ~~a period of~~ 6 months ~~—~~ or, for a second or
5 subsequent refusal within ~~a period of~~ 7 years, for 1 year. If
6 the person is a resident without a license or permit to operate a
7 vehicle in the state, the secretary of state shall ~~deny to~~ NOT
8 ISSUE the person ~~the issuance of~~ a license or permit for ~~a~~
9 ~~period of~~ 6 months ~~—~~ or, for a second or subsequent refusal
10 within ~~a period of~~ 7 years, for 1 year.

11 (b) If the person was operating a commercial motor vehicle,
12 for the first refusal, suspend all vehicle group designations on
13 the person's operator's or chauffeur's license or permit ~~—~~ or
14 nonresident privilege to operate a commercial motor vehicle ~~—~~
15 or, if the person is a resident without a license or permit to
16 operate a commercial motor vehicle in the state, ~~deny the issu-~~
17 ~~ance to~~ NOT ISSUE the person ~~of~~ an operator's or chauffeur's
18 license with vehicle group designations, for ~~a period of~~ 1
19 year.

20 (c) If the person was operating a commercial motor vehicle,
21 for a second or subsequent refusal that occurred in a separate
22 incident from, and within 10 years of, a prior refusal, revoke
23 all vehicle group designations on the person's operator's or
24 chauffeur's license or permit ~~—~~ or nonresident privilege to
25 operate a commercial motor vehicle ~~—~~ or, if the person is a
26 resident without a license or permit to operate a commercial
27 motor vehicle in the state, ~~deny the issuance to~~ NOT ISSUE the

1 person ~~of~~ an operator's or chauffeur's license with vehicle
2 group designations, for a period of not less than 10 years and
3 until the person is approved for the issuance of a vehicle group
4 designation.

5 (d) If the person was operating a commercial motor vehicle
6 and was arrested for an offense enumerated in section 625c other
7 than a violation of section 625a(5) or 625m, impose the license
8 sanction described in subdivision (a) and the license sanction
9 described in subdivision (b) or (c), as applicable.

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

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

8 (4) The hearing shall cover only the following issues:

9 (a) Whether the peace officer had reasonable grounds to
10 believe that the person had committed a crime described in sec-
11 tion 625c(1).

12 (b) Whether the person was placed under arrest for a crime
13 described in section 625c(1).

14 (c) If the person refused to submit to the test upon the
15 request of the officer, whether the refusal was reasonable.

16 (d) Whether the person was advised of the rights under
17 section 625a(6).

18 (5) A PERSON SHALL NOT ORDER A HEARING OFFICER TO MAKE A
19 PARTICULAR FINDING ON ANY ISSUE ENUMERATED IN SUBSECTION (4)(A)
20 TO (D).

21 (6) ~~-(3)-~~ The hearing officer shall make a record of
22 ~~proceedings~~ A HEARING held pursuant to ~~subsection (2)~~ THIS
23 SECTION. The record shall be prepared and transcribed in accord-
24 ance with section 86 of the administrative procedures act of
25 1969, Act No. 306 of the Public Acts of 1969, being section
26 24.286 of the Michigan Compiled Laws. Upon notification of the
27 filing of a petition for judicial review pursuant to section 323

1 AND NOT LESS THAN 10 DAYS BEFORE THE MATTER IS SET FOR REVIEW,
 2 the hearing officer shall transmit to the court in which the
 3 petition was filed ~~, not less than 10 days before the matter is~~
 4 ~~set for review,~~ the original or a certified copy of the official
 5 record of the proceedings. Proceedings at which evidence was
 6 presented need not be transcribed and transmitted if the sole
 7 reason for review is to determine whether ~~or not~~ the court will
 8 order the issuance of a restricted license. The parties to the
 9 proceedings for judicial review may stipulate that the record be
 10 shortened. A party unreasonably refusing to stipulate to a
 11 shortened record may be taxed by the court in which the petition
 12 is filed for the additional costs. The court may permit subse-
 13 quent corrections to the record.

14 (7) ~~(4) After a hearing, if~~ IF the person who requested
 15 ~~the~~ A hearing does not prevail, the secretary of state shall
 16 impose the following license sanctions AFTER THE HEARING:

17 (a) If the person was operating a vehicle other than a com-
 18 mercial motor vehicle, suspend or deny issuance of a license or
 19 driving permit or a nonresident operating privilege of the person
 20 for ~~a period of~~ 6 months ~~,~~ or, for a second or subsequent
 21 refusal within 7 years, for 1 year. If the person is a resident
 22 without a license or permit to operate a vehicle in the state,
 23 the secretary of state shall ~~deny to~~ NOT ISSUE the person ~~the~~
 24 ~~issuance of~~ a license or permit for ~~a period of~~ 6 months ~~,~~
 25 or, for a second or subsequent refusal within 7 years, for 1
 26 year. The person may file a petition in the circuit court of the
 27 county in which the arrest was made to review the suspension or

1 denial as provided in section 323. ~~If after the hearing the~~
2 ~~person who requested the hearing prevails, the peace officer who~~
3 ~~filed the report under section 625d may, with the consent of the~~
4 ~~prosecuting attorney, file a petition in the circuit court of the~~
5 ~~county in which the arrest was made to review the determination~~
6 ~~of the hearing officer as provided in section 323.~~

7 (b) If the person was operating a commercial motor vehicle,
8 impose the sanction prescribed under subsection (1)(b) or (1)(c),
9 as applicable. The person may file a petition in the circuit
10 court of the county in which the arrest was made to review the
11 suspension or denial as provided in section 323.

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

16 (8) IF AFTER THE HEARING THE PERSON WHO REQUESTED THE HEAR-
17 ING PREVAILS, THE PEACE OFFICER WHO FILED THE REPORT UNDER
18 SECTION 625D MAY, WITH THE CONSENT OF THE PROSECUTING ATTORNEY,
19 FILE A PETITION IN THE CIRCUIT COURT OF THE COUNTY IN WHICH THE
20 ARREST WAS MADE TO REVIEW THE DETERMINATION OF THE HEARING OFFI-
21 CER AS PROVIDED IN SECTION 323.

22 (9) ~~—(5)—~~ When it has been finally determined that a
23 nonresident's privilege to operate a vehicle in the state has
24 been suspended or denied, the department shall give notice in
25 writing of the action taken to the motor vehicle administrator of
26 the state of the person's residence and of each state in which he
27 or she has a license to operate a motor vehicle.

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

6 (a) On behalf of the secretary of state, immediately confis-
7 cate the person's license or permit to operate a motor vehicle
8 ~~—~~ and, if the person is otherwise eligible for a license or
9 permit, issue a temporary license or permit to the person. ~~that~~
10 ~~is valid until the criminal charges against the person are dis-~~
11 ~~missed, or until the person pleads guilty or nolo contendere to,~~
12 ~~or is found guilty of, these charges.~~ The temporary license or
13 permit shall be on a form provided by the secretary of state.

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

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

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

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

23 (2) If a person submits to a chemical test offered pursuant
24 to section ~~625a(3)~~ 625A(6) that requires the withdrawal of
25 blood and a report of the results of that chemical test is not
26 immediately available, the peace officer who requested the person
27 to submit to the test shall comply with subsection (1)(a) pending

1 receipt of the test report. If ~~upon receipt,~~ the report
2 reveals a blood alcohol content of 0.10% or more by weight of
3 alcohol, the peace officer who requested the person to submit to
4 the test shall immediately comply with subsection (1)(b). If ~~upon receipt,~~
5 the report reveals a blood alcohol content of less
6 than 0.10% by weight of alcohol, the peace officer who requested
7 the person to submit to the test shall immediately notify the
8 person of the test results ~~and~~ and immediately return the
9 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 THE FOLLOWING TIME:

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.

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

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

1 IMMEDIATELY FORWARD TO THE SECRETARY OF STATE AN ABSTRACT OF THE
2 COURT'S RECORD AS FOLLOWS:

3 (A) ~~-(2)-~~ Within 14 days after the conviction or forfeiture
4 of bail of a person, or entry of a civil infraction determina-
5 tion, default judgment, or probate court order of disposition for
6 a ~~child~~ JUVENILE found to be within the provisions of chapter
7 XIIIA of Act No. 288 of the Public Acts of 1939, being sections
8 712A.1 to 712A.28 of the Michigan Compiled Laws, upon a charge of
9 ~~/~~ or citation for ~~/~~ violating this act or a local ordinance
10 corresponding to this act regulating the operation of vehicles on
11 highways. ~~/, and, for-~~

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

22 (2) If a city or village department, bureau, or person is
23 authorized to accept a payment of money as a settlement for a
24 violation of a local ordinance corresponding to this act, the
25 city or village department, bureau, or person shall send a full
26 report of each case in which a person pays any amount of money to
27 the city or village department, bureau, or person to the

1 secretary of state upon a form prescribed by the secretary of
2 state.

3 (3) The abstract or report required under this section shall
4 be made upon a form furnished by the secretary of state. ~~and~~ AN
5 ABSTRACT SHALL BE CERTIFIED BY SIGNATURE, STAMP, OR FACSIMILE
6 SIGNATURE OF THE PERSON REQUIRED TO PREPARE THE ABSTRACT AS TRUE
7 AND CORRECT. AN ABSTRACT OR REPORT shall include all of the
8 following:

9 (a) The name, address, and date of birth of the person
10 charged or cited.

11 (b) The number of the person's operator's or chauffeur's
12 license, if any.

13 (c) The date and nature of the violation.

14 (d) The type of vehicle driven at the time of the violation
15 and, if the vehicle is a commercial motor vehicle, that vehicle's
16 group designation and indorsement classification.

17 (e) The date of the conviction, finding, forfeiture, judg-
18 ment, or determination.

19 (f) Whether bail was forfeited.

20 (g) Any license revocation, restriction, suspension, or
21 denial ordered by the court pursuant to this act.

22 (h) Other information considered necessary to the secretary
23 of state.

24 (4) The clerk of the court also shall forward an abstract of
25 the record of the court to the secretary of state upon the con-
26 viction of a person or entry of a probate court order of
27 disposition for a ~~child~~ JUVENILE found to be within the

1 provisions of chapter XIIIA of Act No. 288 of the Public Acts of
2 1939 involving any of the following:

3 (a) A violation of section 324, 413, 414, or 479a of the
4 Michigan penal code, Act No. 328 of the Public Acts of 1931,
5 being sections 750.324, 750.413, 750.414, and 750.479a of the
6 Michigan Compiled Laws.

7 (b) A violation of section 1 of Act No. 214 of the Public
8 Acts of 1931, being section 752.191 of the Michigan Compiled
9 Laws.

10 (C) MANSLAUGHTER OR MURDER RESULTING FROM THE OPERATION OF A
11 MOTOR VEHICLE.

12 (D) ~~-(e)-~~ An attempt to commit any of the offenses described
13 in ~~subdivision (a) or (b)~~ SUBDIVISIONS (A) TO (C).

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

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

20 (b) The vehicle was used to transport a victim of the
21 felony.

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

23 (d) The vehicle was necessary for the commission of the
24 felony.

25 (6) If a person is charged with a felony in which a motor
26 vehicle was used, other than a felony specified in subsection (4)
27 or section 319(1)(a) to (e), the prosecuting attorney shall

1 include the following statement on the complaint and information
2 filed in district or circuit court:

3 "You are charged with the commission of a felony in which a
4 motor vehicle was used. If you are convicted and the judge finds
5 that the conviction is for a felony in which a motor vehicle was
6 used, as defined in section 319 of the Michigan vehicle code, Act
7 No. 300 of the Public Acts of 1949, being section 257.319 of the
8 Michigan Compiled Laws, your driver's license shall be suspended
9 by the secretary of state."

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

16 "You are accused of an act the nature of which constitutes a
17 felony in which a motor vehicle was used. If the accusation is
18 found to be true and the judge or referee finds that the nature
19 of the act constitutes a felony in which a motor vehicle was
20 used, as defined in section 319 of the Michigan vehicle code, Act
21 No. 300 of the Public Acts of 1949, being section 257.319 of the
22 Michigan Compiled Laws, your driver's license shall be suspended
23 by the secretary of state."

24 (8) If the judge or juvenile court referee determines as
25 part of the sentence or disposition that the felony for which the
26 defendant was convicted or adjudicated and with respect to which
27 notice was given pursuant to subsection (6) or (7) is a felony in

1 which a motor vehicle was used, the clerk of the court shall
2 forward an abstract of the court record of that conviction or
3 adjudication to the secretary of state.

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

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

10 (b) The vehicle was used to transport a victim of the
11 felony.

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

13 (d) The vehicle was necessary for the commission of the
14 felony.

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

22 "You are charged with the commission of a felony in which a
23 commercial motor vehicle was used. If you are convicted and the
24 judge finds that the conviction is for a felony in which a com-
25 mercial motor vehicle was used, as defined in section 319b of the
26 Michigan vehicle code, Act No. 300 of the Public Acts of 1949,
27 being section 257.319b of the Michigan Compiled Laws, all vehicle

1 group designations on your driver's license shall be suspended or
2 revoked by the secretary of state."

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

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

18 (a) The name and title of the person required to forward
19 abstracts.

20 (b) The court for which the certification is filed.

21 (c) The time period covered by the certification.

22 (d) The following statement:

23 "I certify that all abstracts required by section 732 of the
24 Michigan vehicle code, MCL 257.732; MSA 9.2432, for the period
25 _____ through _____ have been forwarded to the secre-
26 tary of state."

1 (e) Other information the secretary of state considers
2 necessary.

3 (f) The signature of the person required to forward
4 abstracts.

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

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

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

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

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

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

26 (d) A pedestrian, passenger, or bicycle violation.

1 (e) A violation of section 710e.

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

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

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

22 (19) The secretary of state may permit a city or village
23 department, bureau, person, or court to modify the requirement as
24 to the time and manner of reporting a conviction, civil infrac-
25 tion determination, settlement, or probate court order of dispo-
26 sition to the secretary of state if the modification will
27 increase the economy and efficiency of collecting and utilizing

1 the records. If the permitted abstract of court record reporting
2 a conviction, civil infraction determination, settlement, or pro-
3 bate court order of disposition originates as a part of the writ-
4 ten notice to appear — authorized in section 728(1) or 742(1),
5 the form of the written notice and report shall be as prescribed
6 by the secretary of state.

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

24 ~~—(a) If the person's operator's or chauffeur's license has~~
25 ~~been suspended under section 321a because that person has failed~~
26 ~~to answer a citation or has failed to comply with an order or~~

1 ~~judgment issued pursuant to section 907, by imprisonment for not~~
2 ~~more than 90 days, or a fine of not more than \$100.00, or both.~~

3 (A) ~~(b)~~ For a FIRST violation, ~~other than a violation~~
4 ~~punishable under subdivision (a),~~ by imprisonment for not more
5 than 90 days ~~,~~ or ~~by~~ a fine of not more than \$500.00, or
6 both. Unless the vehicle was stolen or used with the permission
7 of a person who did not knowingly permit an unlicensed driver to
8 operate the vehicle, the registration plates of the vehicle shall
9 be confiscated.

10 (B) ~~(c)~~ For a second or subsequent violation, ~~punishable~~
11 ~~under subdivision (b),~~ by imprisonment for not more than 1 year
12 ~~,~~ or a fine of not more than \$1,000.00, or both. Unless the
13 vehicle was stolen, the registration plates of the vehicle shall
14 be confiscated.

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

1 violation occurs before the person is approved for a license
2 following a revocation.

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

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

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

1 record to the court. The driving record of the person may be
2 obtained from the secretary of state's computer information
3 network.

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

8 (7) A person whose vehicle group designation is suspended or
9 revoked and who has been notified as provided in section 212 of
10 that suspension or revocation, or whose application for a vehicle
11 group designation has been denied ~~—~~ as provided in this act, or
12 who has never applied for a vehicle group designation ~~—~~ and who
13 operates a commercial motor vehicle within this state, except as
14 permitted under this act, while any of those conditions exist is
15 guilty of a misdemeanor ~~—~~ punishable, except as otherwise pro-
16 vided in this section, by imprisonment for not less than 3 days
17 or more than 90 days ~~—~~ or a fine of not more than \$100.00, or
18 both.

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