



SENATE BILL No. 1069

July 3, 1996, Introduced by Senator HOFFMAN and referred
to the Committee on Judiciary.

A bill to amend sections 625a, 625c, 625d, and 625f of Act
No. 300 of the Public Acts of 1949, entitled as amended
"Michigan vehicle code,"
sections 625a, 625c, and 625f as amended by Act No. 450 of the
Public Acts of 1994 and section 625d as amended by Act No. 211 of
the Public Acts of 1994, being sections 257.625a, 257.625c,
257.625d, and 257.625f of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 625a, 625c, 625d, and 625f of Act
2 No. 300 of the Public Acts of 1949, sections 625a, 625c, and 625f
3 as amended by Act No. 450 of the Public Acts of 1994 and
4 section 625d as amended by Act No. 211 of the Public Acts of
5 1994, being sections 257.625a, 257.625c, 257.625d, and 257.625f
6 of the Michigan Compiled Laws, are amended to read as follows:

1 Sec. 625a. (1) A peace officer may arrest a person without
2 a warrant when the peace officer has reasonable cause to believe
3 the person was, at the time of an accident in this state, the
4 operator of a vehicle involved in the accident and was operating
5 the vehicle in violation of section 625(1), (3), or (6) or a
6 local ordinance substantially corresponding to section 625(1),
7 (3), or (6).

8 (2) A peace officer who has reasonable cause to believe that
9 a person was operating a vehicle upon a public highway or other
10 place open to the public or generally accessible to motor vehi-
11 cles, including an area designated for the parking of vehicles,
12 within this state and that the person by the consumption of
13 intoxicating liquor may have affected his or her ability to oper-
14 ate a vehicle, or reasonable cause to believe that a person was
15 operating a commercial motor vehicle within the state while the
16 person's blood, breath, or urine contained any measurable amount
17 of alcohol or while the person had any detectable presence of
18 intoxicating liquor, or reasonable cause to believe that a person
19 who is less than 21 years of age was operating a vehicle upon a
20 public highway or other place open to the public or generally
21 accessible to motor vehicles, including an area designated for
22 the parking of vehicles, within this state, while the person had
23 any bodily alcohol content as that term is defined in section
24 625(6), may require the person to submit to a preliminary chemi-
25 cal breath analysis.

26 (3) A PEACE OFFICER WHO HAS REASONABLE CAUSE TO BELIEVE THAT
27 A PERSON WAS, AT THE TIME OF AN ACCIDENT IN THIS STATE THAT

1 RESULTED IN OR IS LIKELY TO RESULT IN DEATH TO ANOTHER PERSON,
2 OPERATING A VEHICLE THAT WAS INVOLVED IN THE ACCIDENT UPON A
3 PUBLIC HIGHWAY OR OTHER PLACE OPEN TO THE PUBLIC OR GENERALLY
4 ACCESSIBLE TO MOTOR VEHICLES, INCLUDING AN AREA DESIGNATED FOR
5 THE PARKING OF VEHICLES, MAY REQUIRE THE PERSON TO SUBMIT TO A
6 PRELIMINARY CHEMICAL BREATH ANALYSIS.

7 (4) The following provisions apply with respect to a prelim-
8 inary chemical breath analysis administered ~~pursuant to~~ UNDER
9 this ~~subsection~~ SECTION:

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

12 (b) The results of a preliminary chemical breath analysis
13 are admissible in a criminal prosecution for a crime enumerated
14 in section 625c(1) or in an administrative hearing for 1 or more
15 of the following purposes:

16 (i) To assist the court or hearing officer in determining a
17 challenge to the validity of an arrest. This subparagraph does
18 not limit the introduction of other competent evidence offered to
19 establish the validity of an arrest.

20 (ii) As evidence of the defendant's breath alcohol content,
21 if offered by the defendant.

22 (iii) As evidence of the defendant's breath alcohol content,
23 if offered by the prosecution to rebut testimony or other evi-
24 dence, including but not limited to testimony elicited on
25 cross-examination of a prosecution witness, that is offered or
26 elicited to prove that the defendant's breath alcohol content was

1 lower at the time of the charged offense than when a chemical
2 test was administered pursuant to subsection ~~(6)~~ (8).

3 (c) A person who submits to a preliminary chemical breath
4 analysis remains subject to the requirements of sections 625c,
5 625d, 625e, and 625f for purposes of chemical tests described in
6 those sections.

7 (d) Except as provided in subsection ~~(5)~~ (7), a person who
8 refuses to submit to a preliminary chemical breath analysis upon
9 a lawful request by a peace officer is responsible for a civil
10 infraction.

11 (5) ~~(3)~~ A peace officer shall use the results of a prelim-
12 inary chemical breath analysis conducted pursuant to this section
13 to determine whether to order a person out-of-service under
14 section 319d. A peace officer shall order out-of-service as
15 required under section 319d a person who was operating a commer-
16 cial motor vehicle and who refuses to submit to a preliminary
17 chemical breath analysis as provided in this section. This sec-
18 tion does not limit use of other competent evidence by the peace
19 officer to determine whether to order a person out-of-service
20 under section 319d.

21 (6) ~~(4)~~ A person who was operating a commercial motor
22 vehicle and who is requested to submit to a preliminary chemical
23 breath analysis under this section shall be advised that refusing
24 a peace officer's request to take a test described in this sec-
25 tion is a misdemeanor punishable by imprisonment for not more
26 than 90 days or a fine of not more than \$100.00, or both, and
27 will result in the issuance of a 24-hour out-of-service order.

1 (7) ~~-(5)-~~ A person who was operating a commercial motor
2 vehicle and who refuses to submit to a preliminary chemical
3 breath analysis upon a peace officer's lawful request is guilty
4 of a misdemeanor punishable by imprisonment for not more than 90
5 days or a fine of not more than \$100.00, or both.

6 (8) ~~-(6)-~~ The following provisions apply with respect to
7 chemical tests and analysis of a person's blood, urine, or
8 breath, other than preliminary chemical breath analysis:

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

14 (b) A person arrested for a crime described in
15 section 625c(1) OR WHO WAS OPERATING A MOTOR VEHICLE AS DESCRIBED
16 IN SECTION 625C(1)(C) shall be advised of all of the following:

17 (i) If he or she takes a chemical test of his or her blood,
18 urine, or breath administered at the request of a peace officer,
19 he or she has the right to demand that a person of his or her own
20 choosing administer 1 of the chemical tests.

21 (ii) The results of the test are admissible in a judicial
22 proceeding as provided under this act and will be considered with
23 other competent evidence in determining the defendant's innocence
24 or guilt.

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

1 (iv) If he or she refuses the request of a peace officer to
2 take a test described in subparagraph (i), a test shall not be
3 given without a court order, but the peace officer may seek to
4 obtain such a court order.

5 (v) Refusing a peace officer's request to take a test
6 described in subparagraph (i) will result in the suspension of
7 his or her operator's or chauffeur's license and vehicle group
8 designation or operating privilege and in the addition of 6
9 points to his or her driver record.

10 (c) A sample or specimen of urine or breath shall be taken
11 and collected in a reasonable manner. Only a licensed physician,
12 or an individual operating under the delegation of a licensed
13 physician under section 16215 of the Public health code, Act
14 No. 368 of the Public Acts of 1978, being section 333.16215 of
15 the Michigan Compiled Laws, qualified to withdraw blood and
16 acting in a medical environment, may withdraw blood at a peace
17 officer's request to determine the amount of alcohol or presence
18 of a controlled substance or both in the person's blood, as pro-
19 vided in this subsection. Liability for a crime or civil damages
20 predicated on the act of withdrawing or analyzing blood and
21 related procedures does not attach to a licensed physician or
22 individual operating under the delegation of a licensed physician
23 who withdraws or analyzes blood or assists in the withdrawal or
24 analysis in accordance with this act unless the withdrawal or
25 analysis is performed in a negligent manner.

26 (d) A chemical test described in this subsection shall be
27 administered at the request of a peace officer having reasonable

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

13 (e) If, after an accident, the driver of a vehicle involved
14 in the accident is transported to a medical facility and a sample
15 of the driver's blood is withdrawn at that time for medical
16 treatment, the results of a chemical analysis of that sample are
17 admissible in any civil or criminal proceeding to show the amount
18 of alcohol or presence of a controlled substance or both in the
19 person's blood at the time alleged, regardless of whether the
20 person had been offered or had refused a chemical test. The med-
21 ical facility or person performing the chemical analysis shall
22 disclose the results of the analysis to a prosecuting attorney
23 who requests the results for use in a criminal prosecution as
24 provided in this subdivision. A medical facility or person dis-
25 closing information in compliance with this subsection is not
26 civilly or criminally liable for making the disclosure.

1 (f) If, after an accident, the driver of a vehicle involved
2 in the accident is deceased, a sample of the decedent's blood
3 shall be withdrawn in a manner directed by the medical examiner
4 to determine the amount of alcohol or the presence of a con-
5 trolled substance, or both, in the decedent's blood. The medical
6 examiner shall give the results of the chemical analysis of the
7 sample to the law enforcement agency investigating the accident
8 and that agency shall forward the results to the department of
9 state police.

10 (g) The department of state police shall promulgate uniform
11 rules under the administrative procedures act of 1969, Act
12 No. 306 of the Public Acts of 1969, being sections 24.201 to
13 24.328 of the Michigan Compiled Laws, for the administration of
14 chemical tests for the purposes of this section. An instrument
15 used for a preliminary chemical breath analysis may be used for a
16 chemical test described in this subsection if approved pursuant
17 to rules promulgated by the department of state police.

18 (9) ~~(7)~~ The provisions of subsection ~~(6)~~ (8) relating to
19 chemical testing do not limit the introduction of any other com-
20 petent evidence bearing upon the question of whether a person was
21 impaired by, or under the influence of, intoxicating liquor or a
22 controlled substance, or a combination of intoxicating liquor and
23 a controlled substance, or whether the person had an alcohol con-
24 tent of 0.10 grams or more per 100 milliliters of blood, per 210
25 liters of breath, or per 67 milliliters of urine, or if the
26 person is less than 21 years of age, whether the person had any
27 bodily alcohol content within his or her body. As used in this

1 section, "any bodily alcohol content" means either of the
2 following:

3 (a) An alcohol content of not less than 0.02 grams or more
4 than 0.07 grams per 100 milliliters of blood, per 210 liters of
5 breath, or per 67 milliliters of urine.

6 (b) Any presence of alcohol within a person's body resulting
7 from the consumption of intoxicating liquor, other than consump-
8 tion of intoxicating liquor as a part of a generally recognized
9 religious service or ceremony.

10 (10) ~~(8)~~ If a chemical test described in subsection ~~(6)~~
11 (8) is administered, the test results shall be made available to
12 the person charged or the person's attorney upon written request
13 to the prosecution, with a copy of the request filed with the
14 court. The prosecution shall furnish the results at least 2 days
15 before the day of the trial. The prosecution shall offer the
16 test results as evidence in that trial. Failure to fully comply
17 with the request bars the admission of the results into evidence
18 by the prosecution.

19 (11) ~~(9)~~ Except in a prosecution relating solely to a vio-
20 lation of section 625(1)(b) or (6), the amount of alcohol in the
21 driver's blood, breath, or urine at the time alleged as shown by
22 chemical analysis of the person's blood, breath, or urine gives
23 rise to the following presumptions:

24 (a) If there were at the time 0.07 grams or less of alcohol
25 per 100 milliliters of the defendant's blood, per 210 liters of
26 the defendant's breath, or per 67 milliliters of the defendant's
27 urine, it is presumed that the defendant's ability to operate a

1 motor vehicle was not impaired due to the consumption of
2 intoxicating liquor, and that the defendant was not under the
3 influence of intoxicating liquor.

4 (b) If there were at the time more than 0.07 grams but less
5 than 0.10 grams of alcohol per 100 milliliters of the defendant's
6 blood, per 210 liters of the defendant's breath, or per 67 milli-
7 liters of the defendant's urine, it is presumed that the
8 defendant's ability to operate a vehicle was impaired within the
9 provisions of section 625(3) due to the consumption of intoxicat-
10 ing liquor.

11 (c) If there were at the time 0.10 grams or more of alcohol
12 per 100 milliliters of the defendant's blood, per 210 liters of
13 the breath, or per 67 milliliters of the defendant's urine, it is
14 presumed that the defendant was under the influence of intoxicat-
15 ing liquor.

16 (12) ~~-(10)-~~ A person's refusal to submit to a chemical test
17 as provided in subsection ~~-(6)-~~ (8) is admissible in a criminal
18 prosecution for a crime described in section 625c(1) only to show
19 that a test was offered to the defendant, but not as evidence in
20 determining the defendant's innocence or guilt. The jury shall
21 be instructed accordingly.

22 Sec. 625c. (1) A person who operates a vehicle upon a
23 public highway or other place open to the general public or gen-
24 erally accessible to motor vehicles, including an area designated
25 for the parking of vehicles, within this state is considered to
26 have given consent to chemical tests of his or her blood, breath,
27 or urine for the purpose of determining the amount of alcohol or

1 presence of a controlled substance or both in his or her blood or
2 urine or the amount of alcohol in his or her breath in all of the
3 following circumstances:

4 (a) If the person is arrested for a violation of section
5 625(1), (3), (4), (5), or (6), section ~~625a(5)~~ 625A(7), or sec-
6 tion 625m, or a local ordinance substantially corresponding to
7 section 625(1), (3), or (6), section ~~625a(5)~~ 625A(7), or sec-
8 tion 625m.

9 (b) If the person is arrested for felonious driving, negli-
10 gent homicide, manslaughter, or murder resulting from the opera-
11 tion of a motor vehicle, and the peace officer had reasonable
12 grounds to believe the person was operating the vehicle while
13 impaired by or under the influence of intoxicating liquor or a
14 controlled substance or a combination of intoxicating liquor and
15 a controlled substance, or while having an alcohol content of
16 0.10 grams or more per 100 milliliters of blood, per 210 liters
17 of breath, or per 67 milliliters of urine, or if the person is
18 less than 21 years of age while having any bodily alcohol
19 content. As used in this subdivision, "any bodily alcohol
20 content" means either of the following:

21 (i) An alcohol content of not less than 0.02 grams or more
22 than 0.07 grams per 100 milliliters of blood, per 210 liters of
23 breath, or per 67 milliliters of urine.

24 (ii) Any presence of alcohol within a person's body result-
25 ing from the consumption of intoxicating liquor, other than con-
26 sumption of intoxicating liquor as part of a generally recognized
27 religious service or ceremony.

1 (C) IF THE PERSON WAS OPERATING A VEHICLE UPON A PUBLIC
2 HIGHWAY OR OTHER PLACE OPEN TO THE PUBLIC OR GENERALLY ACCESSIBLE
3 TO MOTOR VEHICLES, INCLUDING AN AREA DESIGNATED FOR THE PARKING
4 OF VEHICLES, AND WAS, AT THAT TIME, INVOLVED IN AN ACCIDENT THAT
5 RESULTED IN OR IS LIKELY TO RESULT IN DEATH TO ANOTHER PERSON.

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

10 (3) The tests shall be administered as provided in section
11 ~~625a(6)~~ 625A.

12 Sec. 625d. (1) If a person refuses the request of a peace
13 officer to submit to a chemical test offered pursuant to section
14 ~~625a(6)~~ 625A, a test shall not be given without a court order,
15 but the officer may seek to obtain the court order.

16 (2) A written report shall immediately be forwarded to the
17 secretary of state by the peace officer. The report shall state
18 that the officer had reasonable grounds to believe that the
19 person had committed a crime described in section 625c(1), OR
20 THAT THE OFFICER HAD REASONABLE GROUNDS TO BELIEVE THAT THE
21 PERSON WAS OPERATING A VEHICLE UPON A PUBLIC HIGHWAY OR OTHER
22 PLACE OPEN TO THE PUBLIC OR GENERALLY ACCESSIBLE TO MOTOR VEHI-
23 CLES, INCLUDING AN AREA DESIGNATED FOR THE PARKING OF VEHICLES,
24 AND WAS, AT THAT TIME, INVOLVED IN AN ACCIDENT THAT RESULTED IN
25 OR IS LIKELY TO RESULT IN DEATH TO ANOTHER PERSON, and that the
26 person ~~had~~ refused to submit to the test upon the request of
27 the peace officer ~~and had been~~ AFTER BEING advised of the

1 consequences of the refusal. The form of the report shall be
2 prescribed and furnished by the secretary of state.

3 Sec. 625f. (1) If a person who refuses to submit to a chem-
4 ical test pursuant to section 625d does not request a hearing
5 within 14 days after the date of notice pursuant to section 625e,
6 the secretary of state shall impose the following license
7 sanctions:

8 (a) If the person was operating a vehicle other than a com-
9 mercial motor vehicle, suspend or deny the person's operator's or
10 chauffeur's license or permit to drive, or nonresident operating
11 privilege, for 6 months or, for a second or subsequent refusal
12 within 7 years, for 1 year. If the person is a resident without
13 a license or permit to operate a vehicle in the state, the secre-
14 tary of state shall not issue the person a license or permit for
15 6 months or, for a second or subsequent refusal within 7 years,
16 for 1 year.

17 (b) If the person was operating a commercial motor vehicle,
18 for the first refusal, suspend all vehicle group designations on
19 the person's operator's or chauffeur's license or permit or non-
20 resident privilege to operate a commercial motor vehicle or, if
21 the person is a resident without a license or permit to operate a
22 commercial motor vehicle in the state, not issue the person an
23 operator's or chauffeur's license with vehicle group designa-
24 tions, for 1 year.

25 (c) If the person was operating a commercial motor vehicle,
26 for a second or subsequent refusal that occurred in a separate
27 incident from and within 10 years of a prior refusal, revoke all

1 vehicle group designations on the person's operator's or
2 chauffeur's license or permit or nonresident privilege to operate
3 a commercial motor vehicle or, if the person is a resident with-
4 out a license or permit to operate a commercial motor vehicle in
5 the state, not issue the person an operator's or chauffeur's
6 license with vehicle group designations, for not less than 10
7 years and until the person is approved for the issuance of a
8 vehicle group designation.

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

14 (2) If a hearing is requested, the secretary of state shall
15 hold the hearing in the same manner and under the same conditions
16 as provided in section 322. Not less than 5 days' notice of the
17 hearing shall be mailed to the person requesting the hearing, to
18 the peace officer who filed the report under section 625d, and if
19 the prosecuting attorney requests receipt of the notice, to the
20 prosecuting attorney of the county where the arrest was made.
21 The hearing officer may administer oaths, issue subpoenas for the
22 attendance of necessary witnesses, and grant a reasonable request
23 for an adjournment. Not more than 1 adjournment shall be granted
24 to a party and the length of an adjournment shall not exceed 14
25 days. A hearing under this subsection shall be scheduled to be
26 held within 45 days after the date of arrest for the violation.

1 The hearing officer shall not impose any sanction for a failure
2 to comply with these time limits.

3 (3) Except for delay attributable to the unavailability of
4 the defendant, a witness, or material evidence, or due to an
5 interlocutory appeal or exceptional circumstances, but not a
6 delay caused by docket congestion, a hearing shall be finally
7 adjudicated within 77 days after the date of arrest. The hearing
8 officer shall not impose any sanction for a failure to comply
9 with this time limit.

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

11 (a) Whether the peace officer had reasonable grounds to
12 believe that the person had committed a crime described in sec-
13 tion 625c(1) OR HAD REASONABLE GROUNDS TO BELIEVE THAT THE PERSON
14 WAS OPERATING A VEHICLE UPON A PUBLIC HIGHWAY OR OTHER PLACE OPEN
15 TO THE PUBLIC OR GENERALLY ACCESSIBLE TO MOTOR VEHICLES, INCLUD-
16 ING AN AREA DESIGNATED FOR THE PARKING OR VEHICLES, AND WAS, AT
17 THAT TIME, INVOLVED IN AN ACCIDENT THAT RESULTED IN OR IS LIKELY
18 TO RESULT IN DEATH TO ANOTHER PERSON.

19 (b) ~~Whether~~ IF THE PEACE OFFICER HAD REASONABLE GROUNDS TO
20 BELIEVE THAT THE PERSON HAD COMMITTED A CRIME DESCRIBED IN
21 SECTION 625C(1), WHETHER the person was placed under arrest for
22 ~~a~~ THAT crime. ~~described in section 625c(1).~~

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

25 (d) Whether the person was advised of ~~the~~ HIS OR HER
26 rights under section ~~625a(6)~~ 625A.

1 (5) A person shall not order a hearing officer to make a
2 particular finding on any issue enumerated in subsection (4)(a)
3 to (d).

4 (6) The hearing officer shall make a record of a hearing
5 held pursuant to this section. The record shall be prepared and
6 transcribed in accordance with section 86 of the administrative
7 procedures act of 1969, Act No. 306 of the Public Acts of 1969,
8 being section 24.286 of the Michigan Compiled Laws. Upon notifi-
9 cation of the filing of a petition for judicial review pursuant
10 to section 323 and not less than 10 days before the matter is set
11 for review, the hearing officer shall transmit to the court in
12 which the petition was filed the original or a certified copy of
13 the official record of the proceedings. Proceedings at which
14 evidence was presented need not be transcribed and transmitted if
15 the sole reason for review is to determine whether the court will
16 order the issuance of a restricted license. The parties to the
17 proceedings for judicial review may stipulate that the record be
18 shortened. A party unreasonably refusing to stipulate to a
19 shortened record may be taxed by the court in which the petition
20 is filed for the additional costs. The court may permit subse-
21 quent corrections to the record.

22 (7) If the person who requested a hearing does not prevail,
23 the secretary of state shall impose the following license sanc-
24 tions after the hearing:

25 (a) If the person was operating a vehicle other than a com-
26 mercial motor vehicle, suspend or deny issuance of a license or
27 driving permit or a nonresident operating privilege of the person

1 for 6 months or, for a second or subsequent refusal within 7
2 years, for 1 year. If the person is a resident without a license
3 or permit to operate a vehicle in the state, the secretary of
4 state shall not issue the person a license or permit for 6 months
5 or, for a second or subsequent refusal within 7 years, for 1
6 year. The person may file a petition in the circuit court of the
7 county in which the arrest was made to review the suspension or
8 denial as provided in section 323.

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

14 (c) If the person was operating a commercial motor vehicle
15 and was arrested for an offense enumerated in section 625c other
16 than a violation of section ~~625a(5)~~ 625A(7) or 625m, impose the
17 license sanctions described in subdivisions (a) and (b).

18 (8) If the person who requested the hearing prevails, the
19 peace officer who filed the report under section 625d may, with
20 the consent of the prosecuting attorney, file a petition in the
21 circuit court of the county in which the arrest was made to
22 review the determination of the hearing officer as provided in
23 section 323.

24 (9) When it has been finally determined that a nonresident's
25 privilege to operate a vehicle in the state has been suspended or
26 denied, the department shall give notice in writing of the action
27 taken to the motor vehicle administrator of the state of the

1 person's residence and of each state in which he or she has a
2 license to operate a motor vehicle.