

SUBSTITUTE FOR
HOUSE BILL NO. 4961

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 904 (MCL 257.904), as amended by 1994 PA 450,
and by adding section 904f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 904. (1) A person whose operator's or chauffeur's
2 license or registration certificate has been suspended or revoked
3 and who has been notified as provided in section 212 of that sus-
4 pension or revocation, whose application for license has been
5 denied, or who has never applied for a license, shall not operate
6 a motor vehicle upon a highway or other place open to the general
7 public or generally accessible to motor vehicles, including an
8 area designated for the parking of motor vehicles, ~~within~~
9 WITHIN this state. A person shall not knowingly permit a motor
10 vehicle owned by the person to be operated upon a highway or

1 other place open to the general public or generally accessible to
2 motor vehicles, including an area designated for the parking of
3 vehicles, within this state by a person whose license or regis-
4 tration certificate is suspended or revoked, whose application
5 for license has been denied, or who has never applied for a
6 license, except as permitted under this act. A person who vio-
7 lates this subsection is guilty of a misdemeanor punishable as
8 follows:

9 (a) For a first violation, by imprisonment for not more than
10 90 days or a fine of not more than \$500.00, or both. Unless the
11 vehicle was stolen or used with the permission of a person who
12 did not knowingly permit an unlicensed driver to operate the
13 vehicle, the registration plates of the vehicle shall be
14 ~~cancelled~~ CANCELED by the secretary of state upon notification
15 by a ~~court~~ PEACE OFFICER.

16 (b) For a second or subsequent violation, by imprisonment
17 for not more than 1 year or a fine of not more than \$1,000.00, or
18 both. Unless the vehicle was stolen, the registration plates of
19 the vehicle shall be ~~cancelled~~ CANCELED by the secretary of
20 state upon notification by a ~~court~~ PEACE OFFICER.

21 (2) Upon receiving a record of a person's conviction OR
22 CIVIL INFRACTION DETERMINATION for THE unlawful operation of a
23 motor vehicle OR A MOVING VIOLATION OF THIS ACT OR A LOCAL ORDI-
24 NANCE SUBSTANTIALLY CORRESPONDING TO THIS ACT while the person's
25 OPERATOR'S OR CHAUFFEUR'S license is suspended or revoked, ~~or of~~
26 ~~a person's conviction or civil infraction determination for a~~
27 ~~moving violation of the vehicle laws of this state or a political~~

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1 ~~subdivision of this state while the person's license is suspended~~
2 ~~or revoked,~~ the secretary of state immediately shall extend the
3 period of the first suspension or revocation for an additional
4 like period. This subsection applies only if the violation
5 occurs during a suspension of definite length or if the violation
6 occurs before the person is approved for a license following a
7 revocation.

8 (3) UPON RECEIVING A RECORD OF A PERSON'S CONVICTION OR
9 CIVIL INFRACTION DETERMINATION FOR THE UNLAWFUL OPERATION OF A
10 MOTOR VEHICLE OR A MOVING VIOLATION OF THIS ACT OR A LOCAL ORDI-
11 NANCE SUBSTANTIALLY CORRESPONDING TO THIS ACT WHILE THE PERSON'S
12 OPERATOR'S OR CHAUFFEUR'S LICENSE IS EXPIRED FOR 60 DAYS OR MORE,
13 INDEFINITELY SUSPENDED, OR WHOSE APPLICATION FOR A LICENSE HAS
14 BEEN DENIED, THE SECRETARY OF STATE IMMEDIATELY SHALL IMPOSE AN
15 ADDITIONAL 14-DAY PERIOD OF SUSPENSION OR DENIAL.

16 (4) ~~-(3)-~~ Upon receiving a record of the conviction, bond
17 forfeiture, or a civil infraction determination of a person for
18 unlawful operation of a motor vehicle requiring a ~~class 1, class~~
19 ~~2, or class 3 indorsement or~~ vehicle group designation while the
20 ~~indorsement or~~ designation is suspended pursuant to section
21 319a or 319b, or revoked, the secretary of state immediately
22 shall extend the period of suspension or revocation for an addi-
23 tional like period. This subsection applies only if the viola-
24 tion occurs during a suspension of definite length, if the viola-
25 tion occurs before the person is approved for a license following
26 a revocation, or if the person operates a commercial vehicle

1 while disqualified under the commercial motor vehicle safety act
2 of 1986, title XII of Public Law 99-570, 100 Stat. 3207-170.

3 (5) ~~-(4)-~~ If the secretary of state receives records of more
4 than 1 conviction or civil infraction determination resulting
5 from the same incident, all of the convictions or civil infrac-
6 tion determinations shall be treated as a single violation for
7 purposes of extending the period of suspension or revocation
8 under subsection (2), ~~or~~ (3), OR (4).

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

15 (7) ~~-(6)-~~ This section does not apply to a person who oper-
16 ates a vehicle solely for the purpose of protecting human life or
17 property if the life or property is endangered and summoning
18 prompt aid is essential.

19 (8) ~~-(7)-~~ A person whose vehicle group designation is sus-
20 pended or revoked and who has been notified as provided in sec-
21 tion 212 of that suspension or revocation, or whose application
22 for a vehicle group designation has been denied as provided in
23 this act, or who has never applied for a vehicle group designa-
24 tion and who operates a commercial motor vehicle within this
25 state, except as permitted under this act, while any of those
26 conditions exist is guilty of a misdemeanor punishable, except as
27 otherwise provided in this section, by imprisonment for not less

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1 than 3 days or more than 90 days or a fine of not more than
2 \$100.00, or both.

3 (9) IF A PERSON IS CONVICTED OF A SECOND OR SUBSEQUENT VIO-
4 LATION OF THIS SECTION OR A LOCAL ORDINANCE SUBSTANTIALLY CORRE-
5 SPONDING TO THIS SECTION, THE COURT SHALL PROCEED AS PROVIDED IN
6 SECTION 904D.

7 (10) THIS SECTION DOES NOT APPLY TO A PERSON WHO HAS 1 CUR-
8 RRENTLY EFFECTIVE SUSPENSION OR DENIAL UNDER SECTION 321A AND HAS
9 NEVER BEEN CONVICTED OF OR RECEIVED A CIVIL INFRACTION DETERMINA-
10 TION FOR A VIOLATION THAT OCCURRED DURING THAT SUSPENSION OR
11 DENIAL.

12 (11) FOR PURPOSES OF THIS SECTION, A PERSON WHO NEVER
13 APPLIED FOR A LICENSE INCLUDES A PERSON WHO APPLIED FOR A
14 LICENSE, WAS DENIED, AND NEVER APPLIED AGAIN.

15 SEC. 904F. THE VEHICLE REGISTRATION RECORDS OF THE SECRE-
16 TARY OF STATE SHALL DISCLOSE WHICH VEHICLES ARE ASSIGNED A TEMPO-
17 RARY REGISTRATION PLATE UNDER SECTION 625A OR 904C OR ARE IMMO-
18 BILIZED UNDER THIS ACT.

19 Enacting section 1. This amendatory act takes effect
20 October 1, 1999.

21 Enacting section 2. This amendatory act does not take
22 effect unless all of the following bills of the 89th Legislature
23 are enacted into law:

24 (a) House Bill No. 4210.

25 (b) House Bill No. 4576.

26 (c) House Bill No. 4959.

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- 1 (d) House Bill No. 4960.
- 2 (e) House Bill No. 5122.
- 3 (f) House Bill No. 5123.
- 4 (g) House Bill No. 5951.
- 5 (h) House Bill No. 5952.
- 6 (i) House Bill No. 5953.
- 7 (j) House Bill No. 5954.
- 8 (k) House Bill No. 5955.
- 9 (l) House Bill No. 5956.