

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4961

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 320b (MCL 257.320b) and by adding
sections 904d, 904e, and 904f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 320b. (1) A driver safety school may be established in
2 a county by an advisory board consisting of the superintendent of
3 schools of the largest school district in the county who shall
4 act as chairperson and fiscal agent, the county superintendent of
5 schools, ~~the chief or only~~ A judge of ~~probate~~ THE FAMILY
6 DIVISION OF CIRCUIT COURT, the prosecuting attorney, the sheriff,
7 the chief of police of the largest city in the county; and a
8 judge of a court having jurisdiction over traffic offenses or
9 civil infractions, and 2 citizens at large, who shall be
10 appointed by the county board of commissioners. A school so

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1 established shall be conducted under the supervision of the
2 superintendent of public instruction and pursuant to the rules
3 prescribed by the superintendent.

4 (2) Courses, as prescribed by the superintendent of public
5 instruction, shall be offered for the purpose of developing good
6 driving habits and promoting highway traffic safety. The courses
7 shall be open to the following persons:

8 (a) A person who is referred to a school by a court having
9 jurisdiction over traffic violations after 2 or more convictions
10 or civil infraction determinations of a moving traffic violation
11 within a 12-month period and who, in the determination of the
12 court, is in need of the remedial education.

13 (b) A person who, after a hearing as provided in section
14 320, is referred to a school by the secretary of state.

15 (c) A person who voluntarily chooses to attend.

16 (3) For the purpose of referral as provided in this section,
17 the court, after entry of judgment of conviction for a misdemean-
18 or, may stay the imposition of sentence until the violator has
19 attended the school. A person referred to a school by a court or
20 by the secretary of state may attend any school in the state
21 which has been established in conformity with this section.

22 (4) A fee not to exceed \$10.00 may be charged for attendance
23 at the school. The fees shall be established by the advisory
24 board and shall be used to defray the cost of instruction, mate-
25 rials, and clinical services.

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1 (5) A person shall not be referred to a school which has not
2 been approved by the advisory board and the superintendent of
3 public instruction.

4 SEC. 904D. (1) FOR A VIOLATION OF SECTION 625, THE FOLLOW-
5 ING APPLY:

6 (A) FOR A VIOLATION OF SECTION 625(1), (3), (4), (5), OR (7)
7 OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION
8 625(1) OR (3), THE COURT MAY ORDER VEHICLE IMMOBILIZATION FOR NOT
9 MORE THAN 180 DAYS.

10 (B) FOR A SECOND VIOLATION OF SECTION 625(1), (3), (4), (5),
11 OR (7) IN ANY COMBINATION ARISING OUT OF SEPARATE INCIDENTS, THE
12 COURT SHALL ORDER VEHICLE IMMOBILIZATION FOR NOT LESS THAN 24
13 DAYS OR MORE THAN 180 DAYS.

14 (C) FOR A THIRD OR SUBSEQUENT VIOLATION OF SECTION 625(1),
15 (3), (4), (5), OR (7) IN ANY COMBINATION ARISING OUT OF SEPARATE
16 INCIDENTS, THE COURT SHALL ORDER VEHICLE IMMOBILIZATION FOR NOT
17 LESS THAN 6 MONTHS OR MORE THAN 3 YEARS.

18 (2) FOR A SUSPENSION, REVOCATION, OR DENIAL UNDER SECTION
19 904, THE FOLLOWING APPLY:

20 (A) FOR 1 PRIOR SUSPENSION, REVOCATION, OR DENIAL UNDER
21 SECTION 904 WITHIN THE PAST 7 YEARS, THE COURT MAY ORDER VEHICLE
22 IMMOBILIZATION FOR NOT MORE THAN 180 DAYS.

23 (B) FOR ANY COMBINATION OF 2 OR 3 PRIOR SUSPENSIONS, REVOC-
24 TIONS, OR DENIALS UNDER SECTION 904 WITHIN THE PAST 7 YEARS, THE
25 COURT SHALL ORDER VEHICLE IMMOBILIZATION FOR NOT LESS THAN 90
26 DAYS OR MORE THAN 180 DAYS.

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1 (C) FOR ANY COMBINATION OF 4 OR MORE PRIOR SUSPENSIONS,
2 REVOCATIONS, OR DENIALS UNDER SECTION 904 WITHIN THE PAST 7
3 YEARS, THE COURT SHALL ORDER VEHICLE IMMOBILIZATION FOR NOT LESS
4 THAN 1 YEAR OR MORE THAN 3 YEARS.

5 (3) THE DEFENDANT SHALL PROVIDE TO THE COURT THE VEHICLE
6 IDENTIFICATION NUMBER AND REGISTRATION PLATE NUMBER OF THE VEHI-
7 CLE INVOLVED IN THE VIOLATION.

8 (4) THE COURT SHALL NOT ORDER VEHICLE IMMOBILIZATION UNDER
9 THIS SECTION IF THE DEFENDANT IS NOT THE OWNER OR LESSEE OF THE
10 VEHICLE OPERATED DURING THE VIOLATION UNLESS THE OWNER OR LESSEE
11 KNOWINGLY PERMITTED THE VEHICLE TO BE OPERATED IN VIOLATION OF
12 SECTION 625(2) OR SECTION 904(1) REGARDLESS OF WHETHER A CONVIC-
13 TION RESULTED.

14 (5) AN ORDER REQUIRED TO BE ISSUED UNDER THIS SECTION SHALL
15 NOT BE SUSPENDED.

16 (6) IF A DEFENDANT IS ORDERED IMPRISONED FOR THE VIOLATION
17 FOR WHICH IMMOBILIZATION IS ORDERED, THE PERIOD OF IMMOBILIZATION
18 SHALL BEGIN AT THE END OF THE PERIOD OF IMPRISONMENT.

19 (7) THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

20 (A) A SUSPENSION, REVOCATION, OR DENIAL BASED ON A VIOLATION
21 OF THE SUPPORT AND PARENTING TIME ENFORCEMENT ACT, 1982 PA 295,
22 MCL 552.601 TO 552.650.

23 (B) FOR A SUSPENSION, REVOCATION, OR DENIAL UNDER SECTION
24 904, AN INDIVIDUAL WHO HAS NO CURRENTLY EFFECTIVE SUSPENSION OR
25 DENIAL UNDER SECTION 321A OR WHO HAS 1 CURRENTLY EFFECTIVE SUS-
26 PENSION OR DENIAL UNDER SECTION 321A BUT HAS NEVER VIOLATED A

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1 CONDITION OF THAT SUSPENSION OR DENIAL, AND WHO HAS NO OTHER
2 SUSPENSIONS OR REVOCATIONS OR DENIALS UNDER THIS ACT.

3 (C) A VEHICLE THAT IS REGISTERED IN ANOTHER STATE OR THAT IS
4 A RENTAL VEHICLE.

5 (D) ANY OF THE FOLLOWING:

6 (i) A VIOLATION OF CHAPTER II.

7 (ii) A VIOLATION OF CHAPTER V.

8 (iii) A VIOLATION FOR FAILURE TO CHANGE ADDRESS.

9 (iv) A PARKING VIOLATION.

10 (v) A BAD CHECK VIOLATION.

11 (vi) AN EQUIPMENT VIOLATION.

12 (vii) A PEDESTRIAN, PASSENGER, OR BICYCLE VIOLATION, OTHER
13 THAN A VIOLATION OF SECTION 703(1) OR (2) OF THE MICHIGAN LIQUOR
14 CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1703, OR A LOCAL ORDI-
15 NANCE SUBSTANTIALLY CORRESPONDING TO SECTION 703(1) OR (2) OF THE
16 MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1703,
17 OR SECTION 624A OR 624B OR A LOCAL ORDINANCE SUBSTANTIALLY CORRE-
18 SPONDING TO SECTION 624A OR 624B.

19 (viii) A VIOLATION OF A LOCAL ORDINANCE SUBSTANTIALLY CORRE-
20 SPONDING TO A VIOLATION DESCRIBED IN SUBPARAGRAPHS (i) TO (vii).

21 (8) AS USED IN THIS SECTION, "VEHICLE IMMOBILIZATION" MEANS
22 REQUIRING THE MOTOR VEHICLE INVOLVED IN THE VIOLATION IMMOBILIZED
23 IN A MANNER PROVIDED IN SECTION 904E.

24 SEC. 904E. (1) A COURT SHALL ORDER A VEHICLE IMMOBILIZED
25 UNDER SECTION 904D BY THE USE OF ANY AVAILABLE TECHNOLOGY THAT
26 LOCKS THE IGNITION, WHEELS, OR STEERING OF THE VEHICLE OR
27 OTHERWISE PREVENTS ANY PERSON FROM OPERATING THE VEHICLE OR THAT

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1 PREVENTS THE DEFENDANT FROM OPERATING THE VEHICLE. IF A VEHICLE
2 IS IMMOBILIZED UNDER THIS SECTION, THE COURT MAY ORDER THE VEHI-
3 CLE STORED AT A LOCATION AND IN A MANNER CONSIDERED APPROPRIATE
4 BY THE COURT. THE COURT MAY ORDER THE PERSON CONVICTED OF VIO-
5 LATING SECTION 625 OR A SUSPENSION, REVOCATION, OR DENIAL UNDER
6 SECTION 904 TO PAY THE COST OF IMMOBILIZING AND STORING THE
7 VEHICLE.

8 (2) A VEHICLE SUBJECT TO IMMOBILIZATION UNDER THIS SECTION
9 MAY BE SOLD DURING THE PERIOD OF IMMOBILIZATION, BUT SHALL NOT BE
10 SOLD TO A PERSON WHO IS EXEMPT FROM PAYING A USE TAX UNDER SEC-
11 TION 3(3)(A) OF THE USE TAX ACT, 1937 PA 94, MCL 205.93, WITHOUT
12 A COURT ORDER.

13 (3) A DEFENDANT WHO IS PROHIBITED FROM OPERATING A MOTOR
14 VEHICLE BY VEHICLE IMMOBILIZATION SHALL NOT PURCHASE, LEASE, OR
15 OTHERWISE OBTAIN A MOTOR VEHICLE DURING THE IMMOBILIZATION
16 PERIOD.

17 (4) A PERSON SHALL NOT REMOVE, TAMPER WITH, OR BYPASS OR
18 ATTEMPT TO REMOVE, TAMPER WITH, OR BYPASS A DEVICE THAT HE OR SHE
19 KNOWS OR HAS REASON TO KNOW HAS BEEN INSTALLED ON A VEHICLE BY
20 COURT ORDER FOR VEHICLE IMMOBILIZATION OR OPERATE OR ATTEMPT TO
21 OPERATE A VEHICLE THAT HE OR SHE KNOWS OR HAS REASON TO KNOW HAS
22 BEEN ORDERED IMMOBILIZED.

23 (5) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDE-
24 MEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A
25 FINE OF NOT MORE THAN \$100.00, OR BOTH.

26 (6) TO THE EXTENT THAT A LOCAL ORDINANCE REGARDING THE
27 STORAGE OR REMOVAL OF VEHICLES CONFLICTS WITH AN ORDER OF

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1 IMMOBILIZATION ISSUED BY THE COURT, THE LOCAL ORDINANCE IS
2 PREEMPTED.

3 SEC. 904F. THE VEHICLE REGISTRATION RECORDS OF THE SECRE-
4 TARY OF STATE SHALL DISCLOSE WHICH VEHICLES ARE ASSIGNED A TEMPO-
5 RARY REGISTRATION PLATE UNDER SECTION 904C OR ARE IMMOBILIZED
6 UNDER THIS ACT.

7 Enacting section 1. This amendatory act takes effect
8 October 1, 1999.

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

12 (a) Senate Bill No. 268.

13 (b) Senate Bill No. 269.

14 (c) Senate Bill No. 625.

15 (d) Senate Bill No. 627.

16 (e) Senate Bill No. 869.

17 (f) Senate Bill No. 870.

18 (g) Senate Bill No. 953.

19 (h) House Bill No. 4210.

20 (i) House Bill No. 4576.

21 (j) House Bill No. 4959.

22 (k) House Bill No. 4960.

23 (l) House Bill No. 5122.

24 (m) House Bill No. 5123.

25 (n) House Bill No. 5951.

26 (o) House Bill No. 5952.

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- 1 (p) House Bill No. 5953.
- 2 (q) House Bill No. 5954.
- 3 (r) House Bill No. 5955.
- 4 (s) House Bill No. 5956.