

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5123

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

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.

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1 (2) A person shall not knowingly permit a motor vehicle
2 owned by the person to be operated upon a highway or other place
3 open to the general public or generally accessible to motor vehi-
4 cles, including an area designated for the parking of vehicles,
5 within this state by a person whose license or registration cer-
6 tificate is suspended or revoked, whose application for license
7 has been denied, or who has never applied for a license, except
8 as permitted under this act. ~~A~~

9 (3) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A person
10 who violates ~~this~~ subsection (1) OR (2) is guilty of a misde-
11 meanor punishable as follows:

12 (a) For a first violation, by imprisonment for not more than
13 ~~90~~ 93 days or a fine of not more than \$500.00, or both. Unless
14 the vehicle was stolen or used with the permission of a person
15 who did not knowingly permit an unlicensed driver to operate the
16 vehicle, the registration plates of the vehicle shall be
17 ~~cancelled~~ CANCELED by the secretary of state upon notification
18 by a ~~court~~ PEACE OFFICER.

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

24 (4) A PERSON WHO OPERATES A MOTOR VEHICLE IN VIOLATION OF
25 SUBSECTION (1) AND WHO, BY OPERATION OF THAT MOTOR VEHICLE,
26 CAUSES THE SERIOUS IMPAIRMENT OF A BODY FUNCTION OF ANOTHER
27 PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT

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1 MORE THAN 5 YEARS OR A FINE OF NOT LESS THAN \$1,000.00 OR MORE
2 THAN \$5,000.00, OR BOTH. AS USED IN THIS SUBSECTION AND
3 SUBSECTION (6), "SERIOUS IMPAIRMENT OF A BODY FUNCTION" INCLUDES,
4 BUT IS NOT LIMITED TO, 1 OR MORE OF THE FOLLOWING:

5 (A) LOSS OF A LIMB OR LOSS OF USE OF A LIMB.

6 (B) LOSS OF A FOOT, HAND, FINGER, OR THUMB OR LOSS OF USE OF
7 A FOOT, HAND, FINGER, OR THUMB.

8 (C) LOSS OF AN EYE OR EAR OR LOSS OF USE OF AN EYE OR EAR.

9 (D) LOSS OR SUBSTANTIAL IMPAIRMENT OF A BODILY FUNCTION.

10 (E) SERIOUS VISIBLE DISFIGUREMENT.

11 (F) A COMATOSE STATE THAT LASTS FOR MORE THAN 3 DAYS.

12 (G) MEASURABLE BRAIN OR MENTAL IMPAIRMENT.

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

14 (I) SUBDURAL HEMORRHAGE OR SUBDURAL HEMATOMA.

15 (5) IN ADDITION TO BEING SUBJECT TO ANY OTHER PENALTY PRO-
16 VIDED FOR IN THIS ACT, IF A PERSON IS CONVICTED UNDER SUBSECTION
17 (4), THE COURT MAY IMPOSE THE SANCTION PERMITTED UNDER
18 SECTION 625N OR 904D. IF THE VIOLATION OCCURS WITHIN 7 YEARS OF
19 A PRIOR CONVICTION OR WITHIN 10 YEARS OF 2 OR MORE PRIOR CONVIC-
20 TIONS, THE COURT SHALL ORDER VEHICLE IMMOBILIZATION UNDER
21 SECTION 904D IN THE JUDGMENT OF SENTENCE.

22 (6) A PERSON SHALL NOT KNOWINGLY PERMIT A MOTOR VEHICLE
23 OWNED BY THE PERSON TO BE OPERATED UPON A HIGHWAY OR OTHER PLACE
24 OPEN TO THE GENERAL PUBLIC OR GENERALLY ACCESSIBLE TO MOTOR VEHI-
25 CLES, INCLUDING AN AREA DESIGNATED FOR THE PARKING OF VEHICLES,
26 WITHIN THIS STATE, BY A PERSON WHOSE LICENSE OR REGISTRATION
27 CERTIFICATE IS SUSPENDED OR REVOKED, WHOSE APPLICATION FOR

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1 LICENSE HAS BEEN DENIED, OR WHO HAS NEVER BEEN LICENSED EXCEPT AS
2 PERMITTED BY THIS ACT. IF A PERSON PERMITTED TO OPERATE A MOTOR
3 VEHICLE IN VIOLATION OF THIS SUBSECTION CAUSES THE SERIOUS
4 IMPAIRMENT OF A BODY FUNCTION OF ANOTHER PERSON BY OPERATION OF
5 THAT MOTOR VEHICLE, THE PERSON KNOWINGLY PERMITTING THE OPERATION
6 OF THAT MOTOR VEHICLE IS GUILTY OF A FELONY PUNISHABLE BY IMPRIS-
7 ONMENT FOR NOT MORE THAN 2 YEARS, OR A FINE OF NOT LESS THAN
8 \$1,000.00 OR MORE THAN \$5,000.00, OR BOTH.

9 (7) ~~(2)~~ Upon receiving a record of a person's conviction
10 OR CIVIL INFRACTION DETERMINATION for THE unlawful operation of a
11 motor vehicle OR A MOVING VIOLATION OF THIS ACT OR A LOCAL ORDI-
12 NANCE SUBSTANTIALLY CORRESPONDING TO THIS ACT while the person's
13 OPERATOR'S OR CHAUFFEUR'S license is suspended or revoked, ~~or of~~
14 ~~a person's conviction or civil infraction determination for a~~
15 ~~moving violation of the vehicle laws of this state or a political~~
16 ~~subdivision of this state while the person's license is suspended~~
17 ~~or revoked,~~ the secretary of state immediately shall ~~extend the~~
18 ~~period of the first~~ IMPOSE AN ADDITIONAL LIKE PERIOD OF suspen-
19 sion or revocation. ~~for an additional like period.~~ This subsec-
20 tion applies only if the violation occurs during a suspension of
21 definite length or if the violation occurs before the person is
22 approved for a license following a revocation.

23 (8) UPON RECEIVING A RECORD OF A PERSON'S CONVICTION OR
24 CIVIL INFRACTION DETERMINATION FOR THE UNLAWFUL OPERATION OF A
25 MOTOR VEHICLE OR A MOVING VIOLATION OF THIS ACT OR A LOCAL ORDI-
26 NANCE SUBSTANTIALLY CORRESPONDING TO THIS ACT WHILE THE PERSON'S
27 OPERATOR'S OR CHAUFFEUR'S LICENSE IS EXPIRED FOR 60 DAYS OR MORE,

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1 INDEFINITELY SUSPENDED, OR WHOSE APPLICATION FOR A LICENSE HAS
2 BEEN DENIED, THE SECRETARY OF STATE IMMEDIATELY SHALL IMPOSE AN
3 ADDITIONAL 30-DAY PERIOD OF SUSPENSION OR DENIAL.

4 (9) ~~-(3)-~~ Upon receiving a record of the conviction, bond
5 forfeiture, or a civil infraction determination of a person for
6 unlawful operation of a motor vehicle requiring a ~~class 1, class~~
7 ~~2, or class 3 indorsement or~~ vehicle group designation while the
8 ~~indorsement or~~ designation is suspended pursuant to section
9 319a or 319b, or revoked, the secretary of state immediately
10 shall ~~extend the period of suspension or revocation for~~ IMPOSE
11 an additional like period OF SUSPENSION OR REVOCATION. A PRIOR
12 CONVICTION SHALL BE ESTABLISHED AS PROVIDED IN SECTION 625(16).
13 This subsection applies only if the violation occurs during a
14 suspension of definite length, if the violation occurs before the
15 person is approved for a license following a revocation, or if
16 the person operates a commercial vehicle while disqualified under
17 the commercial motor vehicle safety act of 1986, title XII of
18 Public Law 99-570, 100 Stat. 3207-170.

19 (10) ~~-(4)-~~ If the secretary of state receives records of
20 more than 1 conviction or civil infraction determination result-
21 ing from the same incident, all of the convictions or civil
22 infraction determinations shall be treated as a single violation
23 for purposes of ~~extending the~~ IMPOSING AN ADDITIONAL period of
24 suspension or revocation under subsection ~~-(2) or (3)-~~ (7), (8),
25 OR (9).

26 (11) ~~-(5)-~~ Before a person is arraigned before a district
27 court magistrate or judge on a charge of violating this section,

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1 the arresting officer shall obtain the person's driving record
2 from the secretary of state and shall furnish the record to the
3 court. The driving record of the person may be obtained from the
4 secretary of state's computer information network.

5 (12) ~~-(6)-~~ This section does not apply to a person who oper-
6 ates a vehicle solely for the purpose of protecting human life or
7 property if the life or property is endangered and summoning
8 prompt aid is essential.

9 (13) ~~-(7)-~~ A person whose vehicle group designation is sus-
10 pended or revoked and who has been notified as provided in sec-
11 tion 212 of that suspension or revocation, or whose application
12 for a vehicle group designation has been denied as provided in
13 this act, or who has never applied for a vehicle group designa-
14 tion and who operates a commercial motor vehicle within this
15 state, except as permitted under this act, while any of those
16 conditions exist is guilty of a misdemeanor punishable, except as
17 otherwise provided in this section, by imprisonment for not less
18 than 3 days or more than ~~-90-~~ 93 days or a fine of not more than
19 \$100.00, or both.

20 (14) IF A PERSON HAS A SECOND OR SUBSEQUENT SUSPENSION OR
21 REVOCATION UNDER THIS SECTION WITHIN 7 YEARS AS INDICATED ON THE
22 PERSON'S MICHIGAN DRIVING RECORD, THE COURT SHALL PROCEED AS PRO-
23 VIDED IN SECTION 904D.

24 (15) THIS SECTION DOES NOT APPLY TO A PERSON WHO HAS 1 CUR-
25 RENTLY EFFECTIVE SUSPENSION OR DENIAL ON HIS OR HER MICHIGAN
26 DRIVING RECORD UNDER SECTION 321A AND HAS NEVER BEEN CONVICTED OF

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1 OR RECEIVED A CIVIL INFRACTION DETERMINATION FOR A VIOLATION THAT
2 OCCURRED DURING THAT SUSPENSION OR DENIAL.

3 (16) FOR PURPOSES OF THIS SECTION, A PERSON WHO NEVER
4 APPLIED FOR A LICENSE INCLUDES A PERSON WHO APPLIED FOR A
5 LICENSE, WAS DENIED, AND NEVER APPLIED AGAIN.

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

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

11 (a) Senate Bill No. 268.

12 (b) Senate Bill No. 269.

13 (c) Senate Bill No. 625.

14 (d) Senate Bill No. 627.

15 (e) Senate Bill No. 869.

16 (f) Senate Bill No. 870.

17 (g) Senate Bill No. 953.

18 (h) House Bill No. 4210.

19 (i) House Bill No. 4576.

20 (i) House Bill No. 4576.

21 (j) House Bill No. 4959.

22 (k) House Bill No. 4960.

23 (l) House Bill No. 4961.

24 (m) House Bill No. 5122.

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.