

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 953

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 303 and 625a (MCL 257.303 and 257.625a),
section 303 as amended by 1996 PA 587 and section 625a as amended
by 1996 PA 491.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3 (a) A person, as an operator, who is less than 18 years of
4 age, except as otherwise provided in this act.

5 (b) A person, as a chauffeur, who is less than 18 years of
6 age, except as otherwise provided in this act.

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

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1 (d) A person who has been convicted of or received a
2 ~~probate court~~ JUVENILE disposition for a violation of section
3 625(4), ~~or~~ (5), OR (7).

4 (e) A person who has been convicted of or received a
5 ~~probate court~~ JUVENILE disposition for negligent homicide, man-
6 slaughter, or murder resulting from the operation of a ~~motor~~
7 vehicle.

8 (f) A person who is an habitual violator of the criminal
9 laws relating to operating a vehicle while impaired by or under
10 the influence of intoxicating liquor, a controlled substance, or
11 a combination of intoxicating liquor and a controlled substance
12 or with an alcohol content of 0.10 grams or more per 100 millili-
13 ters of blood, per 210 liters of breath, or per 67 milliliters of
14 urine. Convictions of any of the following, whether under a law
15 of this state, a local ordinance substantially corresponding to a
16 law of this state, or a law of another state substantially corre-
17 sponding to a law of this state, are prima facie evidence that
18 the person is an habitual violator as described in this
19 subdivision:

20 (i) Any combination of 2 convictions within 7 years for any
21 of the following OR A COMBINATION OF 1 CONVICTION FOR A VIOLATION
22 OR ATTEMPTED VIOLATION OF SECTION 625(6) AND 1 CONVICTION FOR ANY
23 OF THE FOLLOWING WITHIN 7 YEARS:

24 (A) A violation OR ATTEMPTED VIOLATION of section 625(1),
25 (3), (4), ~~or~~ (5), OR (7).

26 (B) A violation of former section 625(1) or (2) OR FORMER
27 SECTION 625B.

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1 (C) A VIOLATION OR ATTEMPTED VIOLATION OF SECTION 625M.

2 (D) NEGLIGENT HOMICIDE, MANSLAUGHTER, OR MURDER RESULTING
3 FROM THE OPERATION OF A VEHICLE OR AN ATTEMPT TO COMMIT ANY OF
4 THOSE CRIMES.

5 (ii) Any combination of 3 convictions within 10 years for
6 any of the following OR 1 CONVICTION FOR A VIOLATION OR ATTEMPTED
7 VIOLATION OF SECTION 625(6) AND ANY COMBINATION OF 2 CONVICTIONS
8 FOR ANY OF THE FOLLOWING WITHIN 10 YEARS, if any of the convic-
9 tions resulted from an arrest on or after January 1, 1992:

10 (A) A violation OR ATTEMPTED VIOLATION of section 625(1),
11 (3), (4), ~~or~~ (5), OR (7).

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

14 (C) A VIOLATION OR ATTEMPTED VIOLATION OF SECTION 625M.

15 (D) NEGLIGENT HOMICIDE, MANSLAUGHTER, OR MURDER RESULTING
16 FROM THE OPERATION OF A VEHICLE OR AN ATTEMPT TO COMMIT ANY OF
17 THOSE CRIMES.

18 (g) A person who in the opinion of the secretary of state is
19 afflicted with or suffering from a physical or mental disability
20 or disease preventing that person from exercising reasonable and
21 ordinary control over a motor vehicle while operating the motor
22 vehicle upon the highways.

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

25 (i) A person who is an habitually reckless driver. Two con-
26 victions within 7 years of reckless driving under this act or any
27 other law of this state relating to reckless driving or under a

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1 local ordinance of this state or a law of another state that
2 defines the term "reckless driving" substantially similarly to
3 the law of this state are prima facie evidence that the person is
4 an habitually reckless driver.

5 (j) A person who is an habitual criminal. Two convictions
6 of a felony in which a motor vehicle was used in this or another
7 state are prima facie evidence that the person is an habitual
8 criminal.

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

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

22 (m) A nonresident including a foreign exchange student.

23 (N) A PERSON WHO HAS FAILED TO ANSWER A CITATION OR NOTICE
24 TO APPEAR IN COURT OR FOR ANY MATTER PENDING OR FAILS TO COMPLY
25 WITH AN ORDER OR JUDGMENT OF THE COURT, INCLUDING, BUT NOT
26 LIMITED TO, PAYING ALL FINES, COSTS, FEES, AND ASSESSMENTS, IN
27 VIOLATION OF SECTION 321A, UNTIL THAT PERSON ANSWERS THE CITATION

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1 OR NOTICE TO APPEAR IN COURT OR FOR ANY MATTER PENDING OR
2 COMPLIES WITH AN ORDER OR JUDGMENT OF THE COURT, INCLUDING, BUT
3 NOT LIMITED TO, PAYING ALL FINES, COSTS, FEES, AND ASSESSMENTS,
4 AS PROVIDED UNDER SECTION 321A.

5 (O) ~~(n)~~ A person not licensed under this act who has been
6 convicted of, has received a ~~probate court~~ JUVENILE disposition
7 for, or has been determined responsible for a crime or civil
8 infraction described in section 319, 324, or 904. A person shall
9 be denied a license under this subdivision for the length of time
10 corresponding to the period of the licensing sanction that would
11 have been imposed under section 319, 324, or 904 if the person
12 had been licensed at the time of the violation.

13 (P) ~~(o)~~ A person not licensed under this act who has been
14 convicted of or received a ~~probate court~~ JUVENILE disposition
15 for committing a crime described in section 319e. A person shall
16 be denied a license under this subdivision for the length of time
17 that corresponds to the period of the licensing sanction that
18 would have been imposed under section 319e if the person had been
19 licensed at the time of the violation.

20 (Q) ~~(p)~~ A person not licensed under this act who is deter-
21 mined to have violated section 33b(1) of ~~the Michigan liquor~~
22 ~~control act, Act No. 8 of the Public Acts of the Extra Session of~~
23 ~~1933, being section 436.33b of the Michigan Compiled Laws~~ FORMER
24 1933 (EX SESS) PA 8, SECTION 703(1) OF THE MICHIGAN LIQUOR CON-
25 TROL CODE OF 1998, 1998 PA 58, MCL 436.1703, or section 624a or
26 624b OF THIS ACT. The person shall be denied a license under
27 this subdivision for a period of time that corresponds to the

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1 period of the licensing sanction that would have been imposed
2 under those sections had the person been licensed at the time of
3 the violation.

4 (R) ~~(q)~~ A person who has been convicted of a violation of
5 section 602a(4) or (5) OF THIS ACT or a violation of section
6 479a(4) or (5) of the Michigan penal code, ~~Act No. 328 of the~~
7 ~~Public Acts of 1931, being section 750.479a of the Michigan~~
8 ~~Compiled Laws~~ 1931 PA 328, MCL 750.479A.

9 (2) Upon receiving the appropriate records of conviction,
10 the secretary of state shall revoke the operator's or chauffeur's
11 license of a person having any of the following, whether under a
12 law of this state, a local ordinance substantially corresponding
13 to a law of this state, or a law of another state substantially
14 corresponding to a law of this state:

15 (a) Two convictions of reckless driving in violation of sec-
16 tion 626 within 7 years.

17 (b) Two convictions of a felony in which a motor vehicle was
18 used within 7 years.

19 (c) Any combination of 2 convictions within 7 years for any
20 of the following OR A COMBINATION OF 1 CONVICTION FOR A VIOLATION
21 OR ATTEMPTED VIOLATION OF SECTION 625(6) AND 1 CONVICTION FOR ANY
22 OF THE FOLLOWING WITHIN 7 YEARS:

23 (i) A violation OR ATTEMPTED VIOLATION of section 625(1),
24 (3), (4), (5), OR (7).

25 (ii) A violation of former section 625(1) or (2) OR FORMER
26 SECTION 625B.

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1 (iii) A violation OR ATTEMPTED VIOLATION of section ~~625(4)~~
2 ~~or (5)~~ 625M.

3 (iv) Negligent homicide, manslaughter, or murder resulting
4 from the operation of a ~~motor~~ vehicle OR AN ATTEMPT TO COMMIT
5 ANY OF THOSE CRIMES.

6 (d) One conviction ~~under~~ FOR A VIOLATION OR ATTEMPTED VIO-
7 LATION OF section 625(4) [or (5).]

8 (e) One conviction of negligent homicide, manslaughter, or
9 murder resulting from the operation of a ~~motor~~ vehicle OR AN
10 ATTEMPT TO COMMIT ANY OF THOSE CRIMES.

11 (f) Any combination of 3 convictions within 10 years for any
12 of the following OR 1 CONVICTION FOR A VIOLATION OR ATTEMPTED
13 VIOLATION OF SECTION 625(6) AND ANY COMBINATION OF 2 CONVICTIONS
14 FOR ANY OF THE FOLLOWING WITHIN 10 YEARS, if any of the convic-
15 tions resulted from an arrest on or after January 1, 1992:

16 (i) A violation OR ATTEMPTED VIOLATION of section 625(1),
17 (3), (4), ~~or~~ (5), OR (7).

18 (ii) A violation of former section 625(1) or (2) or former
19 section 625b.

20 (iii) A VIOLATION OR ATTEMPTED VIOLATION OF SECTION 625M.

21 (iv) ~~(iii)~~ Negligent homicide, manslaughter, or murder
22 resulting from the operation of a ~~motor~~ vehicle OR AN ATTEMPT
23 TO COMMIT ANY OF THOSE CRIMES.

24 (g) A violation of section 602a(4) or (5) of this act or
25 section 479a(4) or (5) of the Michigan penal code, ~~Act No. 328~~
26 ~~of the Public Acts of 1931, being section 750.479a of the~~
27 ~~Michigan Compiled Laws~~ 1931 PA 328, MCL 750.479A.

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1 (3) The secretary of state shall revoke a license under
2 subsection (2) notwithstanding a court order. ~~issued under sec-~~
3 ~~tion 625, section 625b, former section 625(1) or (2), or former~~
4 ~~section 625b or a local ordinance substantially corresponding to~~
5 ~~section 625, section 625b, former section 625(1) or (2), or~~
6 ~~former section 625b.~~

7 (4) The secretary of state shall not issue a license under
8 this act to a person whose license has been revoked under this
9 act or denied under subsection (1)(d), (e), (f), (i), ~~or~~ (j),
10 OR (R) until ~~both~~ ALL of the following occur, AS APPLICABLE:

11 (a) The later of the following:

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

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

17 (B) FOR A DENIAL UNDER SUBSECTION (1)(F), (I), OR (J) BASED
18 ON PRIMA FACIE EVIDENCE, THE PERSON REBUTS THE PRESUMPTION
19 RESULTING FROM THE PRIMA FACIE EVIDENCE BY CLEAR AND CONVINCING
20 EVIDENCE.

21 (C) ~~(b)~~ The person meets the requirements of the
22 department.

23 (5) Multiple convictions or civil infraction determinations
24 resulting from the same incident shall be treated as a single
25 violation for purposes of denial or revocation of a license under
26 this section.

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1 (6) As used in this section, "felony in which a motor
2 vehicle was used" means a felony during the commission of which
3 the person operated a motor vehicle and while operating the vehi-
4 cle presented real or potential harm to persons or property and 1
5 or more of the following circumstances existed:

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

7 (b) The vehicle was used to transport a victim of the
8 felony.

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

10 (d) The vehicle was necessary for the commission of the
11 felony.

12 Sec. 625a. (1) A peace officer may arrest a person without
13 a warrant under either of the following circumstances:

14 (a) The peace officer has reasonable cause to believe the
15 person was, at the time of an accident in this state, the opera-
16 tor of a vehicle involved in the accident and was operating the
17 vehicle in violation of section ~~625(1), (3), or (6)~~ 625 or a
18 local ordinance substantially corresponding to section ~~625(1),~~
19 ~~(3), or (6)~~ 625.

20 (b) The person is found in the driver's seat of a vehicle
21 parked or stopped on a highway or street within this state if any
22 part of the vehicle intrudes into the roadway and the peace offi-
23 cer has reasonable cause to believe the person was operating the
24 vehicle in violation of section ~~625(1), (3), or (6)~~ 625 or a
25 local ordinance substantially corresponding to section ~~625(1),~~
26 ~~(3), or (6)~~ 625.

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

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

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

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1 (i) To assist the court or hearing officer in determining a
2 challenge to the validity of an arrest. This subparagraph does
3 not limit the introduction of other competent evidence offered to
4 establish the validity of an arrest.

5 (ii) As evidence of the defendant's breath alcohol content,
6 if offered by the defendant TO REBUT TESTIMONY ELICITED ON
7 CROSS-EXAMINATION OF A DEFENSE WITNESS THAT THE DEFENDANT'S
8 BREATH ALCOHOL CONTENT WAS HIGHER AT THE TIME OF THE CHARGED
9 OFFENSE THAN WHEN A CHEMICAL TEST WAS ADMINISTERED UNDER SUBSEC-
10 TION (6).

11 (iii) As evidence of the defendant's breath alcohol content,
12 if offered by the prosecution to rebut testimony ~~or other evi-~~
13 ~~dence, including but not limited to testimony~~ elicited on
14 cross-examination of a prosecution witness ~~, that is offered or~~
15 ~~elicited to prove~~ that the defendant's breath alcohol content
16 was lower at the time of the charged offense than when a chemical
17 test was administered ~~pursuant to~~ UNDER subsection (6).

18 (c) A person who submits to a preliminary chemical breath
19 analysis remains subject to the requirements of sections 625c,
20 625d, 625e, and 625f for purposes of chemical tests described in
21 those sections.

22 (d) Except as provided in subsection (5), a person who
23 refuses to submit to a preliminary chemical breath analysis upon
24 a lawful request by a peace officer is responsible for a civil
25 infraction.

26 (3) A peace officer shall use the results of a preliminary
27 chemical breath analysis conducted pursuant to this section to

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1 determine whether to order a person out-of-service under
2 section 319d. A peace officer shall order out-of-service as
3 required under section 319d a person who was operating a commer-
4 cial motor vehicle and who refuses to submit to a preliminary
5 chemical breath analysis as provided in this section. This sec-
6 tion does not limit use of other competent evidence by the peace
7 officer to determine whether to order a person out-of-service
8 under section 319d.

9 (4) A person who was operating a commercial motor vehicle
10 and who is requested to submit to a preliminary chemical breath
11 analysis under this section shall be advised that refusing a
12 peace officer's request to take a test described in this section
13 is a misdemeanor punishable by imprisonment for not more than
14 ~~90~~ 93 days or a fine of not more than \$100.00, or both, and
15 will result in the issuance of a 24-hour out-of-service order.

16 (5) A person who was operating a commercial motor vehicle
17 and who refuses to submit to a preliminary chemical breath analy-
18 sis upon a peace officer's lawful request is guilty of a misde-
19 meanor punishable by imprisonment for not more than ~~90~~ 93 days
20 or a fine of not more than \$100.00, or both.

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

24 (a) The amount of alcohol or presence of a controlled sub-
25 stance or both in a driver's blood or urine or the amount of
26 alcohol in a person's breath at the time alleged as shown by

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1 chemical analysis of the person's blood, urine, or breath is
2 admissible into evidence in any civil or criminal proceeding.

3 (b) A person arrested for a crime described in
4 section 625c(1) shall be advised of all of the following:

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

9 (ii) The results of the test are admissible in a judicial
10 proceeding as provided under this act and will be considered with
11 other ~~competent~~ ADMISSIBLE evidence in determining the
12 defendant's innocence or guilt.

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

16 (iv) If he or she refuses the request of a peace officer to
17 take a test described in subparagraph (i), a test shall not be
18 given without a court order, but the peace officer may seek to
19 obtain ~~such~~ a court order.

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

25 (c) A sample or specimen of urine or breath shall be taken
26 and collected in a reasonable manner. Only a licensed physician,
27 or an individual operating under the delegation of a licensed

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1 physician under section 16215 of the public health code, ~~Act~~
2 ~~No. 368 of the Public Acts of 1978, being section 333.16215 of~~
3 ~~the Michigan Compiled Laws~~ 1978 PA 368, MCL 333.16215, qualified
4 to withdraw blood and acting in a medical environment, may with-
5 draw blood at a peace officer's request to determine the amount
6 of alcohol or presence of a controlled substance or both in the
7 person's blood, as provided in this subsection. Liability for a
8 crime or civil damages predicated on the act of withdrawing or
9 analyzing blood and related procedures does not attach to a
10 licensed physician or individual operating under the delegation
11 of a licensed physician who withdraws or analyzes blood or
12 assists in the withdrawal or analysis in accordance with this act
13 unless the withdrawal or analysis is performed in a negligent
14 manner.

15 (d) A chemical test described in this subsection shall be
16 administered at the request of a peace officer having reasonable
17 grounds to believe the person has committed a crime described in
18 section 625c(1). A person who takes a chemical test administered
19 at a peace officer's request as provided in this section shall be
20 given a reasonable opportunity to have a person of his or her own
21 choosing administer 1 of the chemical tests described in this
22 subsection within a reasonable time after his or her detention.
23 The test results are admissible and shall be considered with
24 other ~~competent~~ ADMISSIBLE evidence in determining the
25 defendant's innocence or guilt. If the person charged is admin-
26 istered a chemical test by a person of his or her own choosing,

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1 the person charged is responsible for obtaining a chemical
2 analysis of the test sample.

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

17 (f) If, after an accident, the driver of a vehicle involved
18 in the accident is deceased, a sample of the decedent's blood
19 shall be withdrawn in a manner directed by the medical examiner
20 to determine the amount of alcohol or the presence of a con-
21 trolled substance, or both, in the decedent's blood. The medical
22 examiner shall give the results of the chemical analysis of the
23 sample to the law enforcement agency investigating the accident
24 and that agency shall forward the results to the department of
25 state police.

26 (g) The department of state police shall promulgate uniform
27 rules ~~pursuant to~~ IN COMPLIANCE WITH the administrative

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1 procedures act of 1969, ~~Act No. 306 of the Public Acts of 1969,~~
2 ~~being sections 24.201 to 24.328 of the Michigan Compiled Laws~~
3 1969 PA 306, MCL 24.201 TO 24.328, for the administration of
4 chemical tests for the purposes of this section. An instrument
5 used for a preliminary chemical breath analysis may be used for a
6 chemical test described in this subsection if approved under
7 rules promulgated by the department of state police.

8 (7) The provisions of subsection (6) relating to chemical
9 testing do not limit the introduction of any other ~~competent~~
10 ADMISSIBLE evidence bearing upon the question of whether a person
11 was impaired by, or under the influence of, intoxicating liquor
12 or a controlled substance, or a combination of intoxicating
13 liquor and a controlled substance, or whether the person had an
14 alcohol content of 0.10 grams or more per 100 milliliters of
15 blood, per 210 liters of breath, or per 67 milliliters of urine,
16 or if the person is less than 21 years of age, whether the person
17 had any bodily alcohol content within his or her body. As used
18 in this section, "any bodily alcohol content" means either of the
19 following:

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

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

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1 (8) If a chemical test described in subsection (6) is
2 administered, the test results shall be made available to the
3 person charged or the person's attorney upon written request to
4 the prosecution, with a copy of the request filed with the
5 court. The prosecution shall furnish the results at least 2 days
6 before the day of the trial. The prosecution shall offer the
7 test results as evidence in that trial. Failure to fully comply
8 with the request bars the admission of the results into evidence
9 by the prosecution.

10 (9) Except in a prosecution relating solely to a violation
11 of section 625(1)(b) or (6), the amount of alcohol in the
12 driver's blood, breath, or urine at the time alleged as shown by
13 chemical analysis of the person's blood, breath, or urine gives
14 rise to the following presumptions:

15 (a) If there were at the time 0.07 grams or less of alcohol
16 per 100 milliliters of the defendant's blood, per 210 liters of
17 the defendant's breath, or per 67 milliliters of the defendant's
18 urine, it is presumed that the defendant's ability to operate a
19 motor vehicle was not impaired due to the consumption of intoxi-
20 cating liquor and that the defendant was not under the influence
21 of intoxicating liquor.

22 (b) If there were at the time more than 0.07 grams but less
23 than 0.10 grams of alcohol per 100 milliliters of the defendant's
24 blood, per 210 liters of the defendant's breath, or per 67 milli-
25 liters of the defendant's urine, it is presumed that the
26 defendant's ability to operate a vehicle was impaired within the

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1 provisions of section 625(3) due to the consumption of
2 intoxicating liquor.

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

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

14 Enacting section 1. This amendatory act takes effect
15 October 1, 1999.

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

19 (a) Senate Bill No. 268.

20 (b) Senate Bill No. 269.

21 (c) Senate Bill No. 625.

22 (d) Senate Bill No. 627.

23 (e) Senate Bill No. 869.

24 (f) Senate Bill No. 870.

25 (g) House Bill No. 4210.

26 (h) House Bill No. 4576.

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- 1 (i) House Bill No. 4959.
- 2 (j) House Bill No. 4960.
- 3 (k) House Bill No. 4961.
- 4 (l) House Bill No. 5122.
- 5 (m) House Bill No. 5123.
- 6 (n) House Bill No. 5951.
- 7 (o) House Bill No. 5952.
- 8 (p) House Bill No. 5953.
- 9 (q) House Bill No. 5954.
- 10 (r) House Bill No. 5955.
- 11 (s) House Bill No. 5956.