

**SUBSTITUTE FOR
SENATE BILL NO. 953**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 303, 625a, and 625b (MCL 257.303, 257.625a,
and 257.625b), section 303 as amended by 1996 PA 587, section
625a as amended by 1996 PA 491, and section 625b as amended by
1994 PA 450.

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.

SB 953, As Passed Senate, March 26, 1998

Senate Bill No. 953

2

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:

22 (A) A violation of section 625(1), (3), (4), ~~or~~ (5), OR
23 (7).

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

26 (C) A VIOLATION OF SECTION 625M.

SB 953, As Passed Senate, March 26, 1998

Senate Bill No. 953

3

1 (D) NEGLIGENT HOMICIDE, MANSLAUGHTER, OR MURDER RESULTING
2 FROM THE OPERATION OF A VEHICLE.

3 (ii) Any combination of 3 convictions within 10 years for
4 any of the following if any of the convictions resulted from an
5 arrest on or after January 1, 1992:

6 (A) A violation of section 625(1), (3), (4), ~~or~~ (5), OR
7 (7).

8 (B) A violation of former section 625(1) or (2) or former
9 section 625b.

10 (C) A VIOLATION OF SECTION 625M.

11 (D) NEGLIGENT HOMICIDE, MANSLAUGHTER, OR MURDER RESULTING
12 FROM THE OPERATION OF A VEHICLE.

13 (g) A person who in the opinion of the secretary of state is
14 afflicted with or suffering from a physical or mental disability
15 or disease preventing that person from exercising reasonable and
16 ordinary control over a motor vehicle while operating the motor
17 vehicle upon the highways.

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

20 (i) A person who is an habitually reckless driver. Two con-
21 victions within 7 years of reckless driving under this act or any
22 other law of this state relating to reckless driving or under a
23 local ordinance of this state or a law of another state that
24 defines the term "reckless driving" substantially similarly to
25 the law of this state are prima facie evidence that the person is
26 an habitually reckless driver.

SB 953, As Passed Senate, March 26, 1998

SB 953 as amended March 26, 1998

4

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

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

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

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

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

SB 953, As Passed Senate, March 26, 1998

Senate Bill No. 953

5

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

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

16 (Q) ~~(p)~~ A person not licensed under this act who is deter-
17 mined to have violated section 33b(1) of the Michigan liquor con-
18 trol act, ~~Act No. 8 of the Public Acts of the Extra Session of~~
19 ~~1933, being section 436.33b of the Michigan Compiled Laws 1933~~
20 (EX SESS) PA 8, MCL 436.33B, or section 624a or 624b OF THIS
21 ACT. The person shall be denied a license under this subdivision
22 for a period of time that corresponds to the period of the
23 licensing sanction that would have been imposed under those sec-
24 tions had the person been licensed at the time of the violation.

25 (R) ~~(q)~~ A person who has been convicted of a violation of
26 section 602a(4) or (5) OF THIS ACT or a violation of section
27 479a(4) or (5) of the Michigan penal code, ~~Act No. 328 of the~~

SB 953, As Passed Senate, March 26, 1998

SB 953 as amended March 26, 1998

6

1 ~~Public Acts of 1931, being section 750.479a of the Michigan~~
2 ~~Compiled Laws— 1931 PA 328, MCL 750.479A.~~

3 (2) Upon receiving the appropriate records of conviction,
4 the secretary of state shall revoke the operator's or chauffeur's
5 license of a person having any of the following, whether under a
6 law of this state, a local ordinance substantially corresponding
7 to a law of this state, or a law of another state substantially
8 corresponding to a law of this state:

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

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

13 (c) Any combination of 2 convictions within 7 years

14
15 for any of the following:

16 (i) A violation of section 625(1), (3), (4), (5), OR (7).

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

19 (iii) A violation of section ~~625(4) or (5)~~ 625M.

20 (iv) Negligent homicide, manslaughter, or murder resulting
21 from the operation of a ~~motor~~ vehicle.

22 (d) One conviction under section 625(4), ~~or~~ (5), OR (7).

23 (e) One conviction of negligent homicide, manslaughter, or
24 murder resulting from the operation of a ~~motor~~ vehicle.

25 (f) Any combination of 3 convictions within 10 years for any
26 of the following if any of the convictions resulted from an
27 arrest on or after January 1, 1992:

SB 953, As Passed Senate, March 26, 1998

Senate Bill No. 953

7

1 (i) A violation of section 625(1), (3), (4), ~~or~~ (5), OR
2 (7).

3 (ii) A violation of former section 625(1) or (2) or former
4 section 625b.

5 (iii) A VIOLATION OF SECTION 625M.

6 (iv) ~~(iii)~~ Negligent homicide, manslaughter, or murder
7 resulting from the operation of a ~~motor~~ vehicle.

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

12 (3) The secretary of state shall revoke a license under sub-
13 section (2) notwithstanding a court order. ~~issued under section~~
14 ~~625, section 625b, former section 625(1) or (2), or former sec-~~
15 ~~tion 625b or a local ordinance substantially corresponding to~~
16 ~~section 625, section 625b, former section 625(1) or (2), or~~
17 ~~former section 625b.~~

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

22 (a) The later of the following:

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

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

SB 953, As Passed Senate, March 26, 1998

Senate Bill No. 953

8

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

5 (C) ~~(b)~~ The person meets the requirements of the
6 department.

7 (5) Multiple convictions or civil infraction determinations
8 resulting from the same incident shall be treated as a single
9 violation for purposes of denial or revocation of a license under
10 this section.

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

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

17 (b) The vehicle was used to transport a victim of the
18 felony.

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

20 (d) The vehicle was necessary for the commission of the
21 felony.

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

24 (a) The peace officer has reasonable cause to believe the
25 person was, at the time of an accident in this state, the opera-
26 tor of a vehicle involved in the accident and was operating the
27 vehicle in violation of section ~~625(1), (3), or (6)~~ 625 or a

SB 953, As Passed Senate, March 26, 1998

Senate Bill No. 953

9

1 local ordinance substantially corresponding to section ~~625(1),~~
2 ~~(3), or (6)~~ 625.

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

10 (2) A peace officer who has reasonable cause to believe that
11 a person was operating a vehicle upon a public highway or other
12 place open to the public or generally accessible to motor vehi-
13 cles, including an area designated for the parking of vehicles,
14 within this state and that the person by the consumption of
15 intoxicating liquor may have affected his or her ability to oper-
16 ate a vehicle, or reasonable cause to believe that a person was
17 operating a commercial motor vehicle within the state while the
18 person's blood, breath, or urine contained any measurable amount
19 of alcohol or while the person had any detectable presence of
20 intoxicating liquor, or reasonable cause to believe that a person
21 who is less than 21 years of age was operating a vehicle upon a
22 public highway or other place open to the public or generally
23 accessible to motor vehicles, including an area designated for
24 the parking of vehicles, within this state while the person had
25 any bodily alcohol content as that term is defined in section
26 625(6), may require the person to submit to a preliminary
27 chemical breath analysis. The following provisions apply with

SB 953, As Passed Senate, March 26, 1998

SB 953 as amended March 26, 1998

10

1 respect to a preliminary chemical breath analysis administered
2 ~~pursuant to~~ UNDER this subsection:

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

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

9 (i) To assist the court or hearing officer in determining a
10 challenge to the validity of an arrest. This subparagraph does
11 not limit the introduction of other competent evidence offered to
12 establish the validity of an arrest.

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

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

22 (c) A person who submits to a preliminary chemical breath
23 analysis remains subject to the requirements of sections 625c,
24 625d, 625e, and 625f for purposes of chemical tests described in
25 those sections.

26 (d) Except as provided in subsection (5), a person who
27 refuses to submit to a preliminary chemical breath analysis upon

SB 953, As Passed Senate, March 26, 1998

Senate Bill No. 953

11

1 a lawful request by a peace officer is responsible for a civil
2 infraction.

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

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

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

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

SB 953, As Passed Senate, March 26, 1998

Senate Bill No. 953

12

1 (a) The amount of alcohol or presence of a controlled
2 substance or both in a driver's blood or urine or the amount of
3 alcohol in a person's breath at the time alleged as shown by
4 chemical analysis of the person's blood, urine, or breath is
5 admissible into evidence in any civil or criminal proceeding.

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

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

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

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

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

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

SB 953, As Passed Senate, March 26, 1998

Senate Bill No. 953

13

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

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

SB 953, As Passed Senate, March 26, 1998

Senate Bill No. 953

14

1 defendant's innocence or guilt. If the person charged is
2 administered a chemical test by a person of his or her own choos-
3 ing, the person charged is responsible for obtaining a chemical
4 analysis of the test sample.

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

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

SB 953, As Passed Senate, March 26, 1998

Senate Bill No. 953

15

1 (g) The department of state police shall promulgate uniform
2 rules ~~pursuant to~~ IN COMPLIANCE WITH the administrative proce-
3 dures act of 1969, ~~Act No. 306 of the Public Acts of 1969, being~~
4 ~~sections 24.201 to 24.328 of the Michigan Compiled Laws~~ 1969 PA
5 306, MCL 24.201 TO 24.328, for the administration of chemical
6 tests for the purposes of this section. An instrument used for a
7 preliminary chemical breath analysis may be used for a chemical
8 test described in this subsection if approved under rules promul-
9 gated by the department of state police.

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

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

25 (b) Any presence of alcohol within a person's body resulting
26 from the consumption of intoxicating liquor, other than

SB 953, As Passed Senate, March 26, 1998

Senate Bill No. 953

16

1 consumption of intoxicating liquor as a part of a generally
2 recognized religious service or ceremony.

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

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

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

24 (b) If there were at the time more than 0.07 grams but less
25 than 0.10 grams of alcohol per 100 milliliters of the defendant's
26 blood, per 210 liters of the defendant's breath, or per 67
27 milliliters of the defendant's urine, it is presumed that the

SB 953, As Passed Senate, March 26, 1998

SB 953 as amended March 26, 1998

17

1 defendant's ability to operate a vehicle was impaired within the
2 provisions of section 625(3) due to the consumption of intoxicat-
3 ing liquor.

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

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

15 (11) IF A PERSON IS ARRESTED UNDER THIS SECTION AND HAS PRE-
16 VIOUSLY BEEN CONVICTED OF OR RECEIVED A JUVENILE DISPOSITION FOR
17 A VIOLATION OR ATTEMPTED VIOLATION DESCRIBED IN SUBSECTION (12)
18 WITHIN THE PAST 7 YEARS, WHETHER THAT PRIOR CONVICTION WAS UNDER
19 A LAW OF THIS STATE, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPOND-
20 ING TO A LAW OF THIS STATE, OR A LAW OF ANOTHER STATE SUBSTAN-
21 Tially CORRESPONDING TO A LAW OF THIS STATE, THE ARRESTING OFFI-
22 CER SHALL, ON BEHALF OF THE SECRETARY OF STATE, IMMEDIATELY CON-
23 FISCATE AND DESTROY THE VEHICLE'S REGISTRATION PLATE
24 AND ISSUE A TEMPORARY VEHICLE REGISTRATION PLATE FOR THE
25 VEHICLE IN A FORM PRESCRIBED BY THE SECRETARY OF STATE. THE
26 ARRESTING OFFICER SHALL PLACE THE TEMPORARY VEHICLE
27 REGISTRATION PLATE ON THE VEHICLE IN THE MANNER PRESCRIBED BY THE
SECRETARY OF STATE, AND SHALL NOTIFY THE SECRETARY OF STATE

SB 953, As Passed Senate, March 26, 1998

SB 953 as amended March 26, 1998

18

1 THROUGH THE LAW ENFORCEMENT INFORMATION NETWORK THAT THE
2 REGISTRATION PLATE FOR THE VEHICLE WAS CONFISCATED AND DESTROYED
3 AND THAT A TEMPORARY VEHICLE REGISTRATION PLATE WAS ISSUED. A
4 TEMPORARY VEHICLE REGISTRATION PLATE ISSUED UNDER THIS SECTION IS
5 VALID FOR 1 OF THE FOLLOWING TIME PERIODS:

6 (A) IF THE CASE IS NOT PROSECUTED, FOR 90 DAYS. THE PROSE-
7 CUTING ATTORNEY SHALL NOTIFY THE SECRETARY OF STATE IF A CASE
8 REFERRED TO THE PROSECUTING ATTORNEY IS NOT PROSECUTED. THE
9 ARRESTING LAW ENFORCEMENT AGENCY SHALL NOTIFY THE SECRETARY OF
10 STATE IF A CASE IS NOT REFERRED TO THE PROSECUTING ATTORNEY FOR
11 PROSECUTION.

12 (B) IF THE CASE IS PROSECUTED, UNTIL 14 DAYS AFTER THE CRIMI-
13 NAL CHARGES AGAINST THE PERSON ARE DISMISSED, THE PERSON PLEADS
14 GUILTY OR NOLO CONTENDERE TO OR IS FOUND GUILTY OF OR ACQUITTED
15 OF THOSE CHARGES, OR THE PERSON'S VEHICLE REGISTRATION IS ORDERED
16 CANCELED BY THE COURT, WHICHEVER OCCURS EARLIEST.

17 (12) SUBSECTION (11) APPLIES TO ALL OF THE FOLLOWING:

18 (A) A VIOLATION OF SECTION 625(1) OR (3) OR SECTION 625M OR
19 A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 625(1)
20 OR (3) OR SECTION 625M.

21 (B) A VIOLATION OF SECTION 625(4), (5), OR (7).

22 (C) NEGLIGENT HOMICIDE, MANSLAUGHTER, OR MURDER RESULTING
23 FROM THE OPERATION OF A VEHICLE OR AN ATTEMPT TO COMMIT 1 OF
24 THOSE CRIMES.

25 Sec. 625b. (1) A person arrested for a misdemeanor viola-
26 tion of section 625(1), (3), ~~or~~ (6), OR (7) or section 625m or
27 a local ordinance substantially corresponding to section 625(1),

SB 953, As Passed Senate, March 26, 1998

Senate Bill No. 953

19

1 (3), or (6) or section 625m shall be arraigned on the citation,
2 complaint, or warrant not more than 14 days after the arrest for
3 the violation or, if an arrest warrant is issued or reissued, not
4 more than 14 days after the issued or reissued arrest warrant is
5 served, whichever is later. The court shall not dismiss a case
6 or impose any other sanction for a failure to comply with this
7 time limit. The time limit does not apply to a violation of
8 section 625(1) OR (3) OR SECTION 625M punishable ~~under section~~
9 ~~625(7)(d)~~ AS A FELONY or a violation of section 625(1), (3),
10 ~~or~~ (6), OR (7) or section 625m joined with a felony charge.

11 (2) The court shall schedule a pretrial conference between
12 the prosecuting attorney, the defendant, and the defendant's
13 attorney in each case in which the defendant is charged with a
14 misdemeanor violation of section 625(1), (3), ~~or~~ (6), OR (7) or
15 section 625m or a local ordinance substantially corresponding to
16 section 625(1), (3), or (6) or section 625m. The pretrial con-
17 ference shall be held not more than 35 days after the person's
18 arrest for the violation or, if an arrest warrant is issued or
19 reissued, not more than 35 days after the issued or reissued
20 arrest warrant is served, whichever is later. If the court has
21 only 1 judge who sits in more than 1 location in that district,
22 the pretrial conference shall be held not more than 42 days after
23 the person's arrest for the violation or, if an arrest warrant is
24 issued or reissued, not more than 42 days after the date the
25 issued or reissued arrest warrant is served, whichever is later.
26 The court shall not dismiss a case or impose any other sanction
27 for a failure to comply with the applicable time limit. The 35-

SB 953, As Passed Senate, March 26, 1998

Senate Bill No. 953

20

1 and 42-day time limits do not apply to a violation of
2 section 625(1) OR (3) OR SECTION 625M punishable ~~under~~
3 ~~section 625(7)(d)~~ AS A FELONY or a violation of section 625(1),
4 (3), ~~or~~ (6), OR (7) or section 625m joined with a felony
5 charge. The court shall order the defendant to attend the pre-
6 trial conference and may accept a plea by the defendant at the
7 conclusion of the pretrial conference. The court may adjourn the
8 pretrial conference upon the motion of a party for good cause
9 shown. Not more than 1 adjournment shall be granted to a party,
10 and the length of an adjournment shall not exceed 14 days.

11 (3) Except for delay attributable to the unavailability of
12 the defendant, a witness, or material evidence or due to an
13 interlocutory appeal or exceptional circumstances, but not a
14 delay caused by docket congestion, the court shall finally adju-
15 dicate, by a plea of guilty or nolo contendere, entry of a ver-
16 dict, or other final disposition, a case in which the defendant
17 is charged with a misdemeanor violation of section 625(1), (3),
18 ~~or~~ (6), OR (7) or section 625m or a local ordinance substan-
19 tially corresponding to section 625(1), (3), or (6) or
20 section 625m, within 77 days after the person is arrested for the
21 violation or, if an arrest warrant is issued or reissued, not
22 more than 77 days after the date the issued or reissued arrest
23 warrant is served, whichever is later. The court shall not dis-
24 miss a case or impose any other sanction for a failure to comply
25 with this time limit. The 77-day time limit does not apply to a
26 violation of section 625(1) OR (3) OR SECTION 625M punishable
27 ~~under section 625(7)(d)~~ AS A FELONY or a violation of section

SB 953, As Passed Senate, March 26, 1998

Senate Bill No. 953

21

1 625(1), (3), ~~or~~ (6), OR (7) or section 625m joined with a
2 felony charge.

3 (4) Before accepting a plea of guilty or nolo contendere
4 under section 625 or a local ordinance substantially correspond-
5 ing to section 625(1), (2), (3), or (6), the court shall advise
6 the accused of the maximum possible term of imprisonment and the
7 maximum possible fine that may be imposed for the violation ~~,~~
8 and shall advise the defendant that the maximum possible license
9 sanctions that may be imposed will be based upon the master driv-
10 ing record maintained by the secretary of state ~~pursuant to~~
11 UNDER section 204a.

12 (5) Before imposing sentence ~~, other than court-ordered~~
13 ~~license sanctions,~~ for a violation of section 625(1), (3), (4),
14 (5), ~~or~~ (6), OR (7) or a local ordinance substantially corre-
15 sponding to section 625(1), (3), or (6), the court shall order
16 the person to undergo screening and assessment by a person or
17 agency designated by the office of substance abuse services to
18 determine whether the person is likely to benefit from rehabili-
19 tative services, including alcohol or drug education and alcohol
20 or drug treatment programs. As part of the sentence, the court
21 may order the person to participate in and successfully complete
22 1 or more appropriate rehabilitative programs. The person shall
23 pay for the costs of the screening, ~~reassessment~~ ASSESSMENT,
24 and rehabilitative services.

25 ~~-(6) Immediately upon acceptance by the court of a plea of~~
26 ~~guilty or nolo contendere or upon entry of a verdict of guilty~~
27 ~~for a violation of section 625(1), (3), (4), (5), or (6) or a~~

SB 953, As Passed Senate, March 26, 1998

Senate Bill No. 953

22

1 ~~local ordinance substantially corresponding to section 625(1),~~
2 ~~(3), or (6), whether or not the person is eligible to be sen-~~
3 ~~tenced as a multiple offender, the court shall consider all prior~~
4 ~~convictions currently entered upon the person's Michigan driving~~
5 ~~record, except convictions the court determines upon the~~
6 ~~defendant's motion to be constitutionally invalid, and shall~~
7 ~~impose the following licensing sanctions:~~

8 ~~(a) For a conviction under section 625(4) or (5), the court~~
9 ~~shall order the secretary of state to revoke the person's~~
10 ~~operator's or chauffeur's license and shall not order the secre-~~
11 ~~tary of state to issue a restricted license to the person.~~

12 ~~(b) For a conviction under section 625(1) or a local ordi-~~
13 ~~nance substantially corresponding to section 625(1):~~

14 ~~(i) If the court finds that the person has no prior convic-~~
15 ~~tions within 7 years for a violation of section 625(1), (3), (4),~~
16 ~~or (5), former section 625(1) or (2), or former section 625b, a~~
17 ~~local ordinance substantially corresponding to section 625(1) or~~
18 ~~(3), former section 625(1) or (2) or former section 625b, or a~~
19 ~~law of another state substantially corresponding to section~~
20 ~~625(1), (3), (4), or (5), former section 625(1) or (2), or former~~
21 ~~section 625b, the court shall order the secretary of state to~~
22 ~~suspend the person's operator's or chauffeur's license for not~~
23 ~~less than 6 months or more than 2 years. If the court finds com-~~
24 ~~PELLING circumstances under subsection (10) sufficient to warrant~~
25 ~~the issuance of a restricted license to a person, the court may~~
26 ~~order the secretary of state to issue to the person a restricted~~
27 ~~license during all or a specified portion of the suspension,~~

SB 953, As Passed Senate, March 26, 1998

Senate Bill No. 953

23

1 ~~except that a restricted license shall not be issued during the~~
2 ~~first 30 days of the suspension.~~

3 ~~(ii) If the court finds that the person has 1 prior convic-~~
4 ~~tion within 7 years for a violation of section 625(3) or former~~
5 ~~section 625b, a local ordinance substantially corresponding to~~
6 ~~section 625(3) or former section 625b, or a law of another state~~
7 ~~substantially corresponding to section 625(3) or former~~
8 ~~section 625b, the court shall order the secretary of state to~~
9 ~~suspend the person's operator's or chauffeur's license for not~~
10 ~~less than 6 months or more than 2 years. If the court finds com-~~
11 ~~PELLING circumstances under subsection (10) sufficient to warrant~~
12 ~~the issuance of a restricted license to a person, the court may~~
13 ~~order the secretary of state to issue to the person a restricted~~
14 ~~license during all or any portion of the suspension, except that~~
15 ~~a restricted license shall not be issued during the first 60 days~~
16 ~~of the suspension.~~

17 ~~(iii) If the court finds that the person has 1 or more prior~~
18 ~~convictions within 7 years for a violation of section 625(1),~~
19 ~~(4), or (5) or former section 625(1) or (2), a local ordinance~~
20 ~~substantially corresponding to section 625(1) or former section~~
21 ~~625(1) or (2), or a law of another state substantially corre-~~
22 ~~sponding to section 625(1), (4), or (5) or former section 625(1)~~
23 ~~or (2), or that the person has 2 or more prior convictions within~~
24 ~~10 years for a violation of section 625(1), (3), (4), or (5),~~
25 ~~former section 625(1) or (2), or former section 625b, a local~~
26 ~~ordinance substantially corresponding to section 625(1) or (3),~~
27 ~~former section 625(1) or (2), or former section 625b, or a law of~~

SB 953, As Passed Senate, March 26, 1998

Senate Bill No. 953

24

1 ~~another state substantially corresponding to section 625(1), (3),~~
2 ~~(4), or (5), former section 625(1) or (2), or former section~~
3 ~~625b, the court shall order the secretary of state to revoke the~~
4 ~~person's operator's or chauffeur's license and shall not order~~
5 ~~the secretary of state to issue a restricted license to the~~
6 ~~person.~~

7 ~~(c) For a conviction under section 625(3) or a local ordi-~~
8 ~~nance substantially corresponding to section 625(3):~~

9 ~~(i) If the court finds that the convicted person has no~~
10 ~~prior conviction within 7 years for a violation of section~~
11 ~~625(1), (3), (4), or (5), former section 625(1) or (2), or former~~
12 ~~section 625b, a local ordinance substantially corresponding to~~
13 ~~section 625(1) or (3), former section 625(1) or (2), or former~~
14 ~~section 625b, or a law of another state substantially correspond-~~
15 ~~ing to section 625(1), (3), (4), or (5), former section 625(1) or~~
16 ~~(2), or former section 625b, the court shall order the secretary~~
17 ~~of state to suspend the person's operator's or chauffeur's~~
18 ~~license for not less than 90 days or more than 1 year. However,~~
19 ~~if the person is convicted of a violation of section 625(3) or a~~
20 ~~local ordinance substantially corresponding to section 625(3) for~~
21 ~~operating a vehicle when, due to the consumption of a controlled~~
22 ~~substance or a combination of intoxicating liquor and a con-~~
23 ~~trolled substance, the person's ability to operate the vehicle~~
24 ~~was visibly impaired, the court shall order the secretary of~~
25 ~~state to suspend the operator's or chauffeur's license of the~~
26 ~~person for not less than 6 months or more than 1 year. If the~~
27 ~~court finds compelling circumstances under subsection (10)~~

SB 953, As Passed Senate, March 26, 1998

Senate Bill No. 953

25

1 ~~sufficient to warrant the issuance of a restricted license to a~~
2 ~~person, the court may order the secretary of state to issue to~~
3 ~~the person a restricted license during all or a specified portion~~
4 ~~of the suspension.~~

5 ~~(ii) If the court finds that the person has 1 prior convic-~~
6 ~~tion within 7 years for a violation of section 625(1), (3), (4),~~
7 ~~or (5), former section 625(1) or (2), or former section 625b, a~~
8 ~~local ordinance substantially corresponding to section 625(1) or~~
9 ~~(3), former section 625(1) or (2), or former section 625b, or a~~
10 ~~law of another state substantially corresponding to section~~
11 ~~625(1), (3), (4), or (5), former section 625(1) or (2), or former~~
12 ~~section 625b, the court shall order the secretary of state to~~
13 ~~suspend the person's operator's or chauffeur's license for not~~
14 ~~less than 6 months or more than 2 years. If the court finds com-~~
15 ~~PELLING circumstances under subsection (10) sufficient to warrant~~
16 ~~the issuance of a restricted license to a person, the court may~~
17 ~~order the secretary of state to issue to the person a restricted~~
18 ~~license during all or any portion of the suspension, except that~~
19 ~~a restricted license shall not be issued during the first 60 days~~
20 ~~of the suspension.~~

21 ~~(iii) If the court finds that the person has 2 or more prior~~
22 ~~convictions within 10 years for a violation of section 625(1),~~
23 ~~(3), (4), or (5), former section 625(1) or (2), or former section~~
24 ~~625b, a local ordinance substantially corresponding to section~~
25 ~~625(1) or (3), former section 625(1) or (2), or former section~~
26 ~~625b, or a law of another state substantially corresponding to~~
27 ~~section 625(1), (3), (4), or (5), former section 625(1) or (2),~~

SB 953, As Passed Senate, March 26, 1998

Senate Bill No. 953

26

1 ~~or former section 625b, the court shall order the secretary of~~
2 ~~state to revoke the person's operator's or chauffeur's license~~
3 ~~and shall not order the secretary of state to issue a restricted~~
4 ~~license to the person.~~

5 ~~(d) For a conviction under section 625(6) or a local ordi-~~
6 ~~nance substantially corresponding to section 625(6):~~

7 ~~(i) If the court finds that the convicted person has no~~
8 ~~prior conviction within 7 years for a violation of section~~
9 ~~625(1), (3), (4), (5), or (6), former section 625(1) or (2), or~~
10 ~~former section 625b, a local ordinance substantially correspond-~~
11 ~~ing to section 625(1), (3), or (6), former section 625(1) or (2),~~
12 ~~or former section 625b, or a law of another state substantially~~
13 ~~corresponding to section 625(1), (3), (4), (5), or (6), former~~
14 ~~section 625(1) or (2), or former section 625b, the court shall~~
15 ~~order the secretary of state to suspend the operator's or~~
16 ~~chauffeur's license of the person for not less than 30 days or~~
17 ~~more than 90 days. The court may order the secretary of state to~~
18 ~~issue to the person a restricted license during all or a speci-~~
19 ~~fied portion of the suspension.~~

20 ~~(ii) If the court finds that the person has 1 or more prior~~
21 ~~convictions within 7 years for a violation of section 625(1),~~
22 ~~(3), (4), (5), or (6), former section 625(1) or (2), or former~~
23 ~~section 625b, a local ordinance substantially corresponding to~~
24 ~~section 625(1), (3), or (6), former section 625(1) or (2), or~~
25 ~~former section 625b, or a law of another state substantially cor-~~
26 ~~responding to section 625(1), (3), (4), (5), or (6), former~~
27 ~~section 625(1) or (2), or former section 625b, the court shall~~

SB 953, As Passed Senate, March 26, 1998

Senate Bill No. 953

27

1 ~~order the secretary of state to suspend the operator's or~~
2 ~~chauffeur's license of the person for not less than 90 days or~~
3 ~~more than 1 year. The court may order the secretary of state to~~
4 ~~issue to the person a restricted license during all or any por-~~
5 ~~tion of the suspension, except that a restricted license shall~~
6 ~~not be issued during the first 90 days of the suspension.~~

7 ~~(7) A restricted license issued pursuant to an order under~~
8 ~~subsection (6) shall permit the person to whom it is issued to~~
9 ~~drive under 1 or more of the following circumstances:~~

10 ~~(a) To and from the person's residence and work location.~~

11 ~~(b) In the course of the person's employment or occupation.~~

12 ~~(c) To and from the person's residence and an alcohol or~~
13 ~~drug education or treatment program as ordered by the court.~~

14 ~~(d) To and from the person's residence and the court proba-~~
15 ~~tion department or a court-ordered community service program, or~~
16 ~~both.~~

17 ~~(e) To and from the person's residence and an educational~~
18 ~~institution at which the person is enrolled as a student.~~

19 ~~(f) To and from the person's residence or work location and~~
20 ~~a place of regularly occurring medical treatment for a serious~~
21 ~~condition for the person or a member of the person's household or~~
22 ~~immediate family.~~

23 ~~(6) -(8) The court may order that -the- A restricted~~
24 ~~license issued pursuant to subsection (6) BY THE SECRETARY OF~~
25 ~~STATE UNDER THIS ACT include the requirement that the person~~
26 ~~shall not operate a motor vehicle unless the vehicle is equipped~~
27 ~~with a functioning ignition interlock device OR ANOTHER DEVICE~~

SB 953, As Passed Senate, March 26, 1998

Senate Bill No. 953

28

1 APPROVED BY THE COURT THAT RENDERS A MOTOR VEHICLE INOPERABLE
2 BASED UPON A DIRECT OR INDIRECT DETERMINATION OF THE PERSON'S
3 BODILY ALCOHOL CONTENT, INCLUDING BUT NOT LIMITED TO A DETERMINA-
4 TION OF THE PERSON'S ABILITY TO OPERATE THE MOTOR VEHICLE AS A
5 RESULT OF THE PERSON'S BODILY ALCOHOL CONTENT. ~~The~~ AN IGNITION
6 INTERLOCK device shall be set to render the motor vehicle inoper-
7 able if the device detects an alcohol content of 0.02 grams or
8 more per 210 liters of breath of the person who offers a breath
9 sample. The court may order installation of an ignition inter-
10 lock device OR OTHER DEVICE on any motor vehicle ~~that~~ the
11 person owns or operates, the costs of which the person whose
12 license is restricted shall bear.

13 ~~(9) The court shall not order the secretary of state under~~
14 ~~subsection (6) to issue a restricted license that would permit a~~
15 ~~person to operate a commercial motor vehicle that hauls hazardous~~
16 ~~materials.~~

17 ~~(10) The court shall not order the secretary of state to~~
18 ~~issue a restricted license unless the person states under oath,~~
19 ~~and the court finds pursuant to testimony taken in open court or~~
20 ~~pursuant to statements contained in a sworn affidavit on a form~~
21 ~~prescribed by the state court administrator, that both of the~~
22 ~~following are true:~~

23 ~~(a) The person needs vehicular transportation to and from~~
24 ~~his or her work location, place of alcohol or drug education~~
25 ~~treatment, court probation department, court-ordered community~~
26 ~~service program, or educational institution, or a place of~~

SB 953, As Passed Senate, March 26, 1998

Senate Bill No. 953

29

1 ~~regularly occurring medical treatment for a serious condition, or~~
2 ~~in the course of the person's employment or occupation.~~

3 ~~(b) The person is unable to take public transportation and~~
4 ~~does not have any family members or other individuals able to~~
5 ~~provide transportation to a destination or for a purpose~~
6 ~~described in subdivision (a).~~

7 ~~(11) The court order issued under subsection (6) and the~~
8 ~~restricted license shall indicate the permitted destinations of~~
9 ~~the person or the permitted purposes for which the person may~~
10 ~~operate a vehicle, the approved route or routes if specified by~~
11 ~~the court, and permitted times of travel.~~

12 ~~(7) —(12)— Immediately upon acceptance by the court of a~~
13 ~~plea of guilty or nolo contendere or upon entry of a verdict of~~
14 ~~guilty for a violation of section 625(1), (3), (4), (5), —or—~~
15 ~~(6), OR (7) or a local ordinance substantially corresponding to~~
16 ~~section 625(1), (3), or (6), the person shall surrender to the~~
17 ~~court his or her operator's or chauffeur's license or permit.~~
18 ~~The court shall immediately destroy the license or permit and~~
19 ~~forward an abstract of conviction —with court-ordered license~~
20 ~~sanctions— to the secretary of state. —Upon receipt of, and pur-~~
21 ~~suant to, the abstract of conviction with court-ordered license~~
22 ~~sanctions, the secretary of state shall suspend or revoke the~~
23 ~~person's license and, if ordered by the court and the person is~~
24 ~~otherwise eligible for a license, issue to the person a~~
25 ~~restricted license stating the limited driving privileges indi-~~
26 ~~cated on the abstract. — If the judgment and sentence is ARE~~
27 ~~appealed to circuit court, the court may ex parte order the~~

SB 953, As Passed Senate, March 26, 1998

Senate Bill No. 953

30

1 secretary of state to stay the suspension, revocation, or
2 restricted license issued ~~pursuant to this section~~ BY THE SEC-
3 RETARY OF STATE pending the outcome of the appeal.

4 ~~(13) In addition to any other suspension or revocation~~
5 ~~ordered under this section and as part of the sentence imposed~~
6 ~~upon a person who violates section 625(1), (3), (4), or (5) or a~~
7 ~~local ordinance substantially corresponding to section 625(1) or~~
8 ~~(3) while operating a commercial motor vehicle, the court shall~~
9 ~~order the secretary of state to suspend the vehicle group desig-~~
10 ~~nations on the person's operator's or chauffeur's license in~~
11 ~~accordance with section 319b(1)(c). If the vehicle was trans-~~
12 ~~porting hazardous material required to have a placard pursuant to~~
13 ~~49 C.F.R. parts 100 to 199, the court shall order the secretary~~
14 ~~of state to suspend the vehicle group designations on the~~
15 ~~person's operator's or chauffeur's license in accordance with~~
16 ~~section 319b(1)(d). The court shall not order the secretary of~~
17 ~~state to issue a restricted license that would permit the person~~
18 ~~to operate a commercial motor vehicle.~~

19 ~~(14) In addition to any other suspension or revocation~~
20 ~~ordered under this section and as part of the sentence imposed~~
21 ~~upon a person who is convicted of a violation of section 625(1),~~
22 ~~(3), (4), or (5) or a local ordinance substantially corresponding~~
23 ~~to section 625(1) or (3) while operating a commercial motor vehi-~~
24 ~~cle within 10 years of a prior conviction, the court shall order~~
25 ~~the secretary of state to revoke the vehicle group designations~~
26 ~~on the person's operator's or chauffeur's license in accordance~~
27 ~~with section 319b(1)(e). The court shall not order the secretary~~

SB 953, As Passed Senate, March 26, 1998

SB 953 as amended March 26, 1998

31

~~1 of state to issue a restricted license that would permit the
2 person to operate a commercial motor vehicle. As used in this
3 subsection, "prior conviction" means a conviction under section
4 625(1), (3), (4), or (5), former section 625(1) or (2), or former
5 section 625b, a local ordinance substantially corresponding to
6 section 625(1) or (3), former section 625(1) or (2), or former
7 section 625b, or a law of another state substantially correspond-
8 ing to section 625(1), (3), (4), or (5), former section 625(1) or
9 (2), or former section 625b involving the operation of a commer-
10 cial motor vehicle, or a conviction under section 625m, a local
11 ordinance substantially corresponding to section 625m, or a law
12 of another state substantially corresponding to section 625m.~~

~~13 (15) As used in this section, "work location" means, as
14 applicable, the specific place or places of employment or the
15 territory or territories regularly visited by the person in pur-
16 suance of the person's occupation, or both.~~

17 Enacting section 1. This amendatory act takes effect 9 months
18 after the date this amendatory act is enacted.

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

22 (a) Senate Bill No. 268.

23 (b) Senate Bill No. 269.

24 (c) Senate Bill No. 271.

25 (d) Senate Bill No. 625.

26 (e) Senate Bill No. 626.

SB 953, As Passed Senate, March 26, 1998

SB 953 as amended March 26, 1998

32

1 (f) Senate Bill No. 627.

2 (g) Senate Bill No. 870.

3 (h) Senate Bill No. 989.

4 (i) Senate Bill No. 990.

5 (j) Senate Bill No. 991.

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]