

# HOUSE BILL No. 4998

June 26, 1997, Introduced by Reps. Wojno, Freeman, Hale, McBryde, DeVuyst, Kelly, Martinez, Mans, Callahan, DeHart, Bogardus, Kilpatrick, Brown, Basham, Scott, Goschka, Gire, Voorhees and Schauer and referred to the Committee on Judiciary.

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, withing this  
9 state. A person shall not knowingly permit a motor vehicle owned  
10 by the person to be operated upon a highway or other place open

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

8 (a) For a first violation, by imprisonment for not more than  
9 ~~90 days~~ 6 MONTHS or a fine of not more than ~~\$500.00~~  
10 \$2,500.00, or both. Unless the vehicle was stolen or used with  
11 the permission of a person who did not knowingly permit an unli-  
12 censed driver to operate the vehicle, the registration plates of  
13 the vehicle shall be cancelled by the secretary of state upon  
14 notification by a court.

15 (b) For a second or subsequent violation, by imprisonment  
16 for not more than 1 year or a fine of not more than ~~\$1,000.00~~  
17 \$5,000.00, or both. Unless the vehicle was stolen, the registra-  
18 tion plates of the vehicle shall be cancelled by the secretary of  
19 state upon notification by a court.

20 (2) Upon receiving a record of a person's conviction for  
21 unlawful operation of a motor vehicle while the person's license  
22 is suspended or revoked or of a person's conviction or civil  
23 infraction determination for a moving violation of the vehicle  
24 laws of this state or a political subdivision of this state while  
25 the person's license is suspended or revoked, the secretary of  
26 state immediately shall extend the period of the first suspension  
27 or revocation for an additional like period. This subsection

1 applies only if the violation occurs during a suspension of  
2 definite length or if the violation occurs before the person is  
3 approved for a license following a revocation.

4 (3) Upon receiving a record of the conviction, bond forfei-  
5 ture, or a civil infraction determination of a person for unlaw-  
6 ful operation of a motor vehicle requiring a ~~class 1, class 2,~~  
7 ~~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 an addi-  
11 tional like period. This subsection applies only if the viola-  
12 tion occurs during a suspension of definite length, if the viola-  
13 tion occurs before the person is approved for a license following  
14 a revocation, or if the person operates a commercial vehicle  
15 while disqualified under the commercial motor vehicle safety act  
16 of 1986, title XII of Public Law 99-570, 100 Stat. 3207-170.

17 (4) If the secretary of state receives records of more than  
18 1 conviction or civil infraction determination resulting from the  
19 same incident, all of the convictions or civil infraction deter-  
20 minations shall be treated as a single violation for purposes of  
21 extending the period of suspension or revocation under  
22 subsection (2) or (3).

23 (5) Before a person is arraigned before a district court  
24 magistrate or judge on a charge of violating this section, the  
25 arresting officer shall obtain the person's driving record from  
26 the secretary of state and shall furnish the record to the

1 court. The driving record of the person may be obtained from the  
2 secretary of state's computer information network.

3 (6) This section does not apply to a person who operates a  
4 vehicle solely for the purpose of protecting human life or prop-  
5 erty if the life or property is endangered and summoning prompt  
6 aid is essential.

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