

SENATE BILL NO. 807

November 13, 1997, Introduced by Senators VAN REGENMORTER,
BENNETT, SHUGARS, HOFFMAN and BULLARD 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;
and to repeal acts and parts of acts.

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 or a fine of not more than \$500.00, or both. Unless the~~
10 ~~vehicle was stolen or used with the permission of a person who~~
11 ~~did not knowingly permit an unlicensed driver to operate the~~
12 ~~vehicle, the registration plates of the vehicle shall be can-~~
13 ~~celled by the secretary of state upon notification by a court.~~

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

19 (2) IF THE INDIVIDUAL WAS OPERATING A MOTOR VEHICLE WHILE
20 HIS OR HER OPERATOR'S OR CHAUFFEUR'S LICENSE WAS SUSPENDED,
21 REVOKED, OR DENIED FOR A VIOLATION DESCRIBED IN SUBSECTION (6),
22 THE FOLLOWING APPLY:

23 (A) IF THE PERSON WAS NOT PREVIOUSLY CONVICTED OF VIOLATING
24 THIS SECTION, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO
25 THIS SECTION, OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPOND-
26 ING TO THIS SECTION, THE PERSON IS GUILTY OF A MISDEMEANOR
27 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR COMMUNITY

1 SERVICE FOR NOT MORE THAN 120 HOURS OR A FINE OF NOT MORE THAN
2 \$500.00, OR BOTH A FINE AND EITHER IMPRISONMENT OR COMMUNITY
3 SERVICE. THE COURT MAY ORDER THE MOTOR VEHICLE OPERATED BY THE
4 INDIVIDUAL WHILE VIOLATING THIS SECTION IMPOUNDED OR MECHANICALLY
5 IMMOBILIZED FOR NOT MORE THAN 30 DAYS.

6 (B) IF THE PERSON WAS PREVIOUSLY CONVICTED OF VIOLATING THIS
7 SECTION, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO THIS
8 SECTION, OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO
9 THIS SECTION, THE PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY
10 IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR COMMUNITY SERVICE FOR
11 NOT LESS THAN 120 HOURS OR MORE THAN 250 HOURS OR A FINE OF NOT
12 MORE THAN \$1000.00, OR BOTH A FINE AND EITHER IMPRISONMENT OR
13 COMMUNITY SERVICE. THE COURT SHALL ORDER THE MOTOR VEHICLE OPER-
14 ATED BY THE INDIVIDUAL WHILE VIOLATING THIS SECTION IMPOUNDED OR
15 MECHANICALLY IMMOBILIZED FOR NOT LESS THAN 30 DAYS OR MORE THAN
16 60 DAYS, OR MAY ORDER THE MOTOR VEHICLE FORFEITED IN THE SAME
17 MANNER AND SUBJECT TO THE SAME LIMITATIONS THAT PROPERTY IS FOR-
18 FEITED UNDER SECTIONS 4701 TO 4710 OF THE REVISED JUDICATURE ACT
19 OF 1961, 1961 PA 236, MCL 600.4701 TO 600.4710.

20 (3) FOR A VIOLATION OF THIS SECTION OTHER THAN A VIOLATION
21 DESCRIBED IN SUBSECTION (6), THE COURT SHALL ORDER 1 OF THE
22 FOLLOWING:

23 (A) IF THE PERSON WAS NOT PREVIOUSLY CONVICTED OF VIOLATING
24 THIS SECTION, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO
25 THIS SECTION, OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPOND-
26 ING TO THIS SECTION OR HAS 1 PRIOR CONVICTION FOR VIOLATING THIS
27 SECTION OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO

1 THIS SECTION, THE PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY
2 IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR COMMUNITY SERVICE FOR
3 NOT MORE THAN 120 HOURS OR A FINE OF NOT MORE THAN \$500.00, OR
4 BOTH A FINE AND EITHER IMPRISONMENT OR COMMUNITY SERVICE. IF THE
5 INDIVIDUAL OPERATED A MOTOR VEHICLE IN VIOLATION OF THIS SECTION,
6 THE COURT SHALL ORDER THE MOTOR VEHICLE IMPOUNDED OR MECHANICALLY
7 IMMOBILIZED FOR NOT MORE THAN 30 DAYS.

8 (B) IF THE PERSON HAS 2 OR MORE PRIOR CONVICTIONS FOR VIO-
9 LATING THIS SECTION, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPOND-
10 ING TO THIS SECTION, OR A LAW OF ANOTHER STATE SUBSTANTIALLY COR-
11 RESPONDING TO THIS SECTION, THE PERSON IS GUILTY OF A MISDEMEANOR
12 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR COMMUNITY
13 SERVICE FOR NOT LESS THAN 120 HOURS OR MORE THAN 250 HOURS OR A
14 FINE OF NOT MORE THAN \$1000.00, OR BOTH A FINE AND EITHER IMPRIS-
15 ONMENT OR COMMUNITY SERVICE. IF THE INDIVIDUAL OPERATED A MOTOR
16 VEHICLE IN VIOLATION OF THIS SECTION, THE COURT SHALL ORDER THE
17 MOTOR VEHICLE IMPOUNDED OR MECHANICALLY IMMOBILIZED FOR NOT LESS
18 THAN 30 DAYS OR MORE THAN 60 DAYS, OR MAY ORDER THE MOTOR VEHICLE
19 FORFEITED IN THE SAME MANNER AND SUBJECT TO THE SAME LIMITATIONS
20 THAT PROPERTY IS FORFEITED UNDER SECTIONS 4701 TO 4710 OF THE
21 REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.4701 TO
22 600.4710.

23 (4) THE COURT MAY ORDER THE INDIVIDUAL CONVICTED OF VIOLAT-
24 ING THIS SECTION TO PAY THE COSTS OF IMPOUNDMENT OR
25 IMMOBILIZATION.

1 (5) IF A PERSON IS INCARCERATED FOR A VIOLATION OF THIS
2 SECTION, THE PERIOD OF IMPOUNDMENT OR IMMOBILIZATION SHALL BEGIN
3 AT THE END OF THE PERIOD OF INCARCERATION.

4 (6) SUBSECTION (2) APPLIES TO ALL OF THE FOLLOWING
5 VIOLATIONS:

6 (A) A VIOLATION THAT IS DESIGNATED BY LAW AS A FELONY OR
7 THAT IS PUNISHABLE BY IMPRISONMENT FOR MORE THAN 1 YEAR.

8 (B) A VIOLATION OF SECTION 617A, 618, OR 625(1) OR (3).

9 (7) ~~(2)~~ Upon receiving a record of a person's conviction
10 for unlawful operation of a motor vehicle while the person's
11 license is suspended or revoked or of a person's conviction or
12 civil infraction determination for a moving violation of the
13 vehicle laws of this state or a political subdivision of this
14 state while the person's license is suspended or revoked, the
15 secretary of state immediately shall extend the period of the
16 first suspension or revocation for an additional like period.
17 This subsection applies only if the violation occurs during a
18 suspension of definite length or if the violation occurs before
19 the person is approved for a license following a revocation.

20 (8) ~~(3)~~ Upon receiving a record of the conviction, bond
21 forfeiture, or a civil infraction determination of a person for
22 unlawful operation of a motor vehicle requiring a class 1, class
23 2, or class 3 indorsement or vehicle group designation while the
24 indorsement or designation is suspended pursuant to section 319a
25 or 319b, or revoked, the secretary of state immediately shall
26 extend the period of suspension or revocation for an additional
27 like period. This subsection applies only if the violation

1 occurs during a suspension of definite length, if the violation
2 occurs before the person is approved for a license following a
3 revocation, or if the person operates a commercial vehicle while
4 disqualified under the commercial motor vehicle safety act of
5 1986, title XII of Public Law 99-570, 100 Stat. 3207-170.

6 (9) ~~-(4)-~~ If the secretary of state receives records of more
7 than 1 conviction or civil infraction determination resulting
8 from the same incident, all of the convictions or civil infrac-
9 tion determinations shall be treated as a single violation for
10 purposes of extending the period of suspension or revocation
11 under subsection ~~-(2)-~~ (7) or ~~-(3)-~~ (8).

12 (10) ~~-(5)-~~ Before a person is arraigned before a district
13 court magistrate or judge on a charge of violating this section,
14 the arresting officer shall obtain the person's driving record
15 from the secretary of state and shall furnish the record to the
16 court. The driving record of the person may be obtained from the
17 secretary of state's computer information network.

18 (11) ~~-(6)-~~ This section does not apply to a person who oper-
19 ates a vehicle solely for the purpose of protecting human life or
20 property if the life or property is endangered and summoning
21 prompt aid is essential.

22 (12) ~~-(7)-~~ A person whose vehicle group designation is sus-
23 pended or revoked and who has been notified as provided in sec-
24 tion 212 of that suspension or revocation, or whose application
25 for a vehicle group designation has been denied as provided in
26 this act, or who has never applied for a vehicle group
27 designation and who operates a commercial motor vehicle within

1 this state, except as permitted under this act, while any of
2 those conditions exist is guilty of a misdemeanor punishable,
3 except as otherwise provided in this section, by imprisonment for
4 not less than 3 days or more than 90 days or a fine of not more
5 than \$100.00, or both.

6 (13) AS USED IN THIS SECTION, "MECHANICALLY IMMOBILIZED"
7 MEANS THE INSTALLATION OF A DEVICE THAT LOCKS THE IGNITION,
8 STEERING, OR WHEELS OF THE VEHICLE.

9 Enacting section 1. Section 904b of the Michigan vehicle
10 code, 1949 PA 300, MCL 257.904b, is repealed.