

Act No. 358
Public Acts of 1998
Approved by the Governor
October 16, 1998
Filed with the Secretary of State
October 16, 1998
EFFECTIVE DATE: October 1, 1999

**STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1998**

Introduced by Rep. Godchaux

Reps. Bankes, Birkholz, Bogardus, Brackenridge, Brewer, Byl, Cassis, Crissman, Dobb, Freeman, Gernaat, Gilmer, Gire, Goschka, Gubow, Hale, Hanley, Jansen, Jelinek, Jellema, Mans, Martinez, McBryde, Middaugh, Richner, Rocca, Sanborn, Schauer and Voorhees named co-sponsors

ENROLLED HOUSE BILL No. 4961

AN ACT to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending section 320b (MCL 257.320b) and by adding sections 904d, 904e, and 904f.

The People of the State of Michigan enact:

Sec. 320b. (1) A driver safety school may be established in a county by an advisory board consisting of the superintendent of schools of the largest school district in the county who shall act as chairperson and fiscal agent, the county superintendent of schools, a judge of the family division of circuit court, the prosecuting attorney, the sheriff, the chief of police of the largest city in the county; and a judge of a court having jurisdiction over traffic offenses or civil infractions, and 2 citizens at large, who shall be appointed by the county board of commissioners. A school so established

shall be conducted under the supervision of the superintendent of public instruction and pursuant to the rules prescribed by the superintendent.

(2) Courses, as prescribed by the superintendent of public instruction, shall be offered for the purpose of developing good driving habits and promoting highway traffic safety. The courses shall be open to the following persons:

(a) A person who is referred to a school by a court having jurisdiction over traffic violations after 2 or more convictions or civil infraction determinations of a moving traffic violation within a 12-month period and who, in the determination of the court, is in need of the remedial education.

(b) A person who, after a hearing as provided in section 320, is referred to a school by the secretary of state.

(c) A person who voluntarily chooses to attend.

(3) For the purpose of referral as provided in this section, the court, after entry of judgment of conviction for a misdemeanor, may stay the imposition of sentence until the violator has attended the school. A person referred to a school by a court or by the secretary of state may attend any school in the state which has been established in conformity with this section.

(4) A fee not to exceed \$10.00 may be charged for attendance at the school. The fees shall be established by the advisory board and shall be used to defray the cost of instruction, materials, and clinical services.

(5) A person shall not be referred to a school which has not been approved by the advisory board and the superintendent of public instruction.

Sec. 904d. (1) For a violation of section 625, the following apply:

(a) For a violation of section 625(1), (3), (4), (5), or (7) or a local ordinance substantially corresponding to section 625(1) or (3), the court may order vehicle immobilization for not more than 180 days.

(b) For a second violation of section 625(1), (3), (4), (5), or (7) in any combination arising out of separate incidents, the court shall order vehicle immobilization for not less than 24 days or more than 180 days.

(c) For a third or subsequent violation of section 625(1), (3), (4), (5), or (7) in any combination arising out of separate incidents, the court shall order vehicle immobilization for not less than 6 months or more than 3 years.

(2) For a suspension, revocation, or denial under section 904, the following apply:

(a) For 1 prior suspension, revocation, or denial under section 904 within the past 7 years, the court may order vehicle immobilization for not more than 180 days.

(b) For any combination of 2 or 3 prior suspensions, revocations, or denials under section 904 within the past 7 years, the court shall order vehicle immobilization for not less than 90 days or more than 180 days.

(c) For any combination of 4 or more prior suspensions, revocations, or denials under section 904 within the past 7 years, the court shall order vehicle immobilization for not less than 1 year or more than 3 years.

(3) The defendant shall provide to the court the vehicle identification number and registration plate number of the vehicle involved in the violation.

(4) The court shall not order vehicle immobilization under this section if the defendant is not the owner or lessee of the vehicle operated during the violation unless the owner or lessee knowingly permitted the vehicle to be operated in violation of section 625(2) or section 904(1) regardless of whether a conviction resulted.

(5) An order required to be issued under this section shall not be suspended.

(6) If a defendant is ordered imprisoned for the violation for which immobilization is ordered, the period of immobilization shall begin at the end of the period of imprisonment.

(7) This section does not apply to any of the following:

(a) A suspension, revocation, or denial based on a violation of the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650.

(b) For a suspension, revocation, or denial under section 904, an individual who has no currently effective suspension or denial under section 321a or who has 1 currently effective suspension or denial under section 321a but has never violated a condition of that suspension or denial, and who has no other suspensions or revocations or denials under this act.

(c) A vehicle that is registered in another state or that is a rental vehicle.

(d) Any of the following:

(i) A violation of chapter II.

(ii) A violation of chapter V.

(iii) A violation for failure to change address.

(iv) A parking violation.

(v) A bad check violation.

(vi) An equipment violation.

(vii) A pedestrian, passenger, or bicycle violation, other than a violation of section 703(1) or (2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance substantially corresponding to section 703(1) or (2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or section 624a or 624b or a local ordinance substantially corresponding to section 624a or 624b.

(viii) A violation of a local ordinance substantially corresponding to a violation described in subparagraphs (i) to (vii).

(8) As used in this section, "vehicle immobilization" means requiring the motor vehicle involved in the violation immobilized in a manner provided in section 904e.

Sec. 904e. (1) A court shall order a vehicle immobilized under section 904d by the use of any available technology that locks the ignition, wheels, or steering of the vehicle or otherwise prevents any person from operating the vehicle or that prevents the defendant from operating the vehicle. If a vehicle is immobilized under this section, the court may order the vehicle stored at a location and in a manner considered appropriate by the court. The court may order the person convicted of violating section 625 or a suspension, revocation, or denial under section 904 to pay the cost of immobilizing and storing the vehicle.

(2) A vehicle subject to immobilization under this section may be sold during the period of immobilization, but shall not be sold to a person who is exempt from paying a use tax under section 3(3)(a) of the use tax act, 1937 PA 94, MCL 205.93, without a court order.

(3) A defendant who is prohibited from operating a motor vehicle by vehicle immobilization shall not purchase, lease, or otherwise obtain a motor vehicle during the immobilization period.

(4) A person shall not remove, tamper with, or bypass or attempt to remove, tamper with, or bypass a device that he or she knows or has reason to know has been installed on a vehicle by court order for vehicle immobilization or operate or attempt to operate a vehicle that he or she knows or has reason to know has been ordered immobilized.

(5) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both.

(6) To the extent that a local ordinance regarding the storage or removal of vehicles conflicts with an order of immobilization issued by the court, the local ordinance is preempted.

Sec. 904f. The vehicle registration records of the secretary of state shall disclose which vehicles are assigned a temporary registration plate under section 904c or are immobilized under this act.

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

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

(a) Senate Bill No. 268.

(b) Senate Bill No. 269.

(c) Senate Bill No. 625.

(d) Senate Bill No. 627.

(e) Senate Bill No. 869.

(f) Senate Bill No. 870.

(g) Senate Bill No. 953.

(h) House Bill No. 4210.

(i) House Bill No. 4576.

(j) House Bill No. 4959.

(k) House Bill No. 4960.

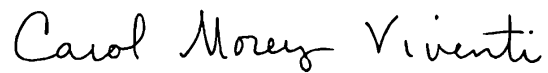
(l) House Bill No. 5122.

(m) House Bill No. 5123.

- (n) House Bill No. 5951.
- (o) House Bill No. 5952.
- (p) House Bill No. 5953.
- (q) House Bill No. 5954.
- (r) House Bill No. 5955.
- (s) House Bill No. 5956.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved -----

Governor.