

REPRINT

SUBSTITUTE FOR

HOUSE BILL NO. 4648

(As passed the House, May 19, 1999)

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 904d (MCL 257.904d), as added by 1998 PA
358.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 904d. (1) ~~For a violation of section 625, the follow-~~
2 ~~ing apply~~ VEHICLE IMMOBILIZATION APPLIES AS FOLLOWS:

3 (a) For a ~~violation of~~ CONVICTION UNDER section 625(1),
4 (3), ~~(4), (5),~~ or (7) or a local ordinance substantially corre-
5 sponding to section 625(1) or (3) WITH NO PRIOR CONVICTIONS, the
6 court may order vehicle immobilization for not more than 180
7 days.

8 (b) FOR A CONVICTION UNDER SECTION 625(4) OR (5) WITH NO
9 PRIOR CONVICTIONS, THE COURT SHALL ORDER VEHICLE IMMOBILIZATION
10 FOR NOT MORE THAN 180 DAYS.

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1 (C) ~~(b)~~ For a ~~second violation of~~ CONVICTION UNDER
2 section 625(1), (3), (4), (5), or (7) ~~in any combination arising~~
3 ~~out of separate incidents~~ WITHIN 7 YEARS AFTER A PRIOR
4 CONVICTION, the court shall order vehicle immobilization for not
5 less than ~~24~~ 90 days or more than 180 days.

6 (D) ~~(c)~~ For a ~~third or subsequent violation of~~
7 CONVICTION UNDER section 625(1), (3), (4), (5), or (7) ~~in any~~
8 ~~combination arising out of separate incidents~~ WITHIN 10 YEARS
9 AFTER 2 OR MORE PRIOR CONVICTIONS, the court shall order vehicle
10 immobilization for not less than ~~6 months~~ 1 YEAR or more than 3
11 years.

12 (2) For a CONVICTION OR CIVIL INFRACTION DETERMINATION
13 OCCURRING DURING A PERIOD OF suspension, revocation, or denial,
14 ~~under section 904,~~ the following apply:

15 (a) ~~For~~ EXCEPT AS PROVIDED IN SUBDIVISION (B), FOR 1 prior
16 suspension, revocation, or denial under section ~~904~~ 904(10),
17 (11), OR (12) within the past 7 years, the court may order vehi-
18 cle immobilization for not more than 180 days.

19 (B) EXCEPT AS PROVIDED IN SUBDIVISIONS (C) AND (D), IF THE
20 PERSON IS CONVICTED UNDER SECTION 904(4) OR (5),
21 THE COURT
22 SHALL ORDER VEHICLE IMMOBILIZATION FOR NOT MORE THAN 180 DAYS.

23 (C) ~~(b)~~ For any combination of 2 or 3 prior suspensions,
24 revocations, or denials under section ~~904~~ 904(10), (11), OR
25 (12) within the past 7 years, the court shall order vehicle immo-
26 bilization for not less than 90 days or more than 180 days.

27 (D) ~~(c)~~ For any combination of 4 or more prior
28 suspensions, revocations, or denials under section ~~904~~ 904(10),

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1 (11), OR (12) within the past 7 years, the court shall order
2 vehicle immobilization for not less than 1 year or more than 3
3 years.

4 (3) The defendant shall provide to the court the vehicle
5 identification number and registration plate number of the vehi-
6 cle involved in the violation.

7 (4) The court ~~shall not~~ MAY order vehicle immobilization
8 under this section ~~if the~~ UNDER EITHER OF THE FOLLOWING
9 CIRCUMSTANCES:

10 (A) THE defendant is ~~not~~ the owner, ~~or~~ CO-OWNER, lessee,
11 OR CO-LESSEE of the vehicle operated during the violation.
12 ~~unless the~~

13 (B) THE owner, ~~or~~ CO-OWNER, lessee, OR CO-LESSEE knowingly
14 permitted the vehicle to be operated in violation of section
15 625(2) or section 904(1) regardless of whether a conviction
16 resulted.

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

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

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

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

26 ~~(b) For a suspension, revocation, or denial under section~~
27 ~~904, an individual who has no currently effective suspension or~~

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1 ~~denial under section 321a or who has 1 currently effective~~
2 ~~suspension or denial under section 321a but has never violated a~~
3 ~~condition of that suspension or denial, and who has no other sus-~~
4 ~~pensions or revocations or denials under this act.~~

5 (B) ~~(c)~~ A vehicle that is registered in another state or
6 that is a rental vehicle.

7 (C) ~~(d)~~ Any of the following:

8 (i) A violation of chapter II.

9 (ii) A violation of chapter V.

10 (iii) A violation for failure to change address.

11 (iv) A parking violation.

12 (v) A bad check violation.

13 (vi) An equipment violation.

14 (vii) A pedestrian, passenger, or bicycle violation, other
15 than a violation of section 703(1) or (2) of the Michigan liquor
16 control code of 1998, 1998 PA 58, MCL 436.1703, or a local ordi-
17 nance substantially corresponding to section 703(1) or (2) of the
18 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703,
19 or section 624a or 624b or a local ordinance substantially corre-
20 sponding to section 624a or 624b.

21 (viii) A violation of a local ordinance substantially corre-
22 sponding to a violation described in subparagraphs (i) to (vii).

23 (8) As used in this section: ~~—, "vehicle"~~

24 (A) SUBJECT TO SUBSECTION (9), "PRIOR CONVICTION" MEANS A
25 CONVICTION FOR ANY OF THE FOLLOWING, WHETHER UNDER A LAW OF THIS
26 STATE, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO A LAW OF

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1 THIS STATE, OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING
2 TO A LAW OF THIS STATE:

3 (i) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBPARAGRAPH, A
4 VIOLATION OR ATTEMPTED VIOLATION OF SECTION 625(1), (3), (4),
5 (5), (6), OR (7), SECTION 625M, FORMER SECTION 625(1) OR (2), OR
6 FORMER SECTION 625B. HOWEVER, ONLY 1 VIOLATION OR ATTEMPTED VIO-
7 LATION OF SECTION 625(6), A LOCAL ORDINANCE SUBSTANTIALLY CORRE-
8 SPONDING TO SECTION 625(6), OR A LAW OF ANOTHER STATE SUBSTAN-
9 Tially CORRESPONDING TO SECTION 625(6) MAY BE USED AS A PRIOR
10 CONVICTION.

11 (ii) NEGLIGENT HOMICIDE, MANSLAUGHTER, OR MURDER RESULTING
12 FROM THE OPERATION OF A VEHICLE OR AN ATTEMPT TO COMMIT ANY OF
13 THOSE CRIMES.

14 (B) "VEHICLE immobilization" means requiring the motor vehi-
15 cle involved in the violation immobilized in a manner provided in
16 section 904e.

17 (9) IF 2 OR MORE CONVICTIONS DESCRIBED IN SUBSECTION (8)(A)
18 ARE CONVICTIONS FOR VIOLATIONS ARISING OUT OF THE SAME INCIDENT,
19 ONLY 1 CONVICTION SHALL BE USED TO DETERMINE WHETHER THE PERSON
20 HAS A PRIOR CONVICTION.

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

23 Enacting section 2. This amendatory act does not take
24 effect unless Senate Bill No. 556 of the 90th Legislature is
25 enacted into law.