

HOUSE BILL No. 4648

May 6, 1999, Introduced by Reps. Richardville, Hager, Gilbert, DeRossett, Julian, Toy, Patterson, Howell, Caul, Faunce, Garcia, Mortimer, Woronchak, Bradstreet, Van Woerkom, Vander Roest and Bishop and referred to the Committee on Criminal Law and Corrections.

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:

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

7 (b) For a second violation of section 625(1), (3), (4), (5),
8 or (7) in any combination arising out of separate incidents, the
9 court shall order vehicle immobilization for not less than ~~24~~
10 90 days or more than 180 days.

1 (c) For a third or subsequent violation of section 625(1),
2 (3), (4), (5), or (7) in any combination arising out of separate
3 incidents, the court shall order vehicle immobilization for not
4 less than ~~6 months~~ 1 YEAR or more than 3 years.

5 (2) For a suspension, revocation, or denial under section
6 904, the following apply:

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

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

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

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

21 (4) The court shall not order vehicle immobilization under
22 this section if the defendant is not the owner or lessee of the
23 vehicle operated during the violation unless the owner or lessee
24 knowingly permitted the vehicle to be operated in violation of
25 section 625(2) or section 904(1), regardless of whether a convic-
26 tion resulted.

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

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

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

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

10 (b) For a suspension, revocation, or denial under section
11 904, an individual who has no currently effective suspension or
12 denial under section 321a or who has 1 currently effective sus-
13 pension or denial under section 321a but has never violated a
14 condition of that suspension or denial, and who has no other sus-
15 pensions or revocations or denials under this act.

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

18 (d) Any of the following:

19 (i) A violation of chapter II.

20 (ii) A violation of chapter V.

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

22 (iv) A parking violation.

23 (v) A bad check violation.

24 (vi) An equipment violation.

25 (vii) A pedestrian, passenger, or bicycle violation, other
26 than a violation of section 703(1) or (2) of the Michigan liquor
27 control code of 1998, 1998 PA 58, MCL 436.1703, or a local

1 ordinance substantially corresponding to section 703(1) or (2) of
2 the Michigan liquor control code of 1998, 1998 PA 58, MCL
3 436.1703, or section 624a or 624b or a local ordinance substan-
4 tially corresponding to section 624a or 624b.

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

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