

SENATE BILL No. 856

October 27, 1999, Introduced by Senator GOSCHKA and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 219, 222, 233, 240, 319, 605, and 904d
(MCL 257.219, 257.222, 257.233, 257.240, 257.319, 257.605, and
257.904d), sections 219, 233, and 605 as amended by 1999 PA 73,
section 222 as amended by 1993 PA 300, section 319 as amended by
1999 PA 118, and section 904d as amended by 1999 PA 51.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 219. (1) The secretary of state shall refuse issuance
2 of a registration or a transfer of registration upon any of the
3 following grounds:

4 (a) The application contains a false or fraudulent state-
5 ment, the applicant has failed to furnish required information or
6 reasonable additional information requested by the secretary of

1 state, or the applicant is not entitled to the registration of
2 the vehicle under this act.

3 (b) The secretary of state has reasonable ground to believe
4 that the vehicle is a stolen or embezzled vehicle, or that the
5 granting of registration would constitute a fraud against the
6 rightful owner or other person having a valid lien upon the
7 vehicle.

8 (c) The registration of the vehicle is suspended or revoked
9 for any reason provided in the motor vehicle laws of this state.

10 (d) The operator's or chauffeur's license of the owner or
11 co-owner or lessee or co-lessee is suspended, revoked, or denied
12 or the operator has never been licensed by this state at the time
13 of the application for a third or subsequent violation of
14 section 625 or 625m or a local ordinance substantially corre-
15 sponding to section 625 or 625m or a fourth or subsequent suspen-
16 sion or revocation under section 904. This subdivision takes
17 effect June 1, 2000.

18 (e) The required fee has not been paid.

19 (f) The applicant, at the time of applying for registration
20 or a transfer of registration other than a temporary registration
21 issued pursuant to section 226b, fails to present a certificate
22 of compliance or waiver for a motor vehicle as required under
23 either part 63 or part 65 of the natural resources and environ-
24 mental protection act, 1994 PA 451, MCL 324.6301 to 324.6321 and
25 324.6501 to 324.6539.

26 (g) The application for registration of a vehicle with an
27 elected gross weight of 55,000 pounds or more is not accompanied

1 with proof of payment of the federal highway use tax levied
2 pursuant to the surface transportation assistance act of 1982,
3 Public Law 97-424, 96 Stat. 2097.

4 (2) The secretary of state shall refuse issuance of a cer-
5 tificate of title or a salvage certificate of title upon any of
6 the following grounds:

7 (a) The application contains a false or fraudulent state-
8 ment, the applicant has failed to furnish required information or
9 reasonable additional information requested by the secretary of
10 state, or the applicant is not entitled to the issuance of a cer-
11 tificate of title or salvage certificate of title under this
12 act.

13 (b) The secretary of state has reasonable ground to believe
14 that the vehicle is a stolen or embezzled vehicle or that the
15 issuance of a certificate of title or a salvage certificate of
16 title would constitute a fraud against the rightful owner or
17 other person having a valid security interest upon the vehicle.

18 (c) The required fee has not been paid.

19 ~~-(d) The operator's or chauffeur's license of the owner or~~
20 ~~co-owner or lessee or co-lessee is suspended, revoked, or denied~~
21 ~~or the operator has never been licensed by this state at the time~~
22 ~~of the application for a third or subsequent violation of~~
23 ~~section 625 or 625m or a local ordinance substantially corre-~~
24 ~~sponding to section 625 or 625m or a fourth or subsequent suspen-~~
25 ~~sion or revocation under section 904. This subdivision takes~~
26 ~~effect June 1, 2000.~~

1 (3) The secretary of state shall not issue a registration
2 for a vehicle for which a temporary registration plate was issued
3 under section 904c until the violation resulting in the issuance
4 of the plate is adjudicated or the vehicle is transferred to a
5 person who is subject to payment of a use tax under section 3 of
6 the use tax act, 1937 PA 94, MCL 205.93.

7 Sec. 222. (1) Except as otherwise provided in this act, the
8 secretary of state shall issue a registration certificate and a
9 certificate of title when registering a vehicle and upon receipt
10 of the required fees. A vehicle brought into this state from
11 another state or jurisdiction that has a rebuilt, salvage, or
12 scrap certificate of title issued by that other state or juris-
13 diction shall be issued a rebuilt, salvage, or scrap certificate
14 of title by the secretary of state.

15 (2) The registration certificate shall be delivered to the
16 owner and shall contain on its face the date issued, the name and
17 address of the owner, the registration number assigned to the
18 vehicle, and a description of the vehicle as determined by the
19 secretary of state.

20 (3) The certificate of title shall be manufactured in a
21 manner to prohibit as nearly as possible the ability to repro-
22 duce, alter, counterfeit, forge, or duplicate the certificate of
23 title without ready detection and contain on its face the identi-
24 cal information required on the face of the registration certifi-
25 cate; if the vehicle is a motor vehicle, the number of miles, not
26 including the tenths of a mile, registered on the vehicle's
27 odometer at the time of transfer; except for a vehicle owned by a

1 dealer and loaned to a political subdivision of this state for
2 use as a driver education vehicle, if the vehicle is to be used
3 or has been used as a taxi, as a police vehicle, or by a politi-
4 cal subdivision of this state; whether the vehicle is a salvage
5 vehicle; if the vehicle has previously been issued a rebuilt cer-
6 tificate of title from this state or a comparable certificate of
7 title from any other state or jurisdiction; if the vehicle has
8 been issued a scrap certificate of title from this state or a
9 comparable certificate of title from any other state or jurisdic-
10 tion; IF THE OWNER OR CO-OWNER OR LESSEE OR CO-LESSEE OF THE
11 VEHICLE IS SUBJECT TO REGISTRATION DENIAL UNDER
12 SECTION 219(1)(D); a statement of the owner's title and of all
13 security interests in the vehicle or in an accessory on the vehi-
14 cle as set forth in the application; the date that the applica-
15 tion was filed; and any other information that the secretary of
16 state may require.

17 (4) The certificate of title shall contain ~~—, upon the~~
18 ~~reverse side,~~ a form for assignment of title or interest and
19 warranty of title by the owner with space for the notation of a
20 security interest in the vehicle and in an accessory on the vehi-
21 cle, ~~—that~~ WHICH at the time of a transfer shall be certified
22 and signed, and space for a written odometer mileage statement
23 that is required upon transfer pursuant to section 233a. The
24 ~~reverse side of the~~ certificate of title may also contain other
25 forms that the secretary of state considers necessary to facili-
26 tate the effective administration of this act. The certificate
27 shall bear the coat of arms of this state.

1 (5) The certificate of title shall be mailed or delivered to
2 the owner or other person the owner may direct in a separate
3 instrument, in a form the secretary of state shall prescribe.

4 (6) A person who intentionally reproduces, alters, counter-
5 feits, forges, or duplicates a certificate of title or who uses a
6 reproduced, altered, counterfeited, forged, or duplicated certif-
7 icate of title shall be punished as follows:

8 (a) If the intent of reproduction, alteration, counterfeit-
9 ing, forging, duplication, or use was to commit or aid in the
10 commission of an offense punishable by imprisonment for 1 or more
11 years, the person committing the reproduction, alteration, coun-
12 terfeiting, forging, duplication, or use is guilty of a misde-
13 meanor, punishable by imprisonment for a period equal to that
14 which could be imposed for the commission of the offense the
15 person had the intent to aid or commit. The court may also
16 assess a fine of not more than \$10,000.00 against the person.

17 (b) If the intent of the reproduction, alteration, counter-
18 feiting, forging, duplication, or use was to commit or aid in the
19 commission of an offense punishable by imprisonment for not more
20 than 1 year, the person committing the reproduction, alteration,
21 counterfeiting, forging, duplication, or use is guilty of a mis-
22 demeanor, punishable by imprisonment for not more than 1 year, or
23 a fine of not more than \$1,000.00, or both.

24 (7) The certificate of title for a police vehicle, a vehicle
25 owned by a political subdivision of this state, a salvage vehi-
26 cle, a rebuilt vehicle, and a scrap vehicle shall be different in
27 color from the certificate of title for all other vehicles.

1 (8) A scrap certificate of title shall contain a legend that
2 the vehicle is not to be titled or registered and is to be used
3 for parts or scrap metal only.

4 (9) A certificate of title shall not be issued for a vehicle
5 which has had a salvage certificate of title unless the certifi-
6 cate of title contains a legend ~~which would disclose~~ THAT
7 DISCLOSES the vehicle's former condition to consumers and poten-
8 tial purchasers.

9 Sec. 233. (1) If the owner of a registered vehicle trans-
10 fers or assigns the title or interest in the vehicle, the regis-
11 tration plates issued for the vehicle shall be removed and trans-
12 ferred to the owner's spouse, mother, father, sister, brother, or
13 child to whom title or interest in the vehicle is transferred, or
14 retained and preserved by the owner for transfer to another vehi-
15 cle upon application and payment of the required fees. A person
16 shall not transfer the plates to a vehicle without applying for a
17 proper certificate of registration describing the vehicle to
18 which the plates are being transferred except as provided in sec-
19 tion 217(4). If the owner of a registered vehicle acquires
20 another vehicle without transferring or assigning the title or
21 interest in the vehicle for which the plates were issued, the
22 owner may have the plates transferred to the subsequently
23 acquired vehicle upon application and payment of the required
24 fees.

25 (2) A person shall not purchase or lease another vehicle or
26 an interest in another vehicle with the intent to circumvent the

1 restrictions created by immobilization of a vehicle under this
2 act.

3 (3) A person shall not transfer or attempt to transfer
4 ownership or right of possession of a vehicle subject to forfei-
5 ture or ordered forfeited under this act with the intent to avoid
6 the forfeiture of that vehicle.

7 (4) During the time a vehicle is subject to a temporary reg-
8 istration plate, vehicle forfeiture, immobilization, registration
9 denial, or the period from adjudication to immobilization or for-
10 feiture under this act, a person shall not without a court order
11 transfer or assign the title or an interest in the vehicle to a
12 person who is not subject to payment of a use tax under section 3
13 of the use tax act, 1937 PA 94, MCL 205.93.

14 (5) A person who violates subsection (2), (3), or (4) is
15 guilty of a misdemeanor punishable by imprisonment for not more
16 than 1 year or a fine of not more than \$1,000.00, or both.

17 (6) A PERSON WHOSE OPERATOR'S OR CHAUFFEUR'S LICENSE IS SUS-
18 PENDED, REVOKED, OR DENIED FOR, OR WHO HAS NEVER BEEN LICENSED BY
19 THIS STATE AND WAS CONVICTED FOR, A THIRD OR SUBSEQUENT VIOLATION
20 OF SECTION 625 OR 625M OR A LOCAL ORDINANCE SUBSTANTIALLY CORRE-
21 SPONDING TO SECTION 625 OR 625M OR A FOURTH OR SUBSEQUENT SUSPEN-
22 SION OR REVOCATION UNDER SECTION 904 SHALL NOT PURCHASE, LEASE,
23 OR OTHERWISE ACQUIRE A MOTOR VEHICLE DURING THE SUSPENSION, REVO-
24 CATION, OR DENIAL PERIOD. A PERSON WHO VIOLATES THIS SUBSECTION
25 IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT
26 MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN \$100.00, OR BOTH.
27 THIS SUBSECTION TAKES EFFECT JUNE 1, 2000.

1 (7) ~~-(6)-~~ If the assigned holder of registration plates
2 applies for a new registration certificate, the application shall
3 be accompanied either by the old registration certificate or by a
4 certificate of title showing the person to be the assigned holder
5 of the registration plates for which the old registration certif-
6 icate had been issued. ~~-(7)-~~ A person who fails or neglects to
7 fulfill the ~~-provisions-~~ REQUIREMENTS of THIS subsection ~~-(6)-~~ is
8 guilty of a misdemeanor punishable by imprisonment for not more
9 than 93 days or a fine of not more than \$100.00, or both.

10 (8) The owner shall indorse on the back of the certificate
11 of title an assignment of the title with warranty of title in the
12 form printed on the certificate with a statement of all security
13 interests in the vehicle or in accessories on the vehicle and
14 deliver or cause the certificate to be mailed or delivered to the
15 purchaser or transferee at the time of the delivery to the pur-
16 chaser or transferee of the vehicle. The certificate shall show
17 the payment or satisfaction of any security interest as shown on
18 the original title.

19 (9) Upon the delivery of a motor vehicle and the transfer,
20 sale, or assignment of the title or interest in a motor vehicle
21 by a person, including a dealer, the effective date of the trans-
22 fer of title or interest in the vehicle shall be the date of exe-
23 cution of either the application for title or the ASSIGNMENT OF
24 THE certificate of title.

25 Sec. 240. The owner of a motor vehicle who has made a bona
26 fide sale by transfer of his OR HER title or interest and who has
27 delivered possession of ~~-such-~~ THE vehicle and the certificate of

1 title thereto properly endorsed to the purchaser or transferee
2 shall not be liable for any damages OR A VIOLATION OF LAW there-
3 after resulting from ~~negligent operation~~ THE USE OR OWNERSHIP
4 of ~~such~~ THE vehicle by another.

5 Sec. 319. (1) The secretary of state shall immediately sus-
6 pend a person's license as provided in this section upon receiv-
7 ing a record of the person's conviction for a crime described in
8 this section, whether the conviction is under a law of this
9 state, a local ordinance substantially corresponding to a law of
10 this state, or a law of another state substantially corresponding
11 to a law of this state.

12 (2) The secretary of state shall suspend the person's
13 license for 1 year for any of the following crimes:

14 (a) Fraudulently altering or forging documents pertaining to
15 motor vehicles in violation of section 257.

16 (b) A violation of section 413 of the Michigan penal code,
17 1931 PA 328, MCL 750.413.

18 (c) A violation of section 1 of 1931 PA 214, MCL 752.191.

19 (d) Failing to stop and disclose identity at the scene of an
20 accident resulting in death or serious injury in violation of
21 section 617.

22 (e) A felony in which a motor vehicle was used. As used in
23 this section, "felony in which a motor vehicle was used" means a
24 felony during the commission of which the person convicted oper-
25 ated a motor vehicle and while operating the vehicle presented
26 real or potential harm to persons or property and 1 or more of
27 the following circumstances existed:

1 (i) The vehicle was used as an instrument of the felony.

2 (ii) The vehicle was used to transport a victim of the
3 felony.

4 (iii) The vehicle was used to flee the scene of the felony.

5 (iv) The vehicle was necessary for the commission of the
6 felony.

7 (f) A violation of section 602a(2) or (3) of this act or
8 section 479a(2) or (3) of the Michigan penal code, 1931 PA 328,
9 MCL 750.479a.

10 (3) The secretary of state shall suspend the person's
11 license for 90 days for any of the following crimes:

12 (a) Failing to stop and disclose identity at the scene of an
13 accident resulting in injury in violation of section 617a.

14 (b) Reckless driving in violation of section 626.

15 (c) Malicious destruction resulting from the operation of a
16 vehicle under section 382(1)(b), (c), or (d) of the Michigan
17 penal code, 1931 PA 328, MCL 750.382.

18 (d) A violation described in section 367c of the Michigan
19 penal code, 1931 PA 328, MCL 750.367c.

20 (e) A violation of section 703(2) of the Michigan liquor
21 control code of 1998, 1998 PA 58, MCL 436.1703.

22 (4) The secretary of state shall suspend the person's
23 license for 30 days for malicious destruction resulting from the
24 operation of a vehicle under section 382(1)(a) of the Michigan
25 penal code, 1931 PA 328, MCL 750.382.

26 (5) For perjury or making a false certification to the
27 secretary of state under any law requiring the registration of a

1 motor vehicle or regulating the operation of a vehicle on a
2 highway, the secretary shall suspend the person's license as
3 follows:

4 (a) If the person has no prior conviction for an offense
5 described in this subsection within 7 years, for 90 days.

6 (b) If the person has 1 or more prior convictions for an
7 offense described in this subsection within 7 years, for 1 year.

8 (6) For a violation of section 414 of the Michigan penal
9 code, 1931 PA 328, MCL 750.414, the secretary of state shall sus-
10 pend the person's license as follows:

11 (a) If the person has no prior conviction for that offense
12 within 7 years, for 90 days.

13 (b) If the person has 1 or more prior convictions for that
14 offense within 7 years, for 1 year.

15 (7) For a violation of section 624a or 624b of this act or
16 section 703(1) of the Michigan liquor control code of 1998, 1998
17 PA 58, MCL 436.1703, the secretary of state shall suspend the
18 person's license as follows:

19 (a) If the person has 1 prior conviction for an offense
20 described in this subsection or section 33b(1) of former 1933 (Ex
21 Sess) PA 8, for 90 days. The secretary of state may issue the
22 person a restricted license after the first 30 days of
23 suspension.

24 (b) If the person has 2 or more prior convictions for an
25 offense described in this subsection or section 33b(1) of former
26 1933 (Ex Sess) PA 8, for 1 year. The secretary of state may

1 issue the person a restricted license after the first 60 days of
2 suspension.

3 (8) The secretary of state shall suspend the person's
4 license for a violation of section 625 or 625m as follows:

5 (a) For 180 days for a violation of section 625(1) if the
6 person has no prior convictions within 7 years. The secretary of
7 state may issue the person a restricted license during all or a
8 specified portion of the suspension, except that the secretary of
9 state shall not issue a restricted license during the first 30
10 days of suspension.

11 (b) For 90 days for a violation of section 625(3) if the
12 person has no prior convictions within 7 years. However, if the
13 person is convicted of a violation of section 625(3), for operat-
14 ing a vehicle when, due to the consumption of a controlled sub-
15 stance or a combination of intoxicating liquor and a controlled
16 substance, the person's ability to operate the vehicle was visi-
17 bly impaired, the secretary of state shall suspend the person's
18 license under this subdivision for 180 days. The secretary of
19 state may issue the person a restricted license during all or a
20 specified portion of the suspension.

21 (c) For 30 days for a violation of section 625(6) if the
22 person has no prior convictions within 7 years. The secretary of
23 state may issue the person a restricted license during all or a
24 specified portion of the suspension.

25 (d) For 90 days for a violation of section 625(6) if the
26 person has 1 or more prior convictions FOR THAT OFFENSE within 7
27 years.

1 (e) For 180 days for a violation of section 625(7) if the
2 person has no prior convictions within 7 years. The secretary of
3 state may issue the person a restricted license after the first
4 90 days of suspension.

5 (f) For 90 days for a violation of section 625m if the
6 person has no prior convictions within 7 years. The secretary of
7 state may issue the person a restricted license during all or a
8 specified portion of the suspension.

9 (9) For a violation of section 315(4), the secretary of
10 state may suspend the person's license for 6 months and shall
11 revoke the person's license for a second or subsequent conviction
12 as required under section 315(5).

13 (10) Except as provided in subsection (12), a suspension
14 under this section shall be imposed notwithstanding a court
15 order.

16 (11) If the secretary of state receives records of more than
17 1 conviction of a person resulting from the same incident, a sus-
18 pension shall be imposed only for the violation to which the
19 longest period of suspension applies under this section.

20 (12) The secretary of state may waive a suspension of a
21 person's license imposed under this act if the person submits
22 proof that a court in another state revoked, suspended, or
23 restricted his or her license for a period equal to or greater
24 than the period of a suspension prescribed under this act for the
25 violation and that the revocation, suspension, or restriction was
26 served for the violation, or may grant a restricted license.

1 (13) The secretary of state shall not issue a restricted
2 license to a person whose license is suspended under this section
3 unless a restricted license is authorized under this section and
4 the person is otherwise eligible for a license.

5 (14) The secretary of state shall not issue a restricted
6 license to a person under subsection (8) that would permit the
7 person to operate a commercial motor vehicle that hauls hazardous
8 material.

9 (15) A restricted license issued under this section shall
10 permit the person to whom it is issued to drive under 1 or more
11 of the following circumstances:

12 (a) In the course of the person's employment or occupation.

13 (b) To and from any combination of the following:

14 (i) The person's residence.

15 (ii) The person's work location.

16 (iii) An alcohol or drug education or treatment program as
17 ordered by the court.

18 (iv) The court probation department.

19 (v) A court-ordered community service program.

20 (vi) An educational institution at which the person is
21 enrolled as a student.

22 (vii) A place of regularly occurring medical treatment for a
23 serious condition for the person or a member of the person's
24 household or immediate family.

25 (16) While driving WITH A RESTRICTED LICENSE, the person
26 shall carry proof of his or her destination and the hours of any

1 employment, class, or other reason for traveling and shall
2 display that proof upon a peace officer's request.

3 (17) Subject to subsection (19), as used in subsection (8),
4 "prior conviction" means a conviction for any of the following,
5 whether under a law of this state, a local ordinance substan-
6 tially corresponding to a law of this state, or a law of another
7 state substantially corresponding to a law of this state:

8 (a) Except as provided in subsection (18), a violation or
9 attempted violation of section 625(1), (3), (4), (5), (6), or
10 (7), section 625m, former section 625(1) or (2), or former sec-
11 tion 625b.

12 (b) Negligent homicide, manslaughter, or murder resulting
13 from the operation of a vehicle or an attempt to commit any of
14 those crimes.

15 (18) Except for purposes of the suspensions described in
16 subsection (8)(c) and (d), only 1 violation or attempted viola-
17 tion of section 625(6), a local ordinance substantially corre-
18 sponding to section 625(6), or a law of another state substan-
19 tially corresponding to section 625(6) may be used as a prior
20 conviction.

21 (19) If 2 or more convictions described in subsection (17)
22 are convictions for violations arising out of the same transac-
23 tion, only 1 conviction shall be used to determine whether the
24 person has a prior conviction.

25 Sec. 605. (1) This chapter and chapter VIII shall apply
26 uniformly throughout this state and in all political subdivisions
27 and municipalities in the state. A local authority shall not

1 adopt, enact, or enforce a local law, charter provision,
2 ordinance, rule, or regulation THAT PROVIDES LESSER PENALTIES OR
3 IS OTHERWISE in conflict with this chapter or chapter VIII.

4 (2) A local law, charter provision, ordinance, rule, or reg-
5 ulation or portion of a local law, chapter provision, ordinance,
6 rule, or regulation imposing a criminal penalty for an act or
7 omission that is a civil infraction under this act, or imposing a
8 criminal penalty or civil sanction in excess of that prescribed
9 in this act, is in conflict with this act and is void to the
10 extent of the conflict.

11 Sec. 904d. (1) Vehicle immobilization applies as follows:

12 (a) For a conviction under section 625(1), (3), or (7) or a
13 local ordinance substantially corresponding to section 625(1) or
14 (3) with no prior convictions, the court may order vehicle immo-
15 bilization for not more than 180 days.

16 (b) For a conviction under section 625(4) or (5) with no
17 prior convictions, the court shall order vehicle immobilization
18 for not more than 180 days.

19 (c) For a conviction under section 625(1), (3), (4), (5), or
20 (7) within 7 years after a prior conviction, the court shall
21 order vehicle immobilization for not less than 90 days or more
22 than 180 days.

23 (d) For a conviction under section 625(1), (3), (4), (5), or
24 (7) within 10 years after 2 or more prior convictions, the court
25 shall order vehicle immobilization for not less than 1 year or
26 more than 3 years.

1 (2) For a conviction or civil infraction determination
2 ~~occurring~~ RESULTING FROM A VIOLATION THAT OCCURRED during a
3 period of suspension, revocation, or denial, the following
4 apply:

5 (a) Except as provided in subdivision (b), for 1 prior sus-
6 pension, revocation, or denial under section 904(10), (11), or
7 (12) OR FORMER SECTION 904(2) OR (4) within the past 7 years, the
8 court may order vehicle immobilization for not more than 180
9 days.

10 (b) Except as provided in subdivisions (c) and (d), if the
11 person is convicted under section 904(4) or (5), the court shall
12 order vehicle immobilization for not more than 180 days.

13 (c) For any combination of 2 or 3 prior suspensions, revoca-
14 tions, or denials under section 904(10), (11), or (12) OR FORMER
15 SECTION 904(2) OR (4) within the past 7 years, the court shall
16 order vehicle immobilization for not less than 90 days or more
17 than 180 days.

18 (d) For any combination of 4 or more prior suspensions,
19 revocations, or denials under section 904(10), (11), or (12) OR
20 FORMER SECTION 904(2) OR (4) within the past 7 years, the court
21 shall order vehicle immobilization for not less than 1 year or
22 more than 3 years.

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

26 (4) The court may order vehicle immobilization under this
27 section under either of the following circumstances:

1 (a) The defendant is the owner, co-owner, lessee, or
2 co-lessee of the vehicle operated during the violation.

3 (b) The owner, co-owner, lessee, or co-lessee knowingly per-
4 mitted the vehicle to be operated in violation of section 625(2)
5 or section ~~904(1)~~ 904(2) regardless of whether a conviction
6 resulted.

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

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

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

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

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

18 (C) A VEHICLE OWNED BY THE FEDERAL GOVERNMENT, THIS STATE,
19 OR A LOCAL UNIT OF GOVERNMENT OF THIS STATE.

20 (D) A VEHICLE NOT SUBJECT TO REGISTRATION UNDER SECTION 216.

21 (E) ~~-(e)-~~ Any of the following:

22 (i) A violation of chapter II.

23 (ii) A violation of chapter V.

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

25 (iv) A parking violation.

26 (v) A bad check violation.

1 (vi) An equipment violation.

2 (vii) A pedestrian, passenger, or bicycle violation, other
3 than a violation of section 703(1) or (2) of the Michigan liquor
4 control code of 1998, 1998 PA 58, MCL 436.1703, or a local ordi-
5 nance substantially corresponding to section 703(1) or (2) of the
6 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703,
7 or section 624a or 624b or a local ordinance substantially corre-
8 sponding to section 624a or 624b.

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

11 (8) As used in this section:

12 (a) Subject to subsection (9), "prior conviction" means a
13 conviction for any of the following, whether under a law of this
14 state, a local ordinance substantially corresponding to a law of
15 this state, or a law of another state substantially corresponding
16 to a law of this state:

17 (i) Except as otherwise provided in this subparagraph, a
18 violation or attempted violation of section 625(1), (3), (4),
19 (5), (6), or (7), section 625m, former section 625(1) or (2), or
20 former section 625b. However, only 1 violation or attempted vio-
21 lation of section 625(6), a local ordinance substantially corre-
22 sponding to section 625(6), or a law of another state substan-
23 tially corresponding to section 625(6) may be used as a prior
24 conviction.

25 (ii) Negligent homicide, manslaughter, or murder resulting
26 from the operation of a vehicle or an attempt to commit any of
27 those crimes.

1 (b) "Vehicle immobilization" means requiring the motor
2 vehicle involved in the violation immobilized in a manner pro-
3 vided in section 904e.

4 (9) If 2 or more convictions described in subsection (8)(a)
5 are convictions for violations arising out of the same incident,
6 only 1 conviction shall be used to determine whether the person
7 has a prior conviction.

8 Enacting section 1. This amendatory act does not take
9 effect unless all of the following bills of the 90th Legislature
10 are enacted into law:

11 (a) Senate Bill No. 831.

12 (b) Senate Bill No. 832.

13 (c) Senate Bill No. 833.

14 (d) Senate Bill No. 834.

15 (e) Senate Bill No. 855.

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