

SENATE BILL No. 469

May 10, 2001, Introduced by Senators BENNETT, YOUNG, STEIL, GARCIA, MC COTTER, HAMMERSTROM, SHUGARS, SIKKEMA and GOSCHKA and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303, 307, 319, 617, and 904d (MCL 257.303, 257.307, 257.319, 257.617, and 257.904d), sections 303, 319, and 904d as amended by 2000 PA 460, section 307 as amended by 1999 PA 118, and section 617 as amended by 1989 PA 267.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 303. (1) The secretary of state shall not issue a
2 license under this act to any of the following:

3 (a) A person, as an operator, who is less than 18 years of
4 age, except as otherwise provided in this act.

5 (b) A person, as a chauffeur, who is less than 18 years of
6 age, except as otherwise provided in this act.

7 (c) A person whose license has been suspended during the
8 period for which the license was suspended.

1 ~~(d) A person who has been convicted of or received a~~
2 ~~juvenile disposition for a violation of section 625(4) or (5),~~
3 ~~section 653a(4), or section 904(4) or (5).~~

4 ~~(e) A person who has been convicted of or received a juve-~~
5 ~~nile disposition for negligent homicide, manslaughter, or murder~~
6 ~~resulting from the operation of a vehicle.~~

7 ~~(f) A person who is an habitual violator of the criminal~~
8 ~~laws relating to operating a vehicle while impaired by or under~~
9 ~~the influence of intoxicating liquor, a controlled substance, or~~
10 ~~a combination of intoxicating liquor and a controlled substance~~
11 ~~or with an alcohol content of 0.10 grams or more per 100 millili-~~
12 ~~ters of blood, per 210 liters of breath, or per 67 milliliters of~~
13 ~~urine. Convictions of any of the following, whether under a law~~
14 ~~of this state, a local ordinance substantially corresponding to a~~
15 ~~law of this state, or a law of another state substantially corre-~~
16 ~~sponding to a law of this state, are prima facie evidence that~~
17 ~~the person is an habitual violator as described in this~~
18 ~~subdivision.~~

19 ~~(i) Any combination of 2 convictions within 7 years for any~~
20 ~~of the following or a combination of 1 conviction for a violation~~
21 ~~or attempted violation of section 625(6) and 1 conviction for any~~
22 ~~of the following within 7 years:~~

23 ~~(A) A violation or attempted violation of section 625(1),~~
24 ~~(3), (4), (5), or (7), section 653a(4), or section 904(4) or~~
25 ~~(5).~~

26 ~~(B) A violation of former section 625(1) or (2) or former~~
27 ~~section 625b.~~

1 ~~(C) A violation or attempted violation of section 625m.~~

2 ~~(D) Negligent homicide, manslaughter, or murder resulting~~
3 ~~from the operation of a vehicle or an attempt to commit any of~~
4 ~~those crimes.~~

5 ~~(ii) Any combination of 3 convictions within 10 years for~~
6 ~~any of the following or 1 conviction for a violation or attempted~~
7 ~~violation of section 625(6) and any combination of 2 convictions~~
8 ~~for any of the following within 10 years, if any of the convic-~~
9 ~~tions resulted from an arrest on or after January 1, 1992:~~

10 ~~(A) A violation or attempted violation of section 625(1),~~
11 ~~(3), (4), (5), or (7), section 653a(4), or section 904(4) or~~
12 ~~(5).~~

13 ~~(B) A violation of former section 625(1) or (2) or former~~
14 ~~section 625b.~~

15 ~~(C) A violation or attempted violation of section 625m.~~

16 ~~(D) Negligent homicide, manslaughter, or murder resulting~~
17 ~~from the operation of a vehicle or an attempt to commit any of~~
18 ~~those crimes.~~

19 ~~(D) (g) A person who in the opinion of the secretary of~~
20 ~~state is afflicted with or suffering from a physical or mental~~
21 ~~disability or disease preventing that person from exercising rea-~~
22 ~~sonable and ordinary control over a motor vehicle while operating~~
23 ~~the motor vehicle upon the highways.~~

24 ~~(E) (h) A person who is unable to understand highway warn-~~
25 ~~ing or direction signs in the English language.~~

26 ~~(i) A person who is an habitually reckless driver. Two~~
27 ~~convictions within 7 years for violating any combination of~~

1 ~~section 626 or section 653a(3) or a local ordinance of this state~~
2 ~~or a law of another state substantially similar to section 626 or~~
3 ~~section 653a(3) are prima facie evidence that the person is an~~
4 ~~habitually reckless driver.~~

5 ~~(j) A person who is an habitual criminal. Two convictions~~
6 ~~of a felony in which a motor vehicle was used in this or another~~
7 ~~state are prima facie evidence that the person is an habitual~~
8 ~~criminal.~~

9 ~~(F) (k) A person who is unable to pass a knowledge, skill,~~
10 ~~or ability test administered by the secretary of state in connec-~~
11 ~~tion with the issuance of an original operator's or chauffeur's~~
12 ~~license, original motorcycle indorsement, or an original or~~
13 ~~renewal of a vehicle group designation or vehicle indorsement.~~

14 ~~(G) (l) A person who has been convicted of, has received a~~
15 ~~juvenile disposition for, or has been determined responsible for~~
16 ~~2 or more moving violations under a law of this state, a local~~
17 ~~ordinance substantially corresponding to a law of this state, or~~
18 ~~a law of another state substantially corresponding to a law of~~
19 ~~this state within the preceding 3 years, if the violations~~
20 ~~occurred before issuance of an original license to the person in~~
21 ~~this or another state.~~

22 ~~(H) (m) A nonresident including a foreign exchange~~
23 ~~student.~~

24 ~~(I) (n) A person who has failed to answer a citation or~~
25 ~~notice to appear in court or for any matter pending or fails to~~
26 ~~comply with an order or judgment of the court, including, but not~~
27 ~~limited to, paying all fines, costs, fees, and assessments, in~~

1 violation of section 321a, until that person answers the citation
2 or notice to appear in court or for any matter pending or com-
3 plies with an order or judgment of the court, including, but not
4 limited to, paying all fines, costs, fees, and assessments, as
5 provided under section 321a.

6 (J) ~~(o)~~ A person not licensed under this act who has been
7 convicted of, has received a juvenile disposition for, or has
8 been determined responsible for a crime or civil infraction
9 described in section 319, 324, or 904. A person shall be denied
10 a license under this subdivision for the length of time corre-
11 sponding to the period of the licensing sanction that would have
12 been imposed under section 319, 324, or 904 if the person had
13 been licensed at the time of the violation.

14 (K) ~~(p)~~ A person not licensed under this act who has been
15 convicted of or received a juvenile disposition for committing a
16 crime described in section 319e. A person shall be denied a
17 license under this subdivision for the length of time that corre-
18 sponds to the period of the licensing sanction that would have
19 been imposed under section 319e if the person had been licensed
20 at the time of the violation.

21 (l) ~~(q)~~ A person not licensed under this act who is deter-
22 mined to have violated section 33b(1) of former 1933 (Ex Sess)
23 PA 8, section 703(1) of the Michigan liquor control code of 1998,
24 1998 PA 58, MCL 436.1703, or section 624a or 624b of this act.
25 The person shall be denied a license under this subdivision for a
26 period of time that corresponds to the period of the licensing

1 sanction that would have been imposed under those sections had
2 the person been licensed at the time of the violation.

3 ~~(r) A person who has been convicted of a violation of sec=
4 tion 602a(4) or (5) of this act or a violation of section 479a(4)
5 or (5) of the Michigan penal code, 1931 PA 328, MCL 750.479a.~~

6 (2) Upon receiving the appropriate records of conviction,
7 the secretary of state shall revoke OR DENY the operator's or
8 chauffeur's license of a person having any of the following,
9 whether under a law of this state, a local ordinance substan-
10 tially corresponding to a law of this state, or a law of another
11 state substantially corresponding to a law of this state:

12 (a) Any combination of 2 convictions within 7 years for any
13 of the following:

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

15 (ii) A violation or attempted violation of section 653a(3).

16 (b) Two convictions of a felony in which a motor vehicle was
17 used within 7 years.

18 (c) Any combination of 2 convictions within 7 years for any
19 of the following or a combination of 1 conviction for a violation
20 or attempted violation of section 625(6) and 1 conviction for any
21 of the following within 7 years:

22 (i) A violation or attempted violation of SECTION 617(2) OR
23 (3), section 625(1), (3), (4), (5), or (7), section 653a(4), or
24 section 904(4) or (5).

25 (ii) A violation of former section 625(1) or (2) or former
26 section 625b.

1 (iii) A violation or attempted violation of section 625m.

2 (iv) Negligent homicide, manslaughter, or murder resulting
3 from the operation of a vehicle or an attempt to commit any of
4 those crimes.

5 (d) One conviction for a violation or attempted violation of
6 SECTION 617(2) OR (3), section 625(4) or (5), section 653a(4), or
7 section 904(4) or (5).

8 (e) One conviction of negligent homicide, manslaughter, or
9 murder resulting from the operation of a vehicle or an attempt to
10 commit any of those crimes.

11 (f) Any combination of 3 convictions within 10 years for any
12 of the following or 1 conviction for a violation or attempted
13 violation of section 625(6) and any combination of 2 convictions
14 for any of the following within 10 years, if any of the convic-
15 tions resulted from an arrest on or after January 1, 1992:

16 (i) A violation or attempted violation of SECTION 617(2) OR
17 (3), section 625(1), (3), (4), (5), or (7), section 653a(4), or
18 section 904(4) or (5).

19 (ii) A violation of former section 625(1) or (2) or former
20 section 625b.

21 (iii) A violation or attempted violation of section 625m.

22 (iv) Negligent homicide, manslaughter, or murder resulting
23 from the operation of a vehicle or an attempt to commit any of
24 those crimes.

25 (g) A violation of section 602a(4) or (5) of this act or
26 section 479a(4) or (5) of the Michigan penal code, 1931 PA 328,
27 MCL 750.479a.

1 (3) The secretary of state shall revoke a license under
2 subsection (2) notwithstanding a court order.

3 (4) The secretary of state shall not issue a license under
4 this act to a person whose license has been revoked under this
5 act or REVOKED OR denied under subsection ~~(1)(d), (e), (f), (i),~~
6 ~~(j), or (r)~~ (2) until all of the following occur, as
7 applicable:

8 (a) The later of the following:

9 (i) The expiration of not less than 1 year after the license
10 was revoked or denied.

11 (ii) The expiration of not less than 5 years after the date
12 of a subsequent revocation or denial occurring within 7 years
13 after the date of any prior revocation or denial.

14 (b) For a denial under subsection ~~(1)(f), (i), or (j)~~
15 (2)(A), (B), (C), AND (F) based on prima facie evidence, the
16 person rebuts the presumption resulting from the prima facie evi-
17 dence by clear and convincing evidence.

18 (c) The person meets the requirements of the department.

19 (5) Multiple convictions or civil infraction determinations
20 resulting from the same incident shall be treated as a single
21 violation for purposes of denial or revocation of a license under
22 this section.

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

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

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

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

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

7 Sec. 307. (1) An application for an operator's or
8 chauffeur's license shall be made in a manner prescribed by the
9 secretary of state and shall contain all of the following:

10 (a) The applicant's full name, date of birth, residence
11 address, height, sex, eye color, signature, other information
12 required or permitted on the license under this chapter, and, to
13 the extent required to comply with federal law, the applicant's
14 social security number. The applicant may provide a mailing
15 address if the applicant receives mail at an address different
16 from his or her residence address.

17 (b) The following notice shall be included to inform the
18 applicant that under sections 509o and 509r of the Michigan elec-
19 tion law, 1954 PA 116, MCL 168.509o and 168.509r, the secretary
20 of state is required to use the residence address provided on
21 this application as the applicant's residence address on the
22 qualified voter file for voter registration and voting:

23 "NOTICE: Michigan law requires that the same address be used
24 for voter registration and driver license purposes.

25 Therefore, if the residence address you provide in this
26 application differs from your voter registration address as
27 it appears on the qualified voter file, the secretary of

1 state will automatically change your voter registration to
2 match the residence address on this application, after which
3 your voter registration at your former address will no longer
4 be valid for voting purposes. A new voter registration card,
5 containing the information of your polling place, will be
6 provided to you by the clerk of the jurisdiction where your
7 residence address is located."

8 (c) For an operator's or chauffeur's license with a vehicle
9 group designation or indorsement, the following certifications by
10 the applicant:

11 (i) The applicant meets the applicable federal physical
12 driver qualification requirements under 49 C.F.R. part 391 if the
13 applicant operates or intends to operate in interstate commerce
14 or meets the applicable physical qualifications under the rules
15 promulgated by the department of state police under the motor
16 carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.22, if
17 the applicant operates or intends to operate in intrastate
18 commerce.

19 (ii) The vehicle in which the applicant will take the driv-
20 ing skills tests is representative of the type of vehicle the
21 applicant operates or intends to operate.

22 (iii) The applicant has not been convicted of an offense as
23 described in section 312f or 319b.

24 (iv) The applicant does not have a driver's license from
25 more than 1 state.

26 (d) For an operator's or chauffeur's license with a vehicle
27 group designation or indorsement and for which the applicant

1 claims a waiver of the driving test as provided in section 312f,
2 the following additional certifications by the applicant concern-
3 ing the 2-year period immediately before application:

4 (i) The applicant has not had more than 1 license.

5 (ii) The applicant has not had any license suspended,
6 revoked, or canceled.

7 (iii) The applicant has not been convicted of any offense
8 described in section 319b while operating a motor vehicle.

9 (iv) The applicant has not been convicted of a moving viola-
10 tion under state or local law relating to motor vehicle traffic
11 control arising in connection with a traffic accident.

12 (v) The applicant is regularly employed in a job requiring
13 the operation of a commercial motor vehicle.

14 (vi) The applicant qualifies under either of the following:

15 (A) He or she has passed a behind-the-wheel driving test
16 given by a state with a commercial motor vehicle driver licensing
17 and testing system and taken in a representative vehicle for that
18 applicant's driver's license vehicle group designation.

19 (B) For at least 2 years immediately preceding application,
20 the applicant has operated a vehicle representative of the com-
21 mercial motor vehicle group or passenger vehicle for which he or
22 she is applying. The applicant's employer or the applicant, if
23 self-employed, shall provide evidence of this requirement.

24 (2) Except as provided in this subsection, an applicant for
25 an operator's or chauffeur's license may have his or her image
26 captured or reproduced when the application for the license is
27 made. An applicant required under section 5a of the sex

1 offenders registration act, 1994 PA 295, MCL 28.725a, to maintain
2 a valid operator's or chauffeur's license or official state per-
3 sonal identification card shall have his or her image captured or
4 reproduced when the application for the license is made. The
5 secretary of state shall acquire by purchase or lease the equip-
6 ment for capturing the images and may furnish the equipment to a
7 local unit authorized by the secretary of state to license
8 drivers. The secretary of state shall acquire equipment pur-
9 chased or leased pursuant to this section under standard purchas-
10 ing procedures of the department of management and budget based
11 on standards and specifications established by the secretary of
12 state. The secretary of state shall not purchase or lease equip-
13 ment until an appropriation for the equipment has been made by
14 the legislature. An image captured pursuant to this section
15 shall appear on the applicant's operator's or chauffeur's
16 license. Except as provided in this subsection, the secretary of
17 state may retain and use a person's image described in this sub-
18 section only for programs administered by the secretary of
19 state. Except as provided in this subsection, the secretary of
20 state shall not use a person's image unless the person grants
21 written permission for that purpose to the secretary of state or
22 specific enabling legislation permitting the use is enacted into
23 law. A law enforcement agency of this state has access to infor-
24 mation retained by the secretary of state under this subsection.
25 The information may be utilized for any law enforcement purpose
26 unless otherwise prohibited by law. The department of state
27 police shall provide to the secretary of state updated lists of

1 persons required to be registered under the sex offenders
2 registration act, 1994 PA 295, MCL 28.721 to 28.732, and the sec-
3 retary of state shall make the images of those persons available
4 to the department of state police as provided in that act.

5 (3) An application shall contain a signature and certifica-
6 tion by the applicant and shall be accompanied by the proper
7 fee. The examiner shall collect the application fee and shall
8 forward the fee to the secretary of state with the application.
9 The secretary of state shall refund the application fee to the
10 applicant if the license applied for is denied, but shall not
11 refund the fee to an applicant who fails to complete the examina-
12 tion requirements of the secretary of state within 90 days after
13 the date of application for a license. ~~Until January 1, 2002,~~
14 ~~a~~ A service fee of \$1.00 shall be added to each fee collected
15 for an original, renewal, duplicate, or corrected operator's or
16 chauffeur's license. The service fee received and collected
17 under this subsection shall be deposited in the state treasury to
18 the credit of the general fund. The service fee shall be used to
19 defray the expenses of the secretary of state. Appropriations
20 from the Michigan transportation fund shall not be used to com-
21 pensate the secretary of state for costs incurred and services
22 performed under this section.

23 (4) In conjunction with the issuance of an operator's or
24 chauffeur's license, the secretary of state shall do all of the
25 following:

26 (a) Provide the applicant with all of the following:

1 (i) Written information explaining the applicant's right to
2 make an anatomical gift in the event of death in accordance with
3 section 310.

4 (ii) Written information describing the organ donation reg-
5 istry program maintained by Michigan's federally designated organ
6 procurement organization or its successor organization. The
7 written information required under this subparagraph shall
8 include, in a type size and format that is conspicuous in rela-
9 tion to the surrounding material, the address and telephone
10 number of Michigan's federally designated organ procurement
11 organization or its successor organization, along with an
12 advisory to call Michigan's federally designated organ procure-
13 ment organization or its successor organization with questions
14 about the organ donor registry program.

15 (iii) Written information giving the applicant the opportu-
16 nity to be placed on the organ donation registry described in
17 subparagraph (ii).

18 (b) Provide the applicant with the opportunity to specify on
19 his or her operator's or chauffeur's license that he or she is
20 willing to make an anatomical gift in the event of death in
21 accordance with section 310.

22 (c) Inform the applicant in writing that, if he or she indi-
23 cates to the secretary of state under this section a willingness
24 to have his or her name placed on the organ donor registry
25 described in subdivision (a)(ii), the secretary of state will
26 forward the applicant's name and address to the organ donation
27 registry maintained by Michigan's federally designated organ

1 procurement organization or its successor organization, as
2 required by subsection (6).

3 (5) The secretary of state may fulfill the requirements of
4 subsection (4) by 1 or more of the following methods:

5 (a) Providing printed material enclosed with a mailed notice
6 for an operator's or chauffeur's license renewal or the issuance
7 of an operator's or chauffeur's license.

8 (b) Providing printed material to an applicant who person-
9 ally appears at a secretary of state branch office.

10 (c) Through electronic information transmittals for
11 operator's and chauffeur's licenses processed by electronic
12 means.

13 (6) If an applicant indicates a willingness under this sec-
14 tion to have his or her name placed on the organ donor registry
15 described in subsection (4)(a)(ii), the secretary of state shall
16 within 10 days forward the applicant's name and address to the
17 organ donor registry maintained by Michigan's federally desig-
18 nated organ procurement organization or its successor
19 organization. The secretary of state may forward information
20 under this subsection by mail or by electronic means. The secre-
21 tary of state shall not maintain a record of the name or address
22 of an individual who indicates a willingness to have his or her
23 name placed on the organ donor registry after forwarding that
24 information to the organ donor registry under this subsection.
25 Information about an applicant's indication of a willingness to
26 have his or her name placed on the organ donor registry that is
27 obtained by the secretary of state under subsection (4) and

1 forwarded under this subsection is exempt from disclosure under
2 the freedom of information act, 1976 PA 442, MCL 15.231 to
3 15.246, pursuant to section 13(1)(d) of the freedom of informa-
4 tion act, 1976 PA 442, MCL 15.243.

5 (7) If an application is received from a person previously
6 licensed in another jurisdiction, the secretary of state shall
7 request a copy of the applicant's driving record and other avail-
8 able information from the other jurisdiction. When received, the
9 driving record and other available information from the other
10 jurisdiction becomes a part of the driver's record in this state
11 with the same force and effect as if it had been entered on the
12 driver's record in this state in the original instance. If the
13 application is for an original, renewal, or change of a vehicle
14 group designation or indorsement, the secretary of state shall
15 also check the applicant's driving record with the national driv-
16 ers register and the United States department of transportation
17 before issuing that group designation or indorsement.

18 (8) Except for a vehicle group designation or indorsement or
19 as provided in this subsection, the secretary of state may issue
20 a renewal operator's or chauffeur's license for 1 additional
21 4-year period by mail or by other methods prescribed by the sec-
22 retary of state. The secretary of state shall issue a renewal
23 license only in person if the licensee has a driving record with
24 a conviction or civil infraction determination obtained in the 48
25 months preceding renewal or if the person is a person required
26 under section 5a of the sex offenders registration act, 1994 PA
27 295, MCL 28.725a, to maintain a valid operator's or chauffeur's

1 license or official state personal identification card. However,
2 the secretary of state shall not refuse to issue a renewal
3 license by mail or by other method because of a conviction or
4 civil infraction determination for which fines and costs were
5 waived under section 901a or section 907. If a license is
6 renewed by mail or by other method, the secretary of state shall
7 issue evidence of renewal to indicate the date the license
8 expires in the future. The department of state police shall pro-
9 vide to the secretary of state updated lists of persons required
10 under section 5a of the sex offenders registration act, 1994
11 PA 295, MCL 28.725a, to maintain a valid operator's or
12 chauffeur's license or official state personal identification
13 card.

14 (9) Upon request, the secretary of state shall provide an
15 information manual to an applicant explaining how to obtain a
16 vehicle group designation or indorsement. The manual shall con-
17 tain the information required under 49 C.F.R. part 383.

18 (10) The secretary of state shall not disclose a social
19 security number obtained under subsection (1) to another person
20 except for use for 1 or more of the following purposes:

21 (a) Compliance with ~~the commercial motor vehicle safety act~~
22 ~~of 1986, title XII of Public Law 99-570, 100 Stat. 3207-170-~~
23 CHAPTER 313 OF TITLE 49 OF THE UNITED STATES CODE, 49
24 U.S.C. 31301 TO 31317, and regulations and state law and rules
25 related to ~~that act~~ THIS CHAPTER.

26 (b) Through the law enforcement information network, to
27 carry out the purposes of section 466(a) of part D of title IV of

1 the social security act, 42 U.S.C. 666, in connection with
2 matters relating to paternity, child support, or overdue child
3 support.

4 (c) As otherwise required by law.

5 (11) The secretary of state shall not display a person's
6 social security number on the person's operator's or chauffeur's
7 license.

8 (12) A requirement under this section to include a social
9 security number on an application does not apply to an applicant
10 who demonstrates he or she is exempt under law from obtaining a
11 social security number or to an applicant who for religious con-
12 victions is exempt under law from disclosure of his or her social
13 security number under these circumstances. The secretary of
14 state shall inform the applicant of this possible exemption.

15 Sec. 319. (1) The secretary of state shall immediately sus-
16 pend a person's license as provided in this section upon receiv-
17 ing a record of the person's conviction for a crime described in
18 this section, whether the conviction is under a law of this
19 state, a local ordinance substantially corresponding to a law of
20 this state, or a law of another state substantially corresponding
21 to a law of this state.

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

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

26 (b) A violation of section 413 of the Michigan penal code,
27 1931 PA 328, MCL 750.413.

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

2 ~~(d) Failing to stop and disclose identity at the scene of~~
3 ~~an accident resulting in death or serious injury in violation of~~
4 ~~section 617.~~

5 (D) ~~(e)~~ A felony in which a motor vehicle was used. As
6 used in this section, "felony in which a motor vehicle was used"
7 means a felony during the commission of which the person con-
8 victed operated a motor vehicle and while operating the vehicle
9 presented real or potential harm to persons or property and 1 or
10 more of the following circumstances existed:

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

12 (ii) The vehicle was used to transport a victim of the
13 felony.

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

15 (iv) The vehicle was necessary for the commission of the
16 felony.

17 (E) ~~(f)~~ A violation of section 602a(2) or (3) of this act
18 or section 479a(2) or (3) of the Michigan penal code, 1931
19 PA 328, MCL 750.479a.

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

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

24 (b) A violation of section 626 or section 653a(3).

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

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

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

7 (5) For perjury or making a false certification to the sec-
8 retary of state under any law requiring the registration of a
9 motor vehicle or regulating the operation of a vehicle on a high-
10 way, the secretary shall suspend the person's license as
11 follows:

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

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

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

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

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

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

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

6 (b) If the person has 2 or more prior convictions for an
7 offense described in this subsection or section 33b(1) of former
8 1933 (Ex Sess) PA 8, for 1 year. The secretary of state may
9 issue the person a restricted license after the first 60 days of
10 suspension.

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

13 (a) For 180 days for a violation of section 625(1) if the
14 person has no prior convictions within 7 years. The secretary of
15 state may issue the person a restricted license during all or a
16 specified portion of the suspension, except that the secretary of
17 state shall not issue a restricted license during the first 30
18 days of suspension.

19 (b) For 90 days for a violation of section 625(3) if the
20 person has no prior convictions within 7 years. However, if the
21 person is convicted of a violation of section 625(3), for operat-
22 ing a vehicle when, due to the consumption of a controlled sub-
23 stance or a combination of intoxicating liquor and a controlled
24 substance, the person's ability to operate the vehicle was visi-
25 bly impaired, the secretary of state shall suspend the person's
26 license under this subdivision for 180 days. The secretary of

1 state may issue the person a restricted license during all or a
2 specified portion of the suspension.

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

7 (d) For 90 days for a violation of section 625(6) if the
8 person has 1 or more prior convictions for that offense within 7
9 years.

10 (e) For 180 days for a violation of section 625(7) if the
11 person has no prior convictions within 7 years. The secretary of
12 state may issue the person a restricted license after the first
13 90 days of suspension.

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

18 (9) For a violation of section 367c of the Michigan penal
19 code, 1931 PA 328, MCL 750.367c, the secretary of state shall
20 suspend the person's license as follows:

21 (a) If the person has no prior conviction for an offense
22 described in this subsection within 7 years, for 6 months.

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

25 (10) For a violation of section 315(4), the secretary of
26 state may suspend the person's license for 6 months and shall

1 revoke the person's license for a second or subsequent conviction
2 as required under section 315(5).

3 (11) Except as provided in subsection (13), a suspension
4 under this section shall be imposed notwithstanding a court
5 order.

6 (12) If the secretary of state receives records of more than
7 1 conviction of a person resulting from the same incident, a sus-
8 pension shall be imposed only for the violation to which the
9 longest period of suspension applies under this section.

10 (13) The secretary of state may waive a suspension of a
11 person's license imposed under this act if the person submits
12 proof that a court in another state revoked, suspended, or
13 restricted his or her license for a period equal to or greater
14 than the period of a suspension prescribed under this act for the
15 violation and that the revocation, suspension, or restriction was
16 served for the violation, or may grant a restricted license.

17 (14) The secretary of state shall not issue a restricted
18 license to a person whose license is suspended under this section
19 unless a restricted license is authorized under this section and
20 the person is otherwise eligible for a license.

21 (15) The secretary of state shall not issue a restricted
22 license to a person under subsection (8) that would permit the
23 person to operate a commercial motor vehicle that hauls hazardous
24 material.

25 (16) A restricted license issued under this section shall
26 permit the person to whom it is issued to drive under 1 or more
27 of the following circumstances:

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

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

3 (i) The person's residence.

4 (ii) The person's work location.

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

7 (iv) The court probation department.

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

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

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

14 (17) While driving with a restricted license, the person
15 shall carry proof of his or her destination and the hours of any
16 employment, class, or other reason for traveling and shall dis-
17 play that proof upon a peace officer's request.

18 (18) Subject to subsection (20), as used in subsection (8),
19 "prior conviction" means a conviction for any of the following,
20 whether under a law of this state, a local ordinance substan-
21 tially corresponding to a law of this state, or a law of another
22 state substantially corresponding to a law of this state:

23 (a) Except as provided in subsection (19), a violation or
24 attempted violation of section 625(1), (3), (4), (5), (6), or
25 (7), section 625m, former section 625(1) or (2), or former sec-
26 tion 625b.

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

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

10 (20) If 2 or more convictions described in subsection (18)
11 are convictions for violations arising out of the same transac-
12 tion, only 1 conviction shall be used to determine whether the
13 person has a prior conviction.

14 Sec. 617. (1) The driver of a vehicle who knows or who has
15 reason to believe that he or she has been involved in an accident
16 upon either public or private property, when the property is open
17 to travel by the public, resulting in serious ~~or aggravated~~
18 ~~injury to~~ IMPAIRMENT OF A BODY FUNCTION or death of a person
19 shall immediately stop his or her vehicle at the scene of the
20 accident and shall remain there until the requirements of section
21 619 are fulfilled. The stop shall be made without obstructing
22 traffic more than is necessary.

23 (2) A PERSON WHO VIOLATES SUBSECTION (1) FOLLOWING AN ACCI-
24 DENT THAT RESULTS IN THE DEATH OF A PERSON IS GUILTY OF A FELONY
25 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 15 YEARS OR A FINE
26 OF NOT LESS THAN \$2,500.00 OR MORE THAN \$10,000.00, OR BOTH.

1 (3) ~~(2)~~ A person who violates subsection (1) FOLLOWING AN
2 ACCIDENT THAT RESULTS IN SERIOUS IMPAIRMENT OF A BODY FUNCTION OF
3 A PERSON is guilty of a felony punishable by imprisonment for not
4 more than 5 years or by a fine of not LESS THAN \$1,000.00 OR more
5 than \$5,000.00, or both.

6 ~~(3) The secretary of state shall suspend the operator's or~~
7 ~~chauffeur's license of the person convicted under this section~~
8 ~~as provided in section 319.~~

9 (4) IN ADDITION TO BEING SUBJECT TO ANY OTHER PENALTY PRO-
10 VIDED FOR IN THIS ACT, IF A PERSON IS CONVICTED UNDER SUBSECTION
11 (2) OR (3), THE COURT SHALL ORDER VEHICLE IMMOBILIZATION UNDER
12 SECTION 904D IN THE JUDGMENT OF SENTENCE.

13 (5) AS USED IN THIS SECTION, "SERIOUS IMPAIRMENT OF A BODY
14 FUNCTION" INCLUDES, BUT IS NOT LIMITED TO, 1 OR MORE OF THE
15 FOLLOWING:

16 (A) LOSS OF A LIMB OR LOSS OF USE OF A LIMB.

17 (B) LOSS OF A FOOT, HAND, FINGER, OR THUMB OR LOSS OF USE OF
18 A FOOT, HAND, FINGER, OR THUMB.

19 (C) LOSS OF AN EYE OR EAR OR LOSS OF USE OF AN EYE OR EAR.

20 (D) LOSS OR SUBSTANTIAL IMPAIRMENT OF A BODILY FUNCTION.

21 (E) SERIOUS VISIBLE DISFIGUREMENT.

22 (F) A COMATOSE STATE THAT LASTS FOR MORE THAN 3 DAYS.

23 (G) MEASURABLE BRAIN OR MENTAL IMPAIRMENT.

24 (H) A SKULL FRACTURE OR OTHER SERIOUS BONE FRACTURE.

25 (I) SUBDURAL HEMORRHAGE OR SUBDURAL HEMATOMA.

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

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

5 (b) For a conviction under SECTION 617(2) OR (3) OR section
6 625(4) or (5) with no prior convictions, the court shall order
7 vehicle immobilization for not more than 180 days.

8 (c) For a conviction under section 617(2) OR (3) OR 625(1),
9 (3), (4), (5), or (7) within 7 years after a prior conviction,
10 the court shall order vehicle immobilization for not less than 90
11 days or more than 180 days.

12 (d) For a conviction under section 617(2) OR (3) OR 625(1),
13 (3), (4), (5), or (7) within 10 years after 2 or more prior con-
14 victions, the court shall order vehicle immobilization for not
15 less than 1 year or more than 3 years.

16 (2) For a conviction or civil infraction determination
17 resulting from a violation that occurred during a period of sus-
18 pension, revocation, or denial, the following apply:

19 (a) Except as provided in subdivision (b), for 1 prior sus-
20 pension, revocation, or denial under section 904(10), (11), or
21 (12) or former section 904(2) or (4) within the past 7 years, the
22 court may order vehicle immobilization for not more than 180
23 days.

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

1 (c) For any combination of 2 or 3 prior suspensions,
2 revocations, or denials under section 904(10), (11), or (12) or
3 former section 904(2) or (4) within the past 7 years, the court
4 shall order vehicle immobilization for not less than 90 days or
5 more than 180 days.

6 (d) For any combination of 4 or more prior suspensions,
7 revocations, or denials under section 904(10), (11), or (12) or
8 former section 904(2) or (4) within the past 7 years, the court
9 shall order vehicle immobilization for not less than 1 year or
10 more than 3 years.

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

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

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

18 (b) The owner, co-owner, lessee, or co-lessee knowingly per-
19 mitted the vehicle to be operated in violation of section 625(2)
20 or section 904(2) regardless of whether a conviction resulted.

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

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

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

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

4 (b) A vehicle that is registered in another state or that is
5 a rental vehicle.

6 (c) A vehicle owned by the federal government, this state,
7 or a local unit of government of this state.

8 (d) A vehicle not subject to registration under
9 section 216.

10 (e) Any of the following:

11 (i) A violation of chapter II.

12 (ii) A violation of chapter V.

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

14 (iv) A parking violation.

15 (v) A bad check violation.

16 (vi) An equipment violation.

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

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

26 (8) As used in this section:

1 (a) Subject to subsection (9), "prior conviction" means a
2 conviction for any of the following, whether under a law of this
3 state, a local ordinance substantially corresponding to a law of
4 this state, or a law of another state substantially corresponding
5 to a law of this state:

6 (i) Except as otherwise provided in this subparagraph, a
7 violation or attempted violation of section 625(1), (3), (4),
8 (5), (6), or (7), section 625m, former section 625(1) or (2), or
9 former section 625b. However, only 1 violation or attempted vio-
10 lation of section 625(6), a local ordinance substantially corre-
11 sponding to section 625(6), or a law of another state substan-
12 tially corresponding to section 625(6) may be used as a prior
13 conviction.

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

17 (iii) A violation of section 617(2) OR (3) AND 653a(3) OR
18 (4).

19 (b) "Vehicle immobilization" means requiring the motor vehi-
20 cle involved in the violation immobilized in a manner provided in
21 section 904e.

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