

HOUSE BILL No. 6589

November 9, 2006, Introduced by Reps. Casperson, Marleau, LaJoy, Emmons, Booher, Sheen and Hildenbrand and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 319, 319b, 320a, 625, 625a, 625b, 625c, 625i, 625m, 625n, 727, 732, 732a, and 904d (MCL 257.319, 257.319b, 257.320a, 257.625, 257.625a, 257.625b, 257.625c, 257.625i, 257.625m, 257.625n, 257.727, 257.732, 257.732a, and 257.904d), section 319 as amended by 2004 PA 362, sections 319b and 732 as amended by 2006 PA 298, section 320a as amended by 2004 PA 495, sections 625, 625b, and 727 as amended by 2004 PA 62, sections 625a, 625c, 625i, 625m, and 904d as amended by 2003 PA 61, section 625n as amended by 1998 PA 349, and section 732a as amended by 2004 PA 52.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 319. (1) The secretary of state shall immediately suspend
2 a person's license as provided in this section upon receiving a
3 record of the person's conviction for a crime described in this
4 section, whether the conviction is under a law of this state, a
5 local ordinance substantially corresponding to a law of this state,
6 or a law of another state substantially corresponding to a law of
7 this state.

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

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

12 (b) A violation of section 413 of the Michigan penal code,
13 1931 PA 328, MCL 750.413.

14 (c) A violation of section 1 of former 1931 PA 214, MCL
15 752.191, or section 626c.

16 (d) A felony in which a motor vehicle was used. As used in
17 this section, "felony in which a motor vehicle was used" means a
18 felony during the commission of which the person convicted operated
19 a motor vehicle and while operating the vehicle presented real or
20 potential harm to persons or property and 1 or more of the
21 following circumstances existed:

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

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

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

25 (iv) The vehicle was necessary for the commission of the
26 felony.

27 (e) A violation of section 602a(2) or (3) of this act or

1 section 479a(2) or (3) of the Michigan penal code, 1931 PA 328, MCL
2 750.479a.

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

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

7 (b) A violation of section 601b(2), section 601c(1), section
8 626, or section 653a(3).

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

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

14 (4) The secretary of state shall suspend the person's license
15 for 30 days for malicious destruction resulting from the operation
16 of a vehicle under section 382(1)(a) of the Michigan penal code,
17 1931 PA 328, MCL 750.382.

18 (5) For perjury or making a false certification to the
19 secretary of state under any law requiring the registration of a
20 motor vehicle or regulating the operation of a vehicle on a
21 highway, or for conduct prohibited under section 324(1) or a local
22 ordinance substantially corresponding to section 324(1), the
23 secretary shall suspend the person's license as follows:

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

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

1 (6) For a violation of section 414 of the Michigan penal code,
2 1931 PA 328, MCL 750.414, the secretary of state shall suspend the
3 person's license as follows:

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

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

8 (7) For a violation of section 624a or 624b of this act or
9 section 703(1) of the Michigan liquor control code of 1998, 1998 PA
10 58, MCL 436.1703, the secretary of state shall suspend the person's
11 license as follows:

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

16 (b) If the person has 2 or more prior convictions for an
17 offense described in this subsection or section 33b(1) of former
18 1933 (Ex Sess) PA 8, for 1 year. The secretary of state may issue
19 the person a restricted license after the first 60 days of
20 suspension.

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

23 (a) For 180 days for a violation of section 625(1) or ~~—(8)—~~

24 (9) if the person has no prior convictions within 7 years. The
25 secretary of state may issue the person a restricted license during
26 a specified portion of the suspension, except that the secretary of
27 state shall not issue a restricted license during the first 30 days

1 of suspension.

2 (b) For 90 days for a violation of section 625(3) if the
3 person has no prior convictions within 7 years. However, if the
4 person is convicted of a violation of section 625(3), for operating
5 a vehicle when, due to the consumption of a controlled substance or
6 a combination of alcoholic liquor and a controlled substance, the
7 person's ability to operate the vehicle was visibly impaired, the
8 secretary of state shall suspend the person's license under this
9 subdivision for 180 days. The secretary of state may issue the
10 person a restricted license during all or a specified portion of
11 the suspension.

12 (C) FOR 1 YEAR FOR A VIOLATION OF SECTION 625(6) IF THE PERSON
13 HAS NO PRIOR CONVICTIONS WITHIN 7 YEARS. THE SECRETARY OF STATE MAY
14 ISSUE THE PERSON A RESTRICTED LICENSE DURING A SPECIFIED PORTION OF
15 THE SUSPENSION, EXCEPT THAT THE SECRETARY OF STATE SHALL NOT ISSUE
16 A RESTRICTED LICENSE DURING THE FIRST 180 DAYS OF SUSPENSION.

17 (D) ~~—(e)—~~ For 30 days for a violation of section ~~—625(6)—~~
18 625(7) if the person has no prior convictions within 7 years. The
19 secretary of state may issue the person a restricted license during
20 all or a specified portion of the suspension.

21 (E) ~~—(d)—~~ For 90 days for a violation of section ~~—625(6)—~~
22 625(7) if the person has 1 or more prior convictions for that
23 offense within 7 years.

24 (F) ~~—(e)—~~ For 180 days for a violation of section ~~—625(7)—~~
25 625(8) if the person has no prior convictions within 7 years. The
26 secretary of state may issue the person a restricted license after
27 the first 90 days of suspension.

1 (G) ~~—(f)—~~ For 90 days for a violation of section 625m if the
2 person has no prior convictions within 7 years. The secretary of
3 state may issue the person a restricted license during all or a
4 specified portion of the suspension.

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

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

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

12 (10) For a violation of section 315(4), the secretary of state
13 may suspend the person's license for 6 months.

14 (11) For a violation or attempted violation of section 411a(2)
15 of the Michigan penal code, 1931 PA 328, MCL 750.411a, involving a
16 school, the secretary of state shall suspend the license of a
17 person 14 years of age or over but less than 21 years of age until
18 3 years after the date of the conviction or juvenile disposition
19 for the violation. The secretary of state may issue the person a
20 restricted license after the first 365 days of suspension.

21 (12) Except as provided in subsection (14), a suspension under
22 this section shall be imposed notwithstanding a court order unless
23 the court order complies with section 323.

24 (13) If the secretary of state receives records of more than 1
25 conviction of a person resulting from the same incident, a
26 suspension shall be imposed only for the violation to which the
27 longest period of suspension applies under this section.

1 (14) The secretary of state may waive a restriction,
2 suspension, or revocation of a person's license imposed under this
3 act if the person submits proof that a court in another state
4 revoked, suspended, or restricted his or her license for a period
5 equal to or greater than the period of a restriction, suspension,
6 or revocation prescribed under this act for the violation and that
7 the revocation, suspension, or restriction was served for the
8 violation, or may grant a restricted license.

9 (15) The secretary of state shall not issue a restricted
10 license to a person whose license is suspended under this section
11 unless a restricted license is authorized under this section and
12 the person is otherwise eligible for a license.

13 (16) The secretary of state shall not issue a restricted
14 license to a person under subsection (8) that would permit the
15 person to operate a commercial motor vehicle.

16 (17) A restricted license issued under this section shall
17 permit the person to whom it is issued to take any driving skills
18 test required by the secretary of state and to drive under 1 or
19 more of the following circumstances:

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

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

22 (i) The person's residence.

23 (ii) The person's work location.

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

26 (iv) The court probation department.

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

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

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

6 (18) While driving with a restricted license, the person shall
7 carry proof of his or her destination and the hours of any
8 employment, class, or other reason for traveling and shall display
9 that proof upon a peace officer's request.

10 (19) Subject to subsection (21), as used in subsection (8),
11 "prior conviction" means a conviction for any of the following,
12 whether under a law of this state, a local ordinance substantially
13 corresponding to a law of this state, or a law of another state
14 substantially corresponding to a law of this state:

15 (a) Except as provided in subsection (20), a violation or
16 attempted violation of any of the following:

17 (i) Section 625, except a violation of section 625(2), or a
18 violation of any prior enactment of section 625 in which the
19 defendant operated a vehicle while under the influence of
20 intoxicating or alcoholic liquor or a controlled substance, or a
21 combination of intoxicating or alcoholic liquor and a controlled
22 substance, or while visibly impaired, or with an unlawful bodily
23 alcohol content.

24 (ii) Section 625m.

25 (iii) Former section 625b.

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

1 crimes.

2 (20) Except for purposes of the suspensions described in
3 subsection (8)(c) and (d), only 1 violation or attempted violation
4 of section ~~625(6)~~ **625(7)**, a local ordinance substantially
5 corresponding to section ~~625(6)~~ **625(7)**, or a law of another state
6 substantially corresponding to section ~~625(6)~~ **625(7)** may be used
7 as a prior conviction.

8 (21) If 2 or more convictions described in subsection (19) are
9 convictions for violations arising out of the same transaction,
10 only 1 conviction shall be used to determine whether the person has
11 a prior conviction.

12 Sec. 319b. (1) The secretary of state shall immediately
13 suspend or revoke, as applicable, all vehicle group designations on
14 the operator's or chauffeur's license of a person upon receiving
15 notice of a conviction, bond forfeiture, or civil infraction
16 determination of the person, or notice that a court or
17 administrative tribunal has found the person responsible, for a
18 violation described in this subsection of a law of this state, a
19 local ordinance substantially corresponding to a law of this state
20 while the person was operating a commercial motor vehicle, or a law
21 of another state substantially corresponding to a law of this
22 state, or notice that the person has refused to submit to a
23 chemical test of his or her blood, breath, or urine for the purpose
24 of determining the amount of alcohol or presence of a controlled
25 substance or both in the person's blood, breath, or urine while the
26 person was operating a commercial motor vehicle as required by a
27 law or local ordinance of this or another state. The period of

1 suspension or revocation is as follows:

2 (a) Suspension for 60 days if the person is convicted of or
3 found responsible for 1 of the following while operating a
4 commercial motor vehicle:

5 (i) Two serious traffic violations arising from separate
6 incidents within 36 months.

7 (ii) A violation of section 667, 668, 669, or 669a.

8 (iii) A violation of motor carrier safety regulations 49 CFR
9 392.10 or 392.11, as adopted by section 1a of the motor carrier
10 safety act of 1963, 1963 PA 181, MCL 480.11a.

11 (iv) A violation of section 57 of the pupil transportation act,
12 1990 PA 187, MCL 257.1857.

13 (v) A violation of motor carrier safety regulations 49 CFR
14 392.10 or 392.11, as adopted by section 31 of the motor bus
15 transportation act, 1982 PA 432, MCL 474.131.

16 (vi) A violation of motor carrier safety regulations 49 CFR
17 392.10 or 392.11 while operating a commercial motor vehicle other
18 than a vehicle covered under subparagraph (iii), (iv), or (v).

19 (b) Suspension for 120 days if the person is convicted of or
20 found responsible for 1 of the following arising from separate
21 incidents within 36 months while operating a commercial motor
22 vehicle:

23 (i) Three serious traffic violations.

24 (ii) Any combination of 2 violations described in subdivision
25 (a) (ii).

26 (c) Suspension for 1 year if the person is convicted of or
27 found responsible for 1 of the following:

1 (i) A violation of section 625(1), (3), (4), (5), (6), (7), or
2 (8), **OR (9)**, section 625m, or former section 625(1) or (2), or
3 former section 625b, while operating a commercial or noncommercial
4 motor vehicle.

5 (ii) Leaving the scene of an accident involving a commercial or
6 noncommercial motor vehicle operated by the person.

7 (iii) Except for a felony described in 49 CFR 383.51(b)(9), a
8 felony in which a commercial or noncommercial motor vehicle was
9 used.

10 (iv) A refusal of a peace officer's request to submit to a
11 chemical test of his or her blood, breath, or urine to determine
12 the amount of alcohol or presence of a controlled substance or both
13 in his or her blood, breath, or urine while he or she was operating
14 a commercial or noncommercial motor vehicle as required by a law or
15 local ordinance of this state or another state.

16 (v) Effective October 1, 2005, operating a commercial motor
17 vehicle in violation of a suspension, revocation, denial, or
18 cancellation that was imposed for previous violations committed
19 while operating a commercial motor vehicle.

20 (vi) Effective October 1, 2005, causing a fatality through the
21 negligent or criminal operation of a commercial motor vehicle,
22 including, but not limited to, the crimes of motor vehicle
23 manslaughter, motor vehicle homicide, and negligent homicide.

24 (vii) A 6-point violation as provided in section 320a while
25 operating a commercial motor vehicle.

26 (viii) Any combination of 3 violations described in subdivision
27 (a)(ii) arising from separate incidents within 36 months while

1 operating a commercial motor vehicle.

2 (d) Suspension for 3 years if the person is convicted of or
3 found responsible for an offense enumerated in subdivision (c)(i) to
4 (vii) in which a commercial motor vehicle was used if the vehicle was
5 carrying hazardous material required to have a placard under 49 CFR
6 parts 100 to 199.

7 (e) Revocation for life, but with eligibility for reissue of a
8 group vehicle designation after not less than 10 years and after
9 approval by the secretary of state, if the person is convicted of
10 or found responsible for 2 violations or a combination of any 2
11 violations arising from 2 or more separate incidents involving any
12 of the following:

13 (i) Section 625(1), (3), (4), (5), (6), (7), ~~or~~ (8), **OR (9)**,
14 section 625m, or former section 625(1) or (2), or former section
15 625b, while operating a commercial or noncommercial motor vehicle.

16 (ii) Leaving the scene of an accident involving a commercial or
17 noncommercial motor vehicle operated by the licensee.

18 (iii) Except for a felony described in 49 CFR 383.51(b)(9), a
19 felony in which a commercial or noncommercial motor vehicle was
20 used.

21 (iv) A refusal of a request of a police officer to submit to a
22 chemical test of his or her blood, breath, or urine for the purpose
23 of determining the amount of alcohol or presence of a controlled
24 substance or both in his or her blood while he or she was operating
25 a commercial or noncommercial motor vehicle in this state or
26 another state.

27 (v) Effective October 1, 2005, operating a commercial motor

1 vehicle in violation of a suspension, revocation, denial, or
2 cancellation that was imposed for previous violations committed
3 while operating a commercial motor vehicle.

4 (vi) Effective October 1, 2005, causing a fatality through the
5 negligent or criminal operation of a commercial motor vehicle,
6 including, but not limited to, the crimes of motor vehicle
7 manslaughter, motor vehicle homicide, and negligent homicide.

8 (vii) Six-point violations as provided in section 320a while
9 operating a commercial motor vehicle.

10 (f) Revocation for life if a person is convicted of or found
11 responsible for any of the following:

12 (i) One violation of a felony in which a commercial motor
13 vehicle was used and that involved the manufacture, distribution,
14 or dispensing of a controlled substance or possession with intent
15 to manufacture, distribute, or dispense a controlled substance.

16 (ii) A conviction of any offense described in subdivision (c)
17 or (d) after having been approved for the reissuance of a vehicle
18 group designation under subdivision (e).

19 (iii) A conviction of a violation of chapter LXXXIII-A of the
20 Michigan penal code, 1931 PA 328, MCL 750.543a to 750.543z.

21 (2) The secretary of state shall immediately deny, cancel, or
22 revoke a hazardous material indorsement on the operator's or
23 chauffeur's license of a person with a vehicle group designation
24 upon receiving notice from a federal government agency that the
25 person poses a security risk warranting denial, cancellation, or
26 revocation under the uniting and strengthening America by providing
27 appropriate tools required to intercept and obstruct terrorism (USA

1 PATRIOT ACT) act of 2001, Public Law 107-56. The denial,
2 cancellation, or revocation cannot be appealed under section 322 or
3 323 and remains in effect until the secretary of state receives a
4 federal government notice that the person does not pose a security
5 risk in the transportation of hazardous materials.

6 (3) The secretary of state shall immediately suspend all
7 vehicle group designations on a person's operator's or chauffeur's
8 license upon receiving notice of a conviction, bond forfeiture, or
9 civil infraction determination of the person, or notice that a
10 court or administrative tribunal has found the person responsible,
11 for a violation of section 319d(4) or 319f, a local ordinance
12 substantially corresponding to section 319d(4) or 319f, or a law or
13 local ordinance of another state, the United States, Canada,
14 Mexico, or a local jurisdiction of either of these countries
15 substantially corresponding to section 319d(4) or 319f, while
16 operating a commercial motor vehicle. The period of suspension or
17 revocation is as follows:

18 (a) Suspension for 90 days if the person is convicted of or
19 found responsible for a violation of section 319d(4) or 319f while
20 operating a commercial motor vehicle.

21 (b) Suspension for 180 days if the person is convicted of or
22 found responsible for a violation of section 319d(4) or 319f while
23 operating a commercial motor vehicle that is either carrying
24 hazardous material required to have a placard under 49 CFR parts
25 100 to 199 or designed to carry 16 or more passengers, including
26 the driver.

27 (c) Suspension for 1 year if the person is convicted of or

1 found responsible for 2 violations, in any combination, of section
2 319d(4) or 319f while operating a commercial motor vehicle arising
3 from 2 or more separate incidents during a 10-year period.

4 (d) Suspension for 3 years if the person is convicted of or
5 found responsible for 3 or more violations, in any combination, of
6 section 319d(4) or 319f while operating a commercial motor vehicle
7 arising from 3 or more separate incidents during a 10-year period.

8 (e) Suspension for 3 years if the person is convicted of or
9 found responsible for 2 or more violations, in any combination, of
10 section 319d(4) or 319f while operating a commercial motor vehicle
11 carrying hazardous material required to have a placard under 49 CFR
12 parts 100 to 199, or designed to carry 16 or more passengers,
13 including the driver, arising from 2 or more separate incidents
14 during a 10-year period.

15 (4) The secretary of state shall suspend or revoke, as
16 applicable, any privilege to operate a commercial motor vehicle as
17 directed by the federal government or its designee.

18 (5) For the purpose of this section only, a bond forfeiture or
19 a determination by a court of original jurisdiction or an
20 authorized administrative tribunal that a person has violated the
21 law is considered a conviction.

22 (6) The secretary of state shall suspend or revoke a vehicle
23 group designation under subsection (1) or deny, cancel, or revoke a
24 hazardous material indorsement under subsection (2) notwithstanding
25 a suspension, restriction, revocation, or denial of an operator's
26 or chauffeur's license or vehicle group designation under another
27 section of this act or a court order issued under another section

1 of this act or a local ordinance substantially corresponding to
2 another section of this act.

3 (7) A conviction, bond forfeiture, or civil infraction
4 determination, or notice that a court or administrative tribunal
5 has found a person responsible for a violation described in this
6 subsection while the person was operating a noncommercial motor
7 vehicle counts against the person who holds a license to operate a
8 commercial motor vehicle the same as if the person had been
9 operating a commercial motor vehicle at the time of the violation.
10 For the purpose of this subsection, a noncommercial motor vehicle
11 does not include a recreational vehicle used off-road. This
12 subsection applies to the following state law violations or a local
13 ordinance substantially corresponding to any of those violations or
14 a law of another state or out-of-state jurisdiction substantially
15 corresponding to any of those violations:

16 (a) Operating a vehicle in violation of section 625.

17 (b) Refusing to submit to a chemical test of his or her blood,
18 breath, or urine for the purpose of determining the amount of
19 alcohol or the presence of a controlled substance or both in the
20 person's blood, breath, or urine as required by a law or local
21 ordinance of this or another state.

22 (c) Leaving the scene of an accident.

23 (d) Using a vehicle to commit a felony.

24 (8) When determining the applicability of conditions listed in
25 this section, the secretary of state shall consider only violations
26 that occurred after January 1, 1990.

27 (9) When determining the applicability of conditions listed in

1 subsection (1)(a) or (b), the secretary of state shall count only
2 from incident date to incident date.

3 (10) As used in this section:

4 (a) "Felony in which a commercial motor vehicle was used"
5 means a felony during the commission of which the person convicted
6 operated a commercial motor vehicle and while the person was
7 operating the vehicle 1 or more of the following circumstances
8 existed:

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

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

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

12 (iv) The vehicle was necessary for the commission of the
13 felony.

14 (b) "Serious traffic violation" means any of the following:

15 (i) A traffic violation that occurs in connection with an
16 accident in which a person died.

17 (ii) Careless driving.

18 (iii) Excessive speeding as defined in regulations promulgated
19 under 49 USC 31301 to 31317.

20 (iv) Improper lane use.

21 (v) Following too closely.

22 (vi) Effective October 1, 2005, driving a commercial motor
23 vehicle without obtaining any vehicle group designation on the
24 person's license.

25 (vii) Effective October 1, 2005, driving a commercial motor
26 vehicle without either having an operator's or chauffeur's license
27 in the person's possession or providing proof to the court, not

1 later than the date by which the person must appear in court or pay
 2 a fine for the violation, that the person held a valid vehicle
 3 group designation and indorsement on the date that the citation was
 4 issued.

5 (viii) Effective October 1, 2005, driving a commercial motor
 6 vehicle while in possession of an operator's or chauffeur's license
 7 that has a vehicle group designation but does not have the
 8 appropriate vehicle group designation or indorsement required for
 9 the specific vehicle group being operated or the passengers or type
 10 of cargo being transported.

11 (ix) Any other serious traffic violation as defined in 49 CFR
 12 383.5 or as prescribed under this act.

13 Sec. 320a. (1) Until October 1, 2005, within 10 days after the
 14 receipt of a properly prepared abstract from this state or another
 15 state, or, beginning October 1, 2005, within 5 days after the
 16 receipt of a properly prepared abstract from this state or another
 17 state, the secretary of state shall record the date of conviction,
 18 civil infraction determination, or probate court disposition, and
 19 the number of points for each, based on the following formula,
 20 except as otherwise provided in this section and section 629c:

21 (a) Manslaughter, negligent homicide, or a felony
 22 resulting from the operation of a motor vehicle, ORV, or
 23 snowmobile 6 points

24 (b) A violation of section 601b(2) or (3), 601c(1) or
 25 (2), or 653a(3) or (4) 6 points

26 (c) A violation of section 625(1), (4), (5), ~~-(7)~~
 27 (6), ~~or~~ (8), **OR (9)**, section 81134 or 82127(1) of the

1 natural resources and environmental protection act, 1994
 2 PA 451, MCL 324.81134 and 324.82127, or a law or ordinance
 3 substantially corresponding to section 625(1), (4), (5),
 4 ~~—(7)—~~ (6), ~~—or—~~ (8), **OR (9)** or section 81134 or 82127(1)
 5 of the natural resources and environmental protection act,
 6 1994 PA 451, MCL 324.81134 and 324.82127 6 points
 7 (d) Failing to stop and disclose identity at the scene
 8 of an accident when required by law 6 points
 9 (e) Operating a motor vehicle in violation of section
 10 626 6 points
 11 (f) Fleeing or eluding an officer 6 points
 12 (g) A violation of section 627(9) pertaining to speed
 13 in a work zone described in that section by exceeding the
 14 lawful maximum by more than 15 miles per hour 5 points
 15 (h) A violation of any law other than the law described
 16 in subdivision (g) or ordinance pertaining to speed by
 17 exceeding the lawful maximum by more than 15 miles per
 18 hour 4 points
 19 (i) A violation of section 625(3) or (6), section 81135
 20 or 82127(3) of the natural resources and environmental
 21 protection act, 1994 PA 451, MCL 324.81135 and 324.82127,
 22 or a law or ordinance substantially corresponding to
 23 section 625(3) or (6) or section 81135 or 82127(3) of the
 24 natural resources and environmental protection act, 1994
 25 PA 451, MCL 324.81135 and 324.82127 4 points
 26 (j) A violation of section 626a or a law or ordinance
 27 substantially corresponding to section 626a 4 points

- 1 (k) A violation of section 653a(2) 4 points
- 2 (l) A violation of section 627(9) pertaining to speed
- 3 in a work zone described in that section by exceeding the
- 4 lawful maximum by more than 10 but not more than 15 miles
- 5 per hour 4 points
- 6 (m) A violation of any law other than the law described
- 7 in subdivision (l) or ordinance pertaining to speed by
- 8 exceeding the lawful maximum by more than 10 but not more
- 9 than 15 miles per hour or careless driving in violation
- 10 of section 626b or a law or ordinance substantially
- 11 corresponding to section 626b 3 points
- 12 (n) A violation of section 627(9) pertaining to speed
- 13 in a work zone described in that section by exceeding the
- 14 lawful maximum by 10 miles per hour or less 3 points
- 15 (o) A violation of any law other than the law described
- 16 in subdivision (n) or ordinance pertaining to speed by
- 17 exceeding the lawful maximum by 10 miles per hour or less . 2 points
- 18 (p) Disobeying a traffic signal or stop sign, or
- 19 improper passing 3 points
- 20 (q) A violation of section 624a, 624b, or a law or
- 21 ordinance substantially corresponding to section 624a
- 22 or 624b 2 points
- 23 (r) A violation of section 310e(4) or (6) or a law or
- 24 ordinance substantially corresponding to section 310e(4)
- 25 or (6) 2 points
- 26 (s) All other moving violations pertaining to the
- 27 operation of motor vehicles reported under this section ... 2 points

1 (t) A refusal by a person less than 21 years of age to
2 submit to a preliminary breath test required by a peace
3 officer under section 625a 2 points

4 (2) Points shall not be entered for a violation of section
5 310e(14), 311, 625m, 658, 717, 719, 719a, or 723.

6 (3) Points shall not be entered for bond forfeitures.

7 (4) Points shall not be entered for overweight loads or for
8 defective equipment.

9 (5) If more than 1 conviction, civil infraction determination,
10 or probate court disposition results from the same incident, points
11 shall be entered only for the violation that receives the highest
12 number of points under this section.

13 (6) If a person has accumulated 9 points as provided in this
14 section, the secretary of state may call the person in for an
15 interview as to the person's driving ability and record after due
16 notice as to time and place of the interview. If the person fails
17 to appear as provided in this subsection, the secretary of state
18 shall add 3 points to the person's record.

19 (7) If a person violates a speed restriction established by an
20 executive order issued during a state of energy emergency as
21 provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of state
22 shall enter points for the violation pursuant to subsection (1).

23 (8) The secretary of state shall enter 6 points upon the
24 record of a person whose license is suspended or denied pursuant to
25 section 625f. However, if a conviction, civil infraction
26 determination, or probate court disposition results from the same
27 incident, additional points for that offense shall not be entered.

1 (9) If a Michigan driver commits a violation in another state
2 that would be a civil infraction if committed in Michigan, and a
3 conviction results solely because of the failure of the Michigan
4 driver to appear in that state to contest the violation, upon
5 receipt of the abstract of conviction by the secretary of state,
6 the violation shall be noted on the driver's record, but no points
7 shall be assessed against his or her driver's license.

8 Sec. 625. (1) A person, whether licensed or not, shall not
9 operate a vehicle upon a highway or other place open to the general
10 public or generally accessible to motor vehicles, including an area
11 designated for the parking of vehicles, within this state if the
12 person is operating while intoxicated. As used in this section,
13 "operating while intoxicated" means either of the following
14 applies:

15 (a) The person is under the influence of alcoholic liquor, a
16 controlled substance, or a combination of alcoholic liquor and a
17 controlled substance.

18 (b) The person has an alcohol content of 0.08 grams or more
19 per 100 milliliters of blood, per 210 liters of breath, or per 67
20 milliliters of urine, or, beginning October 1, 2013, the person has
21 an alcohol content of 0.10 grams or more per 100 milliliters of
22 blood, per 210 liters of breath, or per 67 milliliters of urine.

23 (2) The owner of a vehicle or a person in charge or in control
24 of a vehicle shall not authorize or knowingly permit the vehicle to
25 be operated upon a highway or other place open to the general
26 public or generally accessible to motor vehicles, including an area
27 designated for the parking of motor vehicles, within this state by

1 a person if any of the following apply:

2 (a) The person is under the influence of alcoholic liquor, a
3 controlled substance, or a combination of alcoholic liquor and a
4 controlled substance.

5 (b) The person has an alcohol content of 0.08 grams or more
6 per 100 milliliters of blood, per 210 liters of breath, or per 67
7 milliliters of urine or, beginning October 1, 2013, the person has
8 an alcohol content of 0.10 grams or more per 100 milliliters of
9 blood, per 210 liters of breath, or per 67 milliliters of urine.

10 (c) The person's ability to operate the motor vehicle is
11 visibly impaired due to the consumption of alcoholic liquor, a
12 controlled substance, or a combination of alcoholic liquor and a
13 controlled substance.

14 (3) A person, whether licensed or not, shall not operate a
15 vehicle upon a highway or other place open to the general public or
16 generally accessible to motor vehicles, including an area
17 designated for the parking of vehicles, within this state when, due
18 to the consumption of alcoholic liquor, a controlled substance, or
19 a combination of alcoholic liquor and a controlled substance, the
20 person's ability to operate the vehicle is visibly impaired. If a
21 person is charged with violating subsection (1), a finding of
22 guilty under this subsection may be rendered.

23 (4) A person, whether licensed or not, who operates a motor
24 vehicle in violation of subsection (1), (3), or ~~—(8)—~~ (9) and by
25 the operation of that motor vehicle causes the death of another
26 person is guilty of a crime as follows:

27 (a) Except as provided in subdivision (b), the person is

1 guilty of a felony punishable by imprisonment for not more than 15
2 years or a fine of not less than \$2,500.00 or more than \$10,000.00,
3 or both. The judgment of sentence may impose the sanction permitted
4 under section 625n. If the vehicle is not ordered forfeited under
5 section 625n, the court shall order vehicle immobilization under
6 section 904d in the judgment of sentence.

7 (b) If, at the time of the violation, the person is operating
8 a motor vehicle in a manner proscribed under section 653a and
9 causes the death of a police officer, firefighter, or other
10 emergency response personnel, the person is guilty of a felony
11 punishable by imprisonment for not more than 20 years or a fine of
12 not less than \$2,500.00 or more than \$10,000.00, or both. This
13 subdivision applies regardless of whether the person is charged
14 with the violation of section 653a. The judgment of sentence may
15 impose the sanction permitted under section 625n. If the vehicle is
16 not ordered forfeited under section 625n, the court shall order
17 vehicle immobilization under section 904d in the judgment of
18 sentence.

19 (5) A person, whether licensed or not, who operates a motor
20 vehicle in violation of subsection (1), (3), or ~~(8)~~ (9) and by
21 the operation of that motor vehicle causes a serious impairment of
22 a body function of another person is guilty of a felony punishable
23 by imprisonment for not more than 5 years or a fine of not less
24 than \$1,000.00 or more than \$5,000.00, or both. The judgment of
25 sentence may impose the sanction permitted under section 625n. If
26 the vehicle is not ordered forfeited under section 625n, the court
27 shall order vehicle immobilization under section 904d in the

1 judgment of sentence.

2 (6) A PERSON, WHETHER LICENSED OR NOT, WHO OPERATES A MOTOR
3 VEHICLE IN VIOLATION OF SUBSECTION (1), (3), OR (9) AND BY THE
4 OPERATION OF THE MOTOR VEHICLE CAUSES A TRAFFIC ACCIDENT IS, EXCEPT
5 AS PROVIDED IN SUBSECTIONS (4) AND (5), GUILTY OF A MISDEMEANOR
6 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR A FINE OF
7 NOT LESS THAN \$500.00 OR MORE THAN \$2,500.00, OR BOTH. THE JUDGMENT
8 OF SENTENCE MAY IMPOSE THE SANCTION PERMITTED UNDER SECTION 625N.
9 IF THE VEHICLE IS NOT ORDERED FORFEITED UNDER SECTION 625N, THE
10 COURT SHALL ORDER VEHICLE IMMOBILIZATION UNDER SECTION 904D IN THE
11 JUDGMENT OF SENTENCE.

12 (7) ~~—(6)—~~ A person who is less than 21 years of age, whether
13 licensed or not, shall not operate a vehicle upon a highway or
14 other place open to the general public or generally accessible to
15 motor vehicles, including an area designated for the parking of
16 vehicles, within this state if the person has any bodily alcohol
17 content. As used in this subsection, "any bodily alcohol content"
18 means either of the following:

19 (a) An alcohol content of 0.02 grams or more but less than
20 0.08 grams per 100 milliliters of blood, per 210 liters of breath,
21 or per 67 milliliters of urine, or, beginning October 1, 2013, the
22 person has an alcohol content of 0.02 grams or more but less than
23 0.10 grams per 100 milliliters of blood, per 210 liters of breath,
24 or per 67 milliliters of urine.

25 (b) Any presence of alcohol within a person's body resulting
26 from the consumption of alcoholic liquor, other than consumption of
27 alcoholic liquor as a part of a generally recognized religious

1 service or ceremony.

2 (8) ~~—(7)—~~ A person, whether licensed or not, is subject to the
3 following requirements:

4 (a) He or she shall not operate a vehicle in violation of
5 subsection (1), (3), (4), (5), (6), or ~~—(8)—~~ (9) while another
6 person who is less than 16 years of age is occupying the vehicle. A
7 person who violates this subdivision is guilty of a crime
8 punishable as follows:

9 (i) Except as provided in subparagraph (ii), a person who
10 violates this subdivision is guilty of a misdemeanor and shall be
11 sentenced to pay a fine of not less than \$200.00 or more than
12 \$1,000.00 and to 1 or more of the following:

13 (A) Imprisonment for not less than 5 days or more than 1 year.
14 Not less than 48 hours of this imprisonment shall be served
15 consecutively. This term of imprisonment shall not be suspended.

16 (B) Community service for not less than 30 days or more than
17 90 days.

18 (ii) If the violation occurs within 7 years of a prior
19 conviction or within 10 years of 2 or more prior convictions, a
20 person who violates this subdivision is guilty of a felony and
21 shall be sentenced to pay a fine of not less than \$500.00 or more
22 than \$5,000.00 and to either of the following:

23 (A) Imprisonment under the jurisdiction of the department of
24 corrections for not less than 1 year or more than 5 years.

25 (B) Probation with imprisonment in the county jail for not
26 less than 30 days or more than 1 year and community service for not
27 less than 60 days or more than 180 days. Not less than 48 hours of

1 this imprisonment shall be served consecutively. This term of
2 imprisonment shall not be suspended.

3 (b) He or she shall not operate a vehicle in violation of
4 subsection ~~—(6)—~~ (7) while another person who is less than 16 years
5 of age is occupying the vehicle. A person who violates this
6 subdivision is guilty of a misdemeanor punishable as follows:

7 (i) Except as provided in subparagraph (ii), a person who
8 violates this subdivision may be sentenced to 1 or more of the
9 following:

10 (A) Community service for not more than 60 days.

11 (B) A fine of not more than \$500.00.

12 (C) Imprisonment for not more than 93 days.

13 (ii) If the violation occurs within 7 years of a prior
14 conviction or within 10 years of 2 or more prior convictions, a
15 person who violates this subdivision shall be sentenced to pay a
16 fine of not less than \$200.00 or more than \$1,000.00 and to 1 or
17 more of the following:

18 (A) Imprisonment for not less than 5 days or more than 1 year.
19 Not less than 48 hours of this imprisonment shall be served
20 consecutively. This term of imprisonment shall not be suspended.

21 (B) Community service for not less than 30 days or more than
22 90 days.

23 (c) In the judgment of sentence under subdivision (a) (i) or
24 (b) (i), the court may, unless the vehicle is ordered forfeited under
25 section 625n, order vehicle immobilization as provided in section
26 904d. In the judgment of sentence under subdivision (a) (ii) or
27 (b) (ii), the court shall, unless the vehicle is ordered forfeited

1 under section 625n, order vehicle immobilization as provided in
2 section 904d.

3 (d) This subsection does not prohibit a person from being
4 charged with, convicted of, or punished for a violation of
5 subsection (4) or (5) that is committed by the person while
6 violating this subsection. However, points shall not be assessed
7 under section 320a for both a violation of subsection (4) or (5)
8 and a violation of this subsection for conduct arising out of the
9 same transaction.

10 (9) ~~—(8)—~~ A person, whether licensed or not, shall not operate
11 a vehicle upon a highway or other place open to the general public
12 or generally accessible to motor vehicles, including an area
13 designated for the parking of vehicles, within this state if the
14 person has in his or her body any amount of a controlled substance
15 listed in schedule 1 under section 7212 of the public health code,
16 1978 PA 368, MCL 333.7212, or a rule promulgated under that
17 section, or of a controlled substance described in section
18 7214(a)(iv) of the public health code, 1978 PA 368, MCL 333.7214.

19 (10) ~~—(9)—~~ If a person is convicted of violating subsection
20 (1) or ~~—(8)—~~ (9), all of the following apply:

21 (a) Except as otherwise provided in subdivisions (b) and (c),
22 the person is guilty of a misdemeanor punishable by 1 or more of
23 the following:

24 (i) Community service for not more than 360 hours.

25 (ii) Imprisonment for not more than 93 days.

26 (iii) A fine of not less than \$100.00 or more than \$500.00.

27 (b) If the violation occurs within 7 years of a prior

1 conviction, the person shall be sentenced to pay a fine of not less
2 than \$200.00 or more than \$1,000.00 and 1 or more of the following:

3 (i) Imprisonment for not less than 5 days or more than 1 year.
4 Not less than 48 hours of the term of imprisonment imposed under
5 this subparagraph shall be served consecutively.

6 (ii) Community service for not less than 30 days or more than
7 90 days.

8 (c) If the violation occurs within 10 years of 2 or more prior
9 convictions, the person is guilty of a felony and shall be
10 sentenced to pay a fine of not less than \$500.00 or more than
11 \$5,000.00 and to either of the following:

12 (i) Imprisonment under the jurisdiction of the department of
13 corrections for not less than 1 year or more than 5 years.

14 (ii) Probation with imprisonment in the county jail for not
15 less than 30 days or more than 1 year and community service for not
16 less than 60 days or more than 180 days. Not less than 48 hours of
17 the imprisonment imposed under this subparagraph shall be served
18 consecutively.

19 (d) A term of imprisonment imposed under subdivision (b) or
20 (c) shall not be suspended.

21 (e) In the judgment of sentence under subdivision (a), the
22 court may order vehicle immobilization as provided in section 904d.
23 In the judgment of sentence under subdivision (b) or (c), the court
24 shall, unless the vehicle is ordered forfeited under section 625n,
25 order vehicle immobilization as provided in section 904d.

26 (f) In the judgment of sentence under subdivision (b) or (c),
27 the court may impose the sanction permitted under section 625n.

1 (11) ~~—(10)—~~ A person who is convicted of violating subsection
2 (2) is guilty of a crime as follows:

3 (a) Except as provided in subdivisions (b) and (c), a
4 misdemeanor punishable by imprisonment for not more than 93 days or
5 a fine of not less than \$100.00 or more than \$500.00, or both.

6 (b) If the person operating the motor vehicle violated
7 subsection (4), a felony punishable by imprisonment for not more
8 than 5 years or a fine of not less than \$1,500.00 or more than
9 \$10,000.00, or both.

10 (c) If the person operating the motor vehicle violated
11 subsection (5), a felony punishable by imprisonment for not more
12 than 2 years or a fine of not less than \$1,000.00 or more than
13 \$5,000.00, or both.

14 (12) ~~—(11)—~~ If a person is convicted of violating subsection
15 (3), all of the following apply:

16 (a) Except as otherwise provided in subdivisions (b) and (c),
17 the person is guilty of a misdemeanor punishable by 1 or more of
18 the following:

19 (i) Community service for not more than 360 hours.

20 (ii) Imprisonment for not more than 93 days.

21 (iii) A fine of not more than \$300.00.

22 (b) If the violation occurs within 7 years of 1 prior
23 conviction, the person shall be sentenced to pay a fine of not less
24 than \$200.00 or more than \$1,000.00, and 1 or more of the
25 following:

26 (i) Imprisonment for not less than 5 days or more than 1 year.
27 Not less than 48 hours of the term of imprisonment imposed under

1 this subparagraph shall be served consecutively.

2 (ii) Community service for not less than 30 days or more than
3 90 days.

4 (c) If the violation occurs within 10 years of 2 or more prior
5 convictions, the person is guilty of a felony and shall be
6 sentenced to pay a fine of not less than \$500.00 or more than
7 \$5,000.00 and either of the following:

8 (i) Imprisonment under the jurisdiction of the department of
9 corrections for not less than 1 year or more than 5 years.

10 (ii) Probation with imprisonment in the county jail for not
11 less than 30 days or more than 1 year and community service for not
12 less than 60 days or more than 180 days. Not less than 48 hours of
13 the imprisonment imposed under this subparagraph shall be served
14 consecutively.

15 (d) A term of imprisonment imposed under subdivision (b) or
16 (c) shall not be suspended.

17 (e) In the judgment of sentence under subdivision (a), the
18 court may order vehicle immobilization as provided in section 904d.
19 In the judgment of sentence under subdivision (b) or (c), the court
20 shall, unless the vehicle is ordered forfeited under section 625n,
21 order vehicle immobilization as provided in section 904d.

22 (f) In the judgment of sentence under subdivision (b) or (c),
23 the court may impose the sanction permitted under section 625n.

24 (13) ~~—(12)—~~ If a person is convicted of violating subsection
25 ~~+(6)+~~ (7), all of the following apply:

26 (a) Except as otherwise provided in subdivision (b), the
27 person is guilty of a misdemeanor punishable by 1 or both of the

1 following:

2 (i) Community service for not more than 360 hours.

3 (ii) A fine of not more than \$250.00.

4 (b) If the violation occurs within 7 years of 1 or more prior
5 convictions, the person may be sentenced to 1 or more of the
6 following:

7 (i) Community service for not more than 60 days.

8 (ii) A fine of not more than \$500.00.

9 (iii) Imprisonment for not more than 93 days.

10 (14) ~~—(13)—~~ In addition to imposing the sanctions prescribed
11 under this section, the court may order the person to pay the costs
12 of the prosecution under the code of criminal procedure, 1927 PA
13 175, MCL 760.1 to 777.69.

14 (15) ~~—(14)—~~ A person sentenced to perform community service
15 under this section shall not receive compensation and shall
16 reimburse the state or appropriate local unit of government for the
17 cost of supervision incurred by the state or local unit of
18 government as a result of the person's activities in that service.

19 (16) ~~—(15)—~~ If the prosecuting attorney intends to seek an
20 enhanced sentence under this section or a sanction under section
21 625n based upon the defendant having 1 or more prior convictions,
22 the prosecuting attorney shall include on the complaint and
23 information, or an amended complaint and information, filed in
24 district court, circuit court, municipal court, or family division
25 of circuit court, a statement listing the defendant's prior
26 convictions.

27 (17) ~~—(16)—~~ If a person is charged with a violation of

1 subsection (1), (3), (4), (5), (6), ~~—(7)—~~ (8), or ~~—(8)—~~ (9) or
2 section 625m, the court shall not permit the defendant to enter a
3 plea of guilty or nolo contendere to a charge of violating
4 subsection ~~—(6)—~~ (7) in exchange for dismissal of the original
5 charge. This subsection does not prohibit the court from dismissing
6 the charge upon the prosecuting attorney's motion.

7 (18) ~~—(17)—~~ A prior conviction shall be established at
8 sentencing by 1 or more of the following:

9 (a) An abstract of conviction.

10 (b) A copy of the defendant's driving record.

11 (c) An admission by the defendant.

12 (19) ~~—(18)—~~ Except as otherwise provided in subsection ~~—(20)—~~
13 (21), if a person is charged with operating a vehicle while under
14 the influence of a controlled substance or a combination of
15 alcoholic liquor and a controlled substance in violation of
16 subsection (1) or a local ordinance substantially corresponding to
17 subsection (1), the court shall require the jury to return a
18 special verdict in the form of a written finding or, if the court
19 convicts the person without a jury or accepts a plea of guilty or
20 nolo contendere, the court shall make a finding as to whether the
21 person was under the influence of a controlled substance or a
22 combination of alcoholic liquor and a controlled substance at the
23 time of the violation.

24 (20) ~~—(19)—~~ Except as otherwise provided in subsection ~~—(20)—~~
25 (21), if a person is charged with operating a vehicle while his or
26 her ability to operate the vehicle was visibly impaired due to his
27 or her consumption of a controlled substance or a combination of

1 alcoholic liquor and a controlled substance in violation of
2 subsection (3) or a local ordinance substantially corresponding to
3 subsection (3), the court shall require the jury to return a
4 special verdict in the form of a written finding or, if the court
5 convicts the person without a jury or accepts a plea of guilty or
6 nolo contendere, the court shall make a finding as to whether, due
7 to the consumption of a controlled substance or a combination of
8 alcoholic liquor and a controlled substance, the person's ability
9 to operate a motor vehicle was visibly impaired at the time of the
10 violation.

11 (21) ~~—(20)—~~ A special verdict described in subsections ~~—(18)—~~
12 (19) and ~~—(19)—~~ (20) is not required if a jury is instructed to
13 make a finding solely as to either of the following:

14 (a) Whether the defendant was under the influence of a
15 controlled substance or a combination of alcoholic liquor and a
16 controlled substance at the time of the violation.

17 (b) Whether the defendant was visibly impaired due to his or
18 her consumption of a controlled substance or a combination of
19 alcoholic liquor and a controlled substance at the time of the
20 violation.

21 (22) ~~—(21)—~~ If a jury or court finds under subsection ~~—(18)—~~,
22 (19), ~~—or—~~ (20), OR (21) that the defendant operated a motor
23 vehicle under the influence of or while impaired due to the
24 consumption of a controlled substance or a combination of a
25 controlled substance and an alcoholic liquor, the court shall do
26 both of the following:

27 (a) Report the finding to the secretary of state.

(b) On a form or forms prescribed by the state court administrator, forward to the department of state police a record that specifies the penalties imposed by the court, including any term of imprisonment, and any sanction imposed under section 625n or 904d.

(23) ~~—(22)—~~ Except as otherwise provided by law, a record described in subsection ~~—(21)(b)—~~ **(22) (B)** is a public record and the department of state police shall retain the information contained on that record for not less than 7 years.

(24) ~~—(23)—~~ In a prosecution for a violation of subsection ~~—(6)—~~ **(7)**, the defendant bears the burden of proving that the consumption of alcoholic liquor was a part of a generally recognized religious service or ceremony by a preponderance of the evidence.

(25) ~~—(24)—~~ The court may order as a condition of probation that a person convicted of violating subsection (1) or ~~—(8)—~~ **(9)**, or a local ordinance substantially corresponding to subsection (1) or ~~—(8)—~~ **(9)**, shall not operate a motor vehicle unless that vehicle is equipped with an ignition interlock device approved, certified, and installed as required under sections 625k and 625l.

(26) ~~—(25)—~~ Subject to subsection ~~—(27)—~~ **(28)**, as used in this section, "prior conviction" means a conviction for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

(a) Except as provided in subsection ~~—(26)—~~ **(27)**, a violation or attempted violation of any of the following:

1 (i) This section, except a violation of section 625(2), or a
2 violation of any prior enactment of this section in which the
3 defendant operated a vehicle while under the influence of
4 intoxicating or alcoholic liquor or a controlled substance, or a
5 combination of intoxicating or alcoholic liquor and a controlled
6 substance, or while visibly impaired, or with an unlawful bodily
7 alcohol content.

8 (ii) Section 625m.

9 (iii) Former section 625b.

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

13 (27) ~~—(26)—~~ Except for purposes of the enhancement described
14 in subsection ~~—(12)(b)—~~ (13) (B), only 1 violation or attempted
15 violation of subsection ~~—(6)—~~ (7), a local ordinance substantially
16 corresponding to subsection ~~—(6)—~~ (7), or a law of another state
17 substantially corresponding to subsection ~~—(6)—~~ (7) may be used as
18 a prior conviction.

19 (28) ~~—(27)—~~ If 2 or more convictions described in subsection
20 ~~—(25)—~~ (26) are convictions for violations arising out of the same
21 transaction, only 1 conviction shall be used to determine whether
22 the person has a prior conviction.

23 Sec. 625a. (1) A peace officer may arrest a person without a
24 warrant under either of the following circumstances:

25 (a) The peace officer has reasonable cause to believe the
26 person was, at the time of an accident in this state, the operator
27 of a vehicle involved in the accident and was operating the vehicle

1 in violation of section 625 or a local ordinance substantially
2 corresponding to section 625.

3 (b) The person is found in the driver's seat of a vehicle
4 parked or stopped on a highway or street within this state if any
5 part of the vehicle intrudes into the roadway and the peace officer
6 has reasonable cause to believe the person was operating the
7 vehicle in violation of section 625 or a local ordinance
8 substantially corresponding to section 625.

9 (2) A peace officer who has reasonable cause to believe that a
10 person was operating a vehicle upon a public highway or other place
11 open to the public or generally accessible to motor vehicles,
12 including an area designated for the parking of vehicles, within
13 this state and that the person by the consumption of alcoholic
14 liquor may have affected his or her ability to operate a vehicle,
15 or reasonable cause to believe that a person was operating a
16 commercial motor vehicle within the state while the person's blood,
17 breath, or urine contained any measurable amount of alcohol or
18 while the person had any detectable presence of alcoholic liquor,
19 or reasonable cause to believe that a person who is less than 21
20 years of age was operating a vehicle upon a public highway or other
21 place open to the public or generally accessible to motor vehicles,
22 including an area designated for the parking of vehicles, within
23 this state while the person had any bodily alcohol content as that
24 term is defined in section ~~625(6)~~ **625(7)**, may require the person
25 to submit to a preliminary chemical breath analysis. The following
26 provisions apply with respect to a preliminary chemical breath
27 analysis administered under this subsection:

1 (a) A peace officer may arrest a person based in whole or in
2 part upon the results of a preliminary chemical breath analysis.

3 (b) The results of a preliminary chemical breath analysis are
4 admissible in a criminal prosecution for a crime enumerated in
5 section 625c(1) or in an administrative hearing for 1 or more of
6 the following purposes:

7 (i) To assist the court or hearing officer in determining a
8 challenge to the validity of an arrest. This subparagraph does not
9 limit the introduction of other competent evidence offered to
10 establish the validity of an arrest.

11 (ii) As evidence of the defendant's breath alcohol content, if
12 offered by the defendant to rebut testimony elicited on cross-
13 examination of a defense witness that the defendant's breath
14 alcohol content was higher at the time of the charged offense than
15 when a chemical test was administered under subsection (6).

16 (iii) As evidence of the defendant's breath alcohol content, if
17 offered by the prosecution to rebut testimony elicited on cross-
18 examination of a prosecution witness that the defendant's breath
19 alcohol content was lower at the time of the charged offense than
20 when a chemical test was administered under subsection (6).

21 (c) A person who submits to a preliminary chemical breath
22 analysis remains subject to the requirements of sections 625c,
23 625d, 625e, and 625f for purposes of chemical tests described in
24 those sections.

25 (d) Except as provided in subsection (5), a person who refuses
26 to submit to a preliminary chemical breath analysis upon a lawful
27 request by a peace officer is responsible for a civil infraction.

1 (3) A peace officer shall use the results of a preliminary
2 chemical breath analysis conducted pursuant to this section to
3 determine whether to order a person out-of-service under section
4 319d. A peace officer shall order out-of-service as required under
5 section 319d a person who was operating a commercial motor vehicle
6 and who refuses to submit to a preliminary chemical breath analysis
7 as provided in this section. This section does not limit use of
8 other competent evidence by the peace officer to determine whether
9 to order a person out-of-service under section 319d.

10 (4) A person who was operating a commercial motor vehicle and
11 who is requested to submit to a preliminary chemical breath
12 analysis under this section shall be advised that refusing a peace
13 officer's request to take a test described in this section is a
14 misdemeanor punishable by imprisonment for not more than 93 days or
15 a fine of not more than \$100.00, or both, and will result in the
16 issuance of a 24-hour out-of-service order.

17 (5) A person who was operating a commercial motor vehicle and
18 who refuses to submit to a preliminary chemical breath analysis
19 upon a peace officer's lawful request is guilty of a misdemeanor
20 punishable by imprisonment for not more than 93 days or a fine of
21 not more than \$100.00, or both.

22 (6) The following provisions apply with respect to chemical
23 tests and analysis of a person's blood, urine, or breath, other
24 than preliminary chemical breath analysis:

25 (a) The amount of alcohol or presence of a controlled
26 substance or both in a driver's blood or urine or the amount of
27 alcohol in a person's breath at the time alleged as shown by

1 chemical analysis of the person's blood, urine, or breath is
2 admissible into evidence in any civil or criminal proceeding and is
3 presumed to be the same as at the time the person operated the
4 vehicle.

5 (b) A person arrested for a crime described in section 625c(1)
6 shall be advised of all of the following:

7 (i) If he or she takes a chemical test of his or her blood,
8 urine, or breath administered at the request of a peace officer, he
9 or she has the right to demand that a person of his or her own
10 choosing administer 1 of the chemical tests.

11 (ii) The results of the test are admissible in a judicial
12 proceeding as provided under this act and will be considered with
13 other admissible evidence in determining the defendant's innocence
14 or guilt.

15 (iii) He or she is responsible for obtaining a chemical analysis
16 of a test sample obtained at his or her own request.

17 (iv) If he or she refuses the request of a peace officer to
18 take a test described in subparagraph (i), a test shall not be given
19 without a court order, but the peace officer may seek to obtain a
20 court order.

21 (v) Refusing a peace officer's request to take a test
22 described in subparagraph (i) will result in the suspension of his
23 or her operator's or chauffeur's license and vehicle group
24 designation or operating privilege and in the addition of 6 points
25 to his or her driver record.

26 (c) A sample or specimen of urine or breath shall be taken and
27 collected in a reasonable manner. Only a licensed physician, or an

1 individual operating under the delegation of a licensed physician
2 under section 16215 of the public health code, 1978 PA 368, MCL
3 333.16215, qualified to withdraw blood and acting in a medical
4 environment, may withdraw blood at a peace officer's request to
5 determine the amount of alcohol or presence of a controlled
6 substance or both in the person's blood, as provided in this
7 subsection. Liability for a crime or civil damages predicated on
8 the act of withdrawing or analyzing blood and related procedures
9 does not attach to a licensed physician or individual operating
10 under the delegation of a licensed physician who withdraws or
11 analyzes blood or assists in the withdrawal or analysis in
12 accordance with this act unless the withdrawal or analysis is
13 performed in a negligent manner.

14 (d) A chemical test described in this subsection shall be
15 administered at the request of a peace officer having reasonable
16 grounds to believe the person has committed a crime described in
17 section 625c(1). A person who takes a chemical test administered at
18 a peace officer's request as provided in this section shall be
19 given a reasonable opportunity to have a person of his or her own
20 choosing administer 1 of the chemical tests described in this
21 subsection within a reasonable time after his or her detention. The
22 test results are admissible and shall be considered with other
23 admissible evidence in determining the defendant's innocence or
24 guilt. If the person charged is administered a chemical test by a
25 person of his or her own choosing, the person charged is
26 responsible for obtaining a chemical analysis of the test sample.

27 (e) If, after an accident, the driver of a vehicle involved in

1 the accident is transported to a medical facility and a sample of
2 the driver's blood is withdrawn at that time for medical treatment,
3 the results of a chemical analysis of that sample are admissible in
4 any civil or criminal proceeding to show the amount of alcohol or
5 presence of a controlled substance or both in the person's blood at
6 the time alleged, regardless of whether the person had been offered
7 or had refused a chemical test. The medical facility or person
8 performing the chemical analysis shall disclose the results of the
9 analysis to a prosecuting attorney who requests the results for use
10 in a criminal prosecution as provided in this subdivision. A
11 medical facility or person disclosing information in compliance
12 with this subsection is not civilly or criminally liable for making
13 the disclosure.

14 (f) If, after an accident, the driver of a vehicle involved in
15 the accident is deceased, a sample of the decedent's blood shall be
16 withdrawn in a manner directed by the medical examiner to determine
17 the amount of alcohol or the presence of a controlled substance, or
18 both, in the decedent's blood. The medical examiner shall give the
19 results of the chemical analysis of the sample to the law
20 enforcement agency investigating the accident and that agency shall
21 forward the results to the department of state police.

22 (g) The department of state police shall promulgate uniform
23 rules in compliance with the administrative procedures act of 1969,
24 1969 PA 306, MCL 24.201 to 24.328, for the administration of
25 chemical tests for the purposes of this section. An instrument used
26 for a preliminary chemical breath analysis may be used for a
27 chemical test described in this subsection if approved under rules

1 promulgated by the department of state police.

2 (7) The provisions of subsection (6) relating to chemical
3 testing do not limit the introduction of any other admissible
4 evidence bearing upon any of the following questions:

5 (a) Whether the person was impaired by, or under the influence
6 of, alcoholic liquor, a controlled substance, or a combination of
7 alcoholic liquor and a controlled substance.

8 (b) Whether the person had an alcohol content of 0.08 grams or
9 more per 100 milliliters of blood, per 210 liters of breath, or per
10 67 milliliters of urine or, beginning October 1, 2013, the person
11 had an alcohol content of 0.10 grams or more per 100 milliliters of
12 blood, per 210 liters of breath, or per 67 milliliters of urine.

13 (c) If the person is less than 21 years of age, whether the
14 person had any bodily alcohol content within his or her body. As
15 used in this subdivision, "any bodily alcohol content" means either
16 of the following:

17 (i) An alcohol content of 0.02 grams or more but less than 0.08
18 grams per 100 milliliters of blood, per 210 liters of breath, or
19 per 67 milliliters of urine or, beginning October 1, 2013, the
20 person had an alcohol content of 0.02 grams or more but less than
21 0.10 grams or more per 100 milliliters of blood, per 210 liters of
22 breath, or per 67 milliliters of urine.

23 (ii) Any presence of alcohol within a person's body resulting
24 from the consumption of alcoholic liquor, other than the
25 consumption of alcoholic liquor as a part of a generally recognized
26 religious service or ceremony.

27 (8) If a chemical test described in subsection (6) is

1 administered, the test results shall be made available to the
2 person charged or the person's attorney upon written request to the
3 prosecution, with a copy of the request filed with the court. The
4 prosecution shall furnish the results at least 2 days before the
5 day of the trial. The prosecution shall offer the test results as
6 evidence in that trial. Failure to fully comply with the request
7 bars the admission of the results into evidence by the prosecution.

8 (9) A person's refusal to submit to a chemical test as
9 provided in subsection (6) is admissible in a criminal prosecution
10 for a crime described in section 625c(1) only to show that a test
11 was offered to the defendant, but not as evidence in determining
12 the defendant's innocence or guilt. The jury shall be instructed
13 accordingly.

14 Sec. 625b. (1) A person arrested for a misdemeanor violation
15 of section 625(1), (3), (6), (7), ~~or~~ (8), **OR (9)** or section 625m
16 or a local ordinance substantially corresponding to section 625(1),
17 (3), ~~(6)~~ (7), or ~~(8)~~ (9) or section 625m shall be arraigned on
18 the citation, complaint, or warrant not more than 14 days after the
19 arrest for the violation or, if an arrest warrant is issued or
20 reissued, not more than 14 days after the issued or reissued arrest
21 warrant is served, whichever is later. The court shall not dismiss
22 a case or impose any other sanction for a failure to comply with
23 this time limit. The time limit does not apply to a violation of
24 section 625(1), (3), (6), (7), ~~or~~ (8), **OR (9)** or section 625m
25 punishable as a felony or a violation of section 625(1), (3), (6),
26 (7), ~~or~~ (8), **OR (9)** or section 625m joined with a felony charge.

27 (2) The court shall schedule a pretrial conference between the

1 prosecuting attorney, the defendant, and the defendant's attorney
2 in each case in which the defendant is charged with a misdemeanor
3 violation of section 625(1), (3), (6), (7), ~~or~~ (8), **OR** (9) or
4 section 625m or a local ordinance substantially corresponding to
5 section 625(1), (3), ~~(6), or~~ (7), (8), **OR** (9) or section 625m.
6 The pretrial conference shall be held not more than 35 days after
7 the person's arrest for the violation or, if an arrest warrant is
8 issued or reissued, not more than 35 days after the issued or
9 reissued arrest warrant is served, whichever is later. If the court
10 has only 1 judge who sits in more than 1 location in that district,
11 the pretrial conference shall be held not more than 42 days after
12 the person's arrest for the violation or, if an arrest warrant is
13 issued or reissued, not more than 42 days after the date the issued
14 or reissued arrest warrant is served, whichever is later. The court
15 shall not dismiss a case or impose any other sanction for a failure
16 to comply with the applicable time limit. The 35- and 42-day time
17 limits do not apply to a violation of section 625(1), (3), (6),
18 (7), ~~or~~ (8), **OR** (9) or section 625m punishable as a felony or a
19 violation of section 625(1), (3), (6), (7), ~~or~~ (8), **OR** (9) or
20 section 625m joined with a felony charge. The court shall order the
21 defendant to attend the pretrial conference and may accept a plea
22 by the defendant at the conclusion of the pretrial conference. The
23 court may adjourn the pretrial conference upon the motion of a
24 party for good cause shown. Not more than 1 adjournment shall be
25 granted to a party, and the length of an adjournment shall not
26 exceed 14 days.

27 (3) Except for delay attributable to the unavailability of the

1 defendant, a witness, or material evidence or due to an
2 interlocutory appeal or exceptional circumstances, but not a delay
3 caused by docket congestion, the court shall finally adjudicate, by
4 a plea of guilty or nolo contendere, entry of a verdict, or other
5 final disposition, a case in which the defendant is charged with a
6 misdemeanor violation of section 625(1), (3), (6), (7), ~~or~~ (8),
7 **OR (9)** or section 625m or a local ordinance substantially
8 corresponding to section 625(1), (3), ~~(6), or (7)~~, (8), **OR (9)** or
9 section 625m, within 77 days after the person is arrested for the
10 violation or, if an arrest warrant is issued or reissued, not more
11 than 77 days after the date the issued or reissued arrest warrant
12 is served, whichever is later. The court shall not dismiss a case
13 or impose any other sanction for a failure to comply with this time
14 limit. The 77-day time limit does not apply to a violation of
15 section 625(1), (3), **(6)**, (7), ~~or~~ (8), **OR (9)** or section 625m
16 punishable as a felony or a violation of section 625(1), (3), (6),
17 (7), ~~or~~ (8), **OR (9)** or section 625m joined with a felony charge.

18 (4) Before accepting a plea of guilty or nolo contendere under
19 section 625 or a local ordinance substantially corresponding to
20 section 625(1), (2), (3), ~~(6), or (7)~~, (8), **OR (9)**, the court
21 shall advise the accused of the maximum possible term of
22 imprisonment and the maximum possible fine that may be imposed for
23 the violation and shall advise the defendant that the maximum
24 possible license sanctions that may be imposed will be based upon
25 the master driving record maintained by the secretary of state
26 under section 204a.

27 (5) Before imposing sentence for a violation of section

1 625(1), (3), (4), (5), (6), (7), ~~or~~ (8), **OR (9)** or a local
2 ordinance substantially corresponding to section 625(1), (3), ~~(6)~~
3 ~~(7)~~, or (8), the court shall order the person to undergo screening
4 and assessment by a person or agency designated by the office of
5 substance abuse services to determine whether the person is likely
6 to benefit from rehabilitative services, including alcohol or drug
7 education and alcohol or drug treatment programs. Except as
8 otherwise provided in this subsection, the court may order the
9 person to participate in and successfully complete 1 or more
10 appropriate rehabilitative programs as part of the sentence. If the
11 person has 1 or more prior convictions, the court shall order the
12 person to participate in and successfully complete 1 or more
13 appropriate rehabilitative programs as part of the sentence. The
14 person shall pay for the costs of the screening, assessment, and
15 rehabilitative services.

16 (6) If the judgment and sentence are appealed to circuit
17 court, the court may ex parte order the secretary of state to stay
18 the suspension, revocation, or restricted license issued by the
19 secretary of state pending the outcome of the appeal.

20 Sec. 625c. (1) A person who operates a vehicle upon a public
21 highway or other place open to the general public or generally
22 accessible to motor vehicles, including an area designated for the
23 parking of vehicles, within this state is considered to have given
24 consent to chemical tests of his or her blood, breath, or urine for
25 the purpose of determining the amount of alcohol or presence of a
26 controlled substance or both in his or her blood or urine or the
27 amount of alcohol in his or her breath in all of the following

1 circumstances:

2 (a) If the person is arrested for a violation of section
3 625(1), (3), (4), (5), (6), (7), ~~or~~ (8), **OR (9)**, section 625a(5),
4 or section 625m or a local ordinance substantially corresponding to
5 section 625(1), (3), ~~(6), or~~ (7), (8), **OR (9)**, section 625a(5),
6 or section 625m.

7 (b) If the person is arrested for felonious driving, negligent
8 homicide, manslaughter, or murder resulting from the operation of a
9 motor vehicle, and the peace officer had reasonable grounds to
10 believe the person was operating the vehicle in violation of
11 section 625.

12 (2) A person who is afflicted with hemophilia, diabetes, or a
13 condition requiring the use of an anticoagulant under the direction
14 of a physician is not considered to have given consent to the
15 withdrawal of blood.

16 (3) The tests shall be administered as provided in section
17 625a(6).

18 Sec. 625i. (1) The department of state police shall prepare an
19 annual report that shall be designated the Michigan annual drunk
20 driving audit. The secretary of state, circuit court, district
21 court, family division of circuit court, municipal courts, and
22 local units of government in this state shall cooperate with the
23 department of state police to provide information necessary for the
24 preparation of the report. A copy of the report prepared under this
25 subsection shall be submitted to the governor, the secretary of the
26 senate, the clerk of the house of representatives, and the
27 secretary of state on July 1 of each year. The report shall contain

1 for each county in the state all of the following information
2 applicable to the immediately preceding calendar year:

3 (a) The number of alcohol related motor vehicle crashes
4 resulting in bodily injury, including a breakdown of the number of
5 those injuries occurring per capita of population and per road mile
6 in the county.

7 (b) The number of alcohol related motor vehicle crashes
8 resulting in death, including the breakdown described in
9 subdivision (a).

10 (c) The number of alcohol related motor vehicle crashes, other
11 than those enumerated in subdivisions (a) and (b), including the
12 breakdown described in subdivision (a).

13 (d) The number of arrests made for violations of section
14 625(1) or local ordinances substantially corresponding to section
15 625(1).

16 (e) The number of arrests made for violations of section
17 625(3) or local ordinances substantially corresponding to section
18 625(3).

19 (f) The number of arrests made for violations of section
20 ~~625(6)~~ **625(7)** or local ordinances substantially corresponding to
21 section ~~625(6)~~ **625(7)**.

22 (g) The number of arrests made for violations of section
23 625(4), ~~or~~ (5), **OR (6)**.

24 (h) The number of arrests made for violations of section
25 ~~625(7)~~ **625(8)**.

26 (i) The number of arrests made for violations of section
27 ~~625(8)~~ **625(9)**.

1 (j) The number of operator's or chauffeur's licenses suspended
2 pursuant to section 625f.

3 (k) The number of arrests made for violations of section 625m
4 or local ordinances substantially corresponding to section 625m.

5 (2) The secretary of state shall compile a report of
6 dispositions of charges for violations of section 625(1), (3), (4),
7 (5), (6), (7), ~~or~~ (8), **OR (9)** or section 625m or section 33b(1)
8 or (2) of former 1933 (Ex Sess) PA 8, section 703(1) or (2) of the
9 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or
10 local ordinances substantially corresponding to section 625(1),
11 (3), ~~(6), or (7)~~, (8), **OR (9)** or section 625m or section 33b(1)
12 or (2) of former 1933 (Ex Sess) PA 8, or section 703(1) or (2) of
13 the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703,
14 by each judge for inclusion in the annual report. The report
15 compiled by the secretary of state shall include information
16 regarding all of the following:

17 (a) The number of dismissals granted.

18 (b) The number of convictions entered.

19 (c) The number of acquittals entered.

20 (d) The average length of imprisonment imposed.

21 (e) The average length of community service imposed in lieu of
22 imprisonment.

23 (f) The average fine imposed.

24 (g) The number of vehicles ordered immobilized under section
25 904d.

26 (h) The number of vehicles ordered forfeited under section
27 625n.

1 (3) The secretary of state shall include in the compilation
2 under subsection (2) the number of licenses suspended, revoked, or
3 restricted for those violations.

4 (4) The department of state police shall enter into a contract
5 with the university of Michigan transportation research institute,
6 under which the university of Michigan transportation research
7 institute shall evaluate the effect and impact of the 1998
8 legislation addressing drunk and impaired driving in this state and
9 report its findings to the governor and the legislature not later
10 than October 1, 2002.

11 Sec. 625m. (1) A person, whether licensed or not, who has an
12 alcohol content of 0.04 grams or more but less than 0.08 grams per
13 100 milliliters of blood, per 210 liters of breath, or per 67
14 milliliters of urine, or, beginning October 1, 2013, an alcohol
15 content of 0.04 grams or more but less than 0.10 grams per 100
16 milliliters of blood, per 210 liters of breath, or per 67
17 milliliters of urine, shall not operate a commercial motor vehicle
18 within this state.

19 (2) A peace officer may arrest a person without a warrant
20 under either of the following circumstances:

21 (a) The peace officer has reasonable cause to believe that the
22 person was, at the time of an accident, the driver of a commercial
23 motor vehicle involved in the accident and was operating the
24 vehicle in violation of this section or a local ordinance
25 substantially corresponding to this section.

26 (b) The person is found in the driver's seat of a commercial
27 motor vehicle parked or stopped on a highway or street within this

1 state if any part of the vehicle intrudes into the roadway and the
2 peace officer has reasonable cause to believe the person was
3 operating the vehicle in violation of this section or a local
4 ordinance substantially corresponding to this section.

5 (3) Except as otherwise provided in subsections (4) and (5), a
6 person who is convicted of a violation of this section or a local
7 ordinance substantially corresponding to this section is guilty of
8 a misdemeanor punishable by imprisonment for not more than 93 days
9 or a fine of not more than \$300.00, or both, together with costs of
10 the prosecution.

11 (4) A person who violates this section or a local ordinance
12 substantially corresponding to this section within 7 years of 1
13 prior conviction may be sentenced to imprisonment for not more than
14 1 year or a fine of not more than \$1,000.00, or both.

15 (5) A person who violates this section or a local ordinance
16 substantially corresponding to this section within 10 years of 2 or
17 more prior convictions is guilty of a felony and shall be sentenced
18 to pay a fine of not less than \$500.00 or more than \$5,000.00 and
19 to either of the following:

20 (a) Imprisonment under the jurisdiction of the department of
21 corrections for not less than 1 year or more than 5 years.

22 (b) Probation with imprisonment in the county jail for not
23 less than 30 days or more than 1 year and community service for not
24 less than 60 days or more than 180 days. Not less than 48 hours of
25 the imprisonment imposed under this subdivision shall be served
26 consecutively.

27 (6) A term of imprisonment imposed under subsection (4) or (5)

1 shall not be suspended.

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

7 (a) Except as provided in subsection (8), a violation or
8 attempted violation of any of the following:

9 (i) This section.

10 (ii) Section 625, except a violation of section 625(2), or a
11 violation of any prior enactment of section 625 in which the
12 defendant operated a vehicle while under the influence of
13 intoxicating or alcoholic liquor or a controlled substance, or a
14 combination of intoxicating or alcoholic liquor and a controlled
15 substance, or while visibly impaired, or with an unlawful bodily
16 alcohol content.

17 (iii) Former section 625b.

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

21 (8) Only 1 violation or attempted violation of section ~~625(6)~~
22 **625(7)**, a local ordinance substantially corresponding to section
23 ~~625(6)~~ **625(7)**, or a law of another state substantially
24 corresponding to section ~~625(6)~~ **625(7)** may be used as a prior
25 conviction.

26 (9) If 2 or more convictions described in subsection (7) are
27 convictions for violations arising out of the same transaction,

1 only 1 conviction shall be used to determine whether the person has
2 a prior conviction.

3 Sec. 625n. (1) Except as otherwise provided in this section
4 and in addition to any other penalty provided for in this act, the
5 judgment of sentence for a conviction for a violation of section
6 625(1) described in section ~~625(8)(b)~~ **625(9)(B)** or (c), a
7 violation of section 625(3) described in section ~~625(10)(b)~~
8 **625(11)(B)** or (c), a violation of section 625(4), (5), **(6)**, or ~~(7)~~
9 **(8)**, or a violation of section 904(4) or (5) may require 1 of the
10 following with regard to the vehicle used in the offense if the
11 defendant owns the vehicle in whole or in part or leases the
12 vehicle:

13 (a) Forfeiture of the vehicle if the defendant owns the
14 vehicle in whole or in part.

15 (b) Return of the vehicle to the lessor if the defendant
16 leases the vehicle.

17 (2) The vehicle may be seized pursuant to an order of seizure
18 issued by the court having jurisdiction upon a showing of probable
19 cause that the vehicle is subject to forfeiture or return to the
20 lessor.

21 (3) The forfeiture of a vehicle is subject to the interest of
22 the holder of a security interest who did not have prior knowledge
23 of or consent to the violation.

24 (4) Within 14 days after the defendant's conviction for a
25 violation described in subsection (1), the prosecuting attorney may
26 file a petition with the court for the forfeiture of the vehicle or
27 to have the court order return of a leased vehicle to the lessor.

1 The prosecuting attorney shall give notice by first-class mail or
2 other process to the defendant and his or her attorney, to all
3 owners of the vehicle, and to any person holding a security
4 interest in the vehicle that the court may require forfeiture or
5 return of the vehicle.

6 (5) If a vehicle is seized before disposition of the criminal
7 proceedings, a defendant who is an owner or lessee of the vehicle
8 may move the court having jurisdiction over the proceedings to
9 require the seizing agency to file a lien against the vehicle and
10 to return the vehicle to the owner or lessee pending disposition of
11 the criminal proceedings. The court shall hear the motion within 7
12 days after the motion is filed. If the defendant establishes at the
13 hearing that he or she holds the legal title to the vehicle or that
14 he or she has a leasehold interest and that it is necessary for him
15 or her or a member of his or her family to use the vehicle pending
16 the outcome of the forfeiture action, the court may order the
17 seizing agency to return the vehicle to the owner or lessee. If the
18 court orders the return of the vehicle to the owner or lessee, the
19 court shall order the defendant to post a bond in an amount equal
20 to the retail value of the vehicle, and shall also order the
21 seizing agency to file a lien against the vehicle.

22 (6) Within 14 days after notice by the prosecuting attorney is
23 given under subsection (4), the defendant, an owner, lessee, or
24 holder of a security interest may file a claim of interest in the
25 vehicle with the court. Within 21 days after the expiration of the
26 period for filing claims, but before or at sentencing, the court
27 shall hold a hearing to determine the legitimacy of any claim, the

1 extent of any co-owner's equity interest, the liability of the
2 defendant to any co-lessee, and whether to order the vehicle
3 forfeited or returned to the lessor. In considering whether to
4 order forfeiture, the court shall review the defendant's driving
5 record to determine whether the defendant has multiple convictions
6 under section 625 or a local ordinance substantially corresponding
7 to section 625, or multiple suspensions, restrictions, or denials
8 under section 904, or both. If the defendant has multiple
9 convictions under section 625 or multiple suspensions,
10 restrictions, or denials under section 904, or both, that factor
11 shall weigh heavily in favor of forfeiture.

12 (7) If a vehicle is forfeited under this section, the unit of
13 government that seized the vehicle shall sell the vehicle and
14 dispose of the proceeds in the following order of priority:

15 (a) Pay any outstanding security interest of a secured party
16 who did not have prior knowledge of or consent to the commission of
17 the violation.

18 (b) Pay the equity interest of a co-owner who did not have
19 prior knowledge of or consent to the commission of the violation.

20 (c) Satisfy any order of restitution entered in the
21 prosecution for the violation.

22 (d) Pay the claim of each person who shows that he or she is a
23 victim of the violation to the extent that the claim is not covered
24 by an order of restitution.

25 (e) Pay any outstanding lien against the property that has
26 been imposed by a governmental unit.

27 (f) Pay the proper expenses of the proceedings for forfeiture

1 and sale, including, but not limited to, expenses incurred during
2 the seizure process and expenses for maintaining custody of the
3 property, advertising, and court costs.

4 (g) The balance remaining after the payment of items (a)
5 through (f) shall be distributed by the court having jurisdiction
6 over the forfeiture proceedings to the unit or units of government
7 substantially involved in effecting the forfeiture. Seventy-five
8 percent of the money received by a unit of government under this
9 subdivision shall be used to enhance enforcement of the criminal
10 laws and 25% of the money shall be used to implement the crime
11 victim's rights act, 1985 PA 87, MCL 780.751 to 780.834. A unit of
12 government receiving money under this subdivision shall report
13 annually to the department of management and budget the amount of
14 money received under this subdivision that was used to enhance
15 enforcement of the criminal laws and the amount that was used to
16 implement the crime victim's rights act, 1985 PA 87, MCL 780.751 to
17 780.834.

18 (8) The court may order the defendant to pay to a co-lessee
19 any liability determined under subsection (6). The order may be
20 enforced in the same manner as a civil judgment.

21 (9) The return of a vehicle to the lessor under this section
22 does not affect or impair the lessor's rights or the defendant's
23 obligations under the lease.

24 (10) A person who knowingly conceals, sells, gives away, or
25 otherwise transfers or disposes of a vehicle with the intent to
26 avoid forfeiture or return of the vehicle to the lessor under this
27 section is guilty of a misdemeanor punishable by imprisonment for

1 not more than 1 year or a fine of not more than \$1,000.00, or both.

2 (11) The failure of the court or prosecutor to comply with any
3 time limit specified in this section does not preclude the court
4 from ordering forfeiture of a vehicle or its return to a lessor,
5 unless the court finds that the owner or claimant suffered
6 substantial prejudice as a result of that failure.

7 (12) The forfeiture provisions of this section do not preclude
8 the prosecuting attorney from pursuing a forfeiture proceeding
9 under any other law of this state or a local ordinance
10 substantially corresponding to this section.

11 Sec. 727. If a person is arrested without a warrant in any of
12 the following cases, the arrested person shall, without
13 unreasonable delay, be arraigned by the magistrate who is nearest
14 or most accessible within the judicial district as provided in
15 section 13 of chapter IV of the code of criminal procedure, 1927 PA
16 175, MCL 764.13, or, if a minor, taken before the family division
17 of circuit court within the county in which the offense charged is
18 alleged to have been committed:

19 (a) The person is arrested upon a charge of negligent
20 homicide.

21 (b) The person is arrested under section 625(1), (3), (4),
22 (5), (6), (7), ~~or~~ (8), **OR (9)**, or an ordinance substantially
23 corresponding to section 625(1), (3), ~~-(6), or (7)~~, (8), **OR (9)**.

24 (c) A person is arrested under section 626 or an ordinance
25 substantially corresponding to that section. If under the existing
26 circumstances it does not appear that releasing the person pending
27 the issuance of a warrant will constitute a public menace, the

1 arresting officer may proceed as provided by section 728.

2 (d) A person arrested does not have in his or her immediate
3 possession a valid operator's or chauffeur's license or the receipt
4 described in section 311a. If the arresting officer otherwise
5 satisfactorily determines the identity of the person and the
6 practicability of subsequent apprehension if the person fails to
7 voluntarily appear before a designated magistrate or the family
8 division of circuit court as directed, the officer may release the
9 person from custody with instructions to appear in court, given in
10 the form of a citation as prescribed by section 728.

11 Sec. 732. (1) Each municipal judge and each clerk of a court
12 of record shall keep a full record of every case in which a person
13 is charged with or cited for a violation of this act or a local
14 ordinance substantially corresponding to this act regulating the
15 operation of vehicles on highways and with those offenses
16 pertaining to the operation of ORVs or snowmobiles for which points
17 are assessed under section 320a(1)(c) or (i). Except as provided in
18 subsection (16), the municipal judge or clerk of the court of
19 record shall prepare and forward to the secretary of state an
20 abstract of the court record as follows:

21 (a) Not more than 5 days after a conviction, forfeiture of
22 bail, or entry of a civil infraction determination or default
23 judgment upon a charge of or citation for violating or attempting
24 to violate this act or a local ordinance substantially
25 corresponding to this act regulating the operation of vehicles on
26 highways.

27 (b) Immediately for each case charging a violation of section

1 625(1), (3), (4), (5), (6), (7), ~~or~~ (8), **OR (9)** or section 625m
2 or a local ordinance substantially corresponding to section 625(1),
3 (3), ~~-(6), or~~ (7), (8), **OR (9)** or section 625m in which the charge
4 is dismissed or the defendant is acquitted.

5 (c) Immediately for each case charging a violation of section
6 82127(1) or (3), 81134, or 81135 of the natural resources and
7 environmental protection act, 1994 PA 451, MCL 324.82127,
8 324.81134, and 324.81135, or a local ordinance substantially
9 corresponding to those sections.

10 (2) If a city or village department, bureau, or person is
11 authorized to accept a payment of money as a settlement for a
12 violation of a local ordinance substantially corresponding to this
13 act, the city or village department, bureau, or person shall send a
14 full report of each case in which a person pays any amount of money
15 to the city or village department, bureau, or person to the
16 secretary of state upon a form prescribed by the secretary of
17 state.

18 (3) The abstract or report required under this section shall
19 be made upon a form furnished by the secretary of state. An
20 abstract shall be certified by signature, stamp, or facsimile
21 signature of the person required to prepare the abstract as
22 correct. An abstract or report shall include all of the following:

23 (a) The name, address, and date of birth of the person charged
24 or cited.

25 (b) The number of the person's operator's or chauffeur's
26 license, if any.

27 (c) The date and nature of the violation.

1 (d) The type of vehicle driven at the time of the violation
2 and, if the vehicle is a commercial motor vehicle, that vehicle's
3 group designation.

4 (e) The date of the conviction, finding, forfeiture, judgment,
5 or civil infraction determination.

6 (f) Whether bail was forfeited.

7 (g) Any license restriction, suspension, or denial ordered by
8 the court as provided by law.

9 (h) The vehicle identification number and registration plate
10 number of all vehicles that are ordered immobilized or forfeited.

11 (i) Other information considered necessary to the secretary of
12 state.

13 (4) The clerk of the court also shall forward an abstract of
14 the court record to the secretary of state upon a person's
15 conviction involving any of the following:

16 (a) A violation of section 413, 414, or 479a of the Michigan
17 penal code, 1931 PA 328, MCL 750.413, 750.414, and 750.479a.

18 (b) A violation of section 1 of former 1931 PA 214.

19 (c) Negligent homicide, manslaughter, or murder resulting from
20 the operation of a vehicle.

21 (d) A violation of section 703 of the Michigan liquor control
22 code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance
23 substantially corresponding to that section.

24 (e) A violation of section 411a(2) of the Michigan penal code,
25 1931 PA 328, MCL 750.411a.

26 (f) A violation of motor carrier safety regulations 49 CFR
27 392.10 or 392.11 as adopted by section 1a of the motor carrier

1 safety act of 1963, 1963 PA 181, MCL 480.11a.

2 (g) A violation of section 57 of the pupil transportation act,
3 1990 PA 187, MCL 257.1857.

4 (h) A violation of motor carrier safety regulations 49 CFR
5 392.10 or 392.11 as adopted by section 31 of the motor bus
6 transportation act, 1982 PA 432, MCL 474.131.

7 (i) An attempt to violate, a conspiracy to violate, or a
8 violation of part 74 of the public health code, 1978 PA 368, MCL
9 333.7401 to 333.7461, or a local ordinance that prohibits conduct
10 prohibited under part 74 of the public health code, 1978 PA 368,
11 MCL 333.7401 to 333.7461, unless the convicted person is sentenced
12 to life imprisonment or a minimum term of imprisonment that exceeds
13 1 year for the offense.

14 (j) An attempt to commit an offense described in subdivisions
15 (a) to (h).

16 (k) A violation of chapter LXXXIII-A of the Michigan penal
17 code, 1931 PA 328, MCL 750.543a to 750.543z.

18 (l) A violation of section 3101, 3102(1), or 3103 of the
19 insurance code of 1956, 1956 PA 218, MCL 500.3101, 500.3102, and
20 500.3103.

21 (m) A violation listed as a disqualifying offense under 49 CFR
22 383.51.

23 (5) The clerk of the court shall also forward an abstract of
24 the court record to the secretary of state if a person has pled
25 guilty to, or offered a plea of admission in a juvenile proceeding
26 for, a violation of section 703 of the Michigan liquor control code
27 of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance

1 substantially corresponding to that section, and has had further
2 proceedings deferred under that section. If the person is sentenced
3 to a term of probation and terms and conditions of probation are
4 fulfilled and the court discharges the individual and dismisses the
5 proceedings, the court shall also report the dismissal to the
6 secretary of state.

7 (6) As used in subsections (7) to (9), "felony in which a
8 motor vehicle was used" means a felony during the commission of
9 which the person operated a motor vehicle and while operating the
10 vehicle presented real or potential harm to persons or property and
11 1 or more of the following circumstances existed:

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

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

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

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

17 (7) If a person is charged with a felony in which a motor
18 vehicle was used, other than a felony specified in subsection (4)
19 or section 319, the prosecuting attorney shall include the
20 following statement on the complaint and information filed in
21 district or circuit court:

22 "You are charged with the commission of a felony in which a
23 motor vehicle was used. If you are convicted and the judge finds
24 that the conviction is for a felony in which a motor vehicle was
25 used, as defined in section 319 of the Michigan vehicle code, 1949
26 PA 300, MCL 257.319, your driver's license shall be suspended by
27 the secretary of state."

1 (8) If a juvenile is accused of an act, the nature of which
2 constitutes a felony in which a motor vehicle was used, other than
3 a felony specified in subsection (4) or section 319, the
4 prosecuting attorney or family division of circuit court shall
5 include the following statement on the petition filed in the court:

6 "You are accused of an act the nature of which constitutes a
7 felony in which a motor vehicle was used. If the accusation is
8 found to be true and the judge or referee finds that the nature of
9 the act constitutes a felony in which a motor vehicle was used, as
10 defined in section 319 of the Michigan vehicle code, 1949 PA 300,
11 MCL 257.319, your driver's license shall be suspended by the
12 secretary of state."

13 (9) If the court determines as part of the sentence or
14 disposition that the felony for which the person was convicted or
15 adjudicated and with respect to which notice was given under
16 subsection (7) or (8) is a felony in which a motor vehicle was
17 used, the clerk of the court shall forward an abstract of the court
18 record of that conviction to the secretary of state.

19 (10) As used in subsections (11) and (12), "felony in which a
20 commercial motor vehicle was used" means a felony during the
21 commission of which the person operated a commercial motor vehicle
22 and while the person was operating the vehicle 1 or more of the
23 following circumstances existed:

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

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

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

27 (d) The vehicle was necessary for the commission of the

1 felony.

2 (11) If a person is charged with a felony in which a
3 commercial motor vehicle was used and for which a vehicle group
4 designation on a license is subject to suspension or revocation
5 under section 319b(1)(c)(iii), 319b(1)(d), 319b(1)(e)(iii), or
6 319b(1)(f)(i), the prosecuting attorney shall include the following
7 statement on the complaint and information filed in district or
8 circuit court:

9 "You are charged with the commission of a felony in which a
10 commercial motor vehicle was used. If you are convicted and the
11 judge finds that the conviction is for a felony in which a
12 commercial motor vehicle was used, as defined in section 319b of
13 the Michigan vehicle code, 1949 PA 300, MCL 257.319b, all vehicle
14 group designations on your driver's license shall be suspended or
15 revoked by the secretary of state."

16 (12) If the judge determines as part of the sentence that the
17 felony for which the defendant was convicted and with respect to
18 which notice was given under subsection (11) is a felony in which a
19 commercial motor vehicle was used, the clerk of the court shall
20 forward an abstract of the court record of that conviction to the
21 secretary of state.

22 (13) Every person required to forward abstracts to the
23 secretary of state under this section shall certify for the period
24 from January 1 through June 30 and for the period from July 1
25 through December 31 that all abstracts required to be forwarded
26 during the period have been forwarded. The certification shall be
27 filed with the secretary of state not later than 28 days after the

1 end of the period covered by the certification. The certification
2 shall be made upon a form furnished by the secretary of state and
3 shall include all of the following:

4 (a) The name and title of the person required to forward
5 abstracts.

6 (b) The court for which the certification is filed.

7 (c) The time period covered by the certification.

8 (d) The following statement:

9 "I certify that all abstracts required by section 732 of the
10 Michigan vehicle code, MCL 257.732; MSA 9.2432, for the period
11 _____ through _____ have been forwarded to the
12 secretary of state.".

13 (e) Other information the secretary of state considers
14 necessary.

15 (f) The signature of the person required to forward abstracts.

16 (14) The failure, refusal, or neglect of a person to comply
17 with this section constitutes misconduct in office and is grounds
18 for removal from office.

19 (15) Except as provided in subsection (16), the secretary of
20 state shall keep all abstracts received under this section at the
21 secretary of state's main office and the abstracts shall be open
22 for public inspection during the office's usual business hours.
23 Each abstract shall be entered upon the master driving record of
24 the person to whom it pertains.

25 (16) Except for controlled substance offenses described in
26 subsection (4), the court shall not submit, and the secretary of
27 state shall discard and not enter on the master driving record, an

1 abstract for a conviction or civil infraction determination for any
2 of the following violations:

3 (a) The parking or standing of a vehicle.

4 (b) A nonmoving violation that is not the basis for the
5 secretary of state's suspension, revocation, or denial of an
6 operator's or chauffeur's license.

7 (c) A violation of chapter II that is not the basis for the
8 secretary of state's suspension, revocation, or denial of an
9 operator's or chauffeur's license.

10 (d) A pedestrian, passenger, or bicycle violation, other than
11 a violation of section 703(1) or (2) of the Michigan liquor control
12 code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance
13 substantially corresponding to section 703(1) or (2) of the
14 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or
15 section 624a or 624b or a local ordinance substantially
16 corresponding to section 624a or 624b.

17 (e) A violation of section 710e or a local ordinance
18 substantially corresponding to section 710e.

19 (f) A violation of section 328(1) if, before the appearance
20 date on the citation, the person submits proof to the court that
21 the motor vehicle had insurance meeting the requirements of
22 sections 3101 and 3102 of the insurance code of 1956, 1956 PA 218,
23 MCL 500.3101 and 500.3102, at the time the citation was issued.
24 Insurance obtained subsequent to the time of the violation does not
25 make the violation an exception under this subsection.

26 (g) A violation described in section 319b(10)(b)(vii) if,
27 before the court appearance date or date fines are to be paid, the

1 person submits proof to the court that he or she held a valid
2 commercial driver license on the date the citation was issued.

3 (h) A violation of section 311 if the person was driving a
4 noncommercial vehicle and, before the court appearance date or the
5 date fines are to be paid, the person submits proof to the court
6 that he or she held a valid driver license on the date the citation
7 was issued.

8 (17) Except as otherwise provided in this subsection, the
9 secretary of state shall discard and not enter on the master
10 driving record an abstract for a bond forfeiture that occurred
11 outside this state. The secretary of state shall enter on the
12 master driving record an abstract for a conviction as defined in
13 section 8a(b) that occurred outside this state in connection with
14 the operation of a commercial motor vehicle or for a conviction of
15 a person licensed as a commercial motor vehicle driver.

16 (18) The secretary of state shall inform the courts of this
17 state of the nonmoving violations and violations of chapter II that
18 are used by the secretary of state as the basis for the suspension,
19 restriction, revocation, or denial of an operator's or chauffeur's
20 license.

21 (19) If a conviction or civil infraction determination is
22 reversed upon appeal, the person whose conviction or determination
23 has been reversed may serve on the secretary of state a certified
24 copy of the order of reversal. The secretary of state shall enter
25 the order in the proper book or index in connection with the record
26 of the conviction or civil infraction determination.

27 (20) The secretary of state may permit a city or village

1 department, bureau, person, or court to modify the requirement as
2 to the time and manner of reporting a conviction, civil infraction
3 determination, or settlement to the secretary of state if the
4 modification will increase the economy and efficiency of collecting
5 and utilizing the records. If the permitted abstract of court
6 record reporting a conviction, civil infraction determination, or
7 settlement originates as a part of the written notice to appear,
8 authorized in section 728(1) or 742(1), the form of the written
9 notice and report shall be as prescribed by the secretary of state.

10 (21) Notwithstanding any other law of this state, a court
11 shall not take under advisement an offense committed by a person
12 while operating a commercial motor vehicle or by a person licensed
13 to drive a commercial motor vehicle while operating a noncommercial
14 motor vehicle at the time of the offense, for which this act
15 requires a conviction or civil infraction determination to be
16 reported to the secretary of state. A conviction or civil
17 infraction determination that is the subject of this subsection
18 shall not be masked, delayed, diverted, suspended, or suppressed by
19 a court. Upon a conviction or civil infraction determination, the
20 conviction or civil infraction determination shall immediately be
21 reported to the secretary of state in accordance with this section.

22 (22) Except as provided in this act and notwithstanding any
23 other provision of law, a court shall not order expunction of any
24 violation reportable to the secretary of state under this section.

25 Sec. 732a. (1) An individual, whether licensed or not, who
26 accumulates 7 or more points on his or her driving record pursuant
27 to sections 320a and 629c within a 2-year period for any violation

1 not listed under subsection (2) shall be assessed a \$100.00 driver
2 responsibility fee. For each additional point accumulated above 7
3 points not listed under subsection (2), an additional fee of \$50.00
4 shall be assessed. The secretary of state shall collect the fees
5 described in this subsection once each year that the point total on
6 an individual driving record is 7 points or more.

7 (2) An individual, whether licensed or not, who violates any
8 of the following sections or another law or local ordinance that
9 substantially corresponds to those sections shall be assessed a
10 driver responsibility fee as follows:

11 (a) Upon posting of an abstract that an individual has been
12 found guilty for a violation of law listed or described in this
13 subdivision, the secretary of state shall assess a \$1,000.00 driver
14 responsibility fee each year for 2 consecutive years:

15 (i) Manslaughter, negligent homicide, or a felony resulting
16 from the operation of a motor vehicle, ORV, or snowmobile.

17 (ii) Section 601b(2) or (3), 601c(1) or (2), or 653a(3) or (4).

18 (iii) Section 625(1), (4), or (5), section 625m, or section
19 81134 of the natural resources and environmental protection act,
20 1994 PA 451, MCL 324.81134, or a law or ordinance substantially
21 corresponding to section 625(1), (4), or (5), section 625m, or
22 section 81134 of the natural resources and environmental protection
23 act, 1994 PA 451, MCL 324.81134.

24 (iv) Failing to stop and disclose identity at the scene of an
25 accident when required by law.

26 (v) Fleeing or eluding an officer.

27 (b) Upon posting of an abstract that an individual has been

1 found guilty for a violation of law listed in this subdivision, the
2 secretary of state shall assess a \$500.00 driver responsibility fee
3 each year for 2 consecutive years:

4 (i) Section 625(3), (6), (7), ~~or~~ (8), OR (9).

5 (ii) Section 626.

6 (iii) Section 904.

7 (iv) Section 3101, 3102(1), or 3103 of the insurance code of
8 1956, 1956 PA 218, MCL 500.3101, 500.3102, and 500.3103.

9 (c) Upon posting of an abstract that an individual has been
10 found guilty for a violation of section 301, the secretary of state
11 shall assess a \$150.00 driver responsibility fee each year for 2
12 consecutive years.

13 (d) Subject to subsection (8), upon posting of an abstract
14 that an individual has been found guilty or determined responsible
15 for a violation listed in section 328, the secretary of state shall
16 assess a \$200.00 driver responsibility fee each year for 2
17 consecutive years.

18 (3) The secretary of state shall send a notice of the driver
19 responsibility assessment, as prescribed under subsection (1) or
20 (2), to the individual by regular mail to the address on the
21 records of the secretary of state. If payment is not received
22 within 30 days after the notice is mailed, the secretary of state
23 shall send a second notice that indicates that if payment is not
24 received within the next 30 days, the driver's driving privileges
25 will be suspended.

26 (4) The secretary of state may authorize payment by
27 installment for an amount of \$500.00 or more for a period not to

1 exceed 12 months.

2 (5) If payment is not received or an installment plan is not
3 established after the time limit required by the second notice
4 prescribed under subsection (3) expires, the secretary of state
5 shall suspend the driving privileges until the assessment and any
6 other fees prescribed under this act are paid.

7 (6) A fee shall not be assessed under this section for 7
8 points or more on a driving record on October 1, 2003. Points
9 assigned after October 1, 2003 shall be assessed as prescribed
10 under subsections (1) and (2).

11 (7) A driver responsibility fee shall be assessed under this
12 section in the same manner for a conviction or determination of
13 responsibility for a violation or an attempted violation of a law
14 of this state, of a local ordinance substantially corresponding to
15 a law of this state, or of a law of another state substantially
16 corresponding to a law of this state.

17 (8) Not more than 60 days after the effective date of the
18 amendatory act that added this subsection, if an individual who was
19 issued a citation for a violation of section 328(1) for failing to
20 produce a certificate of insurance from October 1, 2003 until the
21 date the amendatory act that added this subsection takes effect
22 presents a certificate of insurance that was in effect at the time
23 the individual was issued the citation to the court that forwarded
24 the abstract, the court shall rescind the abstract. After the court
25 rescinds the abstract as described in this subsection, the court
26 shall notify the secretary of state, which shall refund, waive, or
27 both refund and waive the driver responsibility fee corresponding

1 to the violation, as appropriate.

2 (9) The fire protection fund is created within the state
3 treasury. The state treasurer may receive money or other assets
4 from any source for deposit into the fund. The state treasurer
5 shall direct the investment of the fund. The state treasurer shall
6 credit to the fund interest and earnings from fund investments.
7 Money in the fund at the close of the fiscal year shall remain in
8 the fund and shall not lapse to the general fund. The department of
9 consumer and industry services shall expend money from the fund,
10 upon appropriation, only for fire protection grants to cities,
11 villages, and townships with state owned facilities for fire
12 services, as provided in 1977 PA 289, MCL 141.951 to 141.956.

13 (10) The secretary of state shall transmit the fees collected
14 under this section to the state treasurer. The state treasurer
15 shall credit fee money received under this section in each fiscal
16 year as follows:

17 (a) The first \$65,000,000.00 shall be credited to the general
18 fund.

19 (b) If more than \$65,000,000.00 is collected under this
20 section, the next amount collected in excess of \$65,000,000.00 up
21 to \$68,500,000.00 shall be credited to the fire protection fund
22 created in this section.

23 (c) If more than \$100,000,000.00 is collected under this
24 section, the next amount collected in excess of \$100,000,000.00 up
25 to \$105,000,000.00 shall be credited to the fire protection fund
26 created in this section.

27 (d) Any amount collected after crediting the amounts under

1 subdivisions (a), (b), and (c) shall be credited to the general
2 fund.

3 (11) For fiscal year 2003-2004, \$3,500,000.00 is appropriated
4 from the fire protection fund described in subsection (9) to the
5 department of consumer and industry services for the purposes
6 described under subsection (9).

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

8 (a) For a conviction under section 625(1), (3), ~~(7), or (6),~~
9 (8), **OR (9)** or a local ordinance substantially corresponding to
10 section 625(1) or (3) with no prior convictions, the court may
11 order vehicle immobilization for not more than 180 days.

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

15 (c) For a conviction under section 625(1), (3), (4), (5),
16 ~~(7), or (6),~~ (8), **OR (9)** within 7 years after a prior conviction,
17 the court shall order vehicle immobilization for not less than 90
18 days or more than 180 days.

19 (d) For a conviction under section 625(1), (3), (4), (5),
20 ~~(7), or (6),~~ (8), **OR (9)** within 10 years after 2 or more prior
21 convictions, the court shall order vehicle immobilization for not
22 less than 1 year or more than 3 years.

23 (2) For a conviction or civil infraction determination
24 resulting from a violation that occurred during a period of
25 suspension, revocation, or denial, the following apply:

26 (a) Except as provided in subdivision (b), for 1 prior
27 suspension, revocation, or denial under section 904(10), (11), or

1 (12) or former section 904(2) or (4) within the past 7 years, the
2 court may order vehicle immobilization for not more than 180 days.

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

6 (c) For any combination of 2 or 3 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 90 days or
10 more than 180 days.

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

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

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

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

23 (b) The owner, co-owner, lessee, or co-lessee knowingly
24 permitted the vehicle to be operated in violation of section 625(2)
25 or section 904(2) regardless of whether a conviction resulted.

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

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

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

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

8 (b) A vehicle that is registered in another state or that is a
9 rental vehicle.

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

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

13 (e) Any of the following:

14 (i) A violation of chapter II.

15 (ii) A violation of chapter V.

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

17 (iv) A parking violation.

18 (v) A bad check violation.

19 (vi) An equipment violation.

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

27 (viii) A violation of a local ordinance substantially

1 corresponding to a violation described in subparagraphs (i) to (vii).

2 (8) As used in this section:

3 (a) Subject to subsections (9) and (10), "prior conviction"
4 means a conviction for any of the following, whether under a law of
5 this state, a local ordinance substantially corresponding to a law
6 of this state, or a law of another state substantially
7 corresponding to a law of this state:

8 (i) Except as otherwise provided in subsection (10), a
9 violation or attempted violation of any of the following:

10 (A) Section 625, except a violation of section 625(2), or a
11 violation of any prior enactment of section 625 in which the
12 defendant operated a vehicle while under the influence of
13 intoxicating or alcoholic liquor or a controlled substance, or a
14 combination of intoxicating or alcoholic liquor and a controlled
15 substance, or while visibly impaired, or with an unlawful bodily
16 alcohol content.

17 (B) Section 625m.

18 (C) Former section 625b.

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

22 (b) "Vehicle immobilization" means requiring the motor vehicle
23 involved in the violation immobilized in a manner provided in
24 section 904e.

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

1 a prior conviction.

2 (10) Only 1 violation or attempted violation of section
3 ~~625(6)~~ **625(7)**, a local ordinance substantially corresponding to
4 section ~~625(6)~~ **625(7)**, or a law of another state substantially
5 corresponding to section ~~625(6)~~ **625(7)** may be used as a prior
6 conviction.