

# HOUSE BILL No. 4443

March 13, 2013, Introduced by Rep. Pagel and referred to the Committee on Criminal Justice.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 82101, 82127, 82128, 82129, 82130, 82136, 82139, 82140, 82142, 82143, 82144, 82146, and 82148 (MCL 324.82101, 324.82127, 324.82128, 324.82129, 324.82130, 324.82136, 324.82139, 324.82140, 324.82142, 324.82143, 324.82144, 324.82146, and 324.82148), section 82101 as amended by 2010 PA 371, section 82127 as amended by 2001 PA 12, sections 82128 and 82129 as amended by 1999 PA 22, sections 82130, 82136, 82142, and 82146 as added by 1995 PA 58, sections 82139, 82140, 82143, and 82144 as amended by 1996 PA 183, and section 82148 as amended by 2005 PA 175, and by adding sections 82129a and 82129b.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 82101. As used in this part:

2       (A) "ALCOHOLIC LIQUOR" MEANS THAT TERM AS DEFINED IN SECTION

1 1D OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1D.

2 (B) ~~(a)~~—"Conviction" means a final conviction, the payment of  
3 a fine, a plea of guilty or nolo contendere if accepted by the  
4 court, or a finding of guilt or probate court disposition on a  
5 violation of this part, regardless of whether the penalty is  
6 rebated or suspended.

7 (C) ~~(b)~~—"Dealer" means any person engaged in the sale, lease,  
8 or rental of snowmobiles as a regular business, other than an  
9 auctioneer as that term is defined in section 2901 of the  
10 occupational code, 1980 PA 299, MCL 339.2901.

11 (D) ~~(c)~~—"Former section 15a" means section 15a of former 1968  
12 PA 74, as constituted prior to May 1, 1994.

13 (E) ~~(d)~~—"Highly restricted personal information" means an  
14 individual's photograph or image, social security number, digitized  
15 signature, and medical and disability information.

16 (F) ~~(e)~~—"Highway or street" means the entire width between the  
17 boundary lines of every way publicly maintained if any part of it  
18 is open to public use for vehicular travel.

19 (G) ~~(f)~~—"Historic snowmobile" means a snowmobile that is over  
20 25 years old and that is owned solely as a collector's item and for  
21 occasional use and for participation in club activities,  
22 exhibitions, tours, parades, and similar uses, including mechanical  
23 testing.

24 (H) ~~(g)~~—"In-kind contributions" means services and goods as  
25 approved by the department that are provided by a grant recipient  
26 toward completion of a department-approved local snowmobile program  
27 under section 82107.

1           (I) ~~(h)~~ "Law of another state" means a law or ordinance  
2 enacted by any of the following:

3           (i) Another state.

4           (ii) A local unit of government in another state.

5           (iii) Canada or a province or territory of Canada.

6           (iv) A local unit of government in a province or territory of  
7 Canada.

8 ~~(i) "Long term incapacitating injury" means an injury that~~  
9 ~~causes a person to be in a comatose, quadriplegic, hemiplegic, or~~  
10 ~~paraplegic state, which state is likely to continue for 1 year or~~  
11 ~~more.~~

12           (j) "Operate" means to ride in or on and be in actual physical  
13 control of the operation of a snowmobile.

14           (k) "Operator" means any person who operates a snowmobile.

15           (l) "Owner" means any of the following:

16           (i) A person who holds the legal title to a snowmobile.

17           (ii) A vendee or lessee of a snowmobile that is the subject of  
18 an agreement for conditional sale or lease with the right of  
19 purchase upon performance of the conditions stated in the agreement  
20 and with an immediate right of possession vested in the conditional  
21 vendee or lessee.

22           (iii) A person renting a snowmobile or having the exclusive use  
23 of a snowmobile for more than 30 days.

24           (m) "Peace officer" means any of the following:

25           (i) A sheriff.

26           (ii) A sheriff's deputy.

27           (iii) A deputy who is authorized by a sheriff to enforce this

1 part and who has satisfactorily completed at least 40 hours of law  
2 enforcement training, including training specific to this part.

3 (iv) A village or township marshal.

4 (v) An officer of the police department of any municipality.

5 (vi) An officer of the Michigan state police.

6 (vii) The director and conservation officers employed by the  
7 department.

8 (viii) A law enforcement officer who is certified under the  
9 commission on law enforcement standards act, 1965 PA 203, MCL  
10 28.601 to 28.616, provided that officer is policing within his or  
11 her jurisdiction.

12 (n) "Personal information" means information that identifies  
13 an individual, including an individual's driver identification  
14 number, name, address not including zip code, and telephone number,  
15 but does not include information on snowmobile operation or  
16 equipment-related violations or civil infractions, operator or  
17 snowmobile registration status, accidents, or other behaviorally-  
18 related information.

19 (o) "PRIOR CONVICTION" MEANS A CONVICTION FOR ANY OF THE  
20 FOLLOWING, WHETHER UNDER A LAW OF THIS STATE, A LOCAL ORDINANCE  
21 SUBSTANTIALLY CORRESPONDING TO A LAW OF THIS STATE, A LAW OF THE  
22 UNITED STATES SUBSTANTIALLY CORRESPONDING TO A LAW OF THIS STATE,  
23 OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO A LAW OF  
24 THIS STATE:

25 (i) A VIOLATION OR AN ATTEMPTED VIOLATION OF SECTION 82127(1),  
26 (3), (4), (5), (6), OR (7), EXCEPT THAT ONLY 1 VIOLATION OR  
27 ATTEMPTED VIOLATION OF SECTION 82127(6), A LOCAL ORDINANCE

1 SUBSTANTIALLY CORRESPONDING TO SECTION 82127(6), OR A LAW OF  
2 ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO SECTION 82127(6), OR A  
3 LAW OF THE UNITED STATES SUBSTANTIALLY CORRESPONDING TO SECTION  
4 82127(6) MAY BE USED AS A PRIOR CONVICTION OTHER THAN FOR  
5 ENHANCEMENT PURPOSES AS PROVIDED IN SECTION 82129A(1)(B).

6 (ii) NEGLIGENCE, HOMICIDE, MANSLAUGHTER, OR MURDER RESULTING FROM  
7 THE OPERATION OF A SNOWMOBILE OR AN ATTEMPT TO COMMIT ANY OF THOSE  
8 CRIMES.

9 (iii) FORMER SECTION 15A(1), (3), (4), OR (5) OF 1968 PA 74.

10 (iv) FORMER SECTION 15A.

11 (P) ~~(e)~~—"Probate court or family division disposition" means  
12 the entry of a probate court order of disposition or family  
13 division order of disposition for a child found to be within the  
14 provisions of chapter XIIIA of the probate code of 1939, 1939 PA  
15 288, MCL 712A.1 to 712A.32.

16 (Q) ~~(p)~~—"Prosecuting attorney", except as the context requires  
17 otherwise, means the attorney general, the prosecuting attorney of  
18 a county, or the attorney representing a local unit of government.

19 (R) ~~(q)~~—"Recreational snowmobile trail improvement subaccount"  
20 means the recreational snowmobile trail improvement subaccount of  
21 the snowmobile account created in section 82110.

22 (S) ~~(r)~~—"Right-of-way" means that portion of a highway or  
23 street less the roadway and any shoulder.

24 (T) ~~(s)~~—"Roadway" means that portion of a highway or street  
25 improved, designated, or ordinarily used for vehicular travel. If a  
26 highway or street includes 2 or more separate roadways, the term  
27 roadway refers to any roadway separately, but not to all of the

1 roadways collectively.

2 (U) ~~(t)~~—"Shoulder" means that portion of a highway or street  
3 on either side of the roadway that is normally snowplowed for the  
4 safety and convenience of vehicular traffic.

5 (V) ~~(u)~~—"Snowmobile" means any motor-driven vehicle designed  
6 for travel primarily on snow or ice of a type that utilizes sled-  
7 type runners or skis, an endless belt tread, or any combination of  
8 these or other similar means of contact with the surface upon which  
9 it is operated, but is not a vehicle that must be registered under  
10 the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

11 (W) ~~(v)~~—"Snowmobile account" means the snowmobile account of  
12 the Michigan conservation and recreation legacy fund provided for  
13 in section 2025.

14 (X) ~~(w)~~—"Snowmobile registration fee subaccount" means the  
15 snowmobile registration fee subaccount of the snowmobile account  
16 created in section 82111.

17 (Y) ~~(x)~~—"Zone 1" means all of the Upper Peninsula.

18 (Z) ~~(y)~~—"Zone 2" means all of that part of the Lower Peninsula  
19 north of a line beginning at and drawn from a point on the  
20 Michigan-Wisconsin boundary line due west of the westerly terminus  
21 of River road in Muskegon county; thence due east to the westerly  
22 terminus of River road; thence north and east along the center line  
23 of the River road to its intersection with highway M-120; thence  
24 northeasterly and easterly along the center line of highway M-120  
25 to the junction of highway M-20; thence easterly along the center  
26 line of M-20 to its junction with US-10 at the Midland-Bay county  
27 line; thence easterly along the center line of the "business route"

1 of highway US-10 to the intersection of Garfield road in Bay  
 2 county; thence north along the center line of Garfield road to the  
 3 intersection of the Pinconning road; thence east along the center  
 4 line of Pinconning road to the intersection of the Seven Mile road;  
 5 thence north along the center of the Seven Mile road to the Bay-  
 6 Arenac county line; thence north along the center line of the  
 7 Lincoln School road (county road 25) in Arenac county to the  
 8 intersection of highway M-61; thence east along the center line of  
 9 highway M-61 to the junction of highway US-23; thence northerly and  
 10 easterly along the center line of highway US-23 to the center line  
 11 of the Au Gres river; thence southerly along the center line of the  
 12 river to its junction with Saginaw Bay of Lake Huron; thence north  
 13 78° east to the international boundary line between the United  
 14 States and the Dominion of Canada.

15 (AA) ~~(z)~~ "Zone 3" means all of that part of the Lower  
 16 Peninsula south of the line described in subdivision ~~(y)~~ (Z).

17 Sec. 82127. (1) A person shall not operate a snowmobile in  
 18 this state if ~~either~~ **ANY** of the following ~~applies~~ **APPLY**:

19 (a) The person is under the influence of ~~intoxicating~~  
 20 **ALCOHOLIC** liquor or a controlled substance, or both.

21 (b) The person has a blood alcohol content of ~~0.10~~ **0.08** grams  
 22 or more per 100 milliliters of blood, per 210 liters of breath, or  
 23 per 67 milliliters of urine.

24 (C) **THE PERSON HAS IN HIS OR HER BODY ANY AMOUNT OF A**  
 25 **CONTROLLED SUBSTANCE LISTED IN SCHEDULE 1 UNDER SECTION 7212 OF THE**  
 26 **PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7212, OR A RULE**  
 27 **PROMULGATED UNDER THAT SECTION, OR OF A CONTROLLED SUBSTANCE**

1 DESCRIBED IN SECTION 7214 (A) (iv) OF THE PUBLIC HEALTH CODE, 1978 PA  
2 368, MCL 333.7214.

3 (2) The owner of a snowmobile or a person in charge or in  
4 control of a snowmobile shall not authorize or knowingly permit the  
5 snowmobile to be driven or operated by a person ~~who~~ **IF ANY OF THE**  
6 **FOLLOWING APPLY:**

7 (A) **THE PERSON** is under the influence of ~~intoxicating~~  
8 **ALCOHOLIC** liquor or a controlled substance, or both. ~~, or who~~

9 (B) **THE PERSON** has ~~a blood~~ **AN** alcohol content of ~~0.10~~ **0.08**  
10 grams or more per 100 milliliters of blood, per 210 liters of  
11 breath, or per 67 milliliters of urine.

12 (C) **THE PERSON'S ABILITY TO OPERATE A SNOWMOBILE IS VISIBLY**  
13 **IMPAIRED DUE TO THE CONSUMPTION OF AN ALCOHOLIC LIQUOR, A**  
14 **CONTROLLED SUBSTANCE, OR A COMBINATION OF AN ALCOHOLIC LIQUOR AND A**  
15 **CONTROLLED SUBSTANCE.**

16 (3) A person shall not operate a snowmobile when, due to the  
17 consumption of an ~~intoxicating~~ **ALCOHOLIC** liquor or a controlled  
18 substance, or both, the person's ability to operate the snowmobile  
19 is visibly impaired. If a person is charged with violating  
20 subsection (1), a finding of guilty under this subsection may be  
21 rendered.

22 (4) A person who operates a snowmobile ~~under the influence of~~  
23 ~~intoxicating liquor or a controlled substance, or both, or with a~~  
24 ~~blood alcohol content of 0.10 grams or more per 100 milliliters of~~  
25 ~~blood, per 210 liters of breath, or per 67 milliliters of urine, IN~~  
26 **VIOLATION OF SUBSECTION (1) OR (3)** and by the operation of that  
27 snowmobile causes the death of another person is guilty of a felony

1 punishable by imprisonment for not more than 15 years —or a fine  
2 of not less than \$2,500.00 or more than \$10,000.00, or both.

3 (5) A person who operates a snowmobile ~~under the influence of~~  
4 ~~intoxicating liquor or a controlled substance, or both, or with a~~  
5 ~~blood alcohol content of 0.10 grams or more per 100 milliliters of~~  
6 ~~blood, per 210 liters of breath, or per 67 milliliters of urine, IN~~  
7 **VIOLATION OF SUBSECTION (1) OR (3)** and by the operation of that  
8 snowmobile causes a serious impairment of a body function of  
9 another person is guilty of a felony punishable by imprisonment for  
10 not more than 5 years —or a fine of not less than \$1,000.00 or  
11 more than \$5,000.00, or both. As used in this subsection, "serious  
12 impairment of a body function" ~~includes, but is not limited to, 1~~  
13 ~~or more of the following: MEANS THAT TERM AS DEFINED IN SECTION 58C~~  
14 **OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.58C.**

15 ~~—— (a) Loss of a limb or use of a limb.~~

16 ~~—— (b) Loss of a hand, foot, finger, or thumb or use of a hand,~~  
17 ~~foot, finger, or thumb.~~

18 ~~—— (c) Loss of an eye or ear or use of an eye or ear.~~

19 ~~—— (d) Loss or substantial impairment of a bodily function.~~

20 ~~—— (e) Serious visible disfigurement.~~

21 ~~—— (f) A comatose state that lasts for more than 3 days.~~

22 ~~—— (g) Measurable brain damage or mental impairment.~~

23 ~~—— (h) A skull fracture or other serious bone fracture.~~

24 ~~—— (i) Subdural hemorrhage or subdural hematoma.~~

25 **(6) A PERSON WHO IS LESS THAN 21 YEARS OF AGE, WHETHER**  
26 **LICENSED OR NOT, SHALL NOT OPERATE A SNOWMOBILE IF THE PERSON HAS**  
27 **ANY BODILY ALCOHOL CONTENT. AS USED IN THIS SUBSECTION, "ANY BODILY**

1 ALCOHOL CONTENT" MEANS EITHER OF THE FOLLOWING:

2 (A) AN ALCOHOL CONTENT OF 0.02 GRAMS OR MORE BUT LESS THAN  
3 0.08 GRAMS PER 100 MILLILITERS OF BLOOD, PER 210 LITERS OF BREATH,  
4 OR PER 67 MILLILITERS OF URINE, OR, BEGINNING OCTOBER 1, 2013, AN  
5 ALCOHOL CONTENT OF 0.02 GRAMS OR MORE BUT LESS THAN 0.10 GRAMS PER  
6 100 MILLILITERS OF BLOOD, PER 210 LITERS OF BREATH, OR PER 67  
7 MILLILITERS OF URINE.

8 (B) ANY PRESENCE OF ALCOHOL WITHIN A PERSON'S BODY RESULTING  
9 FROM THE CONSUMPTION OF ALCOHOLIC LIQUOR, OTHER THAN CONSUMPTION OF  
10 ALCOHOLIC LIQUOR AS A PART OF A GENERALLY RECOGNIZED RELIGIOUS  
11 SERVICE OR CEREMONY.

12 (7) A PERSON IS SUBJECT TO THE FOLLOWING REQUIREMENTS:

13 (A) HE OR SHE SHALL NOT OPERATE A SNOWMOBILE IN VIOLATION OF  
14 SUBSECTION (1), (3), (4), OR (5) WHILE ANOTHER PERSON WHO IS LESS  
15 THAN 16 YEARS OF AGE IS OCCUPYING THE SNOWMOBILE.

16 (B) HE OR SHE SHALL NOT OPERATE A SNOWMOBILE IN VIOLATION OF  
17 SUBSECTION (6) WHILE ANOTHER PERSON WHO IS LESS THAN 16 YEARS OF  
18 AGE IS OCCUPYING THE SNOWMOBILE.

19 Sec. 82128. (1) If a person is convicted of violating section  
20 82127(1), the following apply:

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

24 (i) Community service for not more than 45 days.

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 both a fine of not  
2 less than \$200.00 or more than \$1,000.00 and either of the  
3 following:

4 (i) Community service for not less than 10 days or more than 90  
5 days, and may be imprisoned for not more than 1 year.

6 (ii) Imprisonment for not less than 48 consecutive hours or  
7 more than 1 year, and may be sentenced to community service for not  
8 more than 90 days.

9 (c) If the violation occurs ~~within 10 years of~~ **AFTER** 2 or more  
10 prior convictions **REGARDLESS OF THE NUMBER OF YEARS THAT HAVE**  
11 **ELAPSED SINCE ANY PRIOR CONVICTION**, the person is guilty of a  
12 felony and shall be sentenced to imprisonment for not less than 1  
13 year or more than 5 years, or a fine of not less than \$500.00 or  
14 more than \$5,000.00, or both.

15 (2) A term of imprisonment imposed under subsection (1) (b) (ii)  
16 shall not be suspended.

17 (3) A person sentenced to perform service to the community  
18 under this section shall not receive compensation and shall  
19 reimburse the state or appropriate local unit of government for the  
20 cost of supervision incurred by the state or local unit of  
21 government as a result of the person's activities in that service  
22 if ordered by the court.

23 (4) In addition to the sanctions prescribed under subsection  
24 (1) and section 82127(4) and (5), the court may, ~~pursuant to~~ **UNDER**  
25 the code of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69,  
26 order the person to pay the costs of the prosecution. The court  
27 shall also impose sanctions under section 82142.

1 (5) A person who is convicted of violating section 82127(2) is  
2 guilty of a misdemeanor, punishable by imprisonment for not more  
3 than 93 days, or a fine of not less than \$100.00 or more than  
4 \$500.00, or both.

5 ~~—— (6) As used in this section, "prior conviction" means a~~  
6 ~~conviction for a violation of section 82127(1), (4), or (5), former~~  
7 ~~section 15a(1), (4), or (5) of 1968 PA 74, or former section 15a, a~~  
8 ~~local ordinance substantially corresponding to section 82127(1) or~~  
9 ~~former section 15a, or a law of another state substantially~~  
10 ~~corresponding to section 82127(1), (4), or (5) or former section~~  
11 ~~15a.~~

12 Sec. 82129. (1) If a person is convicted of violating section  
13 82127(3), the following apply:

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

17 (i) Community service for not more than 45 days.

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

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

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

24 (i) Community service for not less than 10 days or more than 90  
25 days, and may be sentenced to imprisonment for not more than 1  
26 year.

27 (ii) Imprisonment for not more than 1 year, and may be

1 sentenced to community service for not more than 90 days.

2 (c) If the violation occurs ~~within 10 years of~~ **AFTER** 2 or more  
3 prior convictions **REGARDLESS OF THE NUMBER OF YEARS THAT HAVE**  
4 **ELAPSED SINCE ANY PRIOR CONVICTION**, the person shall be sentenced  
5 to both a fine of not less than \$200.00 or more than \$1,000.00, and  
6 either of the following:

7 (i) Community service for a period of not less than 10 days or  
8 more than 90 days, and may be sentenced to imprisonment for not  
9 more than 1 year.

10 (ii) Imprisonment for not more than 1 year, and may be  
11 sentenced to community service for not more than 90 days.

12 (2) In addition to the sanctions prescribed in subsection (1),  
13 the court may, ~~pursuant to~~ **UNDER** the code of criminal procedure,  
14 1927 PA 175, MCL 760.1 to 777.69, order the person to pay the costs  
15 of the prosecution. The court shall also impose sanctions under  
16 section 82142.

17 (3) A person sentenced to perform service to the community  
18 under this section shall not receive compensation and shall  
19 reimburse the state or appropriate local unit of government for the  
20 cost of supervision incurred by the state or local unit of  
21 government as a result of the person's activities in that service  
22 as ordered by the court.

23 ~~—— (4) As used in this section, "prior conviction" means a~~  
24 ~~conviction for a violation of section 82127(1), (3), (4), or (5),~~  
25 ~~section 15a(1), (3), (4), or (5) of 1968 PA 74, or former section~~  
26 ~~15a, a local ordinance substantially corresponding to section~~  
27 ~~82127(1) or (3) or former section 15a, or a law of another state~~

1 ~~substantially corresponding to section 82127(1), (3), (4), or (5)~~  
2 ~~or former section 15a.~~

3 SEC. 82129A. (1) IF A PERSON IS CONVICTED OF VIOLATING SECTION  
4 82127(6), ALL OF THE FOLLOWING APPLY:

5 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION (B), THE  
6 PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY 1 OR BOTH OF THE  
7 FOLLOWING:

8 (i) COMMUNITY SERVICE FOR NOT MORE THAN 360 HOURS.

9 (ii) A FINE OF NOT MORE THAN \$250.00.

10 (B) IF THE VIOLATION OCCURS WITHIN 7 YEARS OF 1 OR MORE PRIOR  
11 CONVICTIONS, INCLUDING A PRIOR CONVICTION FOR SECTION 82127(6), THE  
12 PERSON MAY BE SENTENCED TO 1 OR MORE OF THE FOLLOWING:

13 (i) COMMUNITY SERVICE FOR NOT MORE THAN 60 DAYS.

14 (ii) A FINE OF NOT MORE THAN \$500.00.

15 (iii) IMPRISONMENT FOR NOT MORE THAN 93 DAYS.

16 (2) IN ADDITION TO IMPOSING THE SANCTIONS PRESCRIBED UNDER  
17 THIS SECTION, THE COURT MAY ORDER THE PERSON TO PAY THE COSTS OF  
18 THE PROSECUTION UNDER THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175,  
19 MCL 760.1 TO 777.69.

20 (3) A PERSON SENTENCED TO PERFORM COMMUNITY SERVICE UNDER THIS  
21 SECTION SHALL NOT RECEIVE COMPENSATION AND SHALL REIMBURSE THE  
22 STATE OR APPROPRIATE LOCAL UNIT OF GOVERNMENT FOR THE COST OF  
23 SUPERVISION INCURRED BY THE STATE OR LOCAL UNIT OF GOVERNMENT AS A  
24 RESULT OF THE PERSON'S ACTIVITIES IN THAT SERVICE.

25 SEC. 82129B. (1) A PERSON WHO VIOLATES SECTION 82127(7)(A) IS  
26 GUILTY OF A CRIME PUNISHABLE AS FOLLOWS:

27 (A) EXCEPT AS PROVIDED IN SUBDIVISION (B), A PERSON WHO

1 VIOLATES SECTION 82127(7) (A) IS GUILTY OF A MISDEMEANOR AND SHALL  
2 BE SENTENCED TO PAY A FINE OF NOT LESS THAN \$200.00 OR MORE THAN  
3 \$1,000.00 AND TO 1 OR MORE OF THE FOLLOWING:

4 (i) IMPRISONMENT FOR NOT LESS THAN 5 DAYS OR MORE THAN 1 YEAR.  
5 NOT LESS THAN 48 HOURS OF THIS IMPRISONMENT SHALL BE SERVED  
6 CONSECUTIVELY. THIS TERM OF IMPRISONMENT SHALL NOT BE SUSPENDED.

7 (ii) COMMUNITY SERVICE FOR NOT LESS THAN 30 DAYS OR MORE THAN  
8 90 DAYS.

9 (B) IF THE VIOLATION OCCURS WITHIN 7 YEARS OF A PRIOR  
10 CONVICTION OR AFTER 2 OR MORE PRIOR CONVICTIONS, REGARDLESS OF THE  
11 NUMBER OF YEARS THAT HAVE ELAPSED SINCE ANY PRIOR CONVICTION, A  
12 PERSON WHO VIOLATES SECTION 82127(7) (A) IS GUILTY OF A FELONY AND  
13 SHALL BE SENTENCED TO PAY A FINE OF NOT LESS THAN \$500.00 OR MORE  
14 THAN \$5,000.00 AND TO EITHER OF THE FOLLOWING:

15 (i) IMPRISONMENT UNDER THE JURISDICTION OF THE DEPARTMENT OF  
16 CORRECTIONS FOR NOT LESS THAN 1 YEAR OR MORE THAN 5 YEARS.

17 (ii) PROBATION WITH IMPRISONMENT IN THE COUNTY JAIL FOR NOT  
18 LESS THAN 30 DAYS OR MORE THAN 1 YEAR AND COMMUNITY SERVICE FOR NOT  
19 LESS THAN 60 DAYS OR MORE THAN 180 DAYS. NOT LESS THAN 48 HOURS OF  
20 THIS IMPRISONMENT SHALL BE SERVED CONSECUTIVELY. THIS TERM OF  
21 IMPRISONMENT SHALL NOT BE SUSPENDED.

22 (2) A PERSON WHO VIOLATES SECTION 82127(7) (B) IS GUILTY OF A  
23 MISDEMEANOR PUNISHABLE AS FOLLOWS:

24 (A) EXCEPT AS PROVIDED IN SUBDIVISION (B), A PERSON WHO  
25 VIOLATES SECTION 82127(7) (B) MAY BE SENTENCED TO 1 OR MORE OF THE  
26 FOLLOWING:

27 (i) COMMUNITY SERVICE FOR NOT MORE THAN 60 DAYS.

1           (ii) A FINE OF NOT MORE THAN \$500.00.

2           (iii) IMPRISONMENT FOR NOT MORE THAN 93 DAYS.

3           (B) IF THE VIOLATION OCCURS WITHIN 7 YEARS OF A PRIOR  
4 CONVICTION OR AFTER 2 OR MORE PRIOR CONVICTIONS, REGARDLESS OF THE  
5 NUMBER OF YEARS THAT HAVE ELAPSED SINCE ANY PRIOR CONVICTION, A  
6 PERSON WHO VIOLATES SECTION 82127(7)(B) SHALL BE SENTENCED TO PAY A  
7 FINE OF NOT LESS THAN \$200.00 OR MORE THAN \$1,000.00 AND TO 1 OR  
8 MORE OF THE FOLLOWING:

9           (i) IMPRISONMENT FOR NOT LESS THAN 5 DAYS OR MORE THAN 1 YEAR.  
10 NOT LESS THAN 48 HOURS OF THIS IMPRISONMENT SHALL BE SERVED  
11 CONSECUTIVELY. THIS TERM OF IMPRISONMENT SHALL NOT BE SUSPENDED.

12           (ii) COMMUNITY SERVICE FOR NOT LESS THAN 30 DAYS OR MORE THAN  
13 90 DAYS.

14           (3) IN ADDITION TO IMPOSING THE SANCTIONS PRESCRIBED UNDER  
15 THIS SECTION, THE COURT MAY ORDER THE PERSON TO PAY THE COSTS OF  
16 THE PROSECUTION UNDER THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175,  
17 MCL 760.1 TO 777.69.

18           (4) A PERSON SENTENCED TO PERFORM COMMUNITY SERVICE UNDER THIS  
19 SECTION SHALL NOT RECEIVE COMPENSATION AND SHALL REIMBURSE THE  
20 STATE OR APPROPRIATE LOCAL UNIT OF GOVERNMENT FOR THE COST OF  
21 SUPERVISION INCURRED BY THE STATE OR LOCAL UNIT OF GOVERNMENT AS A  
22 RESULT OF THE PERSON'S ACTIVITIES IN THAT SERVICE.

23           Sec. 82130. (1) If the prosecuting attorney intends to seek an  
24 enhanced sentence under section 82128, ~~or~~ 82129, 82129A, OR 82129B  
25 based upon the defendant having 1 or more prior convictions, the  
26 prosecuting attorney shall include on the complaint and information  
27 filed in district court, circuit court, recorder's court, municipal

1 court, or probate court a statement listing the defendant's prior  
2 convictions.

3 (2) A prior conviction shall be established at sentencing by 1  
4 or more of the following:

5 (a) An abstract of conviction.

6 (b) An admission by the defendant.

7 (3) A person who is convicted of an attempted violation of  
8 section 82127(1) or (3) or a local ordinance substantially  
9 corresponding to section 82127(1) or (3) shall be punished as if  
10 the offense had been completed.

11 (4) When issuing an order under this part, the secretary of  
12 state and the court shall treat a conviction of an attempted  
13 violation of section 82127(1) or (3), former section 15a(1) or (3)  
14 of ~~Act No. 74 of the Public Acts of 1968~~ **1968 PA 74**, a local  
15 ordinance substantially corresponding to section 82127(1) or (3),  
16 ~~or~~ a law of another state substantially corresponding to section  
17 82127(1) or (3), **OR A LAW OF THE UNITED STATES SUBSTANTIALLY**  
18 **CORRESPONDING TO SECTION 82127(1) OR (3)** the same as if the offense  
19 had been completed.

20 Sec. 82136. (1) A peace officer, without a warrant, may arrest  
21 a person if the peace officer has reasonable cause to believe that  
22 the person was, at the time of an accident, the operator of a  
23 snowmobile involved in the accident in this state while in  
24 violation of section 82127(1), (3), (4), ~~or~~ (5), (6), **OR (7)** or a  
25 local ordinance substantially corresponding to section 82127(1), ~~or~~  
26 (3), **OR (6)**.

27 (2) A peace officer who has reasonable cause to believe that a

1 person was operating a snowmobile and that, by the consumption of  
2 ~~intoxicating~~ **ALCOHOLIC** liquor, the person may have affected his or  
3 her ability to operate a snowmobile may require the person to  
4 submit to a preliminary chemical breath analysis. The following  
5 apply with respect to a preliminary chemical breath analysis:

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

8 (b) The results of a preliminary chemical breath analysis are  
9 admissible in a criminal prosecution for a crime enumerated in  
10 section 82143(1) or in an administrative hearing solely to assist  
11 the court or hearing officer in determining a challenge to the  
12 validity of an arrest. This subdivision does not limit the  
13 introduction of other competent evidence offered to establish the  
14 validity of an arrest.

15 (c) A person who submits to a preliminary chemical breath  
16 analysis remains subject to the requirements of sections 82143 to  
17 82146 for the purposes of chemical tests described in those  
18 sections.

19 (d) A person who refuses to submit to a preliminary chemical  
20 breath analysis upon a lawful request by a peace officer is ~~guilty~~  
21 ~~of a misdemeanor.~~ **RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY**  
22 **BE ORDERED TO PAY A CIVIL FINE OF NOT MORE THAN \$500.00.**

23 Sec. 82139. (1) The provisions of sections 82137 and 82138  
24 relating to chemical testing do not limit the introduction of any  
25 other competent evidence bearing upon the question of whether a  
26 person was impaired by, or under the influence of, ~~intoxicating~~  
27 **ALCOHOLIC** liquor or a controlled substance, or both, or whether the

1 person had a blood alcohol content of ~~0.10~~ 0.08 grams or more per  
2 100 milliliters of blood, per 210 liters of breath, or per 67  
3 milliliters of urine OR HAD IN HIS OR HER BODY ANY AMOUNT OF A  
4 CONTROLLED SUBSTANCE LISTED IN SCHEDULE 1 UNDER SECTION 7212 OF THE  
5 PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7212, OR A RULE  
6 PROMULGATED UNDER THAT SECTION, OR OF A CONTROLLED SUBSTANCE  
7 DESCRIBED IN SECTION 7214 (A) (iv) OF THE PUBLIC HEALTH CODE, 1978 PA  
8 368, MCL 333.7214.

9 (2) If a chemical test described in sections 82137 and 82138  
10 is administered, the results of the test shall be made available to  
11 the person charged or the person's attorney upon written request to  
12 the prosecution, with a copy of the request filed with the court.  
13 The prosecution shall furnish the results at least 2 days before  
14 the day of the trial. The results of the test shall be offered as  
15 evidence by the prosecution in that trial. Failure to fully comply  
16 with the request bars the admission of the results into evidence by  
17 the prosecution.

18 Sec. 82140. ~~(1) Except in a prosecution relating solely to a~~  
19 ~~violation of section 82127(1)(b), the amount of alcohol in the~~  
20 ~~driver's blood at the time alleged as shown by chemical analysis of~~  
21 ~~the person's blood, urine, or breath gives rise to the following~~  
22 ~~presumptions:~~

23 ~~—— (a) If at the time the defendant had a blood alcohol content~~  
24 ~~of 0.07 grams or less per 100 milliliters of blood, per 210 liters~~  
25 ~~of breath, or per 67 milliliters of urine, it shall be presumed~~  
26 ~~that the defendant's ability to operate a snowmobile was not~~  
27 ~~impaired due to the consumption of intoxicating liquor and that the~~

1 ~~defendant was not under the influence of intoxicating liquor.~~

2 ~~—— (b) If at the time the defendant had a blood alcohol content~~  
3 ~~of more than 0.07 grams but less than 0.10 grams per 100~~  
4 ~~milliliters of blood, per 210 liters of breath, or per 67~~  
5 ~~milliliters of urine, it shall be presumed that the defendant's~~  
6 ~~ability to operate a snowmobile was impaired within the provisions~~  
7 ~~of section 82127(3) due to the consumption of intoxicating liquor.~~

8 ~~—— (c) If at the time the defendant had a blood alcohol content~~  
9 ~~of 0.10 grams or more per 100 milliliters of blood, per 210 liters~~  
10 ~~of breath, or per 67 milliliters of urine, it shall be presumed~~  
11 ~~that the defendant was under the influence of intoxicating liquor.~~

12 ~~—— (2) A person's refusal to submit to a chemical test as~~  
13 ~~provided in sections 82137 and 82138 is admissible in a criminal~~  
14 ~~prosecution for a crime described in section 82143(1) only for the~~  
15 ~~purpose of showing that a test was offered to the defendant, but~~  
16 ~~not as evidence in determining innocence or guilt of the defendant.~~  
17 ~~The jury shall be instructed accordingly.~~

18       Sec. 82142. ~~(1)~~Immediately upon acceptance by the court of a  
19 plea of guilty or nolo contendere or upon entry of a verdict of  
20 guilty for a violation of section 82127(1), (3), (4), ~~or~~ (5), (6),  
21 **OR (7)** or a local ordinance substantially corresponding to section  
22 82127(1), ~~or~~ (3), **OR (6)** whether or not the person is eligible to  
23 be sentenced as a multiple offender, the court shall consider all  
24 prior convictions established under section 82130, except those  
25 convictions that, upon motion by the defendant, are determined by  
26 the court to be constitutionally invalid, and shall impose the  
27 following sanctions:

1 (a) For a conviction under section 82127(4) or (5), the court  
2 shall order, without an expiration date, that the person not  
3 operate a snowmobile.

4 (b) For a conviction under section 82127(1) or a local  
5 ordinance substantially corresponding to section 82127(1):

6 (i) If the court finds that the person has no prior convictions  
7 within 7 years, ~~for a violation of section 82127(1), (3), (4), or~~  
8 ~~(5), former section 15a(1), (3), (4), or (5) of Act No. 74 of the~~  
9 ~~Public Acts of 1968, or former section 15a or another snowmobile~~  
10 ~~substance abuse offense or that the person has 1 prior conviction~~  
11 ~~within 7 years for a violation of section 82127(3), former section~~  
12 ~~15a(3) of Act No. 74 of the Public Acts of 1968, a local ordinance~~  
13 ~~substantially corresponding to section 82127(3), or a law of~~  
14 ~~another state substantially corresponding to section 82127(3), the~~  
15 court shall order that the person not operate a snowmobile for not  
16 less than 6 months or more than 2 years and shall require that the  
17 person take and successfully complete the snowmobile safety  
18 education and training program before operating a snowmobile.

19 (ii) If the court finds that the person has 1 or more prior  
20 convictions within 7 years, ~~for a violation of section 82127(1),~~  
21 ~~(4), or (5), former section 15a(1), (4), or (5) of Act No. 74 of~~  
22 ~~the Public Acts of 1968, or former section 15a, a local ordinance~~  
23 ~~substantially corresponding to section 82127(1) or former section~~  
24 ~~15a, or a law of another state substantially corresponding to~~  
25 ~~section 82127(1), (4), or (5) or former section 15a, or **THE COURT**~~  
26 **SHALL ORDER THAT THE PERSON NOT OPERATE A SNOWMOBILE FOR A PERIOD**  
27 **OF NOT LESS THAN 1 YEAR OR MORE THAN 2 YEARS AND SHALL REQUIRE THE**

1 PERSON TO TAKE AND SUCCESSFULLY COMPLETE THE SNOWMOBILE SAFETY  
2 EDUCATION AND TRAINING PROGRAM BEFORE OPERATING A SNOWMOBILE.

3 (iii) IF THE COURT FINDS that the person has 2 or more prior  
4 convictions within 10 years, ~~for a violation of section 82127(1),~~  
5 ~~(3), (4), or (5), former section 15a(1), (3), (4), or (5) of Act~~  
6 ~~No. 74 of the Public Acts of 1968, or former section 15a, or~~  
7 ~~another snowmobile substance abuse offense,~~ the court shall order,  
8 without an expiration date, that the person not operate a  
9 snowmobile.

10 (c) For a conviction under section 82127(3) or a local  
11 ordinance substantially corresponding to section 82127(3):

12 (i) If the court finds that the convicted person has no prior  
13 conviction within 7 years, ~~for a violation of section 82127(1),~~  
14 ~~(3), (4), or (5), former section 15a(1), (3), (4), or (5) of Act~~  
15 ~~No. 74 of the Public Acts of 1968, former section 15a, or another~~  
16 ~~snowmobile substance abuse offense,~~ the court shall order that the  
17 person not operate a snowmobile for not less than 90 days or more  
18 than 1 year.

19 (ii) If the court finds that the person has 1 prior conviction  
20 within 7 years, ~~for a violation of section 82127(1), (3), (4), or~~  
21 ~~(5), former section 15a(1), (3), (4), or (5) of Act No. 74 of the~~  
22 ~~Public Acts of 1968, former section 15a, or another snowmobile~~  
23 ~~substance abuse offense,~~ the court shall order that the person not  
24 operate a snowmobile for not less than 6 months or more than 2  
25 years.

26 (iii) If the court finds that the person has 2 or more prior  
27 convictions within 10 years, ~~for a violation of section 82127(1),~~

1 ~~(3), (4), or (5), former section 15a(1), (3), (4), or (5) of Act~~  
 2 ~~No. 74 of the Public Acts of 1968, former section 15a, or another~~  
 3 ~~snowmobile substance abuse offense,~~ the court shall order, without  
 4 an expiration date, the person not to operate a snowmobile.

5 ~~—— (2) As used in this section, "another snowmobile substance~~  
 6 ~~abuse offense" means a local ordinance substantially corresponding~~  
 7 ~~to section 82127(1) or (3) or a law of another state substantially~~  
 8 ~~corresponding to section 82127(1), (3), (4), or (5).~~

9       Sec. 82143. (1) A person who operates a snowmobile is  
 10 considered to have given consent to chemical tests of his or her  
 11 blood, breath, or urine for the purpose of determining the amount  
 12 of alcohol or presence of a controlled substance, or both, in his  
 13 or her blood in all of the following circumstances:

14       (a) The person is arrested for a violation of section  
 15 82127(1), (3), (4), ~~or (5), (6), OR (7)~~ or a local ordinance  
 16 substantially corresponding to section 82127(1), ~~or (3), OR (6)~~.

17       (b) The person is arrested for negligent homicide,  
 18 manslaughter, or murder resulting from the operation of a  
 19 snowmobile, and the peace officer had reasonable grounds to believe  
 20 that the person was operating the snowmobile ~~while impaired by, or~~  
 21 ~~under the influence of, intoxicating liquor or a controlled~~  
 22 ~~substance, or both, or while having a blood alcohol content of 0.10~~  
 23 ~~grams or more per 100 milliliters of blood, per 210 liters of~~  
 24 ~~breath, or per 67 milliliters of urine~~ **IN VIOLATION OF SECTION**  
 25 **82127.**

26       (2) A person who is afflicted with hemophilia, diabetes, or a  
 27 condition requiring the use of an anticoagulant under the direction

1 of a physician shall not be considered to have given consent to the  
2 withdrawal of blood.

3 (3) A chemical test described in subsection (1) shall be  
4 administered as provided in sections 82137 and 82138.

5 Sec. 82144. (1) If a person refuses the request of a peace  
6 officer to submit to a chemical test offered ~~pursuant to~~ **UNDER**  
7 section 82137 or 82138, a test shall not be given without a court  
8 order, but the officer may seek to obtain the court order.

9 (2) If a person refuses a chemical test offered ~~pursuant to~~  
10 **UNDER** section 82137 or 82138, or submits to the chemical test and  
11 the test reveals a blood alcohol content of ~~0.10~~ **0.08** grams or more  
12 per 100 milliliters of blood, per 210 liters of breath, or per 67  
13 milliliters of urine, the peace officer who requested the person to  
14 submit to the test shall immediately forward a written report to  
15 the secretary of state. The report shall state that the officer had  
16 reasonable grounds to believe that the person had committed a crime  
17 described in section 82143(1), and either that the person has  
18 refused to submit to the test upon the request of the peace officer  
19 and has been advised of the consequences of the refusal or that the  
20 test revealed a blood alcohol content of ~~0.10~~ **0.08** grams or more  
21 per 100 milliliters of blood, per 210 liters of breath, or per 67  
22 milliliters of urine. The form of the report shall be prescribed  
23 and furnished by the secretary of state.

24 Sec. 82146. (1) If a person who refuses to submit to a  
25 chemical test ~~pursuant to~~ **UNDER** section 82144 does not request a  
26 hearing within 14 days of the date of notice ~~pursuant to~~ **UNDER**  
27 section 82145, the secretary of state shall issue an order that the

1 person not operate a snowmobile for ~~6 months~~ **1 YEAR** or, for a  
2 second or subsequent refusal within 7 years, for ~~1 year~~ **2 YEARS**.

3 (2) If a hearing is requested, the secretary of state shall  
4 hold the hearing in the same manner and under the same conditions  
5 as provided in section 322 of the Michigan vehicle code, ~~Act No.~~  
6 ~~300 of the Public Acts of 1949, being section 257.322 of the~~  
7 ~~Michigan Compiled Laws 1949 PA 300, MCL 257.322~~. A person shall not  
8 order a hearing officer to make a particular finding on any issue  
9 enumerated under subdivisions (a) to (d). Not less than 5 days'  
10 notice of the hearing shall be mailed to the person requesting the  
11 hearing, to the peace officer who filed the report under section  
12 82144, and, if the prosecuting attorney requests receipt of the  
13 notice, to the prosecuting attorney of the county where the arrest  
14 was made. The hearing officer may administer oaths, issue subpoenas  
15 for the attendance of necessary witnesses, and grant a reasonable  
16 request for an adjournment. Not more than 1 adjournment shall be  
17 granted to a party, and the length of an adjournment shall not  
18 exceed 14 days. A hearing under this subsection shall be scheduled  
19 to be held within 45 days after the date of arrest and, except for  
20 delay attributable to the unavailability of the defendant, a  
21 witness, or material evidence or to an interlocutory appeal or  
22 exceptional circumstances, but not for delay attributable to docket  
23 congestion, shall be finally adjudicated within 77 days after the  
24 date of arrest. The hearing shall cover only the following issues:

25 (a) Whether the peace officer had reasonable grounds to  
26 believe that the person had committed a crime described in section  
27 82143(1).

1 (b) Whether the person was placed under arrest for a crime  
2 described in section 82143(1).

3 (c) If the person refused to submit to the test upon the  
4 request of the officer, whether the refusal was reasonable.

5 (d) Whether the person was advised of his or her rights under  
6 section 82137.

7 (3) The hearing officer shall make a record of proceedings  
8 held ~~pursuant to~~ **UNDER** subsection (2). The record shall be prepared  
9 and transcribed in accordance with section 86 of the administrative  
10 procedures act of 1969, ~~Act No. 306 of the Public Acts of 1969,~~  
11 ~~being section 24.286 of the Michigan Compiled Laws 1969 PA 306, MCL~~  
12 **24.286**. Upon notification of the filing of a petition for judicial  
13 review ~~pursuant to~~ **UNDER** section 82150 and not less than 10 days  
14 before the matter is set for review, the hearing officer shall  
15 transmit to the court in which the petition is filed the original  
16 or a certified copy of the official record of the proceedings. The  
17 parties to the proceedings for judicial review may stipulate that  
18 the record be shortened. A party unreasonably refusing to stipulate  
19 to a shortened record may be taxed by the court in which the  
20 petition is filed for the additional costs. The court may permit  
21 subsequent corrections to the record.

22 (4) After a hearing, if the person who requested the hearing  
23 does not prevail, the secretary of state shall order that the  
24 person not operate a snowmobile for ~~6 months~~ **1 YEAR** or, for a  
25 second or subsequent refusal within 7 years, for ~~1 year~~ **2 YEARS**.  
26 The person may file a petition in the circuit court of the county  
27 in which the arrest was made to review the order as provided in

1 section 82150. If after the hearing the person who requested the  
2 hearing prevails, the peace officer who filed the report under  
3 section 82144 may, with the consent of the prosecuting attorney,  
4 file a petition in the circuit court of the county in which the  
5 arrest was made to review the determination of the hearing officer  
6 as provided in section 82150.

7 Sec. 82148. (1) Upon receipt of the appropriate records of  
8 conviction, the secretary of state shall issue an order with no  
9 expiration date that the person not operate a snowmobile to a  
10 person having any of the following convictions, whether under a law  
11 of this state, a local ordinance substantially corresponding to a  
12 law of this state, or a law of another state substantially  
13 corresponding to a law of this state:

14 (a) Two convictions of a felony involving the use of a  
15 snowmobile within 7 years.

16 (b) Any combination of 2 convictions within 7 years for a  
17 violation of section 82127(1), section 15a(1) of former 1968 PA 74,  
18 or section 15a of former 1968 PA 74, as added by 1980 PA 402.

19 (c) One conviction under section 82127(4) or (5) or section  
20 15a(4) or (5) of former 1968 PA 74.

21 (d) Any combination of 3 convictions within 10 years for a  
22 violation of section 82127(1) or (3), section 15a(1) or (3) of  
23 former 1968 PA 74, or section 15a of former 1968 PA 74, as added by  
24 1980 PA 402.

25 (2) The department shall seek to enter agreements with the  
26 appropriate agencies of other states, Canada, and provinces and  
27 territories of Canada for the sharing of records of convictions

1 described in subsection (1).

2 (3) The secretary of state shall issue an order with no  
3 expiration date that a person not operate a snowmobile  
4 notwithstanding a court order issued under section 82142, or a  
5 local ordinance substantially corresponding to section 82142. The  
6 secretary of state shall not terminate an indefinite order issued  
7 under this part until both of the following occur:

8 (a) The later of the following:

9 (i) The expiration of not less than 1 year after the order was  
10 issued.

11 (ii) The expiration of not less than 5 years after the date of  
12 a subsequent issuance of an indefinite order occurring within 7  
13 years after the date of a prior order.

14 (b) The person meets the requirements of the department of  
15 state.

16 (4) Multiple convictions or probate court dispositions  
17 resulting from the same incident shall be treated as a single  
18 violation for purposes of issuance of an order under this section.

19 (5) A person who is aggrieved by the issuance of an order by  
20 the secretary of state under this section may request a hearing  
21 with the secretary of state. The hearing shall be requested within  
22 14 days after issuance of an order under this section by the  
23 secretary of state. If a hearing is requested, the secretary of  
24 state shall hold the hearing in the same manner and under the same  
25 conditions as provided in section 322 of the Michigan vehicle code,  
26 1949 PA 300, MCL 257.322.

27 (6) The hearing officer shall make a record of proceedings

1 held ~~pursuant to~~ **UNDER** subsection (5). The record shall be prepared  
2 and transcribed in accordance with section 86 of the administrative  
3 procedures act of 1969, 1969 PA 306, MCL 24.286. Upon notification  
4 of the filing of a petition for judicial review ~~pursuant to~~ **UNDER**  
5 section 82150 and not less than 10 days before the matter is set  
6 for review, the hearing officer shall transmit to the court in  
7 which the petition is filed the original or a certified copy of the  
8 official record of the proceedings. The parties to the proceedings  
9 for judicial review may stipulate that the record be shortened. A  
10 party unreasonably refusing to stipulate to a shortened record may  
11 be taxed by the court in which the petition is filed for the  
12 additional costs. The court may permit subsequent corrections to  
13 the record.

14 (7) Judicial review of an administrative sanction under this  
15 section is governed by the law in effect at the time the offense  
16 was committed or attempted.

17 Enacting section 1. This amendatory act takes effect November  
18 1, 2013.