

**SUBSTITUTE FOR
SENATE BILL NO. 176**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending the title and sections 20d, 212, 304, 319, 625k, 625l,
and 732a (MCL 257.20d, 257.212, 257.304, 257.319, 257.625k,
257.625l, and 257.732a), the title as amended by 2013 PA 231,
section 20d as added by 2008 PA 462, sections 212 and 319 as
amended by 2015 PA 11, section 304 as amended by 2013 PA 226,
sections 625k and 625l as amended by 2008 PA 461, and section 732a
as amended by 2014 PA 250, and by adding section 625q.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

TITLE

2

An act to provide for the registration, titling, sale,

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transfer, and regulation of certain vehicles operated upon the

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public highways of this state or any other place open to the

1 general public or generally accessible to motor vehicles and
2 distressed vehicles; to provide for the licensing of dealers; to
3 provide for the examination, licensing, and control of operators
4 and chauffeurs; to provide for the giving of proof of financial
5 responsibility and security by owners and operators of vehicles; to
6 provide for the imposition, levy, and collection of specific taxes
7 on vehicles, and the levy and collection of sales and use taxes,
8 license fees, and permit fees; to provide for the regulation and
9 use of streets and highways; to create certain funds; to provide
10 penalties and sanctions for a violation of this act; to provide for
11 civil liability of manufacturers, **THE MANUFACTURERS OF CERTAIN**
12 **DEVICES**, the manufacturers of automated technology, upfitters,
13 owners, and operators of vehicles and service of process on
14 residents and nonresidents; to regulate the introduction and use of
15 certain evidence; **TO REGULATE AND CERTIFY THE MANUFACTURERS OF**
16 **CERTAIN DEVICES; TO PROVIDE FOR APPROVAL AND CERTIFICATION OF**
17 **INSTALLERS AND SERVICERS OF CERTAIN DEVICES**; to provide for the
18 levy of certain assessments; to provide for the enforcement of this
19 act; to provide for the creation of and to prescribe the powers and
20 duties of certain state and local agencies; to impose liability
21 upon the state or local agencies; to provide appropriations for
22 certain purposes; to repeal all other acts or parts of acts
23 inconsistent with this act or contrary to this act; and to repeal
24 certain parts of this act on a specific date.

25 Sec. 20d. "Ignition interlock device" **OR "BREATH ALCOHOL**
26 **IGNITION INTERLOCK DEVICE" OR "BAIID"** means an alcohol
27 concentration measuring device that prevents a motor vehicle from

1 being started at any time without first determining through a deep
2 lung sample the operator's alcohol level, calibrated so that the
3 motor vehicle cannot be started if the breath alcohol level of the
4 operator, as measured by the test, reaches a level of 0.025 grams
5 per 210 liters of breath, and to which all of the following apply:

6 (a) The device meets or exceeds the model specifications for
7 breath alcohol ignition interlock devices (BAIID), ~~57 FR 11772~~
8 ~~11787 (April 7, 1992)~~. **78 FR 26849 - 26867 (MAY 8, 2013) OR ANY**
9 **SUBSEQUENT MODEL SPECIFICATIONS.**

10 (b) The device utilizes alcohol-specific electrochemical fuel
11 sensor technology.

12 (c) As its anticircumvention method, the device installation
13 uses a positive-negative-positive air pressure test requirement, a
14 midtest hum tone requirement, or any other anticircumvention method
15 or technology that first becomes commercially available after July
16 31, 2007 and that is approved by the department as equally or more
17 effective.

18 Sec. 212. (1) If the secretary of state is authorized or
19 required to give notice under this act or other law regulating the
20 operation of a vehicle, unless a different method of giving notice
21 is otherwise expressly prescribed, notice shall be given either by
22 personal delivery to the person to be notified or by first-class
23 United States mail addressed to the person at the address shown by
24 the record of the secretary of state. The giving of notice by mail
25 is complete upon the expiration of 5 days after mailing the notice.

26 (2) **ANY NOTICE REQUIRED TO BE PROVIDED UNDER THIS ACT MAY BE**
27 **PROVIDED BY ELECTRONIC MEANS.**

1 Sec. 304. (1) Except as provided in subsection (3), the
2 secretary of state shall issue a restricted license to a person
3 whose license was suspended or restricted under section 319 or
4 revoked or denied under section 303 based on either of the
5 following:

6 (a) Two or more convictions for violating section 625(1) or
7 (3) or a local ordinance of this state substantially corresponding
8 to section 625(1) or (3).

9 (b) One conviction for violating section 625(1) or (3) or a
10 local ordinance of this state substantially corresponding to
11 section 625(1) or (3), preceded by 1 or more convictions for
12 violating a local ordinance or law of another state substantially
13 corresponding to section 625(1), (3), or (6), or a law of the
14 United States substantially corresponding to section 625(1), (3),
15 or (6).

16 (2) A restricted license issued under subsection (1) shall not
17 be issued until after the person's operator's or chauffeur's
18 license has been suspended or revoked for 45 days and the judge
19 assigned to a DWI/sobriety court certifies to the secretary of
20 state that both of the following conditions have been met:

21 (a) The person has been admitted into a DWI/sobriety court
22 program.

23 (b) An ignition interlock device approved, certified, and
24 installed as required under sections 625k and 625l has been
25 installed on each motor vehicle owned or operated, or both, by the
26 individual.

27 (3) A restricted license shall not be issued under subsection

1 (1) if the person is otherwise ineligible for an operator's or
2 chauffeur's license under this act, unless the person's
3 ineligibility is based on 1 or more of the following:

4 (a) Section ~~303(1)(i)~~ **303(1)(I)** or (l).

5 (b) Section 303(2)(c)(i) or (iii).

6 (c) Section 303(2)(g)(i) or (iii).

7 (d) Section 319(4), (5), (6), (7), (8)(a) to (e), or (9).

8 (e) Section 319e(2)(a) or (b).

9 (f) Section 320(1)(d).

10 (g) Section 321a(1), (2), or (3).

11 (h) Section 323c.

12 (i) Section 625f.

13 (j) Section 732a(5).

14 (k) Section 904(10).

15 (l) Section 82105a(2) of the natural resources and
16 environmental protection act, 1994 PA 451, MCL 324.82105a.

17 (m) Section 3177 of the insurance code of 1956, 1956 PA 218,
18 MCL 500.3177.

19 (n) Section 10 of the motor vehicle claims act, 1965 PA 198,
20 MCL 257.1110.

21 (4) A restricted license issued under subsection (1) permits
22 the person to whom it is issued to operate only the vehicle
23 equipped with an ignition interlock device described in subsection
24 (2)(b), to take any driving skills test required by the secretary
25 of state, and to drive to and from any combination of the following
26 locations or events:

27 (a) In the course of the person's employment or occupation if

1 the employment or occupation does not require a commercial driver
2 license.

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

4 (i) The person's residence.

5 (ii) The person's work location.

6 (iii) An alcohol, drug, or mental health education and
7 treatment as ordered by the court.

8 (iv) Alcoholics anonymous, narcotics anonymous, or other
9 court-ordered self-help programs.

10 (v) Court hearings and probation appointments.

11 (vi) Court-ordered community service.

12 (vii) An educational institution at which the person is
13 enrolled as a student.

14 (viii) A place of regularly occurring medical treatment for a
15 serious condition or medical emergency for the person or a member
16 of the person's household or immediate family.

17 (ix) Alcohol or drug testing as ordered by the court.

18 (x) Ignition interlock service provider as required.

19 (5) While driving with a restricted license, the person shall
20 carry proof of his or her destination and the hours of any
21 employment, class, or other reason for traveling and shall display
22 that proof upon a peace officer's request.

23 (6) Except as otherwise provided in this section, a restricted
24 license issued under subsection (1) is effective until a hearing
25 officer orders an unrestricted license under section 322. ~~The~~
26 **SUBJECT TO SUBSECTION (7), THE** hearing officer shall not order an
27 unrestricted license until the later of the following events

1 occurs:

2 (a) The court notifies the secretary of state that the person
3 has successfully completed the DWI/sobriety court program.

4 (b) The minimum period of license sanction that would have
5 been imposed under section 303 or 319 but for this section has been
6 completed.

7 (c) The person demonstrates that he or she has operated with
8 an ignition interlock device for not less than 1 year.

9 (d) The person satisfies the requirements of section 303 and R
10 257.313 of the Michigan administrative code.

11 **(7) A HEARING OFFICER SHALL NOT ISSUE AN UNRESTRICTED LICENSE**
12 **FOR AT LEAST 1 YEAR IF EITHER OF THE FOLLOWING APPLIES:**

13 **(A) THE HEARING OFFICER DETERMINES THAT THE PERSON CONSUMED**
14 **ANY ALCOHOL DURING THE PERIOD THAT HIS OR HER LICENSE WAS**
15 **RESTRICTED UNDER THIS SECTION, AS DETERMINED BY BREATH, BLOOD,**
16 **URINE, OR TRANSDERMAL TESTING UNLESS A SECOND TEST, ADMINISTERED**
17 **WITHIN 5 MINUTES AFTER ADMINISTERING THE FIRST TEST, SHOWED AN**
18 **ABSENCE OF ALCOHOL.**

19 **(B) THE HEARING OFFICER DETERMINES THAT THE PERSON CONSUMED OR**
20 **OTHERWISE USED ANY CONTROLLED SUBSTANCE DURING THE PERIOD THAT HIS**
21 **OR HER LICENSE WAS RESTRICTED UNDER THIS SECTION, EXCEPT AS**
22 **LAWFULLY PRESCRIBED.**

23 **(8) ~~(7)~~—**In determining whether to order an unrestricted
24 license under subsection (6), the successful completion of the
25 DWI/sobriety court program and a certificate from the DWI/sobriety
26 court judge shall be considered positive evidence of the
27 petitioner's abstinence while the petitioner participated in the

1 DWI/sobriety court program. **THIS SUBSECTION DOES NOT APPLY TO A**
2 **DETERMINATION MADE UNDER SUBSECTION (7)**. As used in this
3 subsection, "certificate" includes, but is not limited to, a
4 statement that the participant has maintained a period of
5 abstinence from alcohol for not less than 6 months at the time the
6 participant completed the DWI/sobriety court program.

7 (9) ~~(8)~~—If the secretary of state receives a notification from
8 the DWI/sobriety court under section 1084(6) of the revised
9 judicature act of 1961, 1961 PA 236, MCL 600.1084, the secretary of
10 state shall summarily impose 1 of the following license sanctions,
11 as applicable:

12 (a) Suspension for the full length of time provided under
13 section 319(8). However, a restricted license shall not be issued
14 as provided under section 319(8). This subdivision applies if the
15 underlying conviction or convictions would have subjected the
16 person to a license sanction under section 319(8) if this section
17 did not apply.

18 (b) A license revocation and denial for the full length of
19 time provided under section 303. The minimum period of license
20 revocation and denial imposed shall be the same as if this section
21 did not apply. This subdivision applies if the underlying
22 conviction or convictions would have caused a license revocation
23 and denial under section 303 if this section did not apply.

24 (10) ~~(9)~~—After the person completes the DWI/sobriety court
25 program, the following apply:

26 (a) The secretary of state shall postpone considering the
27 issuance of an unrestricted license under section 322 for a period

1 of 3 months for each act that would be a minor violation if the
2 person's license had been issued under section 322(6). As used in
3 this subdivision, "minor violation" means that term as defined in R
4 257.301a of the Michigan administrative code.

5 (b) The restricted license issued under this section shall be
6 suspended or revoked or denied as provided in subsection ~~(8)~~, ~~(9)~~,
7 unless set aside under ~~subsection (6)~~, **SECTION 322(5)**, if any of
8 the following events occur:

9 (i) The person operates a motor vehicle without an ignition
10 interlock device that meets the criteria under subsection (2)(b).

11 (ii) The person removes, or causes to be removed, an ignition
12 interlock device from a vehicle he or she owns or operates unless
13 the secretary of state has authorized its removal under section
14 322a.

15 (iii) The person commits any other act that would be a major
16 violation if the person's license had been issued under section
17 322(6). As used in this subparagraph, "major violation" means that
18 term as defined in R 257.301a of the Michigan administrative code.

19 (iv) The person is arrested for a violation of any of the
20 following:

21 (A) Section 625.

22 (B) A local ordinance of this state or another state
23 substantially corresponding to section 625.

24 (C) A law of the United States substantially corresponding to
25 section 625.

26 (c) If the person is convicted of or found responsible for any
27 offense that requires the suspension, revocation, denial, or

1 cancellation of the person's operator's or chauffeur's license, the
2 restricted license issued under this section shall be suspended
3 until the requisite period of license suspension, revocation,
4 denial, or cancellation, as appropriate, has elapsed.

5 (d) If the person has failed to pay any court-ordered fines or
6 costs that resulted from the operation of a vehicle, the restricted
7 license issued under this section shall be suspended pending
8 payment of those fines and costs.

9 (11) ~~(10)~~ All driver responsibility fees required to be
10 assessed by the secretary of state under section 732a for the
11 conviction or convictions that led to the restricted license under
12 this section shall be held in abeyance as follows:

13 (a) The fees shall be held in abeyance during the time the
14 person has a restricted license under this section and is
15 participating in the DWI/sobriety court program.

16 (b) At the end of the person's participation in the
17 DWI/sobriety court program, the driver responsibility fees shall be
18 assessed and paid under the payment schedule described in section
19 732a.

20 (12) ~~(11)~~ The vehicle of an individual admitted to the
21 DWI/sobriety court program whose vehicle would otherwise be subject
22 to immobilization or forfeiture under this act is exempt from both
23 immobilization and forfeiture under sections 625n and 904d if both
24 of the following apply:

25 (a) The person is a DWI/sobriety court program participant in
26 good standing or the person successfully satisfactorily completes
27 the DWI/sobriety court program.

1 (b) The person does not subsequently violate a law of this
2 state for which vehicle immobilization or forfeiture is a sanction.

3 (13) ~~(12)~~ This section only applies to individuals arrested
4 for a violation of section 625 on or after January 1, 2011.

5 (14) ~~(13)~~ As used in this section:

6 (a) "DWI/sobriety court" means that term as defined in section
7 1084 of the revised judicature act of 1961, 1961 PA 236, MCL
8 600.1084.

9 (b) "DWI/sobriety court program" means ~~"pilot project" or~~
10 "program" as ~~those terms are defined~~ **THAT TERM IS DEFINED** in
11 section 1084 of the revised judicature act of 1961, 1961 PA 236,
12 MCL 600.1084.

13 Sec. 319. (1) The secretary of state shall immediately suspend
14 a person's license as provided in this section upon receiving a
15 record of the person's conviction for a crime described in this
16 section, whether the conviction is under a law of this state, a
17 local ordinance substantially corresponding to a law of this state,
18 a law of another state substantially corresponding to a law of this
19 state, or, beginning October 31, 2010, a law of the United States
20 substantially corresponding to a law of this state.

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

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

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

27 (c) A violation of section 1 of former 1931 PA 214, MCL

1 752.191, or former section 626c.

2 (d) A felony in which a motor vehicle was used. As used in
3 this section, "felony in which a motor vehicle was used" means a
4 felony during the commission of which the person convicted operated
5 a motor vehicle and while operating the vehicle presented real or
6 potential harm to persons or property and 1 or more of the
7 following circumstances existed:

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

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

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

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

13 (e) A violation of section 602a(2) or (3) of this act or
14 section 479a(2) or (3) of the Michigan penal code, 1931 PA 328, MCL
15 750.479a.

16 (f) Beginning October 31, 2010, a violation of section 601d.

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

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

21 (b) A violation of section 601b(2), section 601c(1), section
22 653a(3), section 626 before October 31, 2010, or, beginning October
23 31, 2010, section 626(2).

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

27 (d) A violation of section 703(2) of the Michigan liquor

1 control code of 1998, 1998 PA 58, MCL 436.1703.

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

6 (5) For perjury or making a false certification to the
7 secretary of state under any law requiring the registration of a
8 motor vehicle or regulating the operation of a vehicle on a
9 highway, or for conduct prohibited under section 324(1) or a local
10 ordinance substantially corresponding to section 324(1), the
11 secretary **OF STATE** shall suspend the person's license as follows:

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

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

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

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

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

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

27 (a) If the person has 1 prior conviction for an offense

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

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

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

11 (a) For 180 days for a violation of section 625(1) or (8)
12 before October 31, 2010 or, beginning October 31, 2010, section
13 625(1)(a) or (b) or (8) if the person has no prior convictions
14 within 7 years. The secretary of state may issue the person a
15 restricted license during a specified portion of the suspension,
16 except that the secretary of state shall not issue a restricted
17 license during the first 30 days of suspension.

18 (b) For 90 days for a violation of section 625(3) if the
19 person has no prior convictions within 7 years. However, if the
20 person is convicted of a violation of section 625(3), for operating
21 a vehicle when, due to the consumption of a controlled substance or
22 a combination of alcoholic liquor and a controlled substance, the
23 person's ability to operate the vehicle was visibly impaired, the
24 secretary of state shall suspend the person's license under this
25 subdivision for 180 days. The secretary of state may issue the
26 person a restricted license during all or a specified portion of
27 the suspension.

1 (c) For 30 days for a violation of section 625(6) 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 (d) For 90 days for a violation of section 625(6) if the
6 person has 1 or more prior convictions for that offense within 7
7 years.

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

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

16 (g) Beginning October 31, 2010, for 1 year for a violation of
17 section 625(1)(c) if the person has no prior convictions within 7
18 years or not more than 2 convictions within 10 years. The secretary
19 of state may issue the person a restricted license, except that the
20 secretary of state shall not issue a restricted license during the
21 first 45 days of suspension.

22 (h) Beginning October 31, 2010, the department shall order a
23 person convicted of violating section 625(1)(c) not to operate a
24 motor vehicle under a restricted license issued under subdivision
25 (g) unless the vehicle is equipped with an ignition interlock
26 device approved, certified, and installed as required under
27 sections 625k and 625l. The ignition interlock device may be

1 removed after the interlock device provider provides the department
2 with verification that the person has operated the vehicle with no
3 instances of reaching or exceeding a blood alcohol level of 0.025
4 grams per 210 liters of breath. This subdivision does not prohibit
5 the removal of the ignition interlock device for any of the
6 following:

7 (i) A start-up test failure that occurs within the first 2
8 months after installation of the device. As used in this
9 subdivision, "start-up test failure" means that the ignition
10 interlock device has prevented the motor vehicle from being
11 started. Multiple unsuccessful attempts at 1 time to start the
12 vehicle shall be treated as 1 start-up test failure only under this
13 subparagraph.

14 (ii) A start-up test failure occurring more than 2 months
15 after installation of the device, if not more than 15 minutes after
16 detecting the start-up test failure the person delivers a breath
17 sample that the ignition interlock device analyzes as having an
18 alcohol level of less than 0.025 grams per 210 liters of breath.

19 (iii) A retest prompted by the device, if not more than 5
20 minutes after detecting the retest failure the person delivers a
21 breath sample that the ignition interlock device analyzes as having
22 an alcohol level of less than 0.025 grams per 210 liters of breath.

23 (i) Beginning October 31, 2010, if an individual violates the
24 conditions of the restricted license issued under subdivision (g)
25 or operates or attempts to operate a motor vehicle with a blood
26 alcohol level of 0.025 grams per 210 liters of breath, the
27 secretary of state shall impose an additional like period of

1 suspension and restriction as prescribed under subdivision (g).
2 This subdivision does not require an additional like period of
3 suspension and restriction for any of the following:

4 (i) A start-up test failure within the first 2 months after
5 installation of the ignition interlock device. As used in this
6 subdivision, "start-up test failure" means that the ignition
7 interlock device has prevented the motor vehicle from being
8 started. Multiple unsuccessful attempts at 1 time to start the
9 vehicle shall be treated as 1 start-up test failure only under this
10 subparagraph.

11 (ii) A start-up test failure occurring more than 2 months
12 after installation of the device, if not more than 15 minutes after
13 detecting the start-up test failure the person delivers a breath
14 sample that the ignition interlock device analyzes as having an
15 alcohol level of less than 0.025 grams per 210 liters of breath.

16 (iii) Any retest prompted by the device, if not more than 5
17 minutes after detecting the retest failure the person delivers a
18 breath sample that the ignition interlock device analyzes as having
19 an alcohol level of less than 0.025 grams per 210 liters of breath.

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

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

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

27 (10) For a violation of section 315(4), the secretary of state

1 may suspend the person's license for 6 months.

2 (11) For a violation or attempted violation of section 411a(2)
3 of the Michigan penal code, 1931 PA 328, MCL 750.411a, involving a
4 school, the secretary of state shall suspend the license of a
5 person 14 years of age or over but less than 21 years of age until
6 3 years after the date of the conviction or juvenile disposition
7 for the violation. The secretary of state may issue the person a
8 restricted license after the first 365 days of suspension.

9 (12) For a second or subsequent violation of section 701(1) of
10 the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701,
11 by an individual who is not a retail licensee or a retail
12 licensee's clerk, agent, or employee, the secretary of state shall
13 suspend the person's license for 180 days. The secretary of state
14 may issue a person a restricted license during all or a specified
15 portion of the suspension.

16 (13) Except as provided in subsection (15), a suspension under
17 this section shall be imposed notwithstanding a court order unless
18 the court order complies with section 323.

19 (14) If the secretary of state receives records of more than 1
20 conviction of a person resulting from the same incident, a
21 suspension shall be imposed only for the violation to which the
22 longest period of suspension applies under this section.

23 (15) The secretary of state may waive a restriction,
24 suspension, or revocation of a person's license imposed under this
25 act if the person submits proof that a court in another state
26 revoked, suspended, or restricted his or her license for a period
27 equal to or greater than the period of a restriction, suspension,

1 or revocation prescribed under this act for the violation and that
2 the revocation, suspension, or restriction was served for the
3 violation, or may grant a restricted license.

4 (16) The secretary of state shall not issue a restricted
5 license to a person whose license is suspended under this section
6 unless a restricted license is authorized under this section and
7 the person is otherwise eligible for a license.

8 (17) The secretary of state shall not issue a restricted
9 license to a person under subsection (8) that would permit the
10 person to operate a commercial motor vehicle.

11 (18) Except as provided in subsection (17), a restricted
12 license issued under this section shall permit the person to whom
13 it is issued to take any driving skills test required by the
14 secretary of state and to operate a vehicle under 1 or more of the
15 following circumstances:

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

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

18 (i) The person's residence.

19 (ii) The person's work location.

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

22 (iv) The court probation department.

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

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

26 (vii) A place of regularly occurring medical treatment for a
27 serious condition for the person or a member of the person's

1 household or immediate family.

2 (viii) An ignition interlock service provider as required.

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

7 (20) Subject to subsection (22), as used in subsection (8),
8 "prior conviction" means a conviction for any of the following,
9 whether under a law of this state, a local ordinance substantially
10 corresponding to a law of this state, or a law of another state
11 substantially corresponding to a law of this state:

12 (a) Except as provided in subsection (21), a violation or
13 attempted violation of any of the following:

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

21 (ii) Section 625m.

22 (iii) Former section 625b.

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

26 (c) Beginning October 31, 2010, a violation of section 601d or
27 section 626(3) or (4).

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

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

(23) ANY PERIOD OF SUSPENSION OR RESTRICTION REQUIRED UNDER THIS SECTION IS NOT SUBJECT TO APPEAL TO THE SECRETARY OF STATE.

Sec. 625k. (1) ~~The department shall approve an ignition interlock device certified by a department approved laboratory as complying with the model specifications for breath alcohol ignition interlock devices (BAIID), 57 FR 11772—11787 (April 7, 1992).~~ Subject to subsection (5), ~~the department shall provide a list of all manufacturers of approved certified devices to each person who is issued a restricted license that permits the person to drive a vehicle only if it is equipped with an ignition interlock device. The department shall rotate the order of the providers with each list provided under this subsection.~~ **AN IGNITION INTERLOCK DEVICE**

(BAIID) MANUFACTURER SEEKING CERTIFICATION OF A DEVICE IN THIS STATE SHALL DO ALL OF THE FOLLOWING:

(A) COMPLETE AN APPLICATION TO THE DEPARTMENT FOR CERTIFICATION OF THE BAIID.

(B) SUBMIT A REPORT FROM A DEPARTMENT-APPROVED OR NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION-APPROVED LABORATORY

1 CERTIFYING THAT THE BAIID MEETS OR EXCEEDS THE MODEL SPECIFICATIONS
2 FOR BAIIDS, 78 FR 26849 - 26867 (MAY 8, 2013), OR ANY SUBSEQUENT
3 VERSION. SUBJECT TO SUBSECTION (5), THE DEPARTMENT SHALL PROVIDE A
4 LIST OF ALL MANUFACTURERS OF APPROVED CERTIFIED DEVICES TO EACH
5 PERSON WHO IS APPROVED TO BE ISSUED A RESTRICTED LICENSE THAT
6 PERMITS THE PERSON TO DRIVE A VEHICLE ONLY IF EQUIPPED WITH A
7 BAIID. THE DEPARTMENT SHALL ROTATE THE ORDER OF THE PROVIDERS WITH
8 EACH LIST PROVIDED UNDER THIS SUBSECTION. ANY MODEL OF AN IGNITION
9 INTERLOCK DEVICE CERTIFIED BY A DEPARTMENT-APPROVED LABORATORY AS
10 COMPLYING WITH THE MODEL SPECIFICATIONS FOR BREATH ALCOHOL IGNITION
11 INTERLOCK DEVICES (BAIIDS), 57 FR 11772-11787 (APRIL 7, 1992), THAT
12 WAS INSTALLED IN A VEHICLE BEFORE THE EFFECTIVE DATE OF THE
13 AMENDATORY ACT THAT ADDED THIS SUBDIVISION MAY BE USED IN THIS
14 STATE FOR THE 12 MONTHS AFTER THE EFFECTIVE DATE OF THE AMENDATORY
15 ACT THAT ADDED THIS SUBDIVISION.

16 (C) ENSURE THAT A BAIID IS CAPABLE OF RECORDING A DIGITAL
17 IMAGE OF THE INDIVIDUAL PROVIDING THE SAMPLE, AND RECORD THE TIME
18 AND DATE THE SAMPLE WAS PROVIDED ON OR LOGICALLY ASSOCIATED WITH
19 THE DIGITAL IMAGE. A BAIID PRESENTED TO THE DEPARTMENT FOR
20 CERTIFICATION MAY INCLUDE ADDITIONAL TECHNOLOGICAL FEATURES,
21 INCLUDING, BUT NOT LIMITED TO, THE ABILITY TO REMOTELY REPORT
22 INFORMATION COLLECTED BY THE DEVICE.

23 (D) AGREE TO ENSURE PROPER RECORD KEEPING IN A FORMAT APPROVED
24 BY THE DEPARTMENT AND PROVIDE TESTIMONY RELATING TO ANY ASPECT OF
25 THE INSTALLATION, SERVICE, REPAIR, USE, REMOVAL, OR INTERPRETATION
26 OF ANY REPORT OR INFORMATION RECORDED IN THE DATA STORAGE SYSTEM OF
27 A DEVICE OR PERFORMANCE OF ANY OTHER DUTIES REQUIRED BY THIS ACT AT

1 NO COST ON BEHALF OF THE STATE OR ANY POLITICAL SUBDIVISION OF THE
2 STATE.

3 (2) The secretary of state shall promulgate rules to implement
4 this section in compliance with the administrative procedures act
5 of 1969, 1969 PA 306, MCL 24.201 to 24.328.

6 (3) The manufacturer of an ignition interlock device shall
7 bear the cost of that device's certification.

8 (4) A laboratory that certifies an ignition interlock device
9 as provided in this section shall immediately notify the department
10 of that certification.

11 (5) The department shall not include the manufacturer of a
12 certified ignition interlock device on the list of manufacturers
13 published under subsection (1) unless the manufacturer complies
14 with all of the following:

15 (a) The manufacturer has filed copies of all of the following
16 with the department:

17 (i) A bond executed as provided in section 625o or a letter of
18 credit.

19 ~~(ii) Evidence of insurance as described in section 625l.~~ PROOF
20 OF LIABILITY INSURANCE ISSUED BY AN INSURANCE COMPANY AUTHORIZED TO
21 DO BUSINESS IN THIS STATE SPECIFYING ALL OF THE FOLLOWING:

22 (A) THAT THE POLICY IS CURRENT AND SHALL REMAIN VALID DURING
23 THE DURATION OF DEVICE APPROVAL.

24 (B) THE NAME AND MODEL NUMBER OF THE DEVICE MODEL COVERED BY
25 THE POLICY.

26 (C) THAT THE POLICY HAS A MINIMUM COVERAGE OF \$1,000,000.00
27 PER OCCURRENCE AND \$3,000,000.00 IN THE AGGREGATE.

1 (D) THAT THE POLICY WILL INDEMNIFY THE DEPARTMENT AND ANY
2 OTHER PERSON INJURED AS A RESULT OF ANY DEFECTS IN MANUFACTURE,
3 MATERIALS, DESIGN, CALIBRATION, INSTALLATION, OR OPERATION OF THE
4 DEVICE.

5 (iii) An affidavit that the ignition interlock device meets OR
6 EXCEEDS all of the following conditions:

7 (A) Meets the definition in section 20d.

8 (B) Is set to periodically take samples while the vehicle is
9 in operation. ~~and to do both of the following when~~ AFTER THE
10 VEHICLE IS IN OPERATION, THE DEVICE REQUIRES A FIRST RETEST SAMPLE
11 WITHIN 5 TO 15 MINUTES OF THE OPERATOR STARTING THE VEHICLE. THE
12 DEVICE PROMPTS SECOND AND SUBSEQUENT RETESTS WITHIN 15 TO 45
13 MINUTES OF THE FIRST RETEST. THE OPERATOR OF THE VEHICLE IS
14 AFFORDED NOT MORE THAN 5 MINUTES TO PROVIDE A PASSING RETEST SAMPLE
15 FOR EACH RETEST PROMPTED BY THE DEVICE. THE DEVICE ACCEPTS MULTIPLE
16 ATTEMPTS TO PROVIDE A RETEST SAMPLE WITHOUT INITIATING A LOCKOUT.
17 IF the device detects an alcohol content of 0.025 grams or more per
18 210 liters of breath in the person who offers a breath sample or if
19 a breath sample is not given within the allotted time THE DEVICE
20 DOES ALL OF THE FOLLOWING:

21 (I) ~~Emit~~ EMITS a visible or audible warning signal.

22 (II) ~~Render~~ RENDERS the vehicle inoperable as soon as the
23 vehicle is no longer being operated, requiring the operator to
24 provide a breath sample containing a breath alcohol level of less
25 than 0.025 grams per 210 liters of breath before the vehicle may be
26 restarted.

27 (III) DISABLES THE FREE RESTART AS DEFINED BY THE NATIONAL

1 HIGHWAY TRAFFIC SAFETY ADMINISTRATION STANDARDS.

2 (IV) ACTIVATES A VIOLATION RESET. THE DEVICE INITIATES AN
3 AUDIBLE OR VISUAL CUE THAT WARNS THE DRIVER THAT THE DEVICE WILL
4 ENTER A PERMANENT LOCKOUT IN 5 DAYS.

5 ~~_____ (b) Provides a list of installers who are authorized to~~
6 ~~install and service its ignition interlock devices to the secretary~~
7 ~~of state.~~

8 (B) ~~(e)~~ Agrees to have service locations within 50 miles of
9 any location within this state. A MANUFACTURER MAY REQUEST A WAIVER
10 OF THIS REQUIREMENT FROM THE SECRETARY OF STATE IF THE MANUFACTURER
11 IS UNABLE TO SECURE AN INSTALLATION FACILITY WITHIN 50 MILES OF ANY
12 LOCATION IN THIS STATE. SUBJECT TO REVIEW, THE SECRETARY OF STATE
13 MAY DETERMINE WHETHER THE MANUFACTURER'S WAIVER REQUEST SHALL BE
14 APPROVED. THE SECRETARY OF STATE SHALL ONLY APPROVE A WAIVER OF THE
15 50-MILE REQUIREMENT AND DESIGNATE A LOCATION NOT MEETING THE 50-
16 MILE REQUIREMENT AS A SERVICE CENTER IF THE SERVICE CENTER EMPLOYS
17 A BAIID CERTIFIED INSTALLER WHO SHALL PERFORM ANY INSTALLATION OR
18 SERVICE TO A BAIID AT THAT LOCATION. IF THE SECRETARY OF STATE
19 APPROVES A WAIVER OF THE 50-MILE REQUIREMENT, THAT WAIVER APPLIES
20 ONLY TO THE APPROVED LOCATION. A MANUFACTURER SHALL MAKE A SEPARATE
21 REQUEST FOR A WAIVER OF THE 50-MILE REQUIREMENT FOR ANY ADDITIONAL
22 INSTALLATION FACILITY NOT MEETING THE 50-MILE REQUIREMENT.

23 (C) ~~(d)~~ Agrees to provide an ignition interlock device without
24 cost to a person whose gross income for the immediately preceding
25 tax year based on his or her state income tax return was less than
26 150% of the official poverty line for that same tax year
27 established in the poverty guidelines issued by the secretary of

1 health and human services under 42 USC 9902. A person in whose
2 vehicle an ignition interlock device is installed without cost
3 under this subdivision shall pay a maintenance fee to the installer
4 of not more than \$2.00 per day.

5 (D) ~~(e)~~ Agrees to comply with the reporting requirements of
6 the secretary of state.

7 (E) ~~(f)~~ Agrees to periodically monitor installed ignition
8 interlock devices and if monitoring indicates that the device has
9 been circumvented, tampered with, or that a person with a breath
10 alcohol level of 0.025 or more grams per 210 liters of breath has
11 attempted to operate the motor vehicle, or both, to communicate all
12 of the relevant information concerning these facts to the secretary
13 of state, ~~or AND~~ to the court, ~~or both, as IF~~ appropriate.

14 (6) A manufacturer that has made a filing under subsection (5)
15 shall immediately notify the department if the device no longer
16 meets the requirements of subsection (5).

17 ~~—— (7) A person who knowingly provides false information to the~~
18 ~~department under subsection (4) or (5) is guilty of a felony~~
19 ~~punishable by imprisonment for not less than 5 years or more than~~
20 ~~10 years or a fine of not less than \$5,000.00 or more than~~
21 ~~\$10,000.00, or both, together with costs of the prosecution.~~

22 ~~—— (8) A person who negligently provides false information to the~~
23 ~~department under subsection (4) or (5) is guilty of a misdemeanor~~
24 ~~punishable by imprisonment for not more than 1 year or a fine of~~
25 ~~not more than \$1,000.00, or both, together with costs of the~~
26 ~~prosecution.~~

27 ~~—— (9) A person who knowingly fails to comply with subsection (6)~~

1 ~~is guilty of a felony punishable by imprisonment for not less than~~
2 ~~5 years or more than 10 years or a fine of not less than \$5,000.00~~
3 ~~or more than \$10,000.00, or both, together with costs of the~~
4 ~~prosecution.~~

5 ~~—— (10) A person who negligently fails to comply with subsection~~
6 ~~(6) is guilty of a misdemeanor punishable by imprisonment for not~~
7 ~~more than 1 year or a fine of not more than \$1,000.00, or both,~~
8 ~~together with costs of the prosecution.~~

9 (7) UPON THE REQUEST OF THE DEPARTMENT, THE BAIID MANUFACTURER
10 SHALL, AT NO COST TO THIS STATE, PROVIDE THE DEPARTMENT WITH NOT
11 LESS THAN 2 BAIIDS FOR EACH MODEL THAT IS CERTIFIED UNDER THIS
12 SECTION FOR DEMONSTRATION AND TRAINING PURPOSES BY THE DEPARTMENT.

13 (8) UPON THE REQUEST OF THE DEPARTMENT, THE BAIID MANUFACTURER
14 SHALL, AT NO COST TO THIS STATE, INSTALL 1 OF EACH DEVICE THAT IS
15 CERTIFIED UNDER THIS SECTION IN A VEHICLE PROVIDED BY THE
16 DEPARTMENT. ANY SERVICE PERFORMED UNDER THIS SUBSECTION, INCLUDING,
17 BUT NOT LIMITED TO, INSTALLATION, MAINTENANCE, CALIBRATION, OR
18 REMOVAL, SHALL BE COMPLETED AT NO COST TO THIS STATE.

19 (9) UPON THE REQUEST OF THE DEPARTMENT, FOR EACH BAIID MODEL
20 APPROVED BY THE DEPARTMENT, THE BAIID MANUFACTURER SHALL PROVIDE A
21 TOTAL OF NOT LESS THAN 10 HOURS OF TRAINING TO DEPARTMENT EMPLOYEES
22 AT NO COST TO THIS STATE. THIS TRAINING SHALL BE HELD AT THE TIMES
23 AND LOCATIONS WITHIN THE STATE DESIGNATED BY THE DEPARTMENT. THE
24 TRAINING SHALL BE DESIGNED TO FAMILIARIZE DEPARTMENT EMPLOYEES WITH
25 THE INSTALLATION, OPERATION, SERVICE, REPAIR, AND REMOVAL OF THE
26 BAIIDS AND INCLUDE THE TRAINING AND INSTRUCTIONS THAT A BAIID
27 INSTALLER WILL GIVE TO CUSTOMERS. THE BAIID MANUFACTURER SHALL ALSO

1 PROVIDE THE DEPARTMENT, UPON REQUEST, WITH THE FOLLOWING
2 INFORMATION:

3 (A) A DETAILED DESCRIPTION OF THE DEVICE, INCLUDING COMPLETE
4 INSTRUCTIONS FOR INSTALLATION, OPERATION, SERVICE, REPAIR, AND
5 REMOVAL OF THE BAIID.

6 (B) COMPLETE TECHNICAL SPECIFICATIONS, INCLUDING DETAILED
7 EXPLANATIONS AND DEFINITIONS OF ALL DATA LOG ENTRIES.

8 (10) A BAIID MANUFACTURER SHALL NOTIFY THE DEPARTMENT NOT LESS
9 THAN 15 DAYS BEFORE IMPLEMENTATION OF ANY MODIFICATION, UPGRADE, OR
10 ALTERATION TO ANY HARDWARE, SOFTWARE, OR FIRMWARE OF A DEVICE
11 CERTIFIED FOR USE IN THIS STATE. THE NOTIFICATION SHALL INCLUDE
12 BOTH OF THE FOLLOWING:

13 (A) A DESCRIPTION AND EXPLANATION OF THE MODIFICATION,
14 UPGRADE, OR ALTERATION AND PROOF SATISFACTORY TO THE DEPARTMENT
15 THAT THESE MODIFICATIONS, UPGRADES, OR ALTERATIONS DO NOT ADVERSELY
16 AFFECT THE ABILITY OF THE DEVICE TO SATISFY THE REQUIREMENTS OF
17 THIS SECTION AND SECTION 625/.

18 (B) A COMPREHENSIVE PLAN OF ACTION FOR THE PHASING OUT OF THE
19 USE OF THE CURRENT DEVICE. THIS PLAN OF ACTION MUST BE APPROVED BY
20 THE DEPARTMENT PRIOR TO THE IMPLEMENTATION OF THE PLAN OF ACTION.

21 (11) ANY EQUIPMENT IN THE POSSESSION OF THE DEPARTMENT THAT
22 WAS RETAINED FOR CERTIFICATION OF THE DEVICE SHALL BE MODIFIED,
23 UPGRADED, OR ALTERED SIMULTANEOUSLY WITH THE IMPLEMENTATION OF A
24 PLAN OF ACTION UNDER SUBSECTION (10). THE DEPARTMENT, IN ITS
25 DISCRETION, MAY RETAIN A BAIID DEVICE REGARDLESS OF WHETHER THE
26 DEVICE IS NO LONGER THE CURRENT VERSION OR MODEL OF THAT DEVICE.

27 (12) MATERIAL MODIFICATIONS TO A CERTIFIED BAIID DEVICE MAY

1 REQUIRE RECERTIFICATION UNDER THIS SECTION AS DETERMINED BY THE
2 DEPARTMENT.

3 (13) A BAIID MANUFACTURER SHALL APPLY TO THE DEPARTMENT
4 ANNUALLY FOR RECERTIFICATION OF BAIID DEVICES IT MANUFACTURES.

5 (14) THE DEPARTMENT IS RESPONSIBLE FOR APPROVING BAIID SERVICE
6 CENTERS FOR OPERATION IN THIS STATE. THE DEPARTMENT SHALL NOT
7 APPROVE A BAIID SERVICE CENTER UNLESS ALL OF THE FOLLOWING
8 CONDITIONS ARE SATISFIED:

9 (A) ONLY SERVICE CENTERS THAT ARE BAIID MANUFACTURER AND
10 VENDOR APPROVED SHALL INSTALL, SERVICE, OR REMOVE BAIIDS APPROVED
11 FOR USE IN THIS STATE.

12 (B) EXCEPT AS PROVIDED IN SUBDIVISION (D), BEGINNING JULY 1,
13 2016, A BAIID SHALL ONLY BE INSTALLED, SERVICED, OR REMOVED IN A
14 MOTOR VEHICLE REPAIR FACILITY. AS USED IN THIS SUBDIVISION, "MOTOR
15 VEHICLE REPAIR FACILITY" MEANS THAT TERM AS DEFINED IN SECTION 2 OF
16 THE MOTOR VEHICLE SERVICE AND REPAIR ACT, 1974 PA 300, MCL
17 257.1302.

18 (C) A SERVICE CENTER SHALL BE LOCATED IN A FIXED FACILITY
19 WITHIN THIS STATE.

20 (D) A BUSINESS THAT INSTALLS, SERVICES, OR REMOVES A BAIID,
21 INCLUDING A BAIID MANUFACTURER'S CORPORATE OFFICE LOCATED IN THIS
22 STATE, THAT IS INSTALLING, REPAIRING, OR REMOVING BAIID DEVICES ON
23 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT AMENDED THIS SECTION
24 MAY INSTALL, SERVICE, AND REMOVE BAIIDS IN THIS STATE WITHOUT BEING
25 CERTIFIED AS A MOTOR VEHICLE REPAIR FACILITY UNDER THE MOTOR
26 VEHICLE SERVICE AND REPAIR ACT, 1974 PA 300, MCL 257.1302 TO
27 257.1340, IF THE BUSINESS EMPLOYS A CERTIFIED BAIID INSTALLER TO

1 PERFORM ANY INSTALLATION, SERVICE, OR REMOVAL OF A BAIID.

2 (E) EACH SERVICE CENTER SHALL HAVE NOT LESS THAN 1 INDIVIDUAL
3 WHO IS A MECHANIC AND WHO POSSESSES A SPECIALTY CERTIFICATION IN
4 BAIID SERVICE UNDER SECTION 10(1)(J) OF THE MOTOR VEHICLE SERVICE
5 AND REPAIR ACT, 1974 PA 300, MCL 257.1310, AND HOLDS A BAIID
6 CERTIFICATION UNDER THIS SECTION TO WORK AS A BAIID INSTALLER.

7 (F) EACH SERVICE CENTER SHALL MAINTAIN AND MAKE AVAILABLE FOR
8 INSPECTION RECORDS THAT PROVE THAT EACH CERTIFIED BAIID INSTALLER
9 WORKING AT THE SERVICE CENTER HAS BEEN PROPERLY TRAINED BY THE
10 BAIID MANUFACTURER TO SERVICE THE BAIID FOR WHICH THE CENTER IS A
11 VENDOR.

12 (G) EACH SERVICE CENTER SHALL PROVIDE A DESIGNATED WAITING
13 AREA FOR CUSTOMERS THAT IS SEPARATE FROM THE AREA IN WHICH BAIIDS
14 ARE INSTALLED OR SERVICED.

15 (H) ONLY CERTIFIED BAIID INSTALLERS AND REPRESENTATIVES OF THE
16 BAIID MANUFACTURER OR THE DEPARTMENT SHALL BE ALLOWED TO OBSERVE
17 THE INSTALLATION OR REMOVAL OF A BAIID.

18 (I) ADEQUATE SECURITY MEASURES SHALL BE TAKEN TO ENSURE THAT
19 UNAUTHORIZED PERSONNEL ARE NOT ALLOWED ACCESS TO PROPRIETARY
20 MATERIALS OF BAIID MANUFACTURERS OR FILES OF CUSTOMERS.

21 (J) BAIID MANUFACTURER SERVICE CENTERS SHALL INSTALL,
22 MAINTAIN, SERVICE, AND REMOVE ALL BAIIDS HANDLED BY THAT SERVICE
23 CENTER AND PERFORM ANY OTHER SERVICES DETERMINED NECESSARY BY THE
24 DEPARTMENT FOR USING THOSE BAIIDS IN THIS STATE.

25 (K) THE BAIID MANUFACTURER SHALL INFORM THE DEPARTMENT OF A
26 CHANGE IN ITS SERVICE CENTER'S BUSINESS ADDRESS 15 DAYS PRIOR TO
27 THE DATE OF ANY RELOCATION.

1 (I) BAIIDS APPROVED FOR USE IN THIS STATE SHALL ONLY BE
2 SERVICED BY SERVICE CENTERS LOCATED WITHIN THIS STATE, UNLESS THE
3 CUSTOMER IS UNABLE TO RETURN TO THIS STATE FOR SERVICE BECAUSE OF A
4 SIGNIFICANT PERSONAL HARDSHIP.

5 (M) IF A BAIID IS SERVICED BY A SERVICE CENTER OUTSIDE OF THIS
6 STATE, THE BAIID SERVICE PROVIDER SHALL ENSURE THAT ALL OF THE
7 FOLLOWING REQUIREMENTS ARE MET:

8 (i) THE BAIID OPERATES USING THE SAME FIRMWARE THAT IS USED
9 FOR DEVICES IN THIS STATE.

10 (ii) THE DATA RECORDED BY THE BAIID REMAIN INTACT ON THE
11 DEVICE FOR LATER RETRIEVAL BY A SERVICE CENTER IN THIS STATE OR THE
12 DATA ARE TRANSFERRED TO A BAIID MANUFACTURER DATABASE FOR REVIEW.

13 (N) SERVICE CENTERS SHALL MAKE THE ADDRESSES OF THEIR
14 LOCATIONS AVAILABLE TO THE DEPARTMENT.

15 (O) BAIIDS FOR USE IN THIS STATE SHALL BE INSTALLED AND SHALL
16 BE REMOVED ONLY IN A SERVICE CENTER APPROVED BY THE DEPARTMENT FOR
17 INSTALLING THAT DEVICE UNDER THIS SUBSECTION.

18 (P) EACH APPLICATION FOR APPROVAL SHALL BE FOR A SINGLE
19 SERVICE CENTER. A SEPARATE SERVICE CENTER APPLICATION IS REQUIRED
20 FOR EACH ADDITIONAL SERVICE CENTER.

21 (Q) BEFORE ISSUANCE OF APPROVAL, THE DEPARTMENT MAY REQUIRE AN
22 ON-SITE EVALUATION TO ENSURE COMPLIANCE WITH THE REQUIREMENTS OF
23 THIS SECTION AND SECTION 625/.

24 (R) THE DEPARTMENT'S APPROVAL OF A SERVICE CENTER SHALL BE FOR
25 A PERIOD OF 1 YEAR. THE RENEWAL PROCESS SHALL BE THE SAME AS THE
26 INITIAL SERVICE CENTER APPROVAL PROCESS UNDER THIS SECTION.

27 (15) THE DEPARTMENT MAY CONDUCT INSPECTIONS OF A MANUFACTURER

1 OR A BAIID SERVICE CENTER TO ENSURE COMPLIANCE WITH THIS ACT AND
2 RULES PROMULGATED TO IMPLEMENT THIS ACT. THE MANUFACTURER SHALL PAY
3 FOR THE ACTUAL COSTS TO THE DEPARTMENT IN CONDUCTING AN INSPECTION
4 UNDER THIS SUBSECTION.

5 (16) AN INDIVIDUAL SHALL NOT INSTALL, SERVICE, OR REMOVE A
6 BAIID IN THIS STATE WITHOUT BEING CERTIFIED BY THE DEPARTMENT UNDER
7 THIS SECTION.

8 (17) ALL BAIID INSTALLATIONS SHALL BE DONE IN A WORKMANLIKE
9 MANNER BY A BAIID CERTIFIED INSTALLER AT AN APPROVED SERVICE CENTER
10 AND SHALL BE IN ACCORDANCE WITH THE STANDARDS SET FORTH IN THIS
11 SECTION AND WITH THE REQUIREMENTS OF THE MANUFACTURER. ALL BAIIDS
12 INSTALLED SHALL BE IN WORKING ORDER AND SHALL PERFORM IN ACCORDANCE
13 WITH THE STANDARDS SET FORTH IN THIS ACT. ALL CONNECTIONS SHALL BE
14 COVERED WITH A TAMPER SEAL.

15 (18) UPON COMPLETION OF THE INSTALLATION OF A BAIID REQUIRED
16 UNDER THIS ACT, THE APPROVED BAIID CERTIFIED INSTALLER SHALL
17 PROVIDE THE CUSTOMER WITH INSTALLATION VERIFICATION IN THE FORM AND
18 FORMAT DESIGNATED BY THE DEPARTMENT.

19 (19) A MANUFACTURER SHALL ENSURE THAT BAIID CERTIFIED
20 INSTALLERS MEET THE FOLLOWING REQUIREMENTS:

21 (A) POSSESS THE APPROPRIATE CERTIFICATION FROM THE DEPARTMENT
22 UNDER THIS SECTION.

23 (B) POSSESS AND MAINTAIN ALL NECESSARY TRAINING AND SKILLS
24 REQUIRED TO INSTALL, EXAMINE, TROUBLESHOOT, AND VERIFY THE PROPER
25 OPERATION OF BAIIDS.

26 (C) POSSESS THE TOOLS, TEST EQUIPMENT, AND MANUALS NEEDED TO
27 INSTALL, INSPECT, DOWNLOAD, CALIBRATE, REPAIR, MAINTAIN, SERVICE,

1 AND REMOVE BAIID DEVICES.

2 (D) PROVIDE ALL PERSONS WHO WILL USE THE VEHICLE WITH WRITTEN
3 AND HANDS-ON TRAINING REGARDING THE OPERATION OF A VEHICLE EQUIPPED
4 WITH THE BAIID AND ENSURE THAT EACH OF THOSE PERSONS DEMONSTRATES A
5 PROPERLY DELIVERED ALVEOLAR BREATH SAMPLE AND AN UNDERSTANDING OF
6 HOW THE ABORT TEST FEATURE WORKS.

7 (20) AN INDIVIDUAL WHO HAS BEEN CONVICTED OF AN ALCOHOL-
8 RELATED DRIVING OFFENSE OR ANY OFFENSE CLASSIFIED AS A FELONY IN
9 THIS STATE OR ELSEWHERE WITHIN 5 YEARS BEFORE THE DATE OF FILING AN
10 APPLICATION FOR APPROVAL AS A BAIID CERTIFIED INSTALLER IS NOT
11 ELIGIBLE FOR APPROVAL AS A BAIID CERTIFIED INSTALLER UNDER THIS
12 ACT.

13 (21) THE FOLLOWING REQUIREMENTS APPLY TO A BAIID CERTIFIED
14 INSTALLER UNDER THIS ACT:

15 (A) BE NOT LESS THAN 18 YEARS OF AGE.

16 (B) POSSESS A VALID DRIVER LICENSE.

17 (C) BE A MOTOR VEHICLE MECHANIC AS DEFINED IN SECTION 2 OF THE
18 MOTOR VEHICLE SERVICE AND REPAIR ACT, 1974 PA 300, MCL 257.1302,
19 AND POSSESS A SPECIALTY CERTIFICATION IN BAIID SERVICE UNDER
20 SECTION 10(1)(J) OF THE MOTOR VEHICLE SERVICE AND REPAIR ACT, 1974
21 PA 300, 257.1310.

22 (D) BE CERTIFIED AS A BAIID INSTALLER UNDER THIS SECTION.

23 (22) TO BE CERTIFIED AS A BAIID INSTALLER UNDER THIS SECTION,
24 THE INDIVIDUAL SHALL MEET ALL OF THE FOLLOWING REQUIREMENTS:

25 (A) POSSESS A SPECIALTY CERTIFICATION IN BAIID INSTALLATION
26 UNDER SECTION 10(1)(J) OF THE MOTOR VEHICLE SERVICE AND REPAIR ACT,
27 1974 PA 300, MCL 257.1310.

1 (B) PROPERLY COMPLETE AND FILE A BAIID INSTALLER APPLICATION
2 FORM WITH THE DEPARTMENT.

3 (C) BEGINNING 180 DAYS AFTER THE EFFECTIVE DATE OF THE
4 AMENDATORY ACT THAT ADDED THIS SUBDIVISION, BE A MECHANIC WHO IS
5 CERTIFIED AS A MECHANIC WITH A SPECIALTY CERTIFICATION IN BAIID
6 SERVICE UNDER SECTION (10) (1) (J) OF THE MOTOR VEHICLE SERVICE AND
7 REPAIR ACT, 1974 PA 300, MCL 257.1310, AND HOLD A BAIID
8 CERTIFICATION UNDER THIS SECTION.

9 (D) SUBMIT A CRIMINAL HISTORY REPORT CERTIFIED BY THE
10 DEPARTMENT OF STATE POLICE WITHIN THE IMMEDIATELY PRECEDING 30
11 DAYS.

12 (E) MEET THE REQUIREMENTS OF THE DEPARTMENT FOR CERTIFICATION
13 UNDER THIS ACT.

14 (23) EACH APPLICATION FOR APPROVAL SHALL BE FOR A SINGLE BAIID
15 INSTALLER. A SEPARATE BAIID INSTALLER APPLICATION IS REQUIRED FOR
16 EACH ADDITIONAL BAIID INSTALLER.

17 (24) THE DEPARTMENT'S APPROVAL OF A BAIID INSTALLER IS FOR 1
18 YEAR. THE RENEWAL PROCESS SHALL BE THE SAME AS THE INITIAL BAIID
19 INSTALLER APPROVAL PROCESS UNDER THIS SECTION.

20 Sec. 625/. (1) The manufacturer of an ignition interlock
21 device shall design a warning label, and the person who has an
22 ignition interlock device shall promptly affix that label to each
23 ignition interlock device upon installation. The label shall
24 contain a warning that any person tampering with, circumventing, or
25 otherwise misusing the device is guilty of a misdemeanor punishable
26 as provided by law.

27 (2) A person who is only permitted to operate a motor vehicle

1 equipped with an ignition interlock device shall not operate a
2 motor vehicle on which an ignition interlock device is not properly
3 installed.

4 (3) A person who has an ignition interlock device installed
5 and whose driving privilege is restricted shall not request, ~~or~~
6 solicit, **OR ALLOW** any other person to blow into an ignition
7 interlock device or to start a vehicle equipped with the device for
8 the purpose of providing the person whose driving privilege is
9 restricted with an operable vehicle.

10 (4) A person shall not blow into an ignition interlock device
11 or start a motor vehicle equipped with the device for the purpose
12 of providing an operable vehicle to a person who has an interlock
13 device installed and whose driving privilege is restricted.

14 (5) A person shall not tamper with or circumvent the operation
15 of an ignition interlock device.

16 (6) A person who violates subsection (2), (3), (4), or (5) is
17 guilty of a misdemeanor punishable by imprisonment for not more
18 than 6 months or a fine of not more than \$5,000.00, or both.

19 (7) If a law enforcement officer detains the operator of a
20 motor vehicle for violating a law of this state or a local
21 ordinance and the operator is a person required to only operate a
22 motor vehicle with an ignition interlock device properly installed,
23 but no ignition interlock device is properly installed on the motor
24 vehicle, the law enforcement officer shall impound the motor
25 vehicle. If a motor vehicle impounded under this subsection is
26 individually or jointly owned by the operator, the law enforcement
27 officer shall do all of the following:

1 (a) Immediately confiscate the motor vehicle registration
2 plate and destroy it.

3 (b) Issue a temporary registration plate for the vehicle in
4 the same manner prescribed by the secretary of state for temporary
5 registration plates issued under section 226a or 226b.

6 (c) Place the temporary registration plate issued under
7 subdivision (b) on the motor vehicle in the manner prescribed by
8 the secretary of state.

9 (d) Notify the secretary of state through the law enforcement
10 information network in a form prescribed by the secretary of state
11 that the registration plate was destroyed and a temporary
12 registration plate was issued to the motor vehicle.

13 (8) A temporary registration plate issued under this section
14 is valid until the charges for violating subsection (2) are
15 dismissed, the person pleads guilty or no contest to the charge, or
16 the person is found guilty ~~to~~ **OF** or is acquitted of the charge.

17 (9) If the motor vehicle impounded under this section is not
18 owned individually or jointly by the operator, the law enforcement
19 officer shall impound the motor vehicle by contacting a local
20 towing agency. The motor vehicle shall only be returned to the
21 registered owner.

22 (10) The owner of a motor vehicle impounded under this section
23 is liable for the expenses incurred in the removal and storage of
24 the motor vehicle whether or not it is returned to him or her. The
25 motor vehicle shall be returned to the owner only if the owner pays
26 the expenses of removal and storage. If redemption is not made or
27 the vehicle is not returned as described under this subsection, it

1 shall be considered an abandoned vehicle and disposed of under
2 section 252a.

3 ~~—— (11) The state, or the department, its officers, employees, or~~
4 ~~agents, or a court, its officers, employees, or agents are not~~
5 ~~liable in any claim or action that may arise, directly or~~
6 ~~indirectly, out of any act or omission by a manufacturer,~~
7 ~~installer, or servicing agent of an ignition interlock device that~~
8 ~~results in damage to persons or property.~~

9 ~~—— (12) A person shall not sell, lease, install, or monitor in a~~
10 ~~vehicle in this state an ignition interlock device unless the~~
11 ~~ignition interlock device manufacturer and provider carries~~
12 ~~liability insurance covering product liability, including, but not~~
13 ~~limited to, insurance to indemnify the department and any person~~
14 ~~injured as a result of a design defect or the calibration or~~
15 ~~removal of the ignition interlock device or a misrepresentation~~
16 ~~about the ignition interlock device. The insurance required by this~~
17 ~~subsection shall be in an amount of not less than \$1,000,000.00 per~~
18 ~~incident.~~

19 ~~—— (13) The provider of insurance described in this section may~~
20 ~~cancel the insurance upon 30 days' written notice to the department~~
21 ~~and is not liable for a claim arising from an event that occurs~~
22 ~~after the effective date of a cancellation made in compliance with~~
23 ~~this section.~~

24 ~~—— (14) An ignition interlock device shall be serviced according~~
25 ~~to manufacturer's standards. Service shall include, but not be~~
26 ~~limited to, physical inspection of the device and vehicle for~~
27 ~~tampering, calibration of the device, and monitoring of the data~~

~~contained within the device's memory. Only authorized employees of the manufacturer or the department, or other persons approved by the court, may observe the installation of a device. Reasonable security measures shall be taken to prevent the customer from observing the installation of a device or obtaining access to installation materials.~~

SEC. 625Q. (1) THE SECRETARY OF STATE MAY INVESTIGATE A BAIID INSTALLER'S COMPLIANCE WITH SECTION 625K AND SHALL SUSPEND, REVOKE, OR DENY AN INDIVIDUAL'S CERTIFICATION AS A BAIID INSTALLER UNDER SECTION 625K IF THE SECRETARY OF STATE DETERMINES THAT 1 OR MORE OF THE FOLLOWING APPLY:

(A) THE BAIID INSTALLER VIOLATED SECTION 625K OR A RULE PROMULGATED UNDER SECTION 625K.

(B) THE BAIID INSTALLER COMMITTED A FRAUDULENT ACT IN CONNECTION WITH THE INSTALLATION, MONITORING, SERVICING, OR REMOVAL OF A BAIID.

(C) THE BAIID INSTALLER PERFORMED IMPROPER, CARELESS, OR NEGLIGENT INSPECTION, INSTALLATION, MONITORING, SERVICING, OR REMOVAL OF THE BAIID.

(D) THE BAIID INSTALLER MADE A FALSE STATEMENT OF A MATERIAL FACT REGARDING HIS OR HER ACTIONS IN INSPECTING, INSTALLING, MONITORING, SERVICING, OR REMOVING A BAIID.

(2) THE DEPARTMENT SHALL NOTIFY A MANUFACTURER WITHIN 14 DAYS OF THE DATE THE DEPARTMENT DECERTIFIES AN INSTALLER THAT ONE OF THE MANUFACTURER'S INSTALLERS HAS BEEN DECERTIFIED.

(3) A PERSON WHO KNOWINGLY PROVIDES FALSE INFORMATION TO THE DEPARTMENT UNDER SECTION 625K(4) OR (5) IS GUILTY OF A FELONY

1 PUNISHABLE BY IMPRISONMENT FOR NOT LESS THAN 5 YEARS OR MORE THAN
2 10 YEARS OR A FINE OF NOT LESS THAN \$5,000.00 OR MORE THAN
3 \$10,000.00, OR BOTH, TOGETHER WITH COSTS OF THE PROSECUTION.

4 (4) A PERSON WHO NEGLIGENTLY PROVIDES FALSE INFORMATION TO THE
5 DEPARTMENT UNDER SECTION 625K(4) OR (5) IS GUILTY OF A MISDEMEANOR
6 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF
7 NOT MORE THAN \$1,000.00, OR BOTH, TOGETHER WITH COSTS OF THE
8 PROSECUTION.

9 (5) A PERSON WHO KNOWINGLY FAILS TO COMPLY WITH SECTION
10 625K(6) IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT
11 LESS THAN 5 YEARS OR MORE THAN 10 YEARS OR A FINE OF NOT LESS THAN
12 \$5,000.00 OR MORE THAN \$10,000.00, OR BOTH, TOGETHER WITH THE COSTS
13 OF PROSECUTION.

14 (6) A PERSON WHO NEGLIGENTLY FAILS TO COMPLY WITH SECTION
15 625K(6) IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR
16 NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH,
17 TOGETHER WITH THE COSTS OF PROSECUTION.

18 (7) THE DEPARTMENT MAY SUSPEND OR REVOKE THE CERTIFICATION OF
19 A MANUFACTURER AND ITS DEVICE FROM THE LIST OF APPROVED CERTIFIED
20 BAIIDS FOR ANY OF THE FOLLOWING REASONS:

21 (A) THE MANUFACTURER, THE MANUFACTURER'S BAIIDS, OR THE
22 MANUFACTURER'S INSTALLER OR SERVICE PROVIDER NO LONGER COMPLIES
23 WITH THE REQUIREMENTS OF SECTION 625K OR 625I OR THE RELEVANT RULES
24 PROMULGATED UNDER SECTION 625K OR 625I.

25 (B) THE MANUFACTURER OR THE INSTALLER AND SERVICE PROVIDER
26 AUTHORIZED TO INSTALL AND SERVICE THE MANUFACTURER'S BAIIDS HAVE
27 FAILED TO SUBMIT REPORTS REQUIRED UNDER SECTION 625K OR THE

1 RELEVANT RULES PROMULGATED UNDER SECTION 625K IN A TIMELY MANNER IN
2 THE FORM PRESCRIBED BY THE DEPARTMENT.

3 (8) BEFORE REMOVING A MANUFACTURER FROM THE LIST OF
4 MANUFACTURERS OF APPROVED CERTIFIED BAIIDS UNDER SECTION 625K, THE
5 ADMINISTRATOR SHALL GIVE THE MANUFACTURER WRITTEN NOTICE OF THE
6 REASONS FOR THE REMOVAL.

7 (9) THE NOTICE ISSUED UNDER SUBSECTION (8) SHALL ALSO INDICATE
8 THAT SUSPENSION OR REVOCATION WILL OCCUR 30 DAYS AFTER THE DATE OF
9 THE NOTICE UNLESS THE MANUFACTURER ESTABLISHES, TO THE SATISFACTION
10 OF THE ADMINISTRATOR, THAT BOTH OF THE FOLLOWING APPLY:

11 (A) THE CONDITIONS SET FORTH IN SUBSECTION (7) (A) AND (B) NO
12 LONGER EXIST.

13 (B) THE MANUFACTURER, THE MANUFACTURER'S BAIIDS, OR THE
14 MANUFACTURER'S INSTALLER OR SERVICE PROVIDER, AS APPLICABLE, IS
15 COMPLYING WITH THE REQUIREMENTS OF SECTION 625K OR 625/ AND THE
16 RELEVANT RULES PROMULGATED UNDER SECTION 625K OR 625/.

17 (10) THE ADMINISTRATOR MAY ORDER A SUMMARY SUSPENSION OR
18 REVOCATION OF THE CERTIFICATION OF A MANUFACTURER AND ITS DEVICE
19 FROM THE LIST OF APPROVED CERTIFIED BAIIDS UNDER SECTION 625K FOR
20 THE FOLLOWING REASONS:

21 (A) REPEATED FAILURE TO SUBMIT REPORTS IN A TIMELY MANNER.

22 (B) REPEATED FAILURE TO REPORT VIOLATIONS AS REQUIRED BY THE
23 APPLICABLE ADMINISTRATIVE RULES.

24 (C) REPEATED SUBMISSION OF INACCURATE VIOLATION REPORTS OR
25 ANNUAL REPORTS TO THE DEPARTMENT.

26 (D) THE MANUFACTURER, INSTALLER, OR SERVICE PROVIDER HAS
27 PROVIDED AN INDIVIDUAL WITH A BYPASS CODE.

1 (E) THE MANUFACTURER, INSTALLER, OR SERVICE PROVIDER HAS SHOWN
2 OR INSTRUCTED AN INDIVIDUAL HOW TO TAMPER WITH OR CIRCUMVENT A
3 BAIID.

4 (F) THE MANUFACTURER, INSTALLER, OR SERVICE PROVIDER HAS
5 PROVIDED A SAMPLE TO START A VEHICLE FOR AN INDIVIDUAL, IN AN
6 ATTEMPT TO CIRCUMVENT A BAIID.

7 (G) THE MANUFACTURER, INSTALLER, OR SERVICE PROVIDER HAS
8 ALLOWED AN INDIVIDUAL OTHER THAN THE INDIVIDUAL SPECIFIED IN
9 SECTION 625K(14) (H) TO OBSERVE THE INSTALLATION OR REMOVAL OF A
10 BAIID.

11 (H) THE BAIID NO LONGER MEETS THE NATIONAL HIGHWAY SAFETY
12 TRAFFIC ADMINISTRATION'S STANDARDS OR NO LONGER MEETS THE
13 REQUIREMENTS OF SECTION 625K OR 625I.

14 (11) THE MANUFACTURER TO WHOM A SUMMARY ORDER IS DIRECTED
15 SHALL IMMEDIATELY COMPLY WITH THAT ORDER BUT, UPON APPLICATION TO
16 THE DEPARTMENT, SHALL BE AFFORDED A HEARING BY THE DEPARTMENT
17 WITHIN 30 DAYS AFTER THE DATE OF THE APPLICATION. ON THE BASIS OF A
18 HEARING UNDER THIS SUBSECTION, THE ORDER SHALL BE CONTINUED,
19 MODIFIED, OR HELD IN ABEYANCE NOT LATER THAN 30 DAYS AFTER THE
20 HEARING IS HELD.

21 (12) THE SECRETARY OF STATE MAY PROMULGATE RULES TO IMPLEMENT
22 THIS SECTION IN COMPLIANCE WITH THE ADMINISTRATIVE PROCEDURES ACT
23 OF 1969, 1969 PA 306, MCL 24.201 TO 24.328.

24 Sec. 732a. (1) An individual, whether licensed or not, who
25 accumulates 7 or more points on his or her driving record under
26 sections 320a and 629c within a 2-year period for any violation not
27 listed under subsection (2) shall be assessed a \$100.00 driver

1 responsibility fee. For each additional point accumulated above 7
2 points not listed under subsection (2), an additional fee of \$50.00
3 shall be assessed. The secretary of state shall collect the fees
4 described in this subsection once each year that the point total on
5 an individual driving record is 7 points or more. This subsection
6 is subject to subsection (11).

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

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

18 (ii) Section 601b(2) or (3), 601c(1) or (2), 601d, 626(3) or
19 (4), or 653a(3) or (4).

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

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

1 (v) Fleeing or eluding an officer.

2 (b) Subject to subsection (11), upon posting an abstract
3 indicating that an individual has been found guilty for a violation
4 of law listed in this subdivision, the secretary of state shall
5 assess a \$500.00 driver responsibility fee each year for 2
6 consecutive years:

7 (i) Section 625(3), (6), (7), or (8).

8 (ii) Section 626 or, beginning October 31, 2010, section
9 626(2).

10 (iii) Section 904.

11 (iv) Section 3101, 3102(1), or 3103 of the insurance code of
12 1956, 1956 PA 218, MCL 500.3101, 500.3102, and 500.3103.

13 (c) Through September 30, 2012, upon posting an abstract
14 indicating that an individual has been found guilty for a violation
15 of section 301, the secretary of state shall assess a \$150.00
16 driver responsibility fee each year for 2 consecutive years.
17 However, a driver responsibility fee shall not be assessed under
18 this subdivision for a violation committed on or after October 1,
19 2012.

20 (d) Through September 30, 2012, upon posting an abstract
21 indicating that an individual has been found guilty or determined
22 responsible for a violation listed in section 328, the secretary of
23 state shall assess a \$200.00 driver responsibility fee each year
24 for 2 consecutive years. However, a driver responsibility fee shall
25 not be assessed under this subdivision for a violation committed on
26 or after October 1, 2012.

27 (3) The secretary of state shall send a notice of the driver

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

8 (4) The secretary of state may authorize payment by
9 installment for a period not to exceed 24 months or, alternatively,
10 the individual may engage in community service under section 732b.

11 (5) Except as otherwise provided under this subsection and
12 section 732b, if payment is not received or an installment plan is
13 not established after the time limit required by the second notice
14 prescribed under subsection (3) expires, the secretary of state
15 shall suspend the driving privileges until the assessment and any
16 other fees prescribed under this act are paid. However, if the
17 individual's license to operate a motor vehicle is not otherwise
18 required under this act to be denied, suspended, or revoked, the
19 secretary of state shall reinstate the individual's operator's
20 driving privileges if the individual requests an installment plan
21 under subsection (4) and makes proper payment under that plan. Fees
22 required to be paid for the reinstatement of an individual's
23 operator's driving privileges as described under this subsection
24 shall, at the individual's request, be included in the amount to be
25 paid under the installment plan. If the individual establishes a
26 payment plan as described in this subsection and subsection (4) but
27 the individual fails to make full or timely payments under that

1 plan, or enters into community service under section 732b but fails
2 to successfully complete that service within the 45-day period
3 allowed, or withdraws from community service with or without good
4 cause shown, the secretary of state shall suspend the individual's
5 driving privileges. The secretary of state shall only reinstate a
6 license under this subsection once. Not later than April 1, 2013,
7 the secretary of state shall only reinstate a license under this
8 subsection 3 times.

9 (6) A fee shall not be assessed under this section for 7
10 points or more on a driving record on October 1, 2003. Points
11 assigned after October 1, 2003 shall be assessed as prescribed
12 under subsections (1) and (2), but subject to subsection (11).

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

19 (8) The fire protection fund is created within the state
20 treasury. The state treasurer may receive money or other assets
21 from any source for deposit into the fund. The state treasurer
22 shall direct the investment of the fund. The state treasurer shall
23 credit to the fund interest and earnings from fund investments.
24 Money in the fund at the close of the fiscal year shall remain in
25 the fund and shall not lapse to the general fund. The department of
26 licensing and regulatory affairs shall expend money from the fund,
27 upon appropriation, only for fire protection grants to cities,

1 villages, and townships with state-owned facilities for fire
2 services, as provided in 1977 PA 289, MCL 141.951 to 141.956.

3 (9) The secretary of state shall transmit the fees collected
4 under this section to the state treasurer. The state treasurer
5 shall credit fee money received under this section in each fiscal
6 year as follows:

7 (a) The first \$8,500,000.00 shall be credited to the fire
8 protection fund created in subsection (8).

9 (b) For fiscal year 2015, after the amount specified in
10 subdivision (a) is credited to the fire protection fund created
11 under subsection (8), the next \$1,550,000.00 shall be credited as
12 follows:

13 (i) \$550,000.00 to the department of treasury, distributed as
14 follows:

15 (A) \$500,000.00 for administering the requirements of the
16 department of treasury under section 732b.

17 (B) \$50,000.00 for providing a 1-time-only written notice to
18 individuals under section 732b(2) of the option of entering into
19 community service as an alternative to paying a driver
20 responsibility fee.

21 (ii) \$1,000,000.00 to the department of state for necessary
22 expenses incurred by the department of state in implementing and
23 administering the requirements of ~~section~~ **SECTIONS 625k AND 625Q** of
24 the Michigan vehicle code, 1949 PA 300, MCL 257.625k **AND 257.625Q**.
25 Funds appropriated under this subparagraph shall be based upon an
26 established cost allocation methodology that reflects the actual
27 costs incurred or to be incurred by the secretary of state during

1 the fiscal year. However, funds appropriated under this
2 subparagraph shall not exceed \$1,000,000.00 during that fiscal
3 year.

4 (c) For fiscal year 2016, after the amount specified in
5 subdivision (a) is credited to the fire protection fund created
6 under subsection (8), the next \$1,500,000.00 shall be credited as
7 follows:

8 (i) \$500,000.00 to the department of treasury for
9 administering the requirements of the department of treasury under
10 section 732b.

11 (ii) \$1,000,000.00 to the department of state for necessary
12 expenses incurred by the department of state in implementing and
13 administering the requirements of ~~section~~**SECTIONS** 625k **AND 625Q** of
14 the Michigan vehicle code, 1949 PA 300, MCL 257.625k **AND 257.625Q**.
15 Funds appropriated under this subparagraph shall be based upon an
16 established cost allocation methodology that reflects the actual
17 costs incurred or to be incurred by the secretary of state during
18 the fiscal year. However, funds appropriated under this
19 subparagraph shall not exceed \$1,000,000.00 during that fiscal
20 year.

21 (d) For fiscal year 2017 and for each fiscal year thereafter,
22 after the amount specified in subdivision (a) is credited to the
23 fire protection fund created under subsection (8), the next
24 \$1,000,000.00 shall be credited to the department of state for
25 necessary expenses incurred by the department of state in
26 implementing and administering the requirements of ~~section~~**SECTIONS**
27 625k **AND 625Q** of the Michigan vehicle code, 1949 PA 300, MCL

1 257.625k **AND 257.625Q**. Funds appropriated under this subdivision
2 shall be based upon an established cost allocation methodology that
3 reflects the actual costs incurred or to be incurred by the
4 secretary of state during the fiscal year. However, funds
5 appropriated under this subdivision shall not exceed \$1,000,000.00
6 during any fiscal year.

7 (e) Any amount collected after crediting the amounts under
8 subdivisions (a) through (d) shall be credited to the general fund.

9 (10) The collection of assessments under this section is
10 subject to section 304.

11 (11) A driver responsibility fee shall be assessed and
12 collected under this section as follows:

13 (a) For an individual who accumulates 7 or more points on his
14 or her driving record beginning on the following dates, a fee
15 assessed under subsection (1) shall be reduced as follows:

16 (i) Beginning October 1, 2015, the assessment shall be 75% of
17 the fee calculated under subsection (1).

18 (ii) Beginning October 1, 2016, the assessment shall be 50% of
19 the fee calculated under subsection (1).

20 (iii) Beginning October 1, 2018, the assessment shall be 25%
21 of the fee calculated under subsection (1).

22 (iv) Beginning October 1, 2019, no fee shall be assessed under
23 subsection (1).

24 (b) A fee assessed under subsection (2)(a) or (b) shall be
25 reduced as follows:

26 (i) For a violation that occurs on or after October 1, 2015,
27 100% of the fee shall be assessed for the first year and 50% for

1 the second year.

2 (ii) For a violation that occurs on or after October 1, 2016,
3 100% of the fee shall be assessed for the first year and no fee
4 shall be assessed for the second year.

5 (iii) For a violation that occurs on or after October 1, 2018,
6 50% of the fee shall be assessed for the first year and no fee
7 shall be assessed for the second year.

8 (iv) For a violation that occurs on or after October 1, 2019,
9 no fee shall be assessed under subsection (2)(a) or (b).

10 (12) It is the intent of the legislature that beginning with
11 the fiscal year ending September 30, 2018, and each fiscal year
12 after that, \$8,500,000.00 shall be appropriated to the fire
13 protection fund created under subsection (8).

14 Enacting section 1. R 257.1005 and R 257.1006 of the Michigan
15 administrative code are rescinded.

16 Enacting section 2. This amendatory act takes effect 90 days
17 after the date it is enacted into law.

18 Enacting section 3. This amendatory act does not take effect
19 unless Senate Bill No. 357 of the 98th Legislature is enacted into
20 law.