

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 330

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 904 (MCL 257.904), as amended by 2018 PA 50.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 904. (1) A person whose operator's or chauffeur's license
2 or registration certificate has been suspended or revoked, whose
3 application for license has been denied, or who has never applied
4 for a license, shall not operate a motor vehicle upon a highway or
5 other place open to the general public or generally accessible to
6 motor vehicles, including an area designated for the parking of
7 motor vehicles, within this state.

8 (2) A person shall not knowingly permit a motor vehicle owned
9 by the person to be operated upon a highway or other place open to
10 the general public or generally accessible to motor vehicles,

1 including an area designated for the parking of vehicles, within
2 this state by a person whose license or registration certificate is
3 suspended or revoked, whose application for license has been
4 denied, or who has never applied for a license, except as permitted
5 under this act.

6 (3) Except as otherwise provided in this section, a person who
7 violates subsection (1) or (2) is guilty of a misdemeanor
8 punishable as follows:

9 (a) For a first violation, by imprisonment for not more than
10 93 days or a fine of not more than \$500.00, or both. Unless the
11 vehicle was stolen or used with the permission of a person who did
12 not knowingly permit an unlicensed driver to operate the vehicle,
13 the registration plates of the vehicle shall be canceled by the
14 secretary of state upon notification by a peace officer.

15 (b) For a violation that occurs after a prior conviction, by
16 imprisonment for not more than 1 year or a fine of not more than
17 \$1,000.00, or both. Unless the vehicle was stolen, the registration
18 plates of the vehicle shall be canceled by the secretary of state
19 upon notification by a peace officer.

20 (4) A person who operates a motor vehicle in violation of
21 subsection (1) **OR A PERSON WHOSE OPERATOR'S OR CHAUFFEUR'S LICENSE**
22 **OR REGISTRATION CERTIFICATE HAS BEEN SUSPENDED OR REVOKED BY**
23 **ANOTHER STATE WHO OPERATES A MOTOR VEHICLE DURING THE PERIOD OF**
24 **SUSPENSION OR REVOCATION** and who, by operation of that motor
25 vehicle, causes the death of another person is guilty of a felony
26 punishable by imprisonment for not more than 15 years or a fine of
27 not less than \$2,500.00 or more than \$10,000.00, or both. This

1 subsection does not apply to a person whose operator's or
2 chauffeur's license was suspended because that person failed to
3 answer a citation or comply with an order or judgment under section
4 321a.

5 (5) A person who operates a motor vehicle in violation of
6 subsection (1) **OR A PERSON WHOSE OPERATOR'S OR CHAUFFEUR'S LICENSE**
7 **OR REGISTRATION CERTIFICATE HAS BEEN SUSPENDED OR REVOKED BY**
8 **ANOTHER STATE WHO OPERATES A MOTOR VEHICLE DURING THE PERIOD OF**
9 **SUSPENSION OR REVOCATION** and who, by operation of that motor
10 vehicle, causes the serious impairment of a body function of
11 another person is guilty of a felony punishable by imprisonment for
12 not more than 5 years or a fine of not less than \$1,000.00 or more
13 than \$5,000.00, or both. This subsection does not apply to a person
14 whose operator's or chauffeur's license was suspended because that
15 person failed to answer a citation or comply with an order or
16 judgment under section 321a.

17 (6) In addition to being subject to any other penalty provided
18 for in this act, if a person is convicted under subsection (4) or
19 (5), the court may impose the sanction permitted under section
20 625n. If the vehicle is not ordered forfeited under section 625n,
21 the court shall order vehicle immobilization under section 904d in
22 the judgment of sentence.

23 (7) A person shall not knowingly permit a motor vehicle owned
24 by the person to be operated upon a highway or other place open to
25 the general public or generally accessible to motor vehicles,
26 including an area designated for the parking of vehicles, within
27 this state, by a person whose license or registration certificate

1 is suspended or revoked, whose application for license has been
2 denied, or who has never been licensed except as permitted by this
3 act. If a person permitted to operate a motor vehicle in violation
4 of this subsection causes the serious impairment of a body function
5 of another person by operation of that motor vehicle, the person
6 knowingly permitting the operation of that motor vehicle is guilty
7 of a felony punishable by imprisonment for not more than 2 years,
8 or a fine of not less than \$1,000.00 or more than \$5,000.00, or
9 both. If a person permitted to operate a motor vehicle in violation
10 of this subsection causes the death of another person by operation
11 of that motor vehicle, the person knowingly permitting the
12 operation of that motor vehicle is guilty of a felony punishable by
13 imprisonment for not more than 5 years, or a fine of not less than
14 \$1,000.00 or more than \$5,000.00, or both.

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

22 (9) A prior conviction under this section shall be established
23 at or before sentencing by 1 or more of the following:

24 (a) A copy of a judgment of conviction.

25 (b) An abstract of conviction.

26 (c) A transcript of a prior trial, plea, or sentencing.

27 (d) A copy of a court register of action.

1 (e) A copy of the defendant's driving record.

2 (f) Information contained in a presentence report.

3 (g) An admission by the defendant.

4 (10) Subject to section 732a(11)(c), upon receiving a record
5 of a person's conviction or civil infraction determination for the
6 unlawful operation of a motor vehicle or a moving violation
7 reportable under section 732 while the person's operator's or
8 chauffeur's license is suspended or revoked, the secretary of state
9 immediately shall impose an additional like period of suspension or
10 revocation. This subsection applies only if the violation occurs
11 during a suspension of definite length or if the violation occurs
12 before the person is approved for a license following a revocation.

13 (11) Upon receiving a record of a person's conviction or civil
14 infraction determination for the unlawful operation of a motor
15 vehicle or a moving violation reportable under section 732 while
16 the person's operator's or chauffeur's license is indefinitely
17 suspended or whose application for a license has been denied, the
18 secretary of state immediately shall impose a 30-day period of
19 suspension or denial.

20 (12) Upon receiving a record of the conviction, bond
21 forfeiture, or a civil infraction determination of a person for
22 unlawful operation of a motor vehicle requiring a vehicle group
23 designation while the designation is suspended or revoked under
24 section 319b, or while the person is disqualified from operating a
25 commercial motor vehicle by the United States Secretary of
26 Transportation or under 49 USC 31301 to 31317, the secretary of
27 state immediately shall impose an additional like period of

1 suspension or revocation. This subsection applies only if the
2 violation occurs during a suspension of definite length or if the
3 violation occurs before the person is approved for a license
4 following a revocation.

5 (13) If the secretary of state receives records of more than 1
6 conviction or civil infraction determination resulting from the
7 same incident, all of the convictions or civil infraction
8 determinations shall be treated as a single violation for purposes
9 of imposing an additional period of suspension or revocation under
10 subsection (10), (11), or (12).

11 (14) Before a person is arraigned before a district court
12 magistrate or judge on a charge of violating this section, the
13 arresting officer shall obtain the person's driving record from the
14 secretary of state and shall furnish the record to the court. The
15 driving record of the person may be obtained from the secretary of
16 state's computer information network.

17 (15) This section does not apply to a person who operates a
18 vehicle solely for the purpose of protecting human life or property
19 if the life or property is endangered and summoning prompt aid is
20 essential.

21 (16) A person whose vehicle group designation is suspended or
22 revoked and who has been notified as provided in section 212 of
23 that suspension or revocation, or whose application for a vehicle
24 group designation has been denied as provided in this act, or who
25 has never applied for a vehicle group designation and who operates
26 a commercial motor vehicle within this state, except as permitted
27 under this act, while any of those conditions exist is guilty of a

1 misdemeanor punishable, except as otherwise provided in this
2 section, by imprisonment for not less than 3 days or more than 93
3 days or a fine of not more than \$100.00, or both.

4 (17) If a person has a second or subsequent suspension or
5 revocation under this section within 7 years as indicated on the
6 person's Michigan driving record, the court shall proceed as
7 provided in section 904d.

8 (18) Any period of suspension or revocation required under
9 subsection (10), (11), or (12) does not apply to a person who has
10 only 1 currently effective suspension or denial on his or her
11 Michigan driving record under section 321a and was convicted of or
12 received a civil infraction determination for a violation that
13 occurred during that suspension or denial. This subsection may only
14 be applied once during the person's lifetime.

15 (19) For purposes of this section, a person who never applied
16 for a license includes a person who applied for a license, was
17 denied, and never applied again.

18 Enacting section 1. This amendatory act takes effect 90 days
19 after the date it is enacted into law.