

Act No. 657  
Public Acts of 2018  
Approved by the Governor  
December 28, 2018  
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December 28, 2018  
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**STATE OF MICHIGAN  
99TH LEGISLATURE  
REGULAR SESSION OF 2018**

**Introduced by Reps. Bellino, Marino, Kesto, Sheppard and Vaupel**

# **ENROLLED HOUSE BILL No. 5372**

AN ACT to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of manufacturers, the manufacturers of certain devices, the manufacturers of automated technology, upfitters, owners, and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to regulate and certify the manufacturers of certain devices; to provide for approval and certification of installers and servicers of certain devices; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending section 625b (MCL 257.625b), as amended by 2008 PA 462.

*The People of the State of Michigan enact:*

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

(2) The court shall schedule a pretrial conference between the prosecuting attorney, the defendant, and the defendant's attorney in each case in which the defendant is charged with a misdemeanor violation of section 625(1), (3), (6), (7), or (8) or section 625m or a local ordinance substantially corresponding to section 625(1), (3), (6), or (8) or section 625m. The pretrial conference must be held not more than 35 days after the person's arrest for the violation or, if an arrest warrant is issued or reissued, not more than 35 days after the issued or reissued arrest warrant is served, whichever is later. If the court has only 1 judge who sits in more than 1 location in that district, the pretrial conference must be held not more than 42 days after the person's arrest for the violation or, if an arrest warrant is issued or reissued, not more than 42 days after the date the issued or reissued arrest warrant is served, whichever is later. The court shall not dismiss a case or impose any other sanction for a failure to comply with the applicable time limit. The 35- and 42-day time limits do not apply to a violation of section 625(1), (3), (7), or (8) or section 625m punishable as a

felony or a violation of section 625(1), (3), (6), (7), or (8) or section 625m joined with a felony charge. The court shall order the defendant to attend the pretrial conference and may accept a plea by the defendant at the conclusion of the pretrial conference. The court may adjourn the pretrial conference upon the motion of a party for good cause shown. Not more than 1 adjournment shall be granted to a party, and the length of an adjournment must not exceed 14 days.

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

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

(5) Before imposing sentence for a violation of section 625(1), (3), (4), (5), (6), (7), or (8) or a local ordinance substantially corresponding to section 625(1), (3), (6), or (8), the court shall order the person to undergo screening and assessment by a person or agency designated by the office of substance abuse services to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. Except as otherwise provided in this subsection, the court may order the person to participate in and successfully complete 1 or more appropriate rehabilitative programs as part of the sentence. If the person was convicted under section 625(1)(c) or has 1 or more prior convictions, the court shall order the person to participate in and successfully complete 1 or more appropriate rehabilitative programs as part of the sentence, including, but not limited to, an alcohol treatment program or a self-help program for a period of not less than 1 year. The treatment plan must be devised from an assessment performed by an appropriately licensed alcohol assessor and approved by the court. If the person has 2 or more prior convictions, the court shall order the person to undergo an assessment that uses a standardized evidence-based instrument performed by a provider or other licensed or certified substance use disorder professional to determine whether he or she has a diagnosis for alcohol dependence and would likely benefit from a United States Food and Drug Administration approved medication-assisted treatment that is indicated for the treatment of alcohol dependence, as specified in the most recent Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association. A person may request an independent assessment that uses a standardized evidence-based instrument and that is performed by a provider or other licensed or certified substance use disorder professional to determine whether he or she has a diagnosis for alcohol dependence and would likely benefit from a United States Food and Drug Administration approved medication-assisted treatment that is indicated for the treatment of alcohol dependence, as specified in the most recent Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association. A court shall grant a request for an independent assessment and shall consider the results of the independent assessment along with the assessment required under this subsection when determining if the court will refer the person to a rehabilitative program that offers 1 or more forms of United States Food and Drug Administration-approved medications for the treatment of alcohol dependence. Only a provider may recommend that a person take medication-assisted treatment. A person always maintains the right to refuse ingestion or injection of medication. Only a provider may determine the type, dosage, and duration of the medication-assisted treatment. If the person refuses to take the medication-assisted treatment, the court shall not hold that person in contempt. As used in this subsection, "provider" means an individual with prescribing authority under the public health code, 1978 PA 368, MCL 333.1101 to 333.25211, who regularly communicates with the treatment team during the defendant's recovery and who has training or experience that demonstrates the provider's ability to treat and manage patients with alcohol dependency. If no other identified funding source is available, the person shall pay for the costs of the screening, assessment, or assessments, as applicable, and rehabilitative services ordered under this subsection. This subsection does not require the person to successfully complete an ordered rehabilitative program before driving a vehicle with an ignition interlock device on a restricted license. As used in this subsection, "other licensed or certified substance use disorder professional" means an individual or organization licensed or credentialed in this state to treat substance use disorders, including individuals certified by the Michigan certification board for addiction professionals and individuals who have training in providing assessments for alcohol dependency.

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

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

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved .....

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Governor