

# SENATE BILL NO. 6

January 15, 2019, Introduced by Senator LUCIDO and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending sections 904 and 904a (MCL 257.904 and 257.904a),  
section 904 as amended by 2018 PA 212 and section 904a as amended  
by 1985 PA 53.

## 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

1 application for license has been denied, or who has never applied  
2 for a license, shall not operate a motor vehicle upon a highway or  
3 other place open to the general public or generally accessible to  
4 motor vehicles, including an area designated for the parking of  
5 motor vehicles, within this state. **A peace officer who determines**  
6 **that a person is operating a motor vehicle in violation of this**  
7 **subsection and that the person is the owner of the motor vehicle**  
8 **shall immediately confiscate the motor vehicle's registration plate**  
9 **and 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 confiscated. A registration plate**  
12 **that has been confiscated under this subsection must be held for a**  
13 **period of 10 days after the confiscation and, unless the owner of**  
14 **the motor vehicle provides proof within that 10-day period that the**  
15 **motor vehicle is insured under chapter 31 of the insurance code of**  
16 **1956, 1956 PA 218, MCL 500.3101 to 500.3179, must be destroyed. A**  
17 **police officer who destroys a registration plate as provided in**  
18 **this subsection shall notify the secretary of state through the law**  
19 **enforcement information network in a form prescribed by the**  
20 **secretary of state that the registration plate was destroyed.**

21 (2) A person shall not knowingly permit a motor vehicle owned  
22 by the person to be operated upon a highway or other place open to  
23 the general public or generally accessible to motor vehicles,  
24 including an area designated for the parking of vehicles, within  
25 this state by a person whose license or registration certificate is  
26 suspended or revoked, whose application for license has been  
27 denied, or who has never applied for a license, except as permitted  
28 under this act.

29 (3) Except as otherwise provided in this section, a person who

1 violates subsection (1) or (2) is guilty of a misdemeanor  
2 punishable as follows:

3 (a) For a first violation, by imprisonment for not more than  
4 93 days or a fine of not more than \$500.00, or both. Unless the  
5 vehicle was stolen or used with the permission of a person who did  
6 not knowingly permit an unlicensed driver to operate the vehicle,  
7 the registration plates of the vehicle shall be canceled by the  
8 secretary of state upon notification by a peace officer.

9 (b) For a violation that occurs after a prior conviction, by  
10 imprisonment for not more than 1 year or a fine of not more than  
11 \$1,000.00, or both. Unless the vehicle was stolen, the registration  
12 plates of the vehicle shall be canceled by the secretary of state  
13 upon notification by a peace officer.

14 (4) A person who operates a motor vehicle in violation of  
15 subsection (1) or a person whose operator's or chauffeur's license  
16 or registration certificate has been suspended or revoked by  
17 another state who operates a motor vehicle during the period of  
18 suspension or revocation and who, by operation of that motor  
19 vehicle, causes the death of another person is guilty of a felony  
20 punishable by imprisonment for not more than 15 years or a fine of  
21 not less than \$2,500.00 or more than \$10,000.00, or both. This  
22 subsection does not apply to a person whose operator's or  
23 chauffeur's license was suspended because that person failed to  
24 answer a citation or comply with an order or judgment under section  
25 321a.

26 (5) A person who operates a motor vehicle in violation of  
27 subsection (1) or a person whose operator's or chauffeur's license  
28 or registration certificate has been suspended or revoked by  
29 another state who operates a motor vehicle during the period of

1 suspension or revocation and who, by operation of that motor  
2 vehicle, causes the serious impairment of a body function of  
3 another person is guilty of a felony punishable by imprisonment for  
4 not more than 5 years or a fine of not less than \$1,000.00 or more  
5 than \$5,000.00, or both. This subsection does not apply to a person  
6 whose operator's or chauffeur's license was suspended because that  
7 person failed to answer a citation or comply with an order or  
8 judgment under section 321a.

9 (6) In addition to being subject to any other penalty provided  
10 for in this act, if a person is convicted under subsection (4) or  
11 (5), the court may impose the sanction permitted under section  
12 625n. If the vehicle is not ordered forfeited under section 625n,  
13 the court shall order vehicle immobilization under section 904d in  
14 the judgment of sentence.

15 ~~(7) A person shall not knowingly permit a motor vehicle owned~~  
16 ~~by the person to be operated upon a highway or other place open to~~  
17 ~~the general public or generally accessible to motor vehicles,~~  
18 ~~including an area designated for the parking of vehicles, within~~  
19 ~~this state, by a person whose license or registration certificate~~  
20 ~~is suspended or revoked, whose application for license has been~~  
21 ~~denied, or who has never been licensed except as permitted by this~~  
22 ~~act.~~ If a person permitted to operate a motor vehicle in violation  
23 of ~~this~~ subsection **(2)** causes the serious impairment of a body  
24 function of another person by operation of that motor vehicle, the  
25 person **who** knowingly ~~permitting~~ **permitted** the operation of that  
26 motor vehicle **in violation of subsection (2)** is guilty of a felony  
27 punishable by imprisonment for not more than 2 years, or a fine of  
28 not less than \$1,000.00 or more than \$5,000.00, or both. If a  
29 person permitted to operate a motor vehicle in violation of ~~this~~

1 subsection **(2)** causes the death of another person by operation of  
2 that motor vehicle, the person **who** knowingly ~~permitting~~**permitted**  
3 the operation of that motor vehicle **in violation of subsection (2)**  
4 is guilty of a felony punishable by imprisonment for not more than  
5 5 years, or a fine of not less than \$1,000.00 or more than  
6 \$5,000.00, or both.

7 (8) If the prosecuting attorney intends to seek an enhanced  
8 sentence under this section based upon the defendant having 1 or  
9 more prior convictions, the prosecuting attorney shall include on  
10 the complaint and information, or an amended complaint and  
11 information, filed in district court, circuit court, municipal  
12 court, or family division of circuit court, a statement listing the  
13 defendant's prior convictions.

14 (9) A prior conviction under this section ~~shall~~**must** be  
15 established at or before sentencing by 1 or more of the following:

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

17 (b) An abstract of conviction.

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

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

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

21 (f) Information contained in a presentence report.

22 (g) An admission by the defendant.

23 (10) Subject to section 732a(11)(c), upon receiving a record  
24 of a person's conviction or civil infraction determination for the  
25 unlawful operation of a motor vehicle or a moving violation  
26 reportable under section 732 while the person's operator's or  
27 chauffeur's license is suspended or revoked, the secretary of state  
28 immediately shall impose an additional like period of suspension or  
29 revocation. This subsection applies only if the violation occurs

1 during a suspension of definite length or if the violation occurs  
2 before the person is approved for a license following a revocation.

3 (11) Upon receiving a record of a person's conviction or civil  
4 infraction determination for the unlawful operation of a motor  
5 vehicle or a moving violation reportable under section 732 while  
6 the person's operator's or chauffeur's license is indefinitely  
7 suspended or whose application for a license has been denied, the  
8 secretary of state immediately shall impose a 30-day period of  
9 suspension or denial.

10 (12) Upon receiving a record of the conviction, bond  
11 forfeiture, or a civil infraction determination of a person for  
12 unlawful operation of a motor vehicle requiring a vehicle group  
13 designation while the designation is suspended or revoked under  
14 section 319b, or while the person is disqualified from operating a  
15 commercial motor vehicle by the United States Secretary of  
16 Transportation or under 49 USC 31301 to 31317, the secretary of  
17 state immediately shall impose an additional like period of  
18 suspension or revocation. This subsection applies only if the  
19 violation occurs during a suspension of definite length or if the  
20 violation occurs before the person is approved for a license  
21 following a revocation.

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

28 (14) Before a person is arraigned before a district court  
29 magistrate or judge on a charge of violating this section, the

1   arresting officer shall obtain the person's driving record from the  
2   secretary of state and shall furnish the record to the court. The  
3   driving record of the person may be obtained from the secretary of  
4   state's computer information network.

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

9       (16) A person whose vehicle group designation is suspended or  
10  revoked and who has been notified as provided in section 212 of  
11  that suspension or revocation, or whose application for a vehicle  
12  group designation has been denied as provided in this act, or who  
13  has never applied for a vehicle group designation and who operates  
14  a commercial motor vehicle within this state, except as permitted  
15  under this act, while any of those conditions exist is guilty of a  
16  misdemeanor punishable, except as otherwise provided in this  
17  section, by imprisonment for not less than 3 days or more than 93  
18  days or a fine of not more than \$100.00, or both.

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

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

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

(20) If the secretary of state is notified that a registration plate was destroyed under subsection (1), the secretary of state shall cancel the registration plate of the motor vehicle.

(21) The owner of a motor vehicle for which the registration plate was canceled under subsection (20) who seeks to register his or her motor vehicle shall obtain a new registration plate for the motor vehicle from the secretary of state.

Sec. 904a. (1) Any person ~~who is~~ not exempt from the license requirements under this act, who ~~shall operate~~ operates a motor vehicle upon the highways of this state, and who upon the request of a police officer is unable to ~~show~~ produce evidence that he or she has been issued a license to operate a motor vehicle by any state or foreign country valid within the preceding 3 years ~~preceding~~ is guilty of a misdemeanor, ~~and upon conviction shall be punished~~ punishable as follows:

(a) For a first violation, by imprisonment for not more than 90 days ~~or~~ by a fine of not less than \$50.00 ~~nor or~~ more than \$100.00, or both. ~~Any person convicted of a second offense under this section shall be punished~~

(b) For a second or subsequent violation, by imprisonment for not less than 2 ~~nor or~~ more than 90 days ~~or~~ by a fine of \$100.00, or both.

(2) A peace officer who determines that a person is operating a motor vehicle in violation of subsection (1) and that the person is the owner of that motor vehicle shall immediately confiscate the motor vehicle's registration plate and notify the secretary of



1 state through the law enforcement information network in a form  
2 prescribed by the secretary of state that the registration plate  
3 was confiscated. A registration plate that has been confiscated  
4 under this subsection must be held for a period of 10 days after  
5 the confiscation and, unless the owner of the motor vehicle  
6 provides proof within that 10-day period that the motor vehicle is  
7 insured under chapter 31 of the insurance code of 1956, 1956 PA  
8 218, MCL 500.3101 to 500.3179, shall be destroyed. A peace officer  
9 who destroys a registration plate as provided in this subsection  
10 shall notify the secretary of state through the law enforcement  
11 information network in a form prescribed by the secretary of state  
12 that the registration plate was destroyed.

13 (3) If the secretary of state is notified that a registration  
14 plate was destroyed under subsection (2), the secretary of state  
15 shall cancel the registration plate.

16 (4) The owner of a motor vehicle for which the registration  
17 plate was canceled under subsection (3) who seeks to register his  
18 or her motor vehicle shall obtain a new registration plate for the  
19 motor vehicle from the secretary of state.

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