



HOUSE BILL No. 4534

March 7, 1995, Introduced by Reps. London, Ryan, Law, McBryde, Freeman, Weeks, Oxender, Jamian, Goschka, Voorhees, DeMars, Perricone, Willard, Brewer, Galloway and Kukuk and referred to the Committee on Judiciary and Civil Rights.

A bill to amend sections 303, 319, and 602a of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," sections 303 and 319 as amended by Act No. 449 of the Public Acts of 1994 and section 602a as amended by Act No. 406 of the Public Acts of 1988, being sections 257.303, 257.319, and 257.602a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 303, 319, and 602a of Act No. 300 of
2 the Public Acts of 1949, sections 303 and 319 as amended by Act
3 No. 449 of the Public Acts of 1994 and section 602a as amended by
4 Act No. 406 of the Public Acts of 1988, being sections 257.303,
5 257.319, and 257.602a of the Michigan Compiled Laws, are amended
6 to read as follows:

1 Sec. 303. (1) The secretary of state shall not issue a
2 license under this act to any of the following:

3 (a) A person, as an operator, who is less than 18 years of
4 age, except the secretary of state may issue a license to a
5 person who is not less than 16 years of age and who has satisfac-
6 torily passed a driver education course and examination given by
7 a public school or nonpublic school of this or another state
8 offering a course approved by the department of education, or an
9 equivalent course and examination as prescribed in section 811.
10 The secretary of state may issue a restricted license to a person
11 not less than 14 years of age as provided in this act. This sub-
12 division does not apply to a person who has held a valid driver's
13 license issued by another state, territory, or possession of the
14 United States or another sovereignty for at least 1 year immedi-
15 ately before application for a driver's license under this act.

16 (b) A person, as a chauffeur, who is less than 18 years of
17 age, except the secretary of state may issue a license to a
18 person who is not less than 16 years of age and who has satisfac-
19 torily passed a driver education course and examination given by
20 a public school or nonpublic school of this or another state
21 offering a course approved by the department of education, or an
22 equivalent course and examination as prescribed in section 811.

23 (c) A person whose license has been suspended during the
24 period for which the license was suspended.

25 (d) A person who has been convicted of or received a probate
26 court disposition for section 625(4) or (5).

1 (e) A person who has been convicted of or received a probate
2 court disposition for negligent homicide, manslaughter, or murder
3 resulting from the operation of a motor vehicle.

4 (f) A person who is an habitual violator of the criminal
5 laws relating to operating a vehicle while impaired by or under
6 the influence of intoxicating liquor or a controlled substance or
7 a combination of intoxicating liquor and a controlled substance,
8 or with an alcohol content of 0.10 grams or more per 100 millili-
9 ters of blood, per 210 liters of breath, or per 67 milliliters of
10 urine. Convictions of any of the following, whether under a law
11 of this state, a local ordinance substantially corresponding to a
12 law of this state, or a law of another state substantially corre-
13 sponding to a law of this state, are prima facie evidence that
14 the person is an habitual violator as described in this
15 subdivision:

16 (i) Any combination of 2 convictions within 7 years for 1 or
17 more of the following:

18 (A) A violation of section 625(1), (4), or (5).

19 (B) A violation of former section 625(1) or (2).

20 (ii) Any combination of 3 convictions within 10 years for 1
21 or more of the following if any of the convictions resulted from
22 an arrest on or after January 1, 1992:

23 (A) A violation of section 625(1), (3), (4), or (5).

24 (B) A violation of former section 625(1) or (2) or former
25 section 625b.

26 (g) A person who in the opinion of the secretary of state is
27 afflicted with or suffering from a physical or mental disability

1 or disease preventing that person from exercising reasonable and
2 ordinary control over a motor vehicle while operating the motor
3 vehicle upon the highways.

4 (h) A person who is unable to understand highway warning or
5 direction signs in the English language.

6 (i) A person who is an habitually reckless driver. Two con-
7 victions within 7 years of reckless driving under this act or any
8 other law of this state relating to reckless driving or under a
9 local ordinance of this state or a law of another state that
10 defines the term "reckless driving" substantially similarly to
11 the law of this state are prima facie evidence that the person is
12 an habitually reckless driver.

13 (j) A person who is an habitual criminal. Two convictions
14 of a felony in which a motor vehicle was used in this or another
15 state are prima facie evidence that the person is an habitual
16 criminal.

17 (k) A person who is unable to pass a knowledge, skill, or
18 ability test administered by the secretary of state in connection
19 with the issuance of an original operator's or chauffeur's
20 license, original motorcycle indorsement, or an original or
21 renewal of a vehicle group designation or vehicle indorsement.

22 (l) A person who has been convicted of, has received a pro-
23 bate court disposition for, or has been determined responsible
24 for 2 or more moving violations under a law of this state, a
25 local ordinance substantially corresponding to a law of this
26 state, or a law of another state substantially corresponding to a
27 law of this state, within the preceding 3 years, if the

1 violations occurred before issuance of an original license to the
2 person in this or another state.

3 (m) A nonresident.

4 (n) A person not licensed under this act who has been con-
5 victed of, has received a probate court disposition for, or has
6 been determined responsible for a crime or civil infraction
7 described in section 319, 324, or 904. A person shall be denied
8 a license under this subdivision for the length of time corre-
9 sponding to the period of the licensing sanction that would have
10 been imposed under section 319, 324, or 904 if the person had
11 been licensed at the time of the violation.

12 (o) A person not licensed under this act who has been con-
13 victed of or received a probate court disposition for committing
14 a crime described in section 319e. A person shall be denied a
15 license under this subdivision for the length of time that corre-
16 sponds to the period of the licensing sanction that would have
17 been imposed under section 319e if the person had been licensed
18 at the time of the violation.

19 (p) A person not licensed under this act who is determined
20 to have violated section 33b(1) of the Michigan Liquor Control
21 Act, Act No. 8 of the Public Acts of the Extra Session of 1933,
22 being section 436.33b of the Michigan Compiled Laws, or section
23 624b. The person shall be denied a license under this subdivi-
24 sion for a period of time that corresponds to the period of the
25 licensing sanction that would have been imposed under those sec-
26 tions had the person been licensed at the time of the violation.

1 (Q) A PERSON WHO HAS BEEN CONVICTED OF A VIOLATION OF
2 SECTION 602A(4) OR (5) OR A VIOLATION OF SECTION 479A(4) OR (5)
3 OF THE MICHIGAN PENAL CODE, ACT NO. 328 OF THE PUBLIC ACTS OF
4 1931, BEING SECTION 750.479A OF THE MICHIGAN COMPILED LAWS.

5 (2) Upon receipt of the appropriate records of conviction,
6 the secretary of state shall revoke the operator's or chauffeur's
7 license of a person having any of the following, whether under a
8 law of this state, a local ordinance substantially corresponding
9 to a law of this state, or a law of another state substantially
10 corresponding to a law of this state:

11 (a) Two convictions of reckless driving in violation of sec-
12 tion 626 within 7 years.

13 (b) Two convictions of a felony in which a motor vehicle was
14 used within 7 years.

15 (c) Any combination of 2 convictions within 7 years for any
16 of the following:

17 (i) A violation of section 625(1).

18 (ii) A violation of former section 625(1) or (2).

19 (iii) A violation of section 625(4) or (5).

20 (iv) Negligent homicide, manslaughter, or murder resulting
21 from the operation of a motor vehicle.

22 (d) One conviction under section 625(4) or (5).

23 (e) One conviction of negligent homicide, manslaughter, or
24 murder resulting from the operation of a motor vehicle.

25 (f) Any combination of 3 convictions within 10 years for any
26 of the following if any of the convictions resulted from an
27 arrest on or after January 1, 1992:

1 (i) A violation of section 625(1), (3), (4), or (5).

2 (ii) A violation of former section 625(1) or (2) or former
3 section 625b.

4 (iii) Negligent homicide, manslaughter, or murder resulting
5 from the operation of a motor vehicle.

6 (G) A VIOLATION OF SECTION 602A(4) OR (5) OF THIS ACT OR
7 SECTION 479A OF THE MICHIGAN PENAL CODE, ACT NO. 328 OF THE
8 PUBLIC ACTS OF 1931, BEING SECTION 750.479A OF THE MICHIGAN
9 COMPILED LAWS.

10 (3) The secretary of state shall revoke a license under sub-
11 section (2) notwithstanding a court order issued under section
12 625, section 625b, former section 625(1) or (2), or former sec-
13 tion 625b or a local ordinance substantially corresponding to
14 section 625, section 625b, former section 625(1) or (2), or
15 former section 625b.

16 (4) The secretary of state shall not issue a license under
17 this act to a person whose license has been revoked under this
18 act or denied under subsection (1)(d), (e), (f), (i), or (j)
19 until both of the following occur:

20 (a) The later of the following:

21 (i) The expiration of not less than 1 year after the license
22 was revoked or denied.

23 (ii) The expiration of not less than 5 years after the date
24 of a subsequent revocation or denial occurring within 7 years
25 after the date of any prior revocation or denial.

26 (b) The person meets the requirements of the department.

1 (5) Multiple convictions or civil infraction determinations
2 resulting from the same incident shall be treated as a single
3 violation for purposes of denial or revocation of a license under
4 this section.

5 (6) As used in this section, "felony in which a motor vehi-
6 cle was used" means a felony during the commission of which the
7 person operated a motor vehicle and while operating the vehicle
8 presented real or potential harm to persons or property and 1 or
9 more of the following circumstances existed:

10 (a) The vehicle was used as an instrument of the felony.

11 (b) The vehicle was used to transport a victim of the
12 felony.

13 (c) The vehicle was used to flee the scene of the felony.

14 (d) The vehicle was necessary for the commission of the
15 felony.

16 Sec. 319. (1) The secretary of state shall immediately sus-
17 pend a person's license for not less than 90 days or more than 2
18 years upon receiving a record of the person's conviction for any
19 of the following crimes or attempts to commit any of the follow-
20 ing crimes, whether the conviction is under a law of this state,
21 a local ordinance substantially corresponding to a law of this
22 state, or a law of another state substantially corresponding to a
23 law of this state:

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

26 (b) Perjury or making a false certification to the secretary
27 of state under any law requiring the registration of a motor

1 vehicle or regulating the operation of a motor vehicle on a
2 highway.

3 (c) A violation of section 413 or 414 of the Michigan penal
4 code, Act No. 328 of the Public Acts of 1931, being sections
5 750.413 and 750.414 of the Michigan Compiled Laws, or a violation
6 of section 1 of Act No. 214 of the Public Acts of 1931, being
7 section 752.191 of the Michigan Compiled Laws.

8 (d) A conviction for reckless driving in violation of sec-
9 tion 626.

10 (e) Failing to stop and disclose identity at the scene of an
11 accident resulting in death or injury in violation of section 617
12 or 617a.

13 (f) A felony in which a motor vehicle was used. As used in
14 this section, "felony in which a motor vehicle was used" means a
15 felony during the commission of which the person convicted oper-
16 ated a motor vehicle and while operating the vehicle presented
17 real or potential harm to persons or property and 1 or more of
18 the following circumstances existed:

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

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

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

23 (iv) The vehicle was necessary for the commission of the
24 felony.

25 (2) The secretary of state shall suspend the license of a
26 person convicted of malicious destruction resulting from the
27 operation of a motor vehicle under section 382 of the Michigan

1 penal code, Act No. 328 of the Public Acts of 1931, as amended,
2 being section 750.382 of the Michigan Compiled Laws, for not more
3 than 1 year as ordered by the court as part of the sentence.

4 (3) The secretary of state shall immediately suspend a
5 person's license for the period specified in the abstract of con-
6 viction upon receiving the person's license and abstract of con-
7 viction forwarded to the secretary of state pursuant to section
8 367c of the Michigan penal code, Act No. 328 of the Public Acts
9 of 1931, being section 750.367c of the Michigan Compiled Laws.

10 (4) Except as otherwise provided in subsection (9), if a
11 court has not ordered a suspension of a person's license under
12 this act for a violation described in subdivision (a), (b), (c),
13 or (d) for a period equal to or greater than the period of a sus-
14 pension prescribed under subdivision (a), (b), (c), or (d) for
15 the violation, the secretary of state shall suspend the license
16 as follows, notwithstanding a court order issued under
17 section 625(1), (3), or (6), section 625b, former section 625(1)
18 or (2), or former section 625b or a local ordinance substantially
19 corresponding to section 625(1), (3), or (6), section 625b,
20 former section 625(1) or (2), or former section 625b:

21 (a) For not less than 90 days or more than 1 year upon
22 receiving a record of the person's conviction for a violation of
23 section 625(3), a local ordinance substantially corresponding to
24 section 625(3), or a law of another state substantially corre-
25 sponding to section 625(3), if the person has no prior convic-
26 tions within 7 years for a violation of section 625(1), (3), (4),
27 or (5), former section 625(1) or (2), or former section 625b, a

1 local ordinance substantially corresponding to section 625(1) or
2 (3), former section 625(1) or (2), or former section 625b, or a
3 law of another state substantially corresponding to section
4 625(1), (3), (4), or (5), former section 625(1) or (2), or former
5 section 625b. However, if the person is convicted of a violation
6 of section 625(3), a local ordinance substantially corresponding
7 to section 625(3), or a law of another state substantially corre-
8 sponding to section 625(3) for operating a vehicle when, due to
9 the consumption of a controlled substance or a combination of
10 intoxicating liquor and a controlled substance, the person's
11 ability to operate the vehicle was visibly impaired, the secre-
12 tary of state shall suspend the person's license under this sub-
13 division for a period of not less than 6 months or more than 1
14 year.

15 (b) For not less than 6 months or more than 2 years upon
16 receiving a record of the person's conviction if the person has
17 the following convictions, whether under the law of this state, a
18 local ordinance substantially corresponding to a law of this
19 state, or a law of another state substantially corresponding to a
20 law of this state:

21 (i) One conviction under section 625(1) or former section
22 625(1) or (2).

23 (ii) Any combination of 2 convictions under section 625(3)
24 or former section 625b within a 7-year period.

25 (iii) One conviction under section 625(1) or former section
26 625(1) or (2) and 1 conviction under section 625(3) or former
27 section 625b within a 7-year period.

1 (iv) One conviction under section 625(4) or (5) followed by
2 1 conviction under section 625(3) within a 7-year period.

3 (c) For not less than 30 days or more than 90 days upon
4 receiving a record of the person's conviction for a violation of
5 section 625(6), a local ordinance substantially corresponding to
6 section 625(6), or a law of another state substantially corre-
7 sponding to section 625(6), if the person has no prior convic-
8 tions within 7 years for a violation of section 625(1), (3), (4),
9 (5), or (6), former section 625(1) or (2), or former section
10 625b, a local ordinance substantially corresponding to section
11 625(1), (3), or (6), former section 625(1) or (2), or former sec-
12 tion 625b, or a law of another state substantially corresponding
13 to section 625(1), (3), (4), (5), or (6), former section 625(1)
14 or (2), or former section 625b.

15 (d) For not less than 90 days or more than 1 year upon
16 receiving a record of the person's conviction for a violation of
17 section 625(6), a local ordinance substantially corresponding to
18 section 625(6), or a law of another state substantially corre-
19 sponding to section 625(6), if the person has 1 or more prior
20 convictions within 7 years for a violation of section 625(1),
21 (3), (4), (5), or (6), former section 625(1) or (2), or former
22 section 625b, a local ordinance substantially corresponding to
23 section 625(1), (3), or (6), former section 625(1) or (2), or
24 former section 625b, or a law of another state substantially cor-
25 responding to section 625(1), (3), (4), (5), or (6), former sec-
26 tion 625(1) or (2), or former section 625b.

1 (5) Upon receiving a certificate of conviction pursuant to
2 section 33b(3) of the Michigan liquor control act, Act No. 8 of
3 the Public Acts of the Extra Session of 1933, being section
4 436.33b of the Michigan Compiled Laws, or a local ordinance or
5 law of another state substantially corresponding to section
6 33b(3) of Act No. 8 of the Public Acts of the Extra Session of
7 1933, the secretary of state shall suspend pursuant to court
8 order the person's operator's or chauffeur's license for
9 90 days. A suspension under this subsection shall be in addition
10 to any other suspension of the person's license.

11 (6) Upon receiving the record of a person's conviction for a
12 violation of section ~~602a~~ 602A(2) OR (3) of this act or section
13 ~~479a(1), (4), or (5)~~ 479A(2) OR (3) of Act No. 328 of the
14 Public Acts of 1931, being section 750.479a of the Michigan
15 Compiled Laws, the secretary of state immediately shall suspend
16 the person's license for the period ordered by the court as part
17 of the sentence or disposition.

18 (7) Upon the receipt of a civil infraction determination or
19 probate court order of disposition for a violation of section
20 33b(1) of Act No. 8 of the Public Acts of the Extra Session of
21 1933, being section 436.33b of the Michigan Compiled Laws, and
22 section 624b and, notwithstanding any court order to the con-
23 trary, the secretary of state shall suspend the person's
24 operator's or chauffeur's license for the period of time
25 described in section 33b(5) of Act No. 8 of the Public Acts of
26 the Extra Session of 1933 or section 624b and, if applicable,
27 issue a restricted license as ordered by the court in the manner

1 provided for in section 33b(7) or section 624b. In the case of a
2 person who does not possess an operator or chauffeur license, the
3 secretary of state shall deny the application for an operator or
4 chauffeur license for the applicable suspension period.

5 (8) Except as provided in subsection (10), a suspension pur-
6 suant to this section shall be imposed notwithstanding a court
7 order issued under section 625(1), (3), (4), (5), or (6) or sec-
8 tion 625b or a local ordinance substantially corresponding to
9 section 625(1), (3), or (6) or section 625b.

10 (9) If the secretary of state receives records of more than
11 1 conviction of a person resulting from the same incident, a sus-
12 pension shall be imposed only for the violation to which the
13 longest period of suspension applies under this section.

14 (10) The secretary of state may waive a suspension of a
15 person's license imposed under subsection (4)(a), (b), (c), or
16 (d) if the person submits proof that a court in another state
17 revoked, suspended, or restricted his or her license for a period
18 equal to or greater than the period of a suspension prescribed
19 under subsection (4)(a), (b), (c), or (d) for the violation and
20 that the revocation, suspension, or restriction was served for
21 the violation, or may grant a restricted license.

22 Sec. 602a. (1) A driver of a motor vehicle who is given by
23 hand, voice, emergency light, or siren a visual or audible signal
24 by a police or conservation officer, acting in the lawful per-
25 formance of his or her duty, directing the driver to bring his or
26 her motor vehicle to a stop ~~, and who~~ SHALL NOT willfully
27 ~~fails~~ FAIL to obey that direction by increasing the speed of

1 the motor vehicle, extinguishing the lights of the motor vehicle,
2 or otherwise attempting to flee or elude the officer. ~~is~~
3 ~~guilty of a misdemeanor, and shall be punished by imprisonment~~
4 ~~for not less than 30 days nor more than 1 year, and, in addition,~~
5 ~~may be fined not more than \$1,000.00 and may be ordered to pay~~
6 ~~the costs of the prosecution. The court may depart from the min-~~
7 ~~imum term of imprisonment authorized under this subsection if the~~
8 ~~court finds on the record that there are substantial and compel-~~
9 ~~ling reasons to do so and if the court imposes community service~~
10 ~~as a part of the sentence. (2) Subsection (1) THIS SUBSECTION~~
11 ~~does not apply unless the police or conservation officer giving~~
12 ~~the signal is in uniform, and the vehicle driven by the police or~~
13 ~~conservation officer is identified as an official police or~~
14 ~~department of natural resources vehicle.~~

15 ~~(3) A person who violates subsection (1) within 5 years of~~
16 ~~a prior conviction of a violation of subsection (1) is guilty of~~
17 ~~a felony, and shall be punished by imprisonment for a mandatory~~
18 ~~minimum term of not less than 1 year and a maximum term of not~~
19 ~~more than 4 years, and by a fine of not more than \$10,000.00,~~
20 ~~together with the costs of the prosecution.~~

21 ~~(4) The driver of a motor vehicle who attempts to flee or~~
22 ~~elude a police or conservation officer in violation of subsection~~
23 ~~(1) and while attempting to so flee or elude causes serious~~
24 ~~bodily injury to a person, is guilty of a felony, and shall be~~
25 ~~punished by imprisonment for a minimum term of not less than 1~~
26 ~~year and a maximum term of not more than 4 years, and by a fine~~
27 ~~of not more than \$10,000.00, together with the costs of the~~

~~1 prosecution. The court may depart from the minimum term of
2 imprisonment authorized under this subsection if the court finds
3 on the record that there are substantial and compelling reasons
4 to do so and if the court imposes community service as a part of
5 the sentence.~~

6 (2) EXCEPT AS PROVIDED IN SUBSECTION (3), (4), OR (5), AN
7 INDIVIDUAL WHO VIOLATES SUBSECTION (1) IS GUILTY OF FOURTH-DEGREE
8 FLEEING AND ELUDING, A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT
9 MORE THAN 2 YEARS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

10 (3) EXCEPT AS PROVIDED IN SUBSECTION (4) OR (5), AN INDIVID-
11 UAL WHO VIOLATES SUBSECTION (1) IS GUILTY OF THIRD-DEGREE FLEEING
12 AND ELUDING, A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE
13 THAN 5 YEARS OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH, IF 1
14 OR MORE OF THE FOLLOWING CIRCUMSTANCES APPLY:

15 (A) THE VIOLATION RESULTS IN A COLLISION OR ACCIDENT.

16 (B) A PORTION OF THE VIOLATION OCCURRED IN AN AREA WHERE THE
17 SPEED LIMIT IS 35 MILES AN HOUR OR LESS, WHETHER THAT SPEED LIMIT
18 IS POSTED OR IMPOSED AS A MATTER OF LAW.

19 (C) THE INDIVIDUAL HAS A PRIOR CONVICTION FOR FOURTH-DEGREE
20 FLEEING AND ELUDING, ATTEMPTED FOURTH-DEGREE FLEEING AND ELUDING,
21 OR FLEEING AND ELUDING UNDER A CURRENT OR FORMER LAW OF THIS
22 STATE PROHIBITING SUBSTANTIALLY SIMILAR CONDUCT.

23 (4) EXCEPT AS PROVIDED IN SUBSECTION (5), AN INDIVIDUAL WHO
24 VIOLATES SUBSECTION (1) IS GUILTY OF SECOND-DEGREE FLEEING AND
25 ELUDING, A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 10
26 YEARS OR A FINE OF NOT MORE THAN \$5,000.00, OR BOTH, IF 1 OR MORE
27 OF THE FOLLOWING CIRCUMSTANCES APPLY:

1 (A) THE VIOLATION RESULTS IN SERIOUS INJURY TO AN
2 INDIVIDUAL.

3 (B) THE INDIVIDUAL HAS 1 OR MORE PRIOR CONVICTIONS FOR
4 FIRST-, SECOND-, OR THIRD-DEGREE FLEEING AND ELUDING, ATTEMPTED
5 FIRST-, SECOND-, OR THIRD-DEGREE FLEEING AND ELUDING, OR FLEEING
6 AND ELUDING UNDER A CURRENT OR FORMER LAW OF THIS STATE PROHIBIT-
7 ING SUBSTANTIALLY SIMILAR CONDUCT.

8 (C) THE INDIVIDUAL HAS ANY COMBINATION OF 2 OR MORE PRIOR
9 CONVICTIONS FOR FOURTH-DEGREE FLEEING AND ELUDING, ATTEMPTED
10 FOURTH-DEGREE FLEEING AND ELUDING, OR FLEEING AND ELUDING UNDER A
11 CURRENT OR FORMER LAW OF THIS STATE PROHIBITING SUBSTANTIALLY
12 SIMILAR CONDUCT.

13 (5) IF THE VIOLATION RESULTS IN THE DEATH OF ANOTHER INDI-
14 VIDUAL, AN INDIVIDUAL WHO VIOLATES SUBSECTION (1) IS GUILTY OF
15 FIRST-DEGREE FLEEING AND ELUDING, A FELONY PUNISHABLE BY IMPRIS-
16 ONMENT FOR NOT MORE THAN 15 YEARS OR A FINE OF NOT MORE THAN
17 \$10,000.00, OR BOTH.

18 (6) ~~(5)~~ As part of the sentence ~~for a violation of~~
19 IMPOSED UNDER subsection ~~(1)~~, (2) OR (3), ~~or (4)~~, the court
20 shall order the secretary of state to suspend the ~~person's~~
21 INDIVIDUAL'S operator's or chauffeur's license for a period of 1
22 year. The ~~person~~ INDIVIDUAL shall not be eligible to receive a
23 restricted license pursuant to section 323 or 323a during the
24 first 6 months of the period of suspension. If a term of impris-
25 onment is served as a part of the sentence, the period of suspen-
26 sion of the ~~person's~~ INDIVIDUAL'S license shall begin after the
27 completion of the term of imprisonment.

1 (7) AS PART OF THE SENTENCE IMPOSED UNDER SUBSECTION (4) OR
 2 (5), THE COURT SHALL ORDER THE SECRETARY OF STATE TO REVOKE THE
 3 INDIVIDUAL'S OPERATOR'S OR CHAUFFEUR'S LICENSE.

4 (8) A CONVICTION UNDER THIS SECTION DOES NOT PROHIBIT A CON-
 5 VICTION AND SENTENCE UNDER ANY OTHER APPLICABLE PROVISION, EXCEPT
 6 SECTION 479A OF THE MICHIGAN PENAL CODE, ACT NO. 328 OF THE
 7 PUBLIC ACTS OF 1931, BEING SECTION 750.479A OF THE MICHIGAN
 8 COMPILED LAWS, FOR CONDUCT ARISING OUT OF THE SAME TRANSACTION.

9 (9) ~~(6)~~ As used in this section, "serious ~~bodily~~ injury"
 10 means ~~serious impairment of a body function or permanent serious~~
 11 ~~disfigurement~~ A PHYSICAL INJURY THAT CONSTITUTES PERMANENT SERI-
 12 OUS BODILY DISFIGUREMENT OR THAT SERIOUSLY AND IRREPARABLY
 13 IMPAIRS THE FUNCTIONING OF A BODY ORGAN OR LIMB. SERIOUS INJURY
 14 INCLUDES, BUT IS NOT LIMITED TO, 1 OR MORE OF THE FOLLOWING:

15 (i) LOSS OF A LIMB OR USE OF A LIMB.

16 (ii) LOSS OF A HAND, FOOT, FINGER, OR THUMB OR USE OF A
 17 HAND, FOOT, FINGER, OR THUMB.

18 (iii) LOSS OF AN EYE OR EAR OR USE OF AN EYE OR EAR.

19 (iv) LOSS OR SUBSTANTIAL IMPAIRMENT OF A BODILY FUNCTION.

20 (v) SERIOUS VISIBLE DISFIGUREMENT.

21 (vi) A COMATOSE STATE THAT LASTS FOR MORE THAN 3 DAYS.

22 (vii) MEASURABLE BRAIN DAMAGE OR MENTAL IMPAIRMENT.

23 (viii) A SKULL FRACTURE OR OTHER SERIOUS BONE FRACTURE.

24 (ix) SUBDURAL HEMORRHAGE OR HEMATOMA.

25 Section 2. This amendatory act shall not take effect unless
 26 Senate Bill No. _____ or House Bill No. _____ (request
 27 no. 03194'95) of the 88th Legislature is enacted into law.