

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5122

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 904 (MCL 257.904), as amended by 1994 PA
450.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 904. (1) A person whose operator's or chauffeur's
2 license or registration certificate has been suspended or revoked
3 and who has been notified as provided in section 212 of that sus-
4 pension or revocation, whose application for license has been
5 denied, or who has never applied for a license, shall not operate
6 a motor vehicle upon a highway or other place open to the general
7 public or generally accessible to motor vehicles, including an
8 area designated for the parking of motor vehicles, ~~within~~
9 WITHIN this state.

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1 (2) A person shall not knowingly permit a motor vehicle
2 owned by the person to be operated upon a highway or other place
3 open to the general public or generally accessible to motor vehi-
4 cles, including an area designated for the parking of vehicles,
5 within this state by a person whose license or registration cer-
6 tificate is suspended or revoked, whose application for license
7 has been denied, or who has never applied for a license, except
8 as permitted under this act. ~~-A-~~

9 (3) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A person
10 who violates ~~this~~ subsection (1) OR (2) is guilty of a misde-
11 meanor punishable as follows:

12 (a) For a first violation, by imprisonment for not more than
13 ~~90~~ 93 days or a fine of not more than \$500.00, or both. Unless
14 the vehicle was stolen or used with the permission of a person
15 who did not knowingly permit an unlicensed driver to operate the
16 vehicle, the registration plates of the vehicle shall be
17 ~~cancelled~~ CANCELED by the secretary of state upon notification
18 by a ~~court~~ PEACE OFFICER.

19 (b) For a second or subsequent violation, by imprisonment
20 for not more than 1 year or a fine of not more than \$1,000.00, or
21 both. Unless the vehicle was stolen, the registration plates of
22 the vehicle shall be ~~cancelled~~ CANCELED by the secretary of
23 state upon notification by a ~~court~~ PEACE OFFICER.

24 (4) A PERSON WHO OPERATES A MOTOR VEHICLE IN VIOLATION OF
25 SUBSECTION (1) AND WHO, BY OPERATION OF THAT MOTOR VEHICLE,
26 CAUSES THE DEATH OF ANOTHER PERSON IS GUILTY OF A FELONY
27 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 15 YEARS OR A FINE

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1 OF NOT LESS THAN \$2,500.00 OR MORE THAN \$10,000.00, OR BOTH.

2 THIS SUBSECTION DOES NOT APPLY TO A PERSON WHOSE OPERATOR'S OR

3 CHAUFFEUR'S LICENSE WAS SUSPENDED BECAUSE THAT PERSON FAILED TO

4 ANSWER A CITATION OR COMPLY WITH AN ORDER OR JUDGMENT PURSUANT TO

5 SECTION 321A.

6 (5) A PERSON WHO OPERATES A MOTOR VEHICLE IN VIOLATION OF

7 SUBSECTION (1) AND WHO, BY OPERATION OF THAT MOTOR VEHICLE,

8 CAUSES THE SERIOUS IMPAIRMENT OF A BODY FUNCTION OF ANOTHER

9 PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT

10 MORE THAN 5 YEARS OR A FINE OF NOT LESS THAN \$1,000.00 OR MORE

11 THAN \$5,000.00, OR BOTH. AS USED IN THIS SUBSECTION AND

12 SUBSECTION (7), "SERIOUS IMPAIRMENT OF A BODY FUNCTION" INCLUDES,

13 BUT IS NOT LIMITED TO, 1 OR MORE OF THE FOLLOWING:

14 (A) LOSS OF A LIMB OR LOSS OF USE OF A LIMB.

15 (B) LOSS OF A FOOT, HAND, FINGER, OR THUMB OR LOSS OF USE OF

16 A FOOT, HAND, FINGER, OR THUMB.

17 (C) LOSS OF AN EYE OR EAR OR LOSS OF USE OF AN EYE OR EAR.

18 (D) LOSS OR SUBSTANTIAL IMPAIRMENT OF A BODILY FUNCTION.

19 (E) SERIOUS VISIBLE DISFIGUREMENT.

20 (F) A COMATOSE STATE THAT LASTS FOR MORE THAN 3 DAYS.

21 (G) MEASURABLE BRAIN OR MENTAL IMPAIRMENT.

22 (H) A SKULL FRACTURE OR OTHER SERIOUS BONE FRACTURE.

23 (I) SUBDURAL HEMORRHAGE OR SUBDURAL HEMATOMA.

24 (6) IN ADDITION TO BEING SUBJECT TO ANY OTHER PENALTY PRO-

25 VIDED FOR IN THIS ACT, IF A PERSON IS CONVICTED UNDER SUBSECTION

26 (4) OR (5), THE COURT MAY IMPOSE THE SANCTION PERMITTED UNDER

27 SECTION 625N OR 904D. IF THE VIOLATION OCCURS WITHIN 7 YEARS OF

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1 A PRIOR CONVICTION OR WITHIN 10 YEARS OF 2 OR MORE PRIOR
2 CONVICTIONS, THE COURT SHALL ORDER VEHICLE IMMOBILIZATION UNDER
3 SECTION 904D IN THE JUDGMENT OF SENTENCE.

4 (7) A PERSON SHALL NOT KNOWINGLY PERMIT A MOTOR VEHICLE
5 OWNED BY THE PERSON TO BE OPERATED UPON A HIGHWAY OR OTHER PLACE
6 OPEN TO THE GENERAL PUBLIC OR GENERALLY ACCESSIBLE TO MOTOR VEHI-
7 CLES, INCLUDING AN AREA DESIGNATED FOR THE PARKING OF VEHICLES,
8 WITHIN THIS STATE, BY A PERSON WHOSE LICENSE OR REGISTRATION CER-
9 TIFICATE IS SUSPENDED OR REVOKED, WHOSE APPLICATION FOR LICENSE
10 HAS BEEN DENIED, OR WHO HAS NEVER BEEN LICENSED EXCEPT AS PERMIT-
11 TED BY THIS ACT. IF A PERSON PERMITTED TO OPERATE A MOTOR VEHI-
12 CLE IN VIOLATION OF THIS SUBSECTION CAUSES THE SERIOUS IMPAIRMENT
13 OF A BODY FUNCTION OF ANOTHER PERSON BY OPERATION OF THAT MOTOR
14 VEHICLE, THE PERSON KNOWINGLY PERMITTING THE OPERATION OF THAT
15 MOTOR VEHICLE IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT
16 FOR NOT MORE THAN 2 YEARS, OR A FINE OF NOT LESS THAN \$1,000.00
17 OR MORE THAN \$5,000.00, OR BOTH. IF A PERSON PERMITTED TO OPER-
18 ATE A MOTOR VEHICLE IN VIOLATION OF THIS SUBSECTION CAUSES THE
19 DEATH OF ANOTHER PERSON BY OPERATION OF THAT MOTOR VEHICLE, THE
20 PERSON KNOWINGLY PERMITTING THE OPERATION OF THAT MOTOR VEHICLE
21 IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE
22 THAN 5 YEARS, OR A FINE OF NOT LESS THAN \$1,000.00 OR MORE THAN
23 \$5,000.00, OR BOTH.

24 (8) ~~—(2)—~~ Upon receiving a record of a person's conviction
25 OR CIVIL INFRACTION DETERMINATION for THE unlawful operation of a
26 motor vehicle OR A MOVING VIOLATION OF THIS ACT OR A LOCAL
27 ORDINANCE SUBSTANTIALLY CORRESPONDING TO THIS ACT while the

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1 person's OPERATOR'S OR CHAUFFEUR'S license is suspended or
2 revoked, ~~or of a person's conviction or civil infraction deter-~~
3 ~~mination for a moving violation of the vehicle laws of this state~~
4 ~~or a political subdivision of this state while the person's~~
5 ~~license is suspended or revoked,~~ the secretary of state immedi-
6 ately shall ~~extend the period of the first~~ IMPOSE AN ADDITIONAL
7 LIKE PERIOD OF suspension or revocation. ~~for an additional like~~
8 ~~period.~~ This subsection applies only if the violation occurs
9 during a suspension of definite length or if the violation occurs
10 before the person is approved for a license following a
11 revocation.

12 (9) UPON RECEIVING A RECORD OF A PERSON'S CONVICTION OR
13 CIVIL INFRACTION DETERMINATION FOR THE UNLAWFUL OPERATION OF A
14 MOTOR VEHICLE OR A MOVING VIOLATION OF THIS ACT OR A LOCAL ORDI-
15 NANCE SUBSTANTIALLY CORRESPONDING TO THIS ACT WHILE THE PERSON'S
16 OPERATOR'S OR CHAUFFEUR'S LICENSE IS EXPIRED FOR 60 DAYS OR MORE,
17 INDEFINITELY SUSPENDED, OR WHOSE APPLICATION FOR A LICENSE HAS
18 BEEN DENIED, THE SECRETARY OF STATE IMMEDIATELY SHALL IMPOSE AN
19 ADDITIONAL 30-DAY PERIOD OF SUSPENSION OR DENIAL.

20 (10) ~~(3)~~ 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 ~~class 1, class~~
23 ~~2, or class 3 indorsement or~~ vehicle group designation while the
24 ~~indorsement or~~ designation is suspended pursuant to section
25 319a or 319b, or revoked, the secretary of state immediately
26 shall ~~extend the period of suspension or revocation for~~ IMPOSE
27 an additional like period OF SUSPENSION OR REVOCATION. A PRIOR

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1 CONVICTION SHALL BE ESTABLISHED AS PROVIDED IN SECTION 625(16).

2 This subsection applies only if the violation occurs during a
3 suspension of definite length, if the violation occurs before the
4 person is approved for a license following a revocation, or if
5 the person operates a commercial vehicle while disqualified under
6 the commercial motor vehicle safety act of 1986, title XII of
7 Public Law 99-570, 100 Stat. 3207-170.

8 (11) ~~-(4)-~~ If the secretary of state receives records of
9 more than 1 conviction or civil infraction determination result-
10 ing from the same incident, all of the convictions or civil
11 infraction determinations shall be treated as a single violation
12 for purposes of ~~extending the~~ IMPOSING AN ADDITIONAL period of
13 suspension or revocation under subsection ~~-(2)- or -(3)-~~ (8), (9),
14 OR (10).

15 (12) ~~-(5)-~~ Before a person is arraigned before a district
16 court magistrate or judge on a charge of violating this section,
17 the arresting officer shall obtain the person's driving record
18 from the secretary of state and shall furnish the record to the
19 court. The driving record of the person may be obtained from the
20 secretary of state's computer information network.

21 (13) ~~-(6)-~~ This section does not apply to a person who oper-
22 ates a vehicle solely for the purpose of protecting human life or
23 property if the life or property is endangered and summoning
24 prompt aid is essential.

25 (14) ~~-(7)-~~ A person whose vehicle group designation is sus-
26 pended or revoked and who has been notified as provided in
27 section 212 of that suspension or revocation, or whose

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1 application for a vehicle group designation has been denied as
2 provided in this act, or who has never applied for a vehicle
3 group designation and who operates a commercial motor vehicle
4 within this state, except as permitted under this act, while any
5 of those conditions exist is guilty of a misdemeanor punishable,
6 except as otherwise provided in this section, by imprisonment for
7 not less than 3 days or more than ~~90~~ 93 days or a fine of not
8 more than \$100.00, or both.

9 (15) IF A PERSON HAS A SECOND OR SUBSEQUENT SUSPENSION OR
10 REVOCATION UNDER THIS SECTION WITHIN 7 YEARS AS INDICATED ON THE
11 PERSON'S MICHIGAN DRIVING RECORD, THE COURT SHALL PROCEED AS PRO-
12 VIDED IN SECTION 904D.

13 (16) THIS SECTION DOES NOT APPLY TO A PERSON WHO HAS 1 CUR-
14 RRENTLY EFFECTIVE SUSPENSION OR DENIAL ON HIS OR HER MICHIGAN
15 DRIVING RECORD UNDER SECTION 321A AND HAS NEVER BEEN CONVICTED OF
16 OR RECEIVED A CIVIL INFRACTION DETERMINATION FOR A VIOLATION THAT
17 OCCURRED DURING THAT SUSPENSION OR DENIAL.

18 (17) FOR PURPOSES OF THIS SECTION, A PERSON WHO NEVER
19 APPLIED FOR A LICENSE INCLUDES A PERSON WHO APPLIED FOR A
20 LICENSE, WAS DENIED, AND NEVER APPLIED AGAIN.

21 Enacting section 1. This amendatory act takes effect
22 October 1, 1999.

23 Enacting section 2. This amendatory act does not take
24 effect unless all of the following bills of the 89th Legislature
25 are enacted into law:

26 (a) Senate Bill No. 268.

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- 1 (b) Senate Bill No. 269.
- 2 (c) Senate Bill No. 625.
- 3 (d) Senate Bill No. 627.
- 4 (e) Senate Bill No. 869.
- 5 (f) Senate Bill No. 870.
- 6 (g) Senate Bill No. 953.
- 7 (h) House Bill No. 4210.
- 8 (i) House Bill No. 4576.
- 9 (j) House Bill No. 4959.
- 10 (k) House Bill No. 4960.
- 11 (l) House Bill No. 4961.
- 12 (m) House Bill No. 5123.
- 13 (n) House Bill No. 5951.
- 14 (o) House Bill No. 5952.
- 15 (p) House Bill No. 5953.
- 16 (q) House Bill No. 5954.
- 17 (r) House Bill No. 5955.
- 18 (s) House Bill No. 5956.