

HOUSE BILL No. 5633

May 10, 2016, Introduced by Rep. Kosowski and referred to the Committee on Criminal Justice.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303, 304, 625n, 732a, 904, and 904d (MCL 257.303, 257.304, 257.625n, 257.732a, 257.904, and 257.904d), section 303 as amended by 2012 PA 498, sections 304 and 732a as amended by 2016 PA 32, sections 625n and 904d as amended by 2010 PA 155, and section 904 as amended by 2015 PA 11.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3 (a) A person, as an operator, who is less than 18 years of
4 age, except as otherwise provided in this act.

5 (b) A person, as a chauffeur, who is less than 18 years of
6 age, except as otherwise provided in this act.

7 (c) A person whose license is suspended, revoked, denied, or

1 canceled in any state. If the suspension, revocation, denial, or
2 cancellation is not from the jurisdiction that issued the last
3 license to the person, the secretary of state may issue a license
4 after the expiration of 5 years from the effective date of the most
5 recent suspension, revocation, denial, or cancellation.

6 (d) A person who in the opinion of the secretary of state is
7 afflicted with or suffering from a physical or mental disability or
8 disease preventing that person from exercising reasonable and
9 ordinary control over a motor vehicle while operating the motor
10 vehicle upon the highways.

11 (e) A person who is unable to understand highway warning or
12 direction signs in the English language.

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

18 (g) A person who has been convicted of, has received a
19 juvenile disposition for, or has been determined responsible for 2
20 or more moving violations under a law of this state, a local
21 ordinance substantially corresponding to a law of this state, or a
22 law of another state substantially corresponding to a law of this
23 state within the preceding 3 years, if the violations occurred
24 before issuance of an original license to the person in this state,
25 another state, or another country.

26 (h) A nonresident, including, but not limited to, a foreign
27 exchange student.

1 (i) A person who has failed to answer a citation or notice to
2 appear in court or for any matter pending or fails to comply with
3 an order or judgment of the court, including, but not limited to,
4 paying all fines, costs, fees, and assessments, in violation of
5 section 321a, until that person answers the citation or notice to
6 appear in court or for any matter pending or complies with an order
7 or judgment of the court, including, but not limited to, paying all
8 fines, costs, fees, and assessments, as provided under section
9 321a.

10 (j) A person not licensed under this act who has been
11 convicted of, has received a juvenile disposition for, or has been
12 determined responsible for a crime or civil infraction described in
13 section 319, 324, or 904. A person shall be denied a license under
14 this subdivision for the length of time corresponding to the period
15 of the licensing sanction that would have been imposed under
16 section 319, 324, or 904 if the person had been licensed at the
17 time of the violation.

18 (k) A person not licensed under this act who has been
19 convicted of or received a juvenile disposition for committing a
20 crime described in section 319e. A person shall be denied a license
21 under this subdivision for the length of time that corresponds to
22 the period of the licensing sanction that would have been imposed
23 under section 319e if the person had been licensed at the time of
24 the violation.

25 (l) A person not licensed under this act who is determined to
26 have violated section 33b(1) of former 1933 (Ex Sess) PA 8, section
27 703(1) of the Michigan liquor control code of 1998, 1998 PA 58, MCL

1 436.1703, or section 624a or 624b. The person shall be denied a
2 license under this subdivision for a period of time that
3 corresponds to the period of the licensing sanction that would have
4 been imposed under those sections had the person been licensed at
5 the time of the violation.

6 (m) A person whose commercial driver license application is
7 canceled under section 324(2).

8 (n) Unless otherwise eligible under section 307(1), a person
9 who is not a citizen of the United States.

10 (2) Upon receiving the appropriate records of conviction, the
11 secretary of state shall revoke the operator's or chauffeur's
12 license of a person and deny issuance of an operator's or
13 chauffeur's license to a person having any of the following,
14 whether under a law of this state, a local ordinance substantially
15 corresponding to a law of this state, a law of another state
16 substantially corresponding to a law of this state, or, beginning
17 October 31, 2010, a law of the United States substantially
18 corresponding to a law of this state:

19 (a) Any combination of 2 convictions within 7 years for
20 reckless driving in violation of section 626 before October 31,
21 2010 or, beginning October 31, 2010, 626(2).

22 (b) Any combination of 2 or more convictions within 7 years
23 for any of the following:

24 (i) A felony in which a motor vehicle was used.

25 (ii) A violation or attempted violation of section 601b(2) or
26 (3), section 601c(1) or (2), section 602a(4) or (5), section 617,
27 section 653a(3) or (4), or section ~~904(4)~~**904(5)** or ~~(5)~~**(6)**.

1 (iii) Negligent homicide, manslaughter, or murder resulting
2 from the operation of a vehicle or an attempt to commit any of
3 those crimes.

4 (iv) A violation or attempted violation of section 479a(4) or
5 (5) of the Michigan penal code, 1931 PA 328, MCL 750.479a.

6 (c) Any combination of 2 convictions within 7 years for any of
7 the following or a combination of 1 conviction for a violation or
8 attempted violation of section 625(6) and 1 conviction for any of
9 the following within 7 years:

10 (i) A violation or attempted violation of section 625, except
11 a violation of section 625(2), or a violation of any prior
12 enactment of section 625 in which the defendant operated a vehicle
13 while under the influence of intoxicating or alcoholic liquor or a
14 controlled substance, or a combination of intoxicating or alcoholic
15 liquor and a controlled substance, or while visibly impaired, or
16 with an unlawful bodily alcohol content.

17 (ii) A violation or attempted violation of section 625m.

18 (iii) A violation or attempted violation of former section
19 625b.

20 (d) One conviction for a violation or attempted violation of
21 section 315(5), section 601b(3), section 601c(2), section 602a(4)
22 or (5), section 617, section 625(4) or (5), section 653a(4),
23 section ~~904(4)~~ **904(5)** or ~~(5)~~, ~~(6)~~, or, beginning October 31, 2010,
24 section 626(3) or (4).

25 (e) One conviction of negligent homicide, manslaughter, or
26 murder resulting from the operation of a vehicle or an attempt to
27 commit any of those crimes.

1 (f) One conviction for a violation or attempted violation of
2 section 479a(4) or (5) of the Michigan penal code, 1931 PA 328, MCL
3 750.479a.

4 (g) Any combination of 3 convictions within 10 years for any
5 of the following or 1 conviction for a violation or attempted
6 violation of section 625(6) and any combination of 2 convictions
7 for any of the following within 10 years, if any of the convictions
8 resulted from an arrest on or after January 1, 1992:

9 (i) A violation or attempted violation of section 625, except
10 a violation of section 625(2), or a violation of any prior
11 enactment of section 625 in which the defendant operated a vehicle
12 while under the influence of intoxicating or alcoholic liquor or a
13 controlled substance, or a combination of intoxicating or alcoholic
14 liquor and a controlled substance, or while visibly impaired, or
15 with an unlawful bodily alcohol content.

16 (ii) A violation or attempted violation of section 625m.

17 (iii) A violation or attempted violation of former section
18 625b.

19 (3) The secretary of state shall revoke a license under
20 subsection (2) notwithstanding a court order unless the court order
21 complies with section 323.

22 (4) Except as otherwise provided under section 304, the
23 secretary of state shall not issue a license under this act to a
24 person whose license has been revoked under this act or revoked and
25 denied under subsection (2) until all of the following occur, as
26 applicable:

27 (a) The later of the following:

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

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

6 (b) For a denial under subsection (2)(a), (b), (c), and (g),
7 the person rebuts by clear and convincing evidence the presumption
8 resulting from the prima facie evidence that he or she is a
9 habitual offender. The convictions that resulted in the revocation
10 and denial constitute prima facie evidence that he or she is a
11 habitual offender.

12 (c) The person meets the requirements of the department.

13 (5) The secretary of state may deny issuance of an operator's
14 license as follows:

15 (a) Until the age of 17, to a person not licensed under this
16 act who was convicted of or received a juvenile disposition for
17 violating or attempting to violate section 411a(2) of the Michigan
18 penal code, 1931 PA 328, MCL 750.411a, involving a school when he
19 or she was less than 14 years of age. A person not issued a license
20 under this subdivision is not eligible to begin graduated licensing
21 training until he or she attains 16 years of age.

22 (b) To a person less than 21 years of age not licensed under
23 this act who was convicted of or received a juvenile disposition
24 for violating or attempting to violate section 411a(2) of the
25 Michigan penal code, 1931 PA 328, MCL 750.411a, involving a school
26 when he or she was 14 years of age or older, until 3 years after
27 the date of the conviction or juvenile disposition. A person not

1 issued a license under this subdivision is not eligible to begin
2 graduated licensing training or otherwise obtain an original
3 operator's or chauffeur's license until 3 years after the date of
4 the conviction or juvenile disposition.

5 (6) The secretary of state shall deny issuance of a vehicle
6 group designation to a person under either of the following
7 circumstances:

8 (a) The person has been disqualified by the United States
9 secretary of transportation from operating a commercial motor
10 vehicle.

11 (b) Beginning on and after January 30, 2012, the person does
12 not meet the requirements of the federal regulations under parts
13 383 and 391 by refusing to certify the type of commercial motor
14 vehicle operation the person intends to perform and, if required,
15 fails to present to the secretary of state a valid medical
16 certification.

17 (7) Multiple convictions or civil infraction determinations
18 resulting from the same incident shall be treated as a single
19 violation for purposes of denial or revocation of a license under
20 this section.

21 (8) As used in this section, "felony in which a motor vehicle
22 was used" means a felony during the commission of which the person
23 operated a motor vehicle and while operating the vehicle presented
24 real or potential harm to persons or property and 1 or more of the
25 following circumstances existed:

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

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

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

2 (d) The vehicle was necessary for the commission of the
3 felony.

4 Sec. 304. (1) Except as provided in subsection (3), the
5 secretary of state shall issue a restricted license to a person
6 whose license was suspended or restricted under section 319 or
7 revoked or denied under section 303 based on either of the
8 following:

9 (a) Two or more convictions for violating section 625(1) or
10 (3) or a local ordinance of this state substantially corresponding
11 to section 625(1) or (3).

12 (b) One conviction for violating section 625(1) or (3) or a
13 local ordinance of this state substantially corresponding to
14 section 625(1) or (3), preceded by 1 or more convictions for
15 violating a local ordinance or law of another state substantially
16 corresponding to section 625(1), (3), or (6), or a law of the
17 United States substantially corresponding to section 625(1), (3),
18 or (6).

19 (2) A restricted license issued under subsection (1) shall not
20 be issued until after the person's operator's or chauffeur's
21 license has been suspended or revoked for 45 days and the judge
22 assigned to a DWI/sobriety court certifies to the secretary of
23 state that both of the following conditions have been met:

24 (a) The person has been admitted into a DWI/sobriety court
25 program.

26 (b) An ignition interlock device approved, certified, and
27 installed as required under sections 625k and 625l has been

1 installed on each motor vehicle owned or operated, or both, by the
2 individual.

3 (3) A restricted license shall not be issued under subsection
4 (1) if the person is otherwise ineligible for an operator's or
5 chauffeur's license under this act, unless the person's
6 ineligibility is based on 1 or more of the following:

7 (a) Section 303(1)(i) or (l).

8 (b) Section 303(2)(c)(i) or (iii).

9 (c) Section 303(2)(g)(i) or (iii).

10 (d) Section 319(4), (5), (6), (7), (8)(a) to (e), or (9).

11 (e) Section 319e(2)(a) or (b).

12 (f) Section 320(1)(d).

13 (g) Section 321a(1), (2), or (3).

14 (h) Section 323c.

15 (i) Section 625f.

16 (j) Section 732a(5).

17 (k) Section ~~904(10)~~ **904(11)**.

18 (l) Section 82105a(2) of the natural resources and
19 environmental protection act, 1994 PA 451, MCL 324.82105a.

20 (m) Section 3177 of the insurance code of 1956, 1956 PA 218,
21 MCL 500.3177.

22 (n) Section 10 of the motor vehicle claims act, 1965 PA 198,
23 MCL 257.1110.

24 (4) A restricted license issued under subsection (1) permits
25 the person to whom it is issued to operate only the vehicle
26 equipped with an ignition interlock device described in subsection
27 (2)(b), to take any driving skills test required by the secretary

1 of state, and to drive to and from any combination of the following
2 locations or events:

3 (a) In the course of the person's employment or occupation if
4 the employment or occupation does not require a commercial driver
5 license.

6 (b) To and from any combination of the following:

7 (i) The person's residence.

8 (ii) The person's work location.

9 (iii) An alcohol, drug, or mental health education and
10 treatment as ordered by the court.

11 (iv) Alcoholics anonymous, narcotics anonymous, or other
12 court-ordered self-help programs.

13 (v) Court hearings and probation appointments.

14 (vi) Court-ordered community service.

15 (vii) An educational institution at which the person is
16 enrolled as a student.

17 (viii) A place of regularly occurring medical treatment for a
18 serious condition or medical emergency for the person or a member
19 of the person's household or immediate family.

20 (ix) Alcohol or drug testing as ordered by the court.

21 (x) Ignition interlock service provider as required.

22 (5) While driving with a restricted license, the person shall
23 carry proof of his or her destination and the hours of any
24 employment, class, or other reason for traveling and shall display
25 that proof upon a peace officer's request.

26 (6) Except as otherwise provided in this section, a restricted
27 license issued under subsection (1) is effective until a hearing

1 officer orders an unrestricted license under section 322. Subject
2 to subsection (7), the hearing officer shall not order an
3 unrestricted license until the later of the following events
4 occurs:

5 (a) The court notifies the secretary of state that the person
6 has successfully completed the DWI/sobriety court program.

7 (b) The minimum period of license sanction that would have
8 been imposed under section 303 or 319 but for this section has been
9 completed.

10 (c) The person demonstrates that he or she has operated with
11 an ignition interlock device for not less than 1 year.

12 (d) The person satisfies the requirements of section 303 and R
13 257.313 of the Michigan ~~administrative code~~. **ADMINISTRATIVE CODE.**

14 (7) A hearing officer shall not issue an unrestricted license
15 for at least 1 year if either of the following applies:

16 (a) The hearing officer determines that the person consumed
17 any alcohol during the period that his or her license was
18 restricted under this section, as determined by breath, blood,
19 urine, or transdermal testing unless a second test, administered
20 within 5 minutes after administering the first test, showed an
21 absence of alcohol.

22 (b) The hearing officer determines that the person consumed or
23 otherwise used any controlled substance during the period that his
24 or her license was restricted under this section, except as
25 lawfully prescribed.

26 (8) In determining whether to order an unrestricted license
27 under subsection (6), the successful completion of the DWI/sobriety

1 court program and a certificate from the DWI/sobriety court judge
2 shall be considered positive evidence of the petitioner's
3 abstinence while the petitioner participated in the DWI/sobriety
4 court program. This subsection does not apply to a determination
5 made under subsection (7). As used in this subsection,
6 "certificate" includes, but is not limited to, a statement that the
7 participant has maintained a period of abstinence from alcohol for
8 not less than 6 months at the time the participant completed the
9 DWI/sobriety court program.

10 (9) If the secretary of state receives a notification from the
11 DWI/sobriety court under section 1084(6) of the revised judicature
12 act of 1961, 1961 PA 236, MCL 600.1084, the secretary of state
13 shall summarily impose 1 of the following license sanctions, as
14 applicable:

15 (a) Suspension for the full length of time provided under
16 section 319(8). However, a restricted license shall not be issued
17 as provided under section 319(8). This subdivision applies if the
18 underlying conviction or convictions would have subjected the
19 person to a license sanction under section 319(8) if this section
20 did not apply.

21 (b) A license revocation and denial for the full length of
22 time provided under section 303. The minimum period of license
23 revocation and denial imposed shall be the same as if this section
24 did not apply. This subdivision applies if the underlying
25 conviction or convictions would have caused a license revocation
26 and denial under section 303 if this section did not apply.

27 (10) After the person completes the DWI/sobriety court

1 program, the following apply:

2 (a) The secretary of state shall postpone considering the
3 issuance of an unrestricted license under section 322 for a period
4 of 3 months for each act that would be a minor violation if the
5 person's license had been issued under section 322(6). As used in
6 this subdivision, "minor violation" means that term as defined in R
7 257.301a of the Michigan ~~administrative code~~. **ADMINISTRATIVE CODE.**

8 (b) The restricted license issued under this section shall be
9 suspended or revoked or denied as provided in subsection (9),
10 unless set aside under section 322(5), if any of the following
11 events occur:

12 (i) The person operates a motor vehicle without an ignition
13 interlock device that meets the criteria under subsection (2)(b).

14 (ii) The person removes, or causes to be removed, an ignition
15 interlock device from a vehicle he or she owns or operates unless
16 the secretary of state has authorized its removal under section
17 322a.

18 (iii) The person commits any other act that would be a major
19 violation if the person's license had been issued under section
20 322(6). As used in this subparagraph, "major violation" means that
21 term as defined in R 257.301a of the Michigan ~~administrative~~
22 ~~code~~. **ADMINISTRATIVE CODE.**

23 (iv) The person is arrested for a violation of any of the
24 following:

25 (A) Section 625.

26 (B) A local ordinance of this state or another state
27 substantially corresponding to section 625.

1 (C) A law of the United States substantially corresponding to
2 section 625.

3 (c) If the person is convicted of or found responsible for any
4 offense that requires the suspension, revocation, denial, or
5 cancellation of the person's operator's or chauffeur's license, the
6 restricted license issued under this section shall be suspended
7 until the requisite period of license suspension, revocation,
8 denial, or cancellation, as appropriate, has elapsed.

9 (d) If the person has failed to pay any court-ordered fines or
10 costs that resulted from the operation of a vehicle, the restricted
11 license issued under this section shall be suspended pending
12 payment of those fines and costs.

13 (11) All driver responsibility fees required to be assessed by
14 the secretary of state under section 732a for the conviction or
15 convictions that led to the restricted license under this section
16 shall be held in abeyance as follows:

17 (a) The fees shall be held in abeyance during the time the
18 person has a restricted license under this section and is
19 participating in the DWI/sobriety court program.

20 (b) At the end of the person's participation in the
21 DWI/sobriety court program, the driver responsibility fees shall be
22 assessed and paid under the payment schedule described in section
23 732a.

24 (12) The vehicle of an individual admitted to the DWI/sobriety
25 court program whose vehicle would otherwise be subject to
26 immobilization or forfeiture under this act is exempt from both
27 immobilization and forfeiture under sections 625n and 904d if both

1 of the following apply:

2 (a) The person is a DWI/sobriety court program participant in
3 good standing or the person successfully satisfactorily completes
4 the DWI/sobriety court program.

5 (b) The person does not subsequently violate a law of this
6 state for which vehicle immobilization or forfeiture is a sanction.

7 (13) This section only applies to individuals arrested for a
8 violation of section 625 on or after January 1, 2011.

9 (14) As used in this section:

10 (a) "DWI/sobriety court" means that term as defined in section
11 1084 of the revised judicature act of 1961, 1961 PA 236, MCL
12 600.1084.

13 (b) "DWI/sobriety court program" means "program" as that term
14 is defined in section 1084 of the revised judicature act of 1961,
15 1961 PA 236, MCL 600.1084.

16 Sec. 625n. (1) Except as otherwise provided in this section
17 and section 304 and in addition to any other penalty provided for
18 in this act, the judgment of sentence for a conviction for a
19 violation of section 625(1) described in section 625(9)(b) or (c),
20 a violation of section 625(3) described in section 625(11)(b) or
21 (c), a violation of section 625(4), (5), or (7), or a violation of
22 section ~~904(4)~~**904(5)** or ~~(5)~~**(6)**, or, beginning October 31, 2010,
23 a violation of section 626(3) or (4), may require 1 of the
24 following with regard to the vehicle used in the offense if the
25 defendant owns the vehicle in whole or in part or leases the
26 vehicle:

27 (a) Forfeiture of the vehicle if the defendant owns the

1 vehicle in whole or in part.

2 (b) Return of the vehicle to the lessor if the defendant
3 leases the vehicle.

4 (2) The vehicle may be seized under a seizure order issued by
5 the court having jurisdiction upon a showing of probable cause that
6 the vehicle is subject to forfeiture or return to the lessor.

7 (3) The forfeiture of a vehicle is subject to the interest of
8 the holder of a security interest who did not have prior knowledge
9 of or consent to the violation.

10 (4) Within 14 days after the defendant's conviction for a
11 violation described in subsection (1), the prosecuting attorney may
12 file a petition with the court for the forfeiture of the vehicle or
13 to have the court order return of a leased vehicle to the lessor.
14 The prosecuting attorney shall give notice by first-class mail or
15 other process to the defendant and his or her attorney, to all
16 owners of the vehicle, and to any person holding a security
17 interest in the vehicle that the court may require forfeiture or
18 return of the vehicle.

19 (5) If a vehicle is seized before disposition of the criminal
20 proceedings, a defendant who is an owner or lessee of the vehicle
21 may move the court having jurisdiction over the proceedings to
22 require the seizing agency to file a lien against the vehicle and
23 to return the vehicle to the owner or lessee pending disposition of
24 the criminal proceedings. The court shall hear the motion within 7
25 days after the motion is filed. If the defendant establishes at the
26 hearing that he or she holds the legal title to the vehicle or that
27 he or she has a leasehold interest and that it is necessary for him

1 or her or a member of his or her family to use the vehicle pending
2 the outcome of the forfeiture action, the court may order the
3 seizing agency to return the vehicle to the owner or lessee. If the
4 court orders the return of the vehicle to the owner or lessee, the
5 court shall order the defendant to post a bond in an amount equal
6 to the retail value of the vehicle, and shall also order the
7 seizing agency to file a lien against the vehicle.

8 (6) Within 14 days after notice by the prosecuting attorney is
9 given under subsection (4), the defendant, an owner, lessee, or
10 holder of a security interest may file a claim of interest in the
11 vehicle with the court. Within 21 days after the expiration of the
12 period for filing claims, but before or at sentencing, the court
13 shall hold a hearing to determine the legitimacy of any claim, the
14 extent of any co-owner's equity interest, the liability of the
15 defendant to any co-lessee, and whether to order the vehicle
16 forfeited or returned to the lessor. In considering whether to
17 order forfeiture, the court shall review the defendant's driving
18 record to determine whether the defendant has multiple convictions
19 under section 625 or a local ordinance substantially corresponding
20 to section 625, or multiple suspensions, restrictions, or denials
21 under section 904, or both. If the defendant has multiple
22 convictions under section 625 or multiple suspensions,
23 restrictions, or denials under section 904, or both, that factor
24 shall weigh heavily in favor of forfeiture.

25 (7) If a vehicle is forfeited under this section, the unit of
26 government that seized the vehicle shall sell the vehicle pursuant
27 to the procedures under section 252g(1) and dispose of the proceeds

1 in the following order of priority:

2 (a) Pay any outstanding security interest of a secured party
3 who did not have prior knowledge of or consent to the commission of
4 the violation.

5 (b) Pay the equity interest of a co-owner who did not have
6 prior knowledge of or consent to the commission of the violation.

7 (c) Satisfy any order of restitution entered in the
8 prosecution for the violation.

9 (d) Pay any outstanding accrued towing and storage fees.

10 (e) Pay the claim of each person who shows that he or she is a
11 victim of the violation to the extent that the claim is not covered
12 by an order of restitution.

13 (f) Pay any outstanding lien against the property that has
14 been imposed by a governmental unit.

15 (g) Pay the proper expenses of the proceedings for forfeiture
16 and sale, including, but not limited to, expenses incurred during
17 the seizure process and expenses for maintaining custody of the
18 property, advertising, and court costs.

19 (h) The balance remaining after the payment of items (a)
20 through (g) shall be distributed by the court having jurisdiction
21 over the forfeiture proceedings to the unit or units of government
22 substantially involved in effecting the forfeiture. Seventy-five
23 percent of the money received by a unit of government under this
24 subdivision shall be used to enhance enforcement of the criminal
25 laws and 25% of the money shall be used to implement the William
26 Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.751
27 to 780.834. A unit of government receiving money under this

1 subdivision shall report annually to the department of ~~management~~
2 ~~and budget~~ **TECHNOLOGY, MANAGEMENT, AND BUDGET** the amount of money
3 received under this subdivision that was used to enhance
4 enforcement of the criminal laws and the amount that was used to
5 implement the William Van Regenmorter crime victim's rights act,
6 1985 PA 87, MCL 780.751 to 780.834.

7 (8) The court may order the defendant to pay to a co-lessee
8 any liability determined under subsection (6). The order may be
9 enforced in the same manner as a civil judgment.

10 (9) The return of a vehicle to the lessor under this section
11 does not affect or impair the lessor's rights or the defendant's
12 obligations under the lease.

13 (10) A person who knowingly conceals, sells, gives away, or
14 otherwise transfers or disposes of a vehicle with the intent to
15 avoid forfeiture or return of the vehicle to the lessor under this
16 section is guilty of a misdemeanor punishable by imprisonment for
17 not more than 1 year or a fine of not more than \$1,000.00, or both.

18 (11) The failure of the court or prosecutor to comply with any
19 time limit specified in this section does not preclude the court
20 from ordering forfeiture of a vehicle or its return to a lessor,
21 unless the court finds that the owner or claimant suffered
22 substantial prejudice as a result of that failure.

23 (12) The forfeiture provisions of this section do not preclude
24 the prosecuting attorney from pursuing a forfeiture proceeding
25 under any other law of this state or a local ordinance
26 substantially corresponding to this section.

27 Sec. 732a. (1) An individual, whether licensed or not, who

1 accumulates 7 or more points on his or her driving record under
2 sections 320a and 629c within a 2-year period for any violation not
3 listed under subsection (2) shall be assessed a \$100.00 driver
4 responsibility fee. For each additional point accumulated above 7
5 points not listed under subsection (2), an additional fee of \$50.00
6 shall be assessed. The secretary of state shall collect the fees
7 described in this subsection once each year that the point total on
8 an individual driving record is 7 points or more. This subsection
9 is subject to subsection (11).

10 (2) An individual, whether licensed or not, who violates any
11 of the following sections or another law or local ordinance that
12 substantially corresponds to those sections shall be assessed a
13 driver responsibility fee as follows:

14 (a) Subject to subsection (11), upon posting an abstract
15 indicating that an individual has been found guilty for a violation
16 of law listed or described in this subdivision, the secretary of
17 state shall assess a \$1,000.00 driver responsibility fee each year
18 for 2 consecutive years:

19 (i) Manslaughter, negligent homicide, or a felony resulting
20 from the operation of a motor vehicle, ORV, or snowmobile.

21 (ii) Section 601b(2) or (3), 601c(1) or (2), 601d, 626(3) or
22 (4), or 653a(3) or (4).

23 (iii) Section 625(1), (4), or (5), section 625m, or section
24 81134 of the natural resources and environmental protection act,
25 1994 PA 451, MCL 324.81134, or a law or ordinance substantially
26 corresponding to section 625(1), (4), or (5), section 625m, or
27 section 81134 of the natural resources and environmental protection

1 act, 1994 PA 451, MCL 324.81134.

2 (iv) Failing to stop and disclose identity at the scene of an
3 accident when required by law.

4 (v) Fleeing or eluding an officer.

5 (b) Subject to subsection (11) **AND EXCEPT AS PROVIDED IN**
6 **SUBSECTION (12)**, upon posting an abstract indicating that an
7 individual has been found guilty for a violation of law listed in
8 this subdivision, the secretary of state shall assess a \$500.00
9 driver responsibility fee each year for 2 consecutive years:

10 (i) Section 625(3), (6), (7), or (8).

11 (ii) Section 626 or, beginning October 31, 2010, section
12 626(2).

13 (iii) Section 904.

14 (iv) Section 3101, 3102(1), or 3103 of the insurance code of
15 1956, 1956 PA 218, MCL 500.3101, 500.3102, and 500.3103.

16 (c) Through September 30, 2012, upon posting an abstract
17 indicating that an individual has been found guilty for a violation
18 of section 301, the secretary of state shall assess a \$150.00
19 driver responsibility fee each year for 2 consecutive years.
20 However, a driver responsibility fee shall not be assessed under
21 this subdivision for a violation committed on or after October 1,
22 2012.

23 (d) Through September 30, 2012, upon posting an abstract
24 indicating that an individual has been found guilty or determined
25 responsible for a violation listed in section 328, the secretary of
26 state shall assess a \$200.00 driver responsibility fee each year
27 for 2 consecutive years. However, a driver responsibility fee shall

1 not be assessed under this subdivision for a violation committed on
2 or after October 1, 2012.

3 (3) The secretary of state shall send a notice of the driver
4 responsibility assessment, as prescribed under subsection (1) or
5 (2), to the individual by regular mail to the address on the
6 records of the secretary of state. If payment is not received
7 within 30 days after the notice is mailed, the secretary of state
8 shall send a second notice that indicates that if payment is not
9 received within the next 30 days, the driver's driving privileges
10 will be suspended.

11 (4) The secretary of state may authorize payment by
12 installment for a period not to exceed 24 months or, alternatively,
13 the individual may engage in community service under section 732b.

14 (5) Except as otherwise provided under this subsection and
15 section 732b, if payment is not received or an installment plan is
16 not established after the time limit required by the second notice
17 prescribed under subsection (3) expires, the secretary of state
18 shall suspend the **INDIVIDUAL'S** driving privileges until the
19 assessment and any other fees prescribed under this act are paid.
20 However, if the individual's license to operate a motor vehicle is
21 not otherwise required ~~under this act~~ to be denied, suspended, or
22 revoked **UNDER THIS ACT**, the secretary of state shall reinstate the
23 individual's operator's driving privileges if the individual
24 requests an installment plan under subsection (4) and makes proper
25 payment under that plan. Fees required to be paid for the
26 reinstatement of an individual's operator's driving privileges as
27 described under this subsection shall, at the individual's request,

1 be included in the amount to be paid under the installment plan. If
2 the individual establishes a payment plan as described in this
3 subsection and subsection (4) but the individual fails to make full
4 or timely payments under that plan, or enters into community
5 service under section 732b but fails to successfully complete that
6 service within the 45-day period allowed, or withdraws from
7 community service with or without good cause shown, the secretary
8 of state shall suspend the individual's driving privileges. The
9 secretary of state shall only reinstate a license under this
10 subsection once. Not later than April 1, 2013, the secretary of
11 state shall only reinstate a license under this subsection 3 times.

12 (6) A fee shall not be assessed under this section for 7
13 points or more on a driving record on October 1, 2003. Points
14 assigned after October 1, 2003 shall be assessed as prescribed
15 under subsections (1) and (2), but subject to subsection (11).

16 (7) A driver responsibility fee shall be assessed under this
17 section in the same manner for a conviction or determination of
18 responsibility for a violation or an attempted violation of a law
19 of this state, of a local ordinance substantially corresponding to
20 a law of this state, or of a law of another state substantially
21 corresponding to a law of this state.

22 (8) The fire protection fund is created within the state
23 treasury. The state treasurer may receive money or other assets
24 from any source for deposit into the fund. The state treasurer
25 shall direct the investment of the fund. The state treasurer shall
26 credit to the fund interest and earnings from fund investments.
27 Money in the fund at the close of the fiscal year shall remain in

1 the fund and shall not lapse to the general fund. The department of
2 licensing and regulatory affairs shall expend money from the fund,
3 upon appropriation, only for fire protection grants to cities,
4 villages, and townships with state-owned facilities for fire
5 services, as provided in 1977 PA 289, MCL 141.951 to 141.956.

6 (9) The secretary of state shall transmit the fees collected
7 under this section to the state treasurer. The state treasurer
8 shall credit fee money received under this section in each fiscal
9 year as follows:

10 (a) The first \$8,500,000.00 shall be credited to the fire
11 protection fund created in subsection (8).

12 (b) For fiscal year 2015, after the amount specified in
13 subdivision (a) is credited to the fire protection fund created
14 under subsection (8), the next \$1,550,000.00 shall be credited as
15 follows:

16 (i) \$550,000.00 to the department of treasury, distributed as
17 follows:

18 (A) \$500,000.00 for administering the requirements of the
19 department of treasury under section 732b.

20 (B) \$50,000.00 for providing a 1-time-only written notice to
21 individuals under section 732b(2) of the option of entering into
22 community service as an alternative to paying a driver
23 responsibility fee.

24 (ii) \$1,000,000.00 to the department ~~of state~~ for necessary
25 expenses incurred by the department ~~of state~~ in implementing and
26 administering the requirements of sections 625k and 625q. ~~of the~~
27 ~~Michigan vehicle code, 1949 PA 300, MCL 257.625k and 257.625q.~~

1 Funds appropriated under this subparagraph shall be based upon an
2 established cost allocation methodology that reflects the actual
3 costs incurred or to be incurred by the secretary of state during
4 the fiscal year. However, funds appropriated under this
5 subparagraph shall not exceed \$1,000,000.00 during that fiscal
6 year.

7 (c) For fiscal year 2016, after the amount specified in
8 subdivision (a) is credited to the fire protection fund created
9 under subsection (8), the next \$1,500,000.00 shall be credited as
10 follows:

11 (i) \$500,000.00 to the department of treasury for
12 administering the requirements of the department of treasury under
13 section 732b.

14 (ii) \$1,000,000.00 to the department ~~of state~~ for necessary
15 expenses incurred by the department ~~of state~~ in implementing and
16 administering the requirements of sections 625k and 625q. ~~of the~~
17 ~~Michigan vehicle code, 1949 PA 300, MCL 257.625k and 257.625q.~~

18 Funds appropriated under this subparagraph shall be based upon an
19 established cost allocation methodology that reflects the actual
20 costs incurred or to be incurred by the secretary of state during
21 the fiscal year. However, funds appropriated under this
22 subparagraph shall not exceed \$1,000,000.00 during that fiscal
23 year.

24 (d) For fiscal year 2017 and for each fiscal year thereafter,
25 after the amount specified in subdivision (a) is credited to the
26 fire protection fund created under subsection (8), the next
27 \$1,000,000.00 shall be credited to the department ~~of state~~ for

1 necessary expenses incurred by the department ~~of state~~ in
2 implementing and administering the requirements of sections 625k
3 and 625q. ~~of the Michigan vehicle code, 1949 PA 300, MCL 257.625k~~
4 ~~and 257.625q.~~ Funds appropriated under this subdivision shall be
5 based upon an established cost allocation methodology that reflects
6 the actual costs incurred or to be incurred by the secretary of
7 state during the fiscal year. However, funds appropriated under
8 this subdivision shall not exceed \$1,000,000.00 during any fiscal
9 year.

10 (e) Any amount collected after crediting the amounts under
11 subdivisions (a) through (d) shall be credited to the general fund.

12 (10) The collection of assessments under this section is
13 subject to section 304.

14 (11) A driver responsibility fee shall be assessed and
15 collected under this section as follows:

16 (a) For an individual who accumulates 7 or more points on his
17 or her driving record beginning on the following dates, a fee
18 assessed under subsection (1) shall be reduced as follows:

19 (i) Beginning October 1, 2015, the assessment shall be 75% of
20 the fee calculated under subsection (1).

21 (ii) Beginning October 1, 2016, the assessment shall be 50% of
22 the fee calculated under subsection (1).

23 (iii) Beginning October 1, 2018, the assessment shall be 25%
24 of the fee calculated under subsection (1).

25 (iv) Beginning October 1, 2019, no fee shall be assessed under
26 subsection (1).

27 (b) ~~A-EXCEPT AS PROVIDED IN SUBSECTION (12), A~~ fee assessed

under subsection (2)(a) or (b) shall be reduced as follows:

(i) For a violation that occurs on or after October 1, 2015, 100% of the fee shall be assessed for the first year and 50% for the second year.

(ii) For a violation that occurs on or after October 1, 2016, 100% of the fee shall be assessed for the first year and no fee shall be assessed for the second year.

(iii) For a violation that occurs on or after October 1, 2018, 50% of the fee shall be assessed for the first year and no fee shall be assessed for the second year.

(iv) For a violation that occurs on or after October 1, 2019, no fee shall be assessed under subsection (2)(a) or (b).

(12) AN INDIVIDUAL WHO VIOLATES SECTION 904(1) BECAUSE HIS OR HER OPERATOR'S OR CHAUFFEUR'S LICENSE WAS SUSPENDED FOR FAILURE TO ANSWER A CITATION OR COMPLY WITH AN ORDER OR JUDGMENT UNDER SECTION 321A IS NOT SUBJECT TO A DRIVER'S RESPONSIBILITY FEE UNDER THIS SECTION IF IT IS HIS OR HER FIRST VIOLATION AS DESCRIBED IN SECTION 904(4).

(13) ~~(12)~~—It is the intent of the legislature that beginning with the fiscal year ending September 30, 2018, and each fiscal year after that, \$8,500,000.00 shall be appropriated to the fire protection fund created under subsection (8).

Sec. 904. (1) A person whose operator's or chauffeur's license or registration certificate has been suspended or revoked, whose application for license has been denied, or who has never applied for a license, shall not operate a motor vehicle upon a highway or other place open to the general public or generally accessible to

1 motor vehicles, including an area designated for the parking of
2 motor vehicles, within this state.

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

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

14 (a) ~~For~~ **EXCEPT AS PROVIDED IN SUBSECTION (4),** FOR a first
15 violation, by imprisonment for not more than 93 days or a fine of
16 not more than \$500.00, or both. Unless the vehicle was stolen or
17 used with the permission of a person who did not knowingly permit
18 an unlicensed driver to operate the vehicle, the registration
19 plates of the vehicle shall be canceled by the secretary of state
20 upon notification by a peace officer.

21 (b) For a violation that occurs after a prior conviction, by
22 imprisonment for not more than 1 year or a fine of not more than
23 \$1,000.00, or both. Unless the vehicle was stolen, the registration
24 plates of the vehicle shall be canceled by the secretary of state
25 upon notification by a peace officer.

26 **(4) A PERSON WHO OPERATES A MOTOR VEHICLE IN VIOLATION OF**
27 **SUBSECTION (1) BECAUSE HIS OR HER OPERATOR'S OR CHAUFFEUR'S LICENSE**

1 WAS SUSPENDED FOR FAILURE TO ANSWER A CITATION OR COMPLY WITH AN
2 ORDER OR JUDGMENT UNDER SECTION 321A IS RESPONSIBLE FOR A CIVIL
3 INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF NOT MORE THAN
4 \$150.00. A FINDING OF RESPONSIBILITY UNDER THIS SUBSECTION IS NOT A
5 PRIOR CONVICTION FOR PURPOSES OF SUBSECTION (3) (B) . THIS SUBSECTION
6 MAY ONLY BE APPLIED ONCE DURING A PERSON'S LIFETIME. A SUBSEQUENT
7 VIOLATION OF SUBSECTION (1) THAT OCCURS AS DESCRIBED IN THIS
8 SUBSECTION IS A MISDEMEANOR PUNISHABLE AS PROVIDED IN SUBSECTION
9 (3) .

10 (5) ~~(4)~~—A person who operates a motor vehicle in violation of
11 subsection (1) and who, by operation of that motor vehicle, causes
12 the death of another person is guilty of a felony punishable by
13 imprisonment for not more than 15 years or a fine of not less than
14 \$2,500.00 or more than \$10,000.00, or both. This subsection does
15 not apply to a person whose operator's or chauffeur's license was
16 suspended because that person failed to answer a citation or comply
17 with an order or judgment under section 321a.

18 (6) ~~(5)~~—A person who operates a motor vehicle in violation of
19 subsection (1) and who, by operation of that motor vehicle, causes
20 the serious impairment of a body function of another person is
21 guilty of a felony punishable by imprisonment for not more than 5
22 years or a fine of not less than \$1,000.00 or more than \$5,000.00,
23 or both. This subsection does not apply to a person whose
24 operator's or chauffeur's license was suspended because that person
25 failed to answer a citation or comply with an order or judgment
26 under section 321a.

27 (7) ~~(6)~~—In addition to being subject to any other penalty

1 provided for in this act, if a person is convicted under subsection
2 ~~(4) (5) or (5), (6)~~, the court may impose the sanction permitted
3 under section 625n. If the vehicle is not ordered forfeited under
4 section 625n, the court shall order vehicle immobilization under
5 section 904d in the judgment of sentence.

6 (8) ~~(7) A person shall not knowingly permit a motor vehicle~~
7 ~~owned by the person to be operated upon a highway or other place~~
8 ~~open to the general public or generally accessible to motor~~
9 ~~vehicles, including an area designated for the parking of vehicles,~~
10 ~~within this state, by a person whose license or registration~~
11 ~~certificate is suspended or revoked, whose application for license~~
12 ~~has been denied, or who has never been licensed except as permitted~~
13 ~~by this act.~~ If a person permitted to operate a motor vehicle in
14 violation of ~~this~~ subsection (2) causes the serious impairment of a
15 body function of another person by operation of that motor vehicle,
16 the person knowingly permitting the operation of that motor vehicle
17 is guilty of a felony punishable by imprisonment for not more than
18 2 years, or a fine of not less than \$1,000.00 or more than
19 \$5,000.00, or both. If a person permitted to operate a motor
20 vehicle in violation of ~~this~~ subsection (2) causes the death of
21 another person by operation of that motor vehicle, the person
22 knowingly permitting the operation of that motor vehicle is guilty
23 of a felony punishable by imprisonment for not more than 5 years,
24 or a fine of not less than \$1,000.00 or more than \$5,000.00, or
25 both.

26 (9) ~~(8)~~ If the prosecuting attorney intends to seek an
27 enhanced sentence under this section based upon the defendant

1 having 1 or more prior convictions, the prosecuting attorney shall
2 include on the complaint and information, or an amended complaint
3 and information, filed in district court, circuit court, municipal
4 court, or family division of circuit court, a statement listing the
5 defendant's prior convictions.

6 (10) ~~(9)~~—A prior conviction under this section shall be
7 established at or before sentencing by 1 or more of the following:

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

9 (b) An abstract of conviction.

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

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

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

13 (f) Information contained in a presentence report.

14 (g) An admission by the defendant.

15 (11) ~~(10)~~—Upon receiving a record of a person's conviction or
16 civil infraction determination for the unlawful operation of a
17 motor vehicle or a moving violation reportable under section 732
18 while the person's operator's or chauffeur's license is suspended
19 or revoked, the secretary of state immediately shall impose an
20 additional like period of suspension or revocation. This subsection
21 applies only if the violation occurs during a suspension of
22 definite length or if the violation occurs before the person is
23 approved for a license following a revocation.

24 (12) ~~(11)~~—Upon receiving a record of a person's conviction or
25 civil infraction determination for the unlawful operation of a
26 motor vehicle or a moving violation reportable under section 732
27 while the person's operator's or chauffeur's license is

1 indefinitely suspended or whose application for a license has been
2 denied, the secretary of state immediately shall impose a 30-day
3 period of suspension or denial.

4 **(13)** ~~(12)~~—Upon receiving a record of the conviction, bond
5 forfeiture, or a civil infraction determination of a person for
6 unlawful operation of a motor vehicle requiring a vehicle group
7 designation while the designation is suspended or revoked under
8 section 319b, or while the person is disqualified from operating a
9 commercial motor vehicle by the United States Secretary of
10 Transportation or under 49 USC 31301 to 31317, the secretary of
11 state immediately shall impose an additional like period of
12 suspension or revocation. This subsection applies only if the
13 violation occurs during a suspension of definite length or if the
14 violation occurs before the person is approved for a license
15 following a revocation.

16 **(14)** ~~(13)~~—If the secretary of state receives records of more
17 than 1 conviction or civil infraction determination resulting from
18 the same incident, all of the convictions or civil infraction
19 determinations shall be treated as a single violation for purposes
20 of imposing an additional period of suspension or revocation under
21 subsection ~~(10), (11), or (12)~~. **(11), (12), OR (13)**.

22 **(15)** ~~(14)~~—Before a person is arraigned before a district court
23 magistrate or judge on a charge of violating this section, the
24 arresting officer shall obtain the person's driving record from the
25 secretary of state and shall furnish the record to the court. The
26 driving record of the person may be obtained from the secretary of
27 state's computer information network.

1 (16) ~~(15)~~—This section does not apply to a person who operates
2 a vehicle solely for the purpose of protecting human life or
3 property if the life or property is endangered and summoning prompt
4 aid is essential.

5 (17) ~~(16)~~—A person whose vehicle group designation is
6 suspended or revoked and who has been notified as provided in
7 section 212 of that suspension or revocation, or whose application
8 for a vehicle group designation has been denied as provided in this
9 act, or who has never applied for a vehicle group designation and
10 who operates a commercial motor vehicle within this state, except
11 as permitted under this act, while any of those conditions exist is
12 guilty of a misdemeanor punishable, except as otherwise provided in
13 this section, by imprisonment for not less than 3 days or more than
14 93 days or a fine of not more than \$100.00, or both.

15 (18) ~~(17)~~—If a person has a second or subsequent suspension or
16 revocation under this section within 7 years as indicated on the
17 person's Michigan driving record, the court shall proceed as
18 provided in section 904d.

19 (19) ~~(18)~~—Any period of suspension or revocation required
20 under subsection ~~(10), (11), or (12)~~ **(11), (12), OR (13)** does not
21 apply to a person who has only 1 currently effective suspension or
22 denial on his or her Michigan driving record under section 321a and
23 was convicted of or received a civil infraction determination for a
24 violation that occurred during that suspension or denial. This
25 subsection may only be applied once during the person's lifetime.

26 (20) ~~(19)~~—For purposes of this section, a person who never
27 applied for a license includes a person who applied for a license,

1 was denied, and never applied again.

2 Sec. 904d. (1) Vehicle immobilization applies as follows:

3 (a) For a conviction under section 625(1), (3), (7), or (8) or
4 a local ordinance substantially corresponding to section 625(1) or
5 (3) with no prior convictions, or, beginning October 31, 2010, for
6 a conviction under section 626(3) or (4), the court may order
7 vehicle immobilization for not more than 180 days.

8 (b) For a conviction under section 625(4) or (5) with no prior
9 convictions, the court shall order vehicle immobilization for not
10 more than 180 days.

11 (c) For a conviction under section 625(1), (3), (4), (5), (7),
12 or (8) within 7 years after a prior conviction, or, beginning
13 October 31, 2010, for a conviction under section 625(2), the court
14 shall order vehicle immobilization for not less than 90 days or
15 more than 180 days.

16 (d) Before October 31, 2010, for a conviction under section
17 625(1), (3), (4), (5), (7), or (8) after 2 or more prior
18 convictions within 10 years, or, beginning October 31, 2010, for a
19 conviction under section 625(1), (3), (4), (5), (7), or (8) after 2
20 or more prior convictions, the court shall order vehicle
21 immobilization for not less than 1 year or more than 3 years.

22 (2) For a conviction or civil infraction determination
23 resulting from a violation that occurred during a period of
24 suspension, revocation, or denial, the following apply:

25 (a) Except as provided in subdivision (b), for 1 prior
26 suspension, revocation, or denial under section ~~904(10), (11),~~
27 **904(11), (12),** or ~~(12) (13)~~ or former section 904(2) or (4) within

1 the past 7 years, the court may order vehicle immobilization for
2 not more than 180 days.

3 (b) Except as provided in subdivisions (c) and (d), if the
4 person is convicted under section ~~904(4)~~**904(5)** or ~~(5)~~**(6)**, the
5 court shall order vehicle immobilization for not more than 180
6 days.

7 (c) For any combination of 2 or 3 prior suspensions,
8 revocations, or denials under section ~~904(10)~~**, (11)**, ~~904(11)~~**, (12)**,
9 or ~~(12)~~**(13)** or former section 904(2) or (4) within the past 7
10 years, the court shall order vehicle immobilization for not less
11 than 90 days or more than 180 days.

12 (d) For any combination of 4 or more prior suspensions,
13 revocations, or denials under section ~~904(10)~~**, (11)**, ~~904(11)~~**, (12)**,
14 or ~~(12)~~**(13)** or former section 904(2) or (4) within the past 7
15 years, the court shall order vehicle immobilization for not less
16 than 1 year or more than 3 years.

17 (3) The defendant shall provide to the court the vehicle
18 identification number and registration plate number of the vehicle
19 involved in the violation.

20 (4) The court may order vehicle immobilization under this
21 section under either of the following circumstances:

22 (a) The defendant is the owner, co-owner, lessee, or co-lessee
23 of the vehicle operated during the violation.

24 (b) The owner, co-owner, lessee, or co-lessee knowingly
25 permitted the vehicle to be operated in violation of section 625(2)
26 or section 904(2) regardless of whether a conviction resulted.

27 (5) Except as otherwise provided in subsections (11) and (13),

1 an order required to be issued under this section shall not be
2 suspended.

3 (6) If a defendant is ordered imprisoned for the violation for
4 which immobilization is ordered, the period of immobilization shall
5 begin at the end of the period of imprisonment.

6 (7) This section does not apply to any of the following:

7 (a) A suspension, revocation, or denial based on a violation
8 of the support and parenting time enforcement act, 1982 PA 295, MCL
9 552.601 to 552.650.

10 (b) A vehicle that is registered in another state or that is a
11 rental vehicle.

12 (c) A vehicle owned by the federal government, this state, or
13 a local unit of government of this state.

14 (d) A vehicle not subject to registration under section 216.

15 (e) Any of the following:

16 (i) A violation of chapter II.

17 (ii) A violation of chapter V.

18 (iii) A violation for failure to change address.

19 (iv) A parking violation.

20 (v) A bad check violation.

21 (vi) An equipment violation.

22 (vii) A pedestrian, passenger, or bicycle violation, other
23 than a violation of section 703(1) or (2) of the Michigan liquor
24 control code of 1998, 1998 PA 58, MCL 436.1703, or a local
25 ordinance substantially corresponding to section 703(1) or (2) of
26 the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703,
27 or section 624a or 624b or a local ordinance substantially

1 corresponding to section 624a or 624b.

2 (viii) A violation of a local ordinance substantially
3 corresponding to a violation described in subparagraphs (i) to
4 (vii).

5 (8) As used in this section:

6 (a) Subject to subsections (9) and (10), "prior conviction"
7 means a conviction for any of the following, whether under a law of
8 this state, a local ordinance substantially corresponding to a law
9 of this state, or a law of another state substantially
10 corresponding to a law of this state:

11 (i) Except as otherwise provided in subsection (10), a
12 violation or attempted violation of any of the following:

13 (A) Section 625, except a violation of section 625(2), or a
14 violation of any prior enactment of section 625 in which the
15 defendant operated a vehicle while under the influence of
16 intoxicating or alcoholic liquor or a controlled substance, or a
17 combination of intoxicating or alcoholic liquor and a controlled
18 substance, or while visibly impaired, or with an unlawful bodily
19 alcohol content.

20 (B) Section 625m.

21 (C) Former section 625b.

22 (ii) Negligent homicide, manslaughter, or murder resulting
23 from the operation of a vehicle or an attempt to commit any of
24 those crimes.

25 (iii) Beginning October 31, 2010, a violation of section 601d
26 or section 626(3) or (4).

27 (b) "Vehicle immobilization" means requiring the motor vehicle

1 involved in the violation immobilized in a manner provided in
2 section 904e.

3 (9) If 2 or more convictions described in subsection (8)(a)
4 are convictions for violations arising out of the same incident,
5 only 1 conviction shall be used to determine whether the person has
6 a prior conviction.

7 (10) Only 1 violation or attempted violation of section
8 625(6), a local ordinance substantially corresponding to section
9 625(6), or a law of another state substantially corresponding to
10 section 625(6) may be used as a prior conviction.

11 (11) Beginning October 31, 2010, if the person obtains a
12 restricted operator's or chauffeur's license from the secretary of
13 state and an ignition interlock device is properly installed in the
14 vehicle, the court shall suspend the immobilization order issued
15 under subsection (1)(c) for a conviction under section 625(2).

16 (12) Beginning October 31, 2010, the court may reinstate
17 vehicle immobilization issued under subsection (1)(c) for a
18 conviction under section 625(2) if an ignition interlock device is
19 tampered with, circumvented, or disabled, or if the person's
20 restricted operator's or chauffeur's license is suspended or
21 revoked.

22 (13) Vehicle immobilization under this section is subject to
23 section 304 if the defendant obtains a restricted license under
24 section 304.

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

27 Enacting section 2. This amendatory act does not take effect

- 1 unless Senate Bill No. ____ or House Bill No. 5634 (request no.
- 2 05338'16 a) of the 98th Legislature is enacted into law.