

HOUSE SUBSTITUTE FOR SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5120

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 1d, 65, 310d, 319b, 320a, 321a, 625, 625b,
627, 727, 732, 733, and 907 (MCL 257.1d, 257.65, 257.310d,
257.319b, 257.320a, 257.321a, 257.625, 257.625b, 257.627,
257.727, 257.732, 257.733, and 257.907), section 1d as added and
sections 310d and 625 as amended by 2003 PA 61, section 65 as
amended by 1994 PA 449, sections 319b and 732 as amended by 2002
PA 534, sections 320a and 627 as amended by 2003 PA 315, section
321a as amended by 2002 PA 741, section 625b as amended by 1998
PA 357, section 727 as amended by 1998 PA 348, section 733 as
amended by 1994 PA 50, and section 907 as amended by 2003 PA 73,
and by adding section 79e; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1d. "Alcoholic liquor" means ~~that term as defined~~

1 any liquid or compound, whether or not medicated, proprietary,
 2 patented, and by whatever name called, containing any amount of
 3 alcohol including any liquid or compound described in section
 4 ~~105~~ 105(2) of the Michigan liquor control code of 1998, 1998
 5 PA 58, MCL 436.1105.

6 Sec. 65. "State" means any state, territory, or possession
 7 of the United States, Indian country as defined in ~~18~~
 8 ~~U.S.C. 1151~~ 18 USC 1151, the District of Columbia, the Dominion
 9 of Canada, or any province of the Dominion of Canada.

10 Sec. 79e. "Work zone" means a portion of a street or
 11 highway that meets any of the following:

12 (a) Is between a "work zone begins" sign and an "end road
 13 work" sign.

14 (b) For construction, maintenance, or utility work activities
 15 conducted by a work crew and more than 1 moving vehicle, is
 16 between a "begin work convoy" sign and an "end work convoy"
 17 sign.

18 (c) For construction, maintenance, surveying, or utility work
 19 activities conducted by a work crew and 1 moving or stationary
 20 vehicle exhibiting a rotating beacon or strobe light, is between
 21 the following points:

22 (i) A point that is 150 feet behind the rear of the vehicle
 23 or that is the point from which the beacon or strobe light is
 24 first visible on the street or highway behind the vehicle,
 25 whichever is closer to the vehicle.

26 (ii) A point that is 150 feet in front of the front of the
 27 vehicle or that is the point from which the beacon or strobe

1 light is first visible on the street or highway in front of the
2 vehicle, whichever is closer to the vehicle.

3 Sec. 310d. (1) A license issued under this act to a person
4 not previously licensed in this or in another state shall be
5 designated as probationary for 3 years after the date of
6 issuance. During the first 12 months of probation, the license
7 may be suspended or probationary terms and conditions may be
8 imposed upon failure of the licensee to appear before a
9 magistrate, as provided in this chapter, or upon conviction of
10 the licensee or determination of the licensee's responsibility
11 for a moving violation in this state. The period of suspension
12 or the probationary terms and conditions shall not be for more
13 than 12 months and shall be determined by the secretary of state
14 at an examination of the driver by the secretary of state.

15 (2) Upon completion of the first 12 months of probation, the
16 secretary of state may require a licensee to be reexamined by the
17 secretary of state if the licensee's driving record contains any
18 of the following:

19 (a) A conviction or civil infraction determination for a
20 moving violation that was assessed 4 or more points as provided
21 in section 320a.

22 (b) Three convictions or 3 civil infraction determinations,
23 or a combination of convictions and civil infraction
24 determinations that equals 3, for moving violations.

25 (c) A total of 6 or more points as provided in section 320a.

26 (d) A conviction or civil infraction determination for a
27 moving violation and an accident for which the official police

1 report indicates the licensee had been drinking alcoholic
2 liquor.

3 (e) A conviction or civil infraction determination for a
4 moving violation and an accident for which the official police
5 report indicates a moving violation on the part of the licensee.

6 (f) Three accidents for which the official police report
7 indicates a moving violation on the part of the licensee.

8 (g) A suspension pursuant to section 625f.

9 (3) The probationary period shall be extended beyond 3 years
10 and the secretary of state may reexamine a licensee as provided
11 in subsection (2) if any of the following occur and are recorded
12 on the licensee's driving record during the last 10 months of the
13 probationary period:

14 (a) A moving violation resulting in a conviction or civil
15 infraction determination.

16 (b) An accident for which the official police report
17 indicates a moving violation on the part of the licensee.

18 (c) An accident for which the official police report
19 indicates the licensee had been drinking alcoholic liquor.

20 (d) A license suspension for a reason other than a mental or
21 physical disability.

22 (4) The probationary period shall be extended pursuant to
23 subsection (3) until the licensee completes 10 consecutive months
24 without a moving violation, accident, or suspension enumerated in
25 subsection (3).

26 (5) Upon completion of a reexamination, the secretary of
27 state may suspend or impose probationary terms and conditions on

1 the license of a probationary licensee, except that a
2 reexamination for subsection (2)(d), (e), or (f) shall not result
3 in a license suspension or the imposition of probationary terms
4 or conditions.

5 (6) For 24 months immediately after a licensee's probationary
6 period, the secretary of state may require the licensee to be
7 reexamined by the secretary of state if the licensee's driver
8 record has a total of 9 or more points, as provided in section
9 320a, imposed in a period of 2 years and if the licensee's record
10 contains 1 or more of the following:

11 (a) A conviction for a violation or attempted violation of
12 any of the following:

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

21 (iii) Former section 625b.

22 (iv) A local ordinance substantially corresponding to a
23 conviction described in this subdivision.

24 (v) A law of another state substantially corresponding to a
25 conviction described in this subdivision.

26 (b) A suspension of the licensee's license pursuant to
27 section 625f.

1 (c) An accident for which the official police report
2 indicates a moving violation on the part of the licensee.

3 (d) An accident for which the official police report
4 indicates the licensee had been drinking alcoholic liquor.

5 (7) Upon completion of a reexamination under subsection (6),
6 the secretary of state may suspend the license of the licensee,
7 except that a reexamination for subsection ~~-(6)(d) or (e)-~~ **(6)(c)**
8 **or (d)** shall not result in a license suspension or restriction.

9 (8) If a licensee fails to appear for a reexamination
10 scheduled by the secretary of state pursuant to this section, the
11 licensee's license may be suspended immediately and remain
12 suspended until the licensee appears for a reexamination by the
13 secretary of state.

14 (9) Notice of a reexamination required under this section
15 shall be given by first-class mail to the last known address of
16 the licensee.

17 (10) For purposes of this section:

18 (a) Upon conviction for a moving violation, the date of the
19 violation shall be used in determining whether the conviction
20 occurred within the probationary period.

21 (b) Upon entry of a civil infraction determination for a
22 moving violation, the date of the violation shall be used in
23 determining whether the civil infraction determination occurred
24 within the probationary period.

25 (c) Information of a reexamination shall not be placed on a
26 driver's record unless the secretary of state suspends a license
27 or imposes probationary terms and conditions.

1 (d) A suspension shall be considered part of a driving record
2 from the date the suspension is imposed until the suspension is
3 terminated.

4 (e) The date of the official police report shall be used in
5 determining whether a licensee was driving a motor vehicle
6 involved in an accident for which the official police report
7 indicates a moving violation on the part of the licensee or
8 indicates the licensee had been drinking alcoholic liquor.

9 Sec. 319b. (1) The secretary of state shall immediately
10 suspend or revoke, as applicable, all vehicle group designations
11 on the operator's or chauffeur's license of a person upon
12 receiving notice of a conviction, bond forfeiture, or civil
13 infraction determination of the person, or notice that a court or
14 administrative tribunal has found the person responsible, for a
15 violation described in this subsection of a law of this state, a
16 local ordinance substantially corresponding to a law of this
17 state, or a law of another state substantially corresponding to a
18 law of this state, or notice that the person has refused to
19 submit to a chemical test of his or her blood, breath, or urine
20 for the purpose of determining the amount of alcohol or presence
21 of a controlled substance or both in the person's blood, breath,
22 or urine while the person was operating a commercial motor
23 vehicle as required by a law or local ordinance of this or
24 another state. The period of suspension or revocation is as
25 follows:

26 (a) Suspension for 60 days if the licensee is convicted of or
27 found responsible for 1 of the following while operating a

1 commercial motor vehicle:

2 (i) Two serious traffic violations arising from separate
3 incidents within 36 months.

4 (ii) A violation of section 667, 668, 669, or 669a.

5 (iii) A violation of motor carrier safety regulations ~~49~~
6 ~~C.F.R. 392.10 or 392.11~~ **49 CFR 392.10 or 392.11**, as adopted by
7 section 1a of the motor carrier safety act of 1963, 1963 PA 181,
8 MCL 480.11a.

9 (iv) A violation of section 57 of the pupil transportation
10 act, 1990 PA 187, MCL 257.1857.

11 (v) A violation of motor carrier safety regulations ~~49~~
12 ~~C.F.R. 392.10 or 392.11~~ **49 CFR 392.10 or 392.11**, as adopted by
13 section 31 of the motor bus transportation act, 1982 PA 432,
14 MCL 474.131.

15 (vi) A violation of motor carrier safety regulations ~~49~~
16 ~~C.F.R. 392.10 or 392.11~~ **49 CFR 392.10 or 392.11** while operating
17 a commercial motor vehicle other than a vehicle covered under
18 subparagraph (iii), (iv), or (v).

19 (b) Suspension for 120 days if the licensee is convicted of
20 or found responsible for 1 of the following arising from separate
21 incidents within 36 months while operating a commercial motor
22 vehicle:

23 (i) Three serious traffic violations.

24 (ii) Any combination of 2 violations described in
25 subdivision (a)(ii).

26 (c) Suspension for 1 year if the licensee is convicted of or
27 found responsible for 1 of the following:

1 (i) A violation of section 625(1), (3), (4), (5), (6), ~~or~~
2 (7), **or (8)**, section 625m, or former section 625(1) or (2), or
3 former section 625b, while operating a commercial motor vehicle.

4 (ii) Leaving the scene of an accident involving a commercial
5 motor vehicle operated by the licensee.

6 (iii) A felony in which a commercial motor vehicle was used.

7 (iv) A refusal of a peace officer's request to submit to a
8 chemical test of his or her blood, breath, or urine to determine
9 the amount of alcohol or presence of a controlled substance or
10 both in his or her blood, breath, or urine while he or she was
11 operating a commercial motor vehicle as required by a law or
12 local ordinance of this state or another state.

13 (v) A 6-point violation as provided in section 320a while
14 operating a commercial motor vehicle.

15 (vi) Any combination of 3 violations described in subdivision
16 (a)(ii) arising from separate incidents within 36 months while
17 operating a commercial motor vehicle.

18 (d) Suspension for 3 years if the licensee is convicted of or
19 found responsible for an offense enumerated in subdivision (c)(i)
20 to (v) in which a commercial motor vehicle was used if the
21 vehicle was carrying hazardous material required to have a
22 placard pursuant to ~~49 C.F.R. parts 100 to 199~~ **49 CFR parts 100**
23 **to 199**.

24 (e) Revocation for not less than 10 years and until the
25 person is approved for the issuance of a vehicle group
26 designation if a licensee is convicted of or found responsible
27 for 1 of the following:

1 (i) Any combination of 2 violations arising from 2 or more
2 separate incidents under section 625(1), (3), (4), (5), (6), ~~or~~
3 (7), **or (8)**, section 625m, or former section 625(1) or (2), or
4 former section 625b, while driving a commercial motor vehicle.

5 (ii) Two violations of leaving the scene of an accident
6 involving a commercial motor vehicle operated by the licensee.

7 (iii) Two violations of a felony in which a commercial motor
8 vehicle was used.

9 (iv) Two refusals of a request of a police officer to submit
10 to a chemical test of his or her blood, breath, or urine for the
11 purpose of determining the amount of alcohol or presence of a
12 controlled substance or both in his or her blood while he or she
13 was operating a commercial motor vehicle in this state or another
14 state, which refusals occurred in separate incidents.

15 (v) Two 6-point violations as provided in section 320a while
16 operating a commercial motor vehicle.

17 (vi) Two violations, in any combination, of the offenses
18 enumerated under subparagraph (i), (ii), (iii), (iv), or (v)
19 arising from 2 or more separate incidents.

20 (f) Revocation for life if a licensee is convicted of or
21 found responsible for any of the following:

22 (i) One violation of a felony in which a commercial motor
23 vehicle was used and that involved the manufacture, distribution,
24 or dispensing of a controlled substance or possession with intent
25 to manufacture, distribute, or dispense a controlled substance.

26 (ii) A conviction of any offense described in subdivision (c)
27 or (d) after having been approved for the issuance of a vehicle

1 group designation under subdivision (e).

2 (iii) A conviction of a violation of chapter LXXXIII-A of the
3 Michigan penal code, 1931 PA 328, MCL 750.543a to 750.543z.

4 (2) The secretary of state shall immediately revoke for life
5 the hazardous material indorsement (H vehicle indorsement) on the
6 operator's or chauffeur's license of a person with a vehicle
7 group designation upon receiving notice from the U.S. department
8 of transportation that the person poses a security risk
9 warranting denial under the uniting and strengthening America by
10 providing appropriate tools required to intercept and obstruct
11 terrorism (USA PATRIOT ACT) act of 2001, Public Law 107-56, 115
12 Stat. 272.

13 (3) The secretary of state shall immediately suspend all
14 vehicle group designations on the operator's or chauffeur's
15 license of a person upon receiving notice of a conviction, bond
16 forfeiture, or civil infraction determination of the person, or
17 notice that a court or administrative tribunal has found the
18 person responsible, for a violation of section 319d(4) or 319f, a
19 local ordinance substantially corresponding to section 319d(4) or
20 319f, or a law or local ordinance of another state, the United
21 States, Canada, Mexico, or a local jurisdiction of either of
22 these countries substantially corresponding to section 319d(4) or
23 319f, while operating a commercial motor vehicle. The period of
24 suspension or revocation is as follows:

25 (a) Suspension for 90 days if the licensee is convicted of or
26 found responsible for a violation of section 319d(4) or 319f
27 while operating a commercial motor vehicle.

1 (b) Suspension for 180 days if the licensee is convicted of
2 or found responsible for a violation of section 319d(4) or 319f
3 while operating a commercial motor vehicle that is either
4 carrying hazardous material required to have a placard pursuant
5 to ~~49 C.F.R. parts 100 to 199~~ **49 CFR parts 100 to 199** or
6 designed to carry 16 or more passengers, including the driver.

7 (c) Suspension for 1 year if the licensee is convicted of or
8 found responsible for 2 violations, in any combination, of
9 section 319d(4) or 319f while operating a commercial motor
10 vehicle arising from 2 or more separate incidents during a
11 10-year period.

12 (d) Suspension for 3 years if the licensee is convicted of or
13 found responsible for 3 or more violations, in any combination,
14 of section 319d(4) or 319f while operating a commercial motor
15 vehicle arising from 3 or more separate incidents during a
16 10-year period.

17 (e) Suspension for 3 years if the licensee is convicted of or
18 found responsible for 2 or more violations, in any combination,
19 of section 319d(4) or 319f while operating a commercial motor
20 vehicle carrying hazardous material required to have a placard
21 pursuant to ~~49 C.F.R. parts 100 to 199~~ **49 CFR parts 100 to 199**,
22 or designed to carry 16 or more passengers, including the driver,
23 arising from 2 or more separate incidents during a 10-year
24 period.

25 (4) As used in this section:

26 (a) "Felony in which a commercial motor vehicle was used"
27 means a felony during the commission of which the person

1 convicted operated a commercial motor vehicle and while the
2 person was operating the vehicle 1 or more of the following
3 circumstances existed:

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

5 (ii) The vehicle was used to transport a victim of the
6 felony.

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

8 (iv) The vehicle was necessary for the commission of the
9 felony.

10 (b) "Serious traffic violation" means a traffic violation
11 that occurs in connection with an accident in which a person
12 died, careless driving, excessive speeding as defined in
13 regulations promulgated under chapter 313 of title 49 of the
14 United States Code, ~~49 U.S.C. 31301 to 31317~~ **49 USC 31301 to**
15 **31317**, improper lane use, following too closely, or any other
16 serious traffic violation as defined in ~~49 C.F.R. 383.5~~ **49 CFR**
17 **383.5** or as prescribed under this act.

18 (5) For the purpose of this section only, a bond forfeiture
19 or a determination by a court of original jurisdiction or an
20 authorized administrative tribunal that a person has violated the
21 law is considered a conviction.

22 (6) The secretary of state shall suspend or revoke a vehicle
23 group designation under subsection (1) notwithstanding a
24 suspension, restriction, revocation, or denial of an operator's
25 or chauffeur's license or vehicle group designation under another
26 section of this act or a court order issued under another section
27 of this act or a local ordinance substantially corresponding to

1 another section of this act.

2 (7) When determining the applicability of conditions listed
3 in this section, the secretary of state shall only consider
4 violations that occurred after January 1, 1990.

5 Sec. 320a. (1) The secretary of state, within 10 days after
6 the receipt of a properly prepared abstract from this **state** or
7 another state, shall record the date of conviction, civil
8 infraction determination, or probate court disposition, and the
9 number of points for each, based on the following formula, except
10 as otherwise provided in this section and section 629c:

11 (a) Manslaughter, negligent homicide, or a felony
12 resulting from the operation of a motor vehicle, ORV,
13 or snowmobile..... 6 points

14 (b) A violation of section 601b(2) or (3),
15 601c(1) or (2), or 653a(3) or (4)..... 6 points

16 (c) A violation of section 625(1), (4), (5), (7),
17 or (8), section 81134 or 82127(1) of the natural
18 resources and environmental protection act, 1994
19 PA 451, MCL 324.81134 and 324.82127, or a law or
20 ordinance substantially corresponding to section
21 625(1), (4), (5), (7), or (8), or section 81134 or
22 82127(1) of the natural resources and environmental
23 protection act, 1994 PA 451, MCL 324.81134 and
24 324.82127..... 6 points

25 (d) Failing to stop and disclose identity at the
26 scene of an accident when required by law..... 6 points

27 (e) Operating a motor vehicle in violation of

1	section 626.....	6 points
2	(f) Fleeing or eluding an officer.....	6 points
3	(g) Violation A violation of section 627(9)	
4	pertaining to speed in a work zone described in that	
5	section by exceeding the lawful maximum by more than 15	
6	miles per hour.....	5 points
7	(h) Violation A violation of any law other than	
8	the law described in subdivision (g) or ordinance	
9	pertaining to speed by exceeding the lawful maximum by	
10	more than 15 miles per hour.....	4 points
11	(i) Violation A violation of section 625(3) or	
12	(6), section 81135 or 82127(3) of the natural resources	
13	and environmental protection act, 1994 PA 451,	
14	MCL 324.81135 and 324.82127, or a law or ordinance	
15	substantially corresponding to section 625(3) or (6) or	
16	section 81135 or 82127(3) of the natural resources and	
17	environmental protection act, 1994 PA 451,	
18	MCL 324.81135 and 324.82127.....	4 points
19	(j) Violation A violation of section 626a or a	
20	law or ordinance substantially corresponding to section	
21	626a.....	4 points
22	(k) Violation A violation of section 653a(2)	4 points
23	(l) Violation A violation of section 627(9)	
24	pertaining to speed in a work zone described in that	
25	section by exceeding the lawful maximum by more than 10	
26	but not more than 15 miles per hour.....	4 points
27	(m) Violation A violation of any law other than	

- 1 the law described in subdivision (l) or ordinance
 2 pertaining to speed by exceeding the lawful maximum by
 3 more than 10 but not more than 15 miles per hour or
 4 careless driving in violation of section 626b or a law
 5 or ordinance substantially corresponding to section
 6 626b..... 3 points
- 7 (n) ~~Violation~~ **A violation** of section 627(9)
 8 pertaining to speed in a work zone described in that
 9 section by exceeding the lawful maximum by 10 miles per
 10 hour or less..... 3 points
- 11 (o) ~~Violation~~ **A violation** of any law other than
 12 the law described in subdivision (n) or ordinance
 13 pertaining to speed by exceeding the lawful maximum by
 14 10 miles per hour or less..... 2 points
- 15 (p) Disobeying a traffic signal or stop sign, or
 16 improper passing..... 3 points
- 17 (q) ~~Violation~~ **A violation** of section 624a,
 18 624b, or a law or ordinance substantially corresponding
 19 to section 624a or 624b..... 2 points
- 20 (r) ~~Violation~~ **A violation** of section 310e(4) or
 21 (6) or a law or ordinance substantially corresponding
 22 to section 310e(4) or (6)..... 2 points
- 23 (s) All other moving violations pertaining to the
 24 operation of motor vehicles reported under this section 2 points
- 25 (t) A refusal by a person less than 21 years of
 26 age to submit to a preliminary breath test required by
 27 a peace officer under section 625a..... 2 points

1 (2) Points shall not be entered for a violation of section
2 310e(14), 311, 625m, 658, 717, 719, 719a, or 723.

3 (3) Points shall not be entered for bond forfeitures.

4 (4) Points shall not be entered for overweight loads or for
5 defective equipment.

6 (5) If more than 1 conviction, civil infraction
7 determination, or probate court disposition results from the same
8 incident, points shall be entered only for the violation that
9 receives the highest number of points under this section.

10 (6) If a person has accumulated 9 points as provided in this
11 section, the secretary of state may call the person in for an
12 interview as to the person's driving ability and record after due
13 notice as to time and place of the interview. If the person
14 fails to appear as provided in this subsection, the secretary of
15 state shall add 3 points to the person's record.

16 (7) If a person violates a speed restriction established by
17 an executive order issued during a state of energy emergency as
18 provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of
19 state shall enter points for the violation pursuant to subsection
20 (1).

21 (8) The secretary of state shall enter 6 points upon the
22 record of a person whose license is suspended or denied pursuant
23 to section 625f. However, if a conviction, civil infraction
24 determination, or probate court disposition results from the same
25 incident, additional points for that offense shall not be
26 entered.

27 (9) If a Michigan driver commits a violation in another state

1 that would be a civil infraction if committed in Michigan, and a
2 conviction results solely because of the failure of the Michigan
3 driver to appear in that state to contest the violation, upon
4 receipt of the abstract of conviction by the secretary of state,
5 the violation shall be noted on the driver's record, but no
6 points shall be assessed against his or her driver's license.

7 Sec. 321a. (1) A person who fails to answer a citation, or
8 a notice to appear in court for a violation reportable to the
9 secretary of state under section 732 or a local ordinance
10 substantially corresponding to a violation of a law of this state
11 reportable to the secretary of state under section 732, or for
12 any matter pending, or who fails to comply with an order or
13 judgment of the court, including, but not limited to, paying all
14 fines, costs, fees, and assessments, is guilty of a misdemeanor
15 punishable by imprisonment for not more than 93 days or a fine of
16 not more than \$100.00, or both. A violation of this subsection
17 or failure to answer a citation or notice to appear for a
18 violation of section 33b(1) of former 1933 (Ex Sess) PA 8,
19 section 703(1) of the Michigan liquor control code of 1998, 1998
20 PA 58, MCL 436.1703, or a local ordinance substantially
21 corresponding to either of those sections shall not be considered
22 a violation for any purpose under section 320a.

23 (2) Except as provided in subsection (3), 28 days or more
24 after a person fails to answer a citation, or a notice to appear
25 in court for a violation reportable to the secretary of state
26 under section 732 or a local ordinance substantially
27 corresponding to a violation of a law of this state reportable to

1 the secretary of state under section 732, or for any matter
2 pending, or fails to comply with an order or judgment of the
3 court, including, but not limited to, paying all fines, costs,
4 fees, and assessments, the court shall give notice by mail at the
5 last known address of the person that if the person fails to
6 appear or fails to comply with the order or judgment within 14
7 days after the notice is issued, the secretary of state shall
8 suspend the person's operator's or chauffeur's license. If the
9 person fails to appear or fails to comply with the order or
10 judgment within the 14-day period, the court shall, within 14
11 days, inform the secretary of state, who shall immediately
12 suspend the license of the person. The secretary of state shall
13 immediately notify the person of the suspension by regular mail
14 at the person's last known address.

15 (3) If the person is charged with, or convicted of, a
16 violation of section 625 or a local ordinance substantially
17 corresponding to section 625(1), (2), (3), ~~or~~ (6), **or (8)** and
18 the person fails to answer a citation or a notice to appear in
19 court, or for any matter pending, or fails to comply with an
20 order or judgment of the court, including, but not limited to,
21 paying all fines, costs, and crime victim rights assessments, the
22 court shall immediately give notice by first-class mail sent to
23 the person's last known address that if the person fails to
24 appear within 7 days after the notice is issued, or fails to
25 comply with the order or judgment of the court, including, but
26 not limited to, paying all fines, costs, and crime victim rights
27 assessments, within 14 days after the notice is issued, the

1 secretary of state shall suspend the person's operator's or
2 chauffeur's license. If the person fails to appear within the
3 7-day period, or fails to comply with the order or judgment of
4 the court, including, but not limited to, paying all fines,
5 costs, and crime victim rights assessments, within the 14-day
6 period, the court shall immediately inform the secretary of state
7 who shall immediately suspend the person's operator's or
8 chauffeur's license and notify the person of the suspension by
9 first-class mail sent to the person's last known address.

10 (4) If the person is charged with, or convicted of, a
11 violation of section 33b(1) of former 1933 (Ex Sess) PA 8,
12 section 703(1) of the Michigan liquor control code of 1998, 1998
13 PA 58, MCL 436.1703, section 624a, section 624b, or a local
14 ordinance substantially corresponding to those sections and the
15 person fails to answer a citation or a notice to appear in court
16 issued pursuant to section 33b of former 1933 (Ex Sess) PA 8,
17 section 703 of the Michigan liquor control code of 1998, 1998
18 PA 58, MCL 436.1703, section 624a, section 624b, or a local
19 ordinance substantially corresponding to those sections or fails
20 to comply with an order or judgment of the court issued pursuant
21 to section 33b of former 1933 (Ex Sess) PA 8, section 703 of the
22 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703,
23 section 624a, section 624b, or a local ordinance substantially
24 corresponding to those sections including, but not limited to,
25 paying all fines and costs, the court shall immediately give
26 notice by first-class mail sent to the person's last known
27 address that if the person fails to appear within 7 days after

1 the notice is issued, or fails to comply with the order or
2 judgment of the court, including, but not limited to, paying all
3 fines and costs, within 14 days after the notice is issued, the
4 secretary of state shall suspend the person's operator's or
5 chauffeur's license. If the person fails to appear within the
6 7-day period, or fails to comply with the order or judgment of
7 the court, including, but not limited to, paying all fines and
8 costs, within the 14-day period, the court shall immediately
9 inform the secretary of state who shall immediately suspend the
10 person's operator's or chauffeur's license and notify the person
11 of the suspension by first-class mail sent to the person's last
12 known address.

13 (5) A suspension imposed under subsection (2) or (3) remains
14 in effect until both of the following occur:

15 (a) The secretary of state is notified by each court in which
16 the person failed to answer a citation or notice to appear or
17 failed to pay a fine or cost that the person has answered that
18 citation or notice to appear or paid that fine or cost.

19 (b) The person has paid to the court a \$45.00 driver license
20 clearance fee for each failure to answer a citation or failure to
21 pay a fine or cost.

22 (6) The court shall not notify the secretary of state, and
23 the secretary of state shall not suspend the person's license, if
24 the person fails to appear in response to a citation issued for,
25 or fails to comply with an order or judgment involving 1 or more
26 of the following infractions:

27 (a) The parking or standing of a vehicle.

1 (b) A pedestrian, passenger, or bicycle violation, other than
2 a violation of section 33b(1) or (2) of former 1933 (Ex Sess)
3 PA 8, section 703(1) or (2) of the Michigan liquor control code
4 of 1998, 1998 PA 58, MCL 436.1703, section 624a or 624b, or a
5 local ordinance substantially corresponding to section 33b(1) or
6 (2) of former 1933 (Ex Sess) PA 8, section 703(1) or (2) of the
7 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703,
8 or section 624a or 624b.

9 (7) The court may notify a person who has done either of the
10 following, that if the person does not appear within 10 days
11 after the notice is issued, the court will inform the secretary
12 of state of the person's failure to appear:

13 (a) Failed to answer 2 or more parking violation notices or
14 citations for violating a provision of this act or an ordinance
15 substantially corresponding to a provision of this act pertaining
16 to parking for persons with disabilities.

17 (b) Failed to answer 6 or more parking violation notices or
18 citations regarding illegal parking.

19 (8) The secretary of state, upon being informed of the
20 failure of a person to appear or comply as provided in subsection
21 (7), shall not issue a license to the person or renew a license
22 for the person until both of the following occur:

23 (a) The court informs the secretary of state that the person
24 has resolved all outstanding matters regarding the notices or
25 citations.

26 (b) The person has paid to the court a \$45.00 driver license
27 clearance fee. If the court determines that the person is

1 responsible for only 1 parking violation under subsection (7)(a)
2 or less than 6 parking violations under subsection (7)(b) for
3 which the person's license was not issued or renewed under this
4 subsection, the court may waive payment of the fee.

5 (9) Not less than 28 days after a person fails to appear in
6 response to a citation issued for, or fails to comply with an
7 order or judgment involving, a state civil infraction described
8 in chapter 88 of the revised judicature act of 1961, 1961 PA 236,
9 MCL 600.8801 to 600.8835, the court shall give notice by ordinary
10 mail, addressed to the person's last known address, that if the
11 person fails to appear or fails to comply with the order or
12 judgment described in this subsection within 14 days after the
13 notice is issued, the court will give to the secretary of state
14 notice of that failure. Upon receiving notice of that failure,
15 the secretary of state shall not issue or renew an operator's or
16 chauffeur's license for the person until both of the following
17 occur:

18 (a) The court informs the secretary of state that the person
19 has resolved all outstanding matters regarding each notice or
20 citation.

21 (b) The person has paid to the court a \$45.00 driver license
22 clearance fee. If the court determines that the person is not
23 responsible for any violation for which the person's license was
24 not issued or renewed under this subsection, the court shall
25 waive the fee.

26 (10) For the purposes of subsections (5)(a), (8)(a), and
27 (9)(a), the court shall give to the person a copy of the

1 information being transmitted to the secretary of state. Upon
2 showing that copy, the person shall not be arrested or issued a
3 citation for driving on a suspended license, on an expired
4 license, or without a license on the basis of any matter resolved
5 under subsection (5)(a), (8)(a), or (9)(a), even if the
6 information being sent to the secretary of state has not yet been
7 received or recorded by the department.

8 (11) For each fee received under subsection (5)(b), (8)(b),
9 or (9)(b), the court shall transmit the following amounts on a
10 monthly basis:

11 (a) Fifteen dollars to the secretary of state. The funds
12 received by the secretary of state under this subdivision shall
13 be deposited in the state general fund and shall be used to
14 defray the expenses of the secretary of state in processing the
15 suspension and reinstatement of driver licenses under this
16 section.

17 (b) Fifteen dollars to 1 of the following, as applicable:

18 (i) If the matter is before the circuit court, to the
19 treasurer of the county for deposit in the general fund.

20 (ii) If the matter is before the district court, to the
21 treasurer of the district funding unit for that court, for
22 deposit in the general fund. As used in this section, "district
23 funding unit" means that term as defined in section 8104 of the
24 revised judicature act of 1961, 1961 PA 236, MCL 600.8104.

25 (iii) If the matter is before a municipal court, to the
26 treasurer of the city in which the municipal court is located,
27 for deposit in the general fund.

1 (c) Fifteen dollars to the juror compensation reimbursement
2 fund created in section 151d of the revised judicature act of
3 1961, 1961 PA 236, MCL 600.151d.

4 (12) Section 819 does not apply to a reinstatement fee
5 collected for an operator's or chauffeur's license that is not
6 issued or renewed under section 8827 of the revised judicature
7 act of 1961, 1961 PA 236, MCL 600.8827.

8 Sec. 625. (1) A person, whether licensed or not, shall not
9 operate a vehicle upon a highway or other place open to the
10 general public or generally accessible to motor vehicles,
11 including an area designated for the parking of vehicles, within
12 this state if the person is operating while intoxicated. As used
13 in this section, "operating while intoxicated" means either of
14 the following applies:

15 (a) The person is under the influence of alcoholic liquor, a
16 controlled substance, or a combination of alcoholic liquor and a
17 controlled substance.

18 (b) The person has an alcohol content of 0.08 grams or more
19 per 100 milliliters of blood, per 210 liters of breath, or per 67
20 milliliters of urine, or, beginning October 1, 2013, the person
21 has an alcohol content of 0.10 grams or more per 100 milliliters
22 of blood, per 210 liters of breath, or per 67 milliliters of
23 urine.

24 (2) The owner of a vehicle or a person in charge or in
25 control of a vehicle shall not authorize or knowingly permit the
26 vehicle to be operated upon a highway or other place open to the
27 general public or generally accessible to motor vehicles,

1 including an area designated for the parking of motor vehicles,
2 within this state by a person if any of the following apply:

3 (a) The person is under the influence of alcoholic liquor, a
4 controlled substance, or a combination of alcoholic liquor and a
5 controlled substance.

6 (b) The person has an alcohol content of 0.08 grams or more
7 per 100 milliliters of blood, per 210 liters of breath, or per 67
8 milliliters of urine or, beginning October 1, 2013, the person
9 has an alcohol content of 0.10 grams or more per 100 milliliters
10 of blood, per 210 liters of breath, or per 67 milliliters of
11 urine.

12 (c) The person's ability to operate the motor vehicle is
13 visibly impaired due to the consumption of alcoholic liquor, a
14 controlled substance, or a combination of alcoholic liquor and a
15 controlled substance.

16 (3) A person, whether licensed or not, shall not operate a
17 vehicle upon a highway or other place open to the general public
18 or generally accessible to motor vehicles, including an area
19 designated for the parking of vehicles, within this state when,
20 due to the consumption of alcoholic liquor, a controlled
21 substance, or a combination of alcoholic liquor and a controlled
22 substance, the person's ability to operate the vehicle is visibly
23 impaired. If a person is charged with violating subsection (1),
24 a finding of guilty under this subsection may be rendered.

25 (4) A person, whether licensed or not, who operates a motor
26 vehicle in violation of subsection (1), (3), or (8) and by the
27 operation of that motor vehicle causes the death of another

1 person is guilty of a crime as follows:

2 (a) Except as provided in subdivision (b), the person is
3 guilty of a felony punishable by imprisonment for not more than
4 15 years or a fine of not less than \$2,500.00 or more than
5 \$10,000.00, or both. The judgment of sentence may impose the
6 sanction permitted under section 625n. If the vehicle is not
7 ordered forfeited under section 625n, the court shall order
8 vehicle immobilization under section 904d in the judgment of
9 sentence.

10 (b) If, at the time of the violation, the person is operating
11 a motor vehicle in a manner proscribed under section 653a and
12 causes the death of a police officer, firefighter, or other
13 emergency response personnel, the person is guilty of a felony
14 punishable by imprisonment for not more than 20 years or a fine
15 of not less than \$2,500.00 or more than \$10,000.00, or both.
16 This subdivision applies regardless of whether the person is
17 charged with the violation of section 653a. The judgment of
18 sentence may impose the sanction permitted under section 625n.
19 If the vehicle is not ordered forfeited under section 625n, the
20 court shall order vehicle immobilization under section 904d in
21 the judgment of sentence.

22 (5) A person, whether licensed or not, who operates a motor
23 vehicle in violation of subsection (1), (3), or (8) and by the
24 operation of that motor vehicle causes a serious impairment of a
25 body function of another person is guilty of a felony punishable
26 by imprisonment for not more than 5 years or a fine of not less
27 than \$1,000.00 or more than \$5,000.00, or both. The judgment of

1 sentence may impose the sanction permitted under section 625n.
2 If the vehicle is not ordered forfeited under section 625n, the
3 court shall order vehicle immobilization under section 904d in
4 the judgment of sentence.

5 (6) A person who is less than 21 years of age, whether
6 licensed or not, shall not operate a vehicle upon a highway or
7 other place open to the general public or generally accessible to
8 motor vehicles, including an area designated for the parking of
9 vehicles, within this state if the person has any bodily alcohol
10 content. As used in this subsection, "any bodily alcohol
11 content" means either of the following:

12 (a) An alcohol content of ~~not less than~~ 0.02 grams or more
13 but less than 0.08 grams per 100 milliliters of blood, per 210
14 liters of breath, or per 67 milliliters of urine, or, beginning
15 October 1, 2013, the person has an alcohol content of ~~not less~~
16 ~~than~~ 0.02 grams or more but less than 0.10 grams per 100
17 milliliters of blood, per 210 liters of breath, or per 67
18 milliliters of urine.

19 (b) Any presence of alcohol within a person's body resulting
20 from the consumption of alcoholic liquor, other than consumption
21 of alcoholic liquor as a part of a generally recognized religious
22 service or ceremony.

23 (7) A person, whether licensed or not, is subject to the
24 following requirements:

25 (a) He or she shall not operate a vehicle in violation of
26 subsection (1), (3), (4), (5), or (8) while another person who is
27 less than 16 years of age is occupying the vehicle. A person who

1 violates this subdivision is guilty of a crime punishable as
2 follows:

3 (i) Except as provided in subparagraph (ii), a person who
4 violates this subdivision is guilty of a misdemeanor and shall be
5 sentenced to pay a fine of not less than \$200.00 or more than
6 \$1,000.00 and to 1 or more of the following:

7 (A) Imprisonment for not less than 5 days or more than 1
8 year. Not less than 48 hours of this imprisonment shall be
9 served consecutively. This term of imprisonment shall not be
10 suspended.

11 (B) Community service for not less than 30 days or more than
12 90 days.

13 (ii) If the violation occurs within 7 years of a prior
14 conviction or within 10 years of 2 or more prior convictions, a
15 person who violates this subdivision is guilty of a felony and
16 shall be sentenced to pay a fine of not less than \$500.00 or more
17 than \$5,000.00 and to either of the following:

18 (A) Imprisonment under the jurisdiction of the department of
19 corrections for not less than 1 year or more than 5 years.

20 (B) Probation with imprisonment in the county jail for not
21 less than 30 days or more than 1 year and community service for
22 not less than 60 days or more than 180 days. Not less than 48
23 hours of this imprisonment shall be served consecutively. This
24 term of imprisonment shall not be suspended.

25 (b) He or she shall not operate a vehicle in violation of
26 subsection (6) while another person who is less than 16 years of
27 age is occupying the vehicle. A person who violates this

1 subdivision is guilty of a misdemeanor punishable as follows:

2 (i) Except as provided in subparagraph (ii), a person who
3 violates this subdivision may be sentenced to 1 or more of the
4 following:

5 (A) Community service for not more than 60 days.

6 (B) A fine of not more than \$500.00.

7 (C) Imprisonment for not more than 93 days.

8 (ii) If the violation occurs within 7 years of a prior
9 conviction or within 10 years of 2 or more prior convictions, a
10 person who violates this subdivision shall be sentenced to pay a
11 fine of not less than \$200.00 or more than \$1,000.00 and to 1 or
12 more of the following:

13 (A) Imprisonment for not less than 5 days or more than 1
14 year. Not less than 48 hours of this imprisonment shall be
15 served consecutively. This term of imprisonment shall not be
16 suspended.

17 (B) Community service for not less than 30 days or more than
18 90 days.

19 (c) In the judgment of sentence under subdivision (a)(i) or
20 (b)(i), the court may, unless the vehicle is ordered forfeited
21 under section 625n, order vehicle immobilization as provided in
22 section 904d. In the judgment of sentence under subdivision
23 (a)(ii) or (b)(ii), the court shall, unless the vehicle is
24 ordered forfeited under section 625n, order vehicle
25 immobilization as provided in section 904d.

26 (d) This subsection does not prohibit a person from being
27 charged with, convicted of, or punished for a violation of

1 subsection (4) or (5) that is committed by the person while
2 violating this subsection. However, points shall not be assessed
3 under section 320a for both a violation of subsection (4) or (5)
4 and a violation of this subsection for conduct arising out of the
5 same transaction.

6 (8) A person, whether licensed or not, shall not operate a
7 vehicle upon a highway or other place open to the general public
8 or generally accessible to motor vehicles, including an area
9 designated for the parking of vehicles, within this state if the
10 person has in his or her body any amount of a controlled
11 substance listed in schedule 1 under section 7212 of the public
12 health code, 1978 PA 368, MCL 333.7212, or a rule promulgated
13 under that section, or of a controlled substance described in
14 section 7214(a)(iv) of the public health code, 1978 PA 368, MCL
15 333.7214.

16 (9) If a person is convicted of violating subsection (1) or
17 (8), all of the following apply:

18 (a) Except as otherwise provided in subdivisions (b) and (c),
19 the person is guilty of a misdemeanor punishable by 1 or more of
20 the following:

21 (i) Community service for not more than 360 hours.

22 (ii) Imprisonment for not more than 93 days.

23 (iii) A fine of not less than \$100.00 or more than \$500.00.

24 (b) If the violation occurs within 7 years of a prior
25 conviction, the person shall be sentenced to pay a fine of not
26 less than \$200.00 or more than \$1,000.00 and 1 or more of the
27 following:

1 (i) Imprisonment for not less than 5 days or more than 1
2 year. Not less than 48 hours of the term of imprisonment imposed
3 under this subparagraph shall be served consecutively.

4 (ii) Community service for not less than 30 days or more than
5 90 days.

6 (c) If the violation occurs within 10 years of 2 or more
7 prior convictions, the person is guilty of a felony and shall be
8 sentenced to pay a fine of not less than \$500.00 or more than
9 \$5,000.00 and to either of the following:

10 (i) Imprisonment under the jurisdiction of the department of
11 corrections for not less than 1 year or more than 5 years.

12 (ii) Probation with imprisonment in the county jail for not
13 less than 30 days or more than 1 year and community service for
14 not less than 60 days or more than 180 days. Not less than 48
15 hours of the imprisonment imposed under this subparagraph shall
16 be served consecutively.

17 (d) A term of imprisonment imposed under subdivision (b) or
18 (c) shall not be suspended.

19 (e) In the judgment of sentence under subdivision (a), the
20 court may order vehicle immobilization as provided in
21 section 904d. In the judgment of sentence under subdivision (b)
22 or (c), the court shall, unless the vehicle is ordered forfeited
23 under section 625n, order vehicle immobilization as provided in
24 section 904d.

25 (f) In the judgment of sentence under subdivision (b) or (c),
26 the court may impose the sanction permitted under section 625n.

27 (10) A person who is convicted of violating subsection (2) is

1 guilty of a crime as follows:

2 (a) Except as provided in subdivisions (b) and (c), a
3 misdemeanor punishable by imprisonment for not more than 93 days
4 or a fine of not less than \$100.00 or more than \$500.00, or
5 both.

6 (b) If the person operating the motor vehicle violated
7 subsection (4), a felony punishable by imprisonment for not more
8 than 5 years or a fine of not less than \$1,500.00 or more than
9 \$10,000.00, or both.

10 (c) If the person operating the motor vehicle violated
11 subsection (5), a felony punishable by imprisonment for not more
12 than 2 years or a fine of not less than \$1,000.00 or more than
13 \$5,000.00, or both.

14 (11) If a person is convicted of violating subsection (3),
15 all of the following apply:

16 (a) Except as otherwise provided in subdivisions (b) and (c),
17 the person is guilty of a misdemeanor punishable by 1 or more of
18 the following:

19 (i) Community service for not more than 360 hours.

20 (ii) Imprisonment for not more than 93 days.

21 (iii) A fine of not more than \$300.00.

22 (b) If the violation occurs within 7 years of 1 prior
23 conviction, the person shall be sentenced to pay a fine of not
24 less than \$200.00 or more than \$1,000.00, and 1 or more of the
25 following:

26 (i) Imprisonment for not less than 5 days or more than 1
27 year. Not less than 48 hours of the term of imprisonment imposed

1 under this subparagraph shall be served consecutively.

2 (ii) Community service for not less than 30 days or more than
3 90 days.

4 (c) If the violation occurs within 10 years of 2 or more
5 prior convictions, the person is guilty of a felony and shall be
6 sentenced to pay a fine of not less than \$500.00 or more than
7 \$5,000.00 and either of the following:

8 (i) Imprisonment under the jurisdiction of the department of
9 corrections for not less than 1 year or more than 5 years.

10 (ii) Probation with imprisonment in the county jail for not
11 less than 30 days or more than 1 year and community service for
12 not less than 60 days or more than 180 days. Not less than 48
13 hours of the imprisonment imposed under this subparagraph shall
14 be served consecutively.

15 (d) A term of imprisonment imposed under subdivision (b) or
16 (c) shall not be suspended.

17 (e) In the judgment of sentence under subdivision (a), the
18 court may order vehicle immobilization as provided in
19 section 904d. In the judgment of sentence under subdivision (b)
20 or (c), the court shall, unless the vehicle is ordered forfeited
21 under section 625n, order vehicle immobilization as provided in
22 section 904d.

23 (f) In the judgment of sentence under subdivision (b) or (c),
24 the court may impose the sanction permitted under section 625n.

25 (12) If a person is convicted of violating subsection (6),
26 all of the following apply:

27 (a) Except as otherwise provided in subdivision (b), the

1 person is guilty of a misdemeanor punishable by 1 or both of the
2 following:

3 (i) Community service for not more than 360 hours.

4 (ii) A fine of not more than \$250.00.

5 (b) If the violation occurs within 7 years of 1 or more prior
6 convictions, the person may be sentenced to 1 or more of the
7 following:

8 (i) Community service for not more than 60 days.

9 (ii) A fine of not more than \$500.00.

10 (iii) Imprisonment for not more than 93 days.

11 (13) In addition to imposing the sanctions prescribed under
12 this section, the court may order the person to pay the costs of
13 the prosecution under the code of criminal procedure, 1927
14 PA 175, MCL 760.1 to 777.69.

15 (14) A person sentenced to perform community service under
16 this section shall not receive compensation and shall reimburse
17 the state or appropriate local unit of government for the cost of
18 supervision incurred by the state or local unit of government as
19 a result of the person's activities in that service.

20 (15) If the prosecuting attorney intends to seek an enhanced
21 sentence under this section or a sanction under section 625n
22 based upon the defendant having 1 or more prior convictions, the
23 prosecuting attorney shall include on the complaint and
24 information, or an amended complaint and information, filed in
25 district court, circuit court, municipal court, or family
26 division of circuit court, a statement listing the defendant's
27 prior convictions.

1 (16) If a person is charged with a violation of subsection
2 (1), (3), (4), (5), (7), or (8) or section 625m, the court shall
3 not permit the defendant to enter a plea of guilty or nolo
4 contendere to a charge of violating subsection (6) in exchange
5 for dismissal of the original charge. This subsection does not
6 prohibit the court from dismissing the charge upon the
7 prosecuting attorney's motion.

8 (17) A prior conviction shall be established at sentencing by
9 1 or more of the following:

10 (a) An abstract of conviction.

11 (b) A copy of the defendant's driving record.

12 (c) An admission by the defendant.

13 (18) Except as otherwise provided in subsection (20), if a
14 person is charged with operating a vehicle while under the
15 influence of a controlled substance or a combination of alcoholic
16 liquor and a controlled substance in violation of subsection (1)
17 or a local ordinance substantially corresponding to
18 subsection (1), the court shall require the jury to return a
19 special verdict in the form of a written finding or, if the court
20 convicts the person without a jury or accepts a plea of guilty or
21 nolo contendere, the court shall make a finding as to whether the
22 person was under the influence of a controlled substance or a
23 combination of alcoholic liquor and a controlled substance at the
24 time of the violation.

25 (19) Except as otherwise provided in subsection (20), if a
26 person is charged with operating a vehicle while his or her
27 ability to operate the vehicle was visibly impaired due to his or

1 her consumption of a controlled substance or a combination of
2 alcoholic liquor and a controlled substance in violation of
3 subsection (3) or a local ordinance substantially corresponding
4 to subsection (3), the court shall require the jury to return a
5 special verdict in the form of a written finding or, if the court
6 convicts the person without a jury or accepts a plea of guilty or
7 nolo contendere, the court shall make a finding as to whether,
8 due to the consumption of a controlled substance or a combination
9 of alcoholic liquor and a controlled substance, the person's
10 ability to operate a motor vehicle was visibly impaired at the
11 time of the violation.

12 (20) A special verdict described in subsections (18) and (19)
13 is not required if a jury is instructed to make a finding solely
14 as to either of the following:

15 (a) Whether the defendant was under the influence of a
16 controlled substance or a combination of alcoholic liquor and a
17 controlled substance at the time of the violation.

18 (b) Whether the defendant was visibly impaired due to his or
19 her consumption of a controlled substance or a combination of
20 alcoholic liquor and a controlled substance at the time of the
21 violation.

22 (21) If a jury or court finds under subsection (18), (19), or
23 (20) that the defendant operated a motor vehicle under the
24 influence of or while impaired due to the consumption of a
25 controlled substance or a combination of a controlled substance
26 and an alcoholic liquor, the court shall do both of the
27 following:

1 (a) Report the finding to the secretary of state.

2 (b) On a form or forms prescribed by the state court
3 administrator, forward to the department of state police a record
4 that specifies the penalties imposed by the court, including any
5 term of imprisonment, and any sanction imposed under section 625n
6 or 904d.

7 (22) Except as otherwise provided by law, a record described
8 in subsection (21)(b) is a public record and the department of
9 state police shall retain the information contained on that
10 record for not less than 7 years.

11 (23) In a prosecution for a violation of subsection (6), the
12 defendant bears the burden of proving that the consumption of
13 alcoholic liquor was a part of a generally recognized religious
14 service or ceremony by a preponderance of the evidence.

15 (24) The court may order as a condition of probation that a
16 person convicted of violating subsection (1) or (8), or a local
17 ordinance substantially corresponding to subsection (1) or (8),
18 shall not operate a motor vehicle unless that vehicle is equipped
19 with an ignition interlock device approved, certified, and
20 installed as required under sections 625k and 625l.

21 (25) Subject to subsection (27), as used in this section,
22 "prior conviction" means a conviction for any of the following,
23 whether under a law of this state, a local ordinance
24 substantially corresponding to a law of this state, or a law of
25 another state substantially corresponding to a law of this
26 state:

27 (a) Except as provided in subsection (26), a violation or

1 attempted violation of any of the following:

2 (i) This section, except a violation of section 625(2), or a
3 violation of any prior enactment of this section in which the
4 defendant operated a vehicle while under the influence of
5 intoxicating or alcoholic liquor or a controlled substance, or a
6 combination of intoxicating or alcoholic liquor and a controlled
7 substance, or while visibly impaired, or with an unlawful bodily
8 alcohol content.

9 (ii) Section 625m.

10 (iii) Former section 625b.

11 (b) Negligent homicide, manslaughter, or murder resulting
12 from the operation of a vehicle or an attempt to commit any of
13 those crimes.

14 (26) Except for purposes of the enhancement described in
15 subsection (12)(b), only 1 violation or attempted violation of
16 subsection (6), a local ordinance substantially corresponding to
17 subsection (6), or a law of another state substantially
18 corresponding to subsection (6) may be used as a prior
19 conviction.

20 (27) If 2 or more convictions described in subsection (25)
21 are convictions for violations arising out of the same
22 transaction, only 1 conviction shall be used to determine whether
23 the person has a prior conviction.

24 Sec. 625b. (1) A person arrested for a misdemeanor
25 violation of section 625(1), (3), (6), ~~or~~ (7), **or (8)** or
26 section 625m or a local ordinance substantially corresponding to
27 section 625(1), (3), ~~or~~ (6), **or (8)** or section 625m shall be

1 arraigned on the citation, complaint, or warrant not more than 14
2 days after the arrest for the violation or, if an arrest warrant
3 is issued or reissued, not more than 14 days after the issued or
4 reissued arrest warrant is served, whichever is later. The court
5 shall not dismiss a case or impose any other sanction for a
6 failure to comply with this time limit. The time limit does not
7 apply to a violation of section 625(1), ~~or~~ (3), (7), or (8) or
8 section 625m punishable as a felony or a violation of
9 section 625(1), (3), (6), ~~or~~ (7), or (8) or section 625m joined
10 with a felony charge.

11 (2) The court shall schedule a pretrial conference between
12 the prosecuting attorney, the defendant, and the defendant's
13 attorney in each case in which the defendant is charged with a
14 misdemeanor violation of section 625(1), (3), (6), ~~or~~ (7), or
15 (8) or section 625m or a local ordinance substantially
16 corresponding to section 625(1), (3), ~~or~~ (6), or (8) or
17 section 625m. The pretrial conference shall be held not more
18 than 35 days after the person's arrest for the violation or, if
19 an arrest warrant is issued or reissued, not more than 35 days
20 after the issued or reissued arrest warrant is served, whichever
21 is later. If the court has only 1 judge who sits in more than 1
22 location in that district, the pretrial conference shall be held
23 not more than 42 days after the person's arrest for the violation
24 or, if an arrest warrant is issued or reissued, not more than 42
25 days after the date the issued or reissued arrest warrant is
26 served, whichever is later. The court shall not dismiss a case
27 or impose any other sanction for a failure to comply with the

1 applicable time limit. The 35- and 42-day time limits do not
2 apply to a violation of section 625(1), ~~or~~ (3), (7), or (8) or
3 section 625m punishable as a felony or a violation of
4 section 625(1), (3), (6), ~~or~~ (7), or (8) or section 625m joined
5 with a felony charge. The court shall order the defendant to
6 attend the pretrial conference and may accept a plea by the
7 defendant at the conclusion of the pretrial conference. The
8 court may adjourn the pretrial conference upon the motion of a
9 party for good cause shown. Not more than 1 adjournment shall be
10 granted to a party, and the length of an adjournment shall not
11 exceed 14 days.

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

1 (7), or (8) or section 625m punishable as a felony or a violation
2 of section 625(1), (3), (6), ~~or~~ (7), or (8) or section 625m
3 joined with a felony charge.

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

13 (5) Before imposing sentence for a violation of section
14 625(1), (3), (4), (5), (6), ~~or~~ (7), or (8) or a local ordinance
15 substantially corresponding to section 625(1), (3), ~~or~~ (6), or
16 (8), the court shall order the person to undergo screening and
17 assessment by a person or agency designated by the office of
18 substance abuse services to determine whether the person is
19 likely to benefit from rehabilitative services, including alcohol
20 or drug education and alcohol or drug treatment programs. Except
21 as otherwise provided in this subsection, the court may order the
22 person to participate in and successfully complete 1 or more
23 appropriate rehabilitative programs as part of the sentence. If
24 the person has 1 or more prior convictions, the court shall order
25 the person to participate in and successfully complete 1 or more
26 appropriate rehabilitative programs as part of the sentence. The
27 person shall pay for the costs of the screening, assessment, and

1 rehabilitative services.

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

6 Sec. 627. (1) A person driving a vehicle on a highway shall
7 drive at a careful and prudent speed not greater than nor less
8 than is reasonable and proper, having due regard to the traffic,
9 surface, and width of the highway and of any other condition then
10 existing. A person shall not drive a vehicle upon a highway at a
11 speed greater than that which will permit a stop within the
12 assured, clear distance ahead.

13 (2) Subject to subsection (1) and except in those instances
14 where a lower speed is specified in this chapter, it is prima
15 facie lawful for the driver of a vehicle to drive at a speed not
16 exceeding the following, except when this speed would be unsafe:

17 (a) 25 miles an hour on all highways in a business or
18 residence district as defined in this act.

19 (b) 25 miles an hour in public parks unless a different speed
20 is fixed and duly posted.

21 (3) It is prima facie unlawful for a person to exceed the
22 speed limits prescribed in subsection (2), except as provided in
23 section 629.

24 (4) The driver of a vehicle in a mobile home park as defined
25 in section 2 of the mobile home commission act, 1987 PA 96, MCL
26 125.2302, shall drive at a careful and prudent speed, not greater
27 than a speed which is reasonable and proper, having due regard

1 for the traffic, surface, width of the roadway, and all other
2 conditions existing, and not greater than a speed which will
3 permit a stop within the assured clear distance ahead. It is
4 prima facie unlawful for the driver of a vehicle to drive at a
5 speed exceeding 15 miles an hour in a mobile home park as defined
6 in section 2 of the mobile home commission act, 1987 PA 96, MCL
7 125.2302.

8 (5) A person driving a passenger vehicle drawing another
9 vehicle or trailer shall not exceed a speed of 55 miles per hour,
10 unless the vehicle or trailer has 2 wheels or less and does not
11 exceed the combined weight of 750 pounds for the vehicle or
12 trailer and load, or a trailer coach of not more than 26 feet in
13 length with brakes on each wheel and attached to the passenger
14 vehicle with an equalizing or stabilizing coupling unit.

15 (6) A truck with a gross weight of 10,000 pounds or more, a
16 truck-tractor with a trailer, or a combination of these vehicles
17 shall not exceed a speed of 55 miles per hour on highways,
18 streets, or freeways and shall not exceed a speed of 35 miles per
19 hour during the period when reduced loadings are being enforced
20 in accordance with this chapter.

21 (7) A person driving a school bus shall not exceed the speed
22 of 50 miles per hour.

23 (8) The maximum rates of speeds allowed pursuant to this
24 section are subject to the maximum rate established pursuant to
25 section 629b.

26 (9) A person operating a vehicle on a highway, when entering
27 and passing through a work zone described in section **79e(a)** or,

1 **beginning April 8, 2004, described in section 79d(a),** where a
2 normal lane or part of the lane of traffic has been closed due to
3 highway construction, maintenance, or surveying activities, shall
4 not exceed a speed of 45 miles per hour unless a different speed
5 limit is determined for that work zone by the state
6 transportation department, a county road commission, or a local
7 authority. The state transportation department, a county road
8 commission, or a local authority shall post speed limit signs in
9 each work zone described in section **79e(a), or, beginning April**
10 **8, 2004, described in section 79d(a),** that indicate the speed
11 limit in that work zone and shall identify that work zone with
12 any other traffic control devices necessary to conform to the
13 Michigan manual of uniform traffic control devices. A person
14 shall not exceed a speed limit established under this section or
15 a speed limit established under section 628 or 629.

16 (10) A person who violates this section is responsible for a
17 civil infraction.

18 Sec. 727. If a person is arrested without a warrant in any
19 of the following cases, the arrested person shall, without
20 unreasonable delay, be arraigned by the magistrate who is nearest
21 or most accessible within the judicial district as provided in
22 section 13 of chapter IV of the code of criminal procedure, 1927
23 PA 175, MCL 764.13, or, if a minor, taken before the family
24 division of circuit court within the county in which the offense
25 charged is alleged to have been committed:

26 (a) The person is arrested upon a charge of negligent
27 homicide.

1 (b) The person is arrested under section 625(1), (3), (4),
2 (5), (6), ~~or~~ (7), **or (8)**, or an ordinance substantially
3 corresponding to section 625(1), (3), ~~or~~ (6), **or (8)**.

4 (c) A person is arrested under section 626 or an ordinance
5 substantially corresponding to that section. If under the
6 existing circumstances it does not appear that releasing the
7 person pending the issuance of a warrant will constitute a public
8 menace, the arresting officer may proceed as provided by
9 section 728.

10 (d) A person arrested does not have in his or her immediate
11 possession a valid operator's or chauffeur's license or the
12 receipt described in section 311a. If the arresting officer
13 otherwise satisfactorily determines the identity of the person
14 and the practicability of subsequent apprehension if the person
15 fails to voluntarily appear before a designated magistrate or the
16 family division of circuit court as directed, the officer may
17 release the person from custody with instructions to appear in
18 court, given in the form of a citation as prescribed by
19 section 728.

20 Sec. 732. (1) Each municipal judge and each clerk of a
21 court of record shall keep a full record of every case in which a
22 person is charged with or cited for a violation of this act or a
23 local ordinance substantially corresponding to this act
24 regulating the operation of vehicles on highways and with those
25 offenses pertaining to the operation of ORVs or snowmobiles for
26 which points are assessed under section 320a(1)(c) or ~~(h)~~ **(i)**.
27 Except as provided in subsection ~~(15)~~ **(16)**, the municipal judge

1 or clerk of the court of record shall prepare and forward to the
2 secretary of state an abstract of the court record as follows:

3 (a) Within 14 days after a conviction, forfeiture of bail, or
4 entry of a civil infraction determination or default judgment
5 upon a charge of or citation for violating or attempting to
6 violate this act or a local ordinance substantially corresponding
7 to this act regulating the operation of vehicles on highways.

8 (b) Immediately for each case charging a violation of
9 section 625(1), (3), (4), (5), (6), ~~or~~ (7), **or (8)** or section
10 625m or a local ordinance substantially corresponding to
11 section 625(1), (3), ~~or~~ (6), **or (8)** or section 625m in which
12 the charge is dismissed or the defendant is acquitted.

13 (c) Immediately for each case charging a violation of section
14 82127(1) or (3), 81134, or 81135 of the natural resources and
15 environmental protection act, 1994 PA 451, MCL 324.82127,
16 324.81134, and 324.81135, or a local ordinance substantially
17 corresponding to those sections.

18 (2) If a city or village department, bureau, or person is
19 authorized to accept a payment of money as a settlement for a
20 violation of a local ordinance substantially corresponding to
21 this act, the city or village department, bureau, or person shall
22 send a full report of each case in which a person pays any amount
23 of money to the city or village department, bureau, or person to
24 the secretary of state upon a form prescribed by the secretary of
25 state.

26 (3) The abstract or report required under this section shall
27 be made upon a form furnished by the secretary of state. An

1 abstract shall be certified by signature, stamp, or facsimile
2 signature of the person required to prepare the abstract as
3 correct. An abstract or report shall include all of the
4 following:

5 (a) The name, address, and date of birth of the person
6 charged or cited.

7 (b) The number of the person's operator's or chauffeur's
8 license, if any.

9 (c) The date and nature of the violation.

10 (d) The type of vehicle driven at the time of the violation
11 and, if the vehicle is a commercial motor vehicle, that vehicle's
12 group designation and indorsement classification.

13 (e) The date of the conviction, finding, forfeiture,
14 judgment, or civil infraction determination.

15 (f) Whether bail was forfeited.

16 (g) Any license restriction, suspension, or denial ordered by
17 the court as provided by law.

18 (h) The vehicle identification number and registration plate
19 number of all vehicles that are ordered immobilized or
20 forfeited.

21 (i) Other information considered necessary to the secretary
22 of state.

23 (4) The clerk of the court also shall forward an abstract of
24 the court record to the secretary of state upon a person's
25 conviction involving any of the following:

26 (a) A violation of section 413, 414, or 479a of the Michigan
27 penal code, 1931 PA 328, MCL 750.413, 750.414, and 750.479a.

1 (b) A violation of section 1 of former 1931 PA 214.

2 (c) Negligent homicide, manslaughter, or murder resulting
3 from the operation of a vehicle.

4 (d) A violation of section 703 of the Michigan liquor control
5 code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance
6 substantially corresponding to that section.

7 (e) A violation of section 411a(2) of the Michigan penal
8 code, 1931 PA 328, MCL 750.411a.

9 (f) A violation of motor carrier safety regulations, 49
10 ~~C.F.R.~~ **CFR** 392.10 or 392.11, as adopted by section 1a of the
11 motor carrier safety act of 1963, 1963 PA 181, MCL 480.11a.

12 (g) A violation of section 57 of the pupil transportation
13 act, 1990 PA 187, MCL 257.1857.

14 (h) A violation of motor carrier safety regulations, 49
15 ~~C.F.R.~~ **CFR** 392.10 or 392.11, as adopted by section 31 of the
16 motor bus transportation act, 1982 PA 432, MCL 474.131.

17 (i) An attempt to violate, a conspiracy to violate, or a
18 violation of part 74 of the public health code, 1978 PA 368,
19 MCL 333.7401 to 333.7461, or a local ordinance that prohibits
20 conduct prohibited under part 74 of the public health code, 1978
21 PA 368, MCL 333.7401 to 333.7461, unless the convicted person is
22 sentenced to life imprisonment or a minimum term of imprisonment
23 that exceeds 1 year for the offense.

24 (j) An attempt to commit an offense described in subdivisions
25 (a) to (h).

26 (k) A violation of chapter LXXXIII-A of the Michigan penal
27 code, 1931 PA 328, MCL 750.543a to 750.543z.

1 (l) A violation of section 3101, 3102(1), or 3103 of the
2 insurance code of 1956, 1956 PA 218, MCL 500.3101, 500.3102, and
3 500.3103.

4 (5) Beginning September 1, 2004, the clerk of the court shall
5 also forward an abstract of the court record to the secretary of
6 state if a person has pled guilty to, or offered a plea of
7 admission in a juvenile proceeding for, a violation of section
8 703 of the Michigan liquor control code of 1998, 1998 PA 58, MCL
9 436.1703, or a local ordinance substantially corresponding to
10 that section, and has had further proceedings deferred under that
11 section. If the person is sentenced to a term of probation and
12 terms and conditions of probation are fulfilled and the court
13 discharges the individual and dismisses the proceedings, the
14 court shall also report the dismissal to the secretary of state.

15 (6) ~~-(5)-~~ As used in subsections ~~-(6)-to-(8)-~~ (7) to (9),
16 "felony in which a motor vehicle was used" means a felony during
17 the commission of which the person operated a motor vehicle and
18 while operating the vehicle presented real or potential harm to
19 persons or property and 1 or more of the following circumstances
20 existed:

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

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

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

25 (d) The vehicle was necessary for the commission of the
26 felony.

27 (7) ~~-(6)-~~ If a person is charged with a felony in which a

1 motor vehicle was used, other than a felony specified in
2 subsection (4) or section 319, the prosecuting attorney shall
3 include the following statement on the complaint and information
4 filed in district or circuit court:

5 "You are charged with the commission of a felony in which a
6 motor vehicle was used. If you are convicted and the judge finds
7 that the conviction is for a felony in which a motor vehicle was
8 used, as defined in section 319 of the Michigan vehicle code,
9 1949 PA 300, MCL 257.319, your driver's license shall be
10 suspended by the secretary of state.".

11 **(8)** ~~—(7)—~~ If a juvenile is accused of an act, the nature of
12 which constitutes a felony in which a motor vehicle was used,
13 other than a felony specified in subsection (4) or section 319,
14 the prosecuting attorney or family division of circuit court
15 shall include the following statement on the petition filed in
16 the court:

17 "You are accused of an act the nature of which constitutes a
18 felony in which a motor vehicle was used. If the accusation is
19 found to be true and the judge or referee finds that the nature
20 of the act constitutes a felony in which a motor vehicle was
21 used, as defined in section 319 of the Michigan vehicle code,
22 1949 PA 300, MCL 257.319, your driver's license shall be
23 suspended by the secretary of state.".

24 **(9)** ~~—(8)—~~ If the court determines as part of the sentence or
25 disposition that the felony for which the person was convicted or
26 adjudicated and with respect to which notice was given under
27 subsection ~~—(6)— or — (7) or (8)~~ is a felony in which a motor

1 vehicle was used, the clerk of the court shall forward an
2 abstract of the court record of that conviction to the secretary
3 of state.

4 **(10)** ~~—(9)—~~ As used in subsections ~~—(10)—and—~~ (11) **and (12)**,
5 "felony in which a commercial motor vehicle was used" means a
6 felony during the commission of which the person operated a
7 commercial motor vehicle and while the person was operating the
8 vehicle 1 or more of the following circumstances existed:

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

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

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

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

15 **(11)** ~~—(10)—~~ If a person is charged with a felony in which a
16 commercial motor vehicle was used and for which a vehicle group
17 designation on a license is subject to suspension or revocation
18 under section 319b(1)(c)(iii), 319b(1)(d), 319b(1)(e)(iii), or
19 319b(1)(f)(i), the prosecuting attorney shall include the
20 following statement on the complaint and information filed in
21 district or circuit court:

22 "You are charged with the commission of a felony in which a
23 commercial motor vehicle was used. If you are convicted and the
24 judge finds that the conviction is for a felony in which a
25 commercial motor vehicle was used, as defined in section 319b of
26 the Michigan vehicle code, 1949 PA 300, MCL 257.319b, all vehicle
27 group designations on your driver's license shall be suspended or

1 revoked by the secretary of state.".

2 **(12)** ~~—(11)—~~ If the judge determines as part of the sentence
3 that the felony for which the defendant was convicted and with
4 respect to which notice was given under subsection ~~—(10)—~~ **(11)** is
5 a felony in which a commercial motor vehicle was used, the clerk
6 of the court shall forward an abstract of the court record of
7 that conviction to the secretary of state.

8 **(13)** ~~—(12)—~~ Every person required to forward abstracts to the
9 secretary of state under this section shall certify for the
10 period from January 1 through June 30 and for the period from
11 July 1 through December 31 that all abstracts required to be
12 forwarded during the period have been forwarded. The
13 certification shall be filed with the secretary of state not
14 later than 28 days after the end of the period covered by the
15 certification. The certification shall be made upon a form
16 furnished by the secretary of state and shall include all of the
17 following:

18 (a) The name and title of the person required to forward
19 abstracts.

20 (b) The court for which the certification is filed.

21 (c) The time period covered by the certification.

22 (d) The following statement:

23 "I certify that all abstracts required by section 732 of the
24 Michigan vehicle code, MCL 257.732; MSA 9.2432, for the period
25 _____ through _____ have been forwarded to the
26 secretary of state.".

27 (e) Other information the secretary of state considers

1 necessary.

2 (f) The signature of the person required to forward
3 abstracts.

4 (14) ~~-(13)-~~ The failure, refusal, or neglect of a person to
5 comply with this section constitutes misconduct in office and is
6 grounds for removal from office.

7 (15) ~~-(14)-~~ Except as provided in subsection ~~-(15)-~~ (16), the
8 secretary of state shall keep all abstracts received under this
9 section at the secretary of state's main office and the abstracts
10 shall be open for public inspection during the office's usual
11 business hours. Each abstract shall be entered upon the master
12 driving record of the person to whom it pertains.

13 (16) ~~-(15)-~~ Except for controlled substance offenses
14 described in subsection (4), the court shall not submit, and the
15 secretary of state shall discard and not enter on the master
16 driving record, an abstract for a conviction or civil infraction
17 determination for any of the following violations:

18 (a) The parking or standing of a vehicle.

19 (b) A nonmoving violation that is not the basis for the
20 secretary of state's suspension, revocation, or denial of an
21 operator's or chauffeur's license.

22 (c) A violation of chapter II that is not the basis for the
23 secretary of state's suspension, revocation, or denial of an
24 operator's or chauffeur's license.

25 (d) A pedestrian, passenger, or bicycle violation, other than
26 a violation of section 703(1) or (2) of the Michigan liquor
27 control code of 1998, 1998 PA 58, MCL 436.1703, or a local

1 ordinance substantially corresponding to section 703(1) or (2) of
2 the Michigan liquor control code of 1998, 1998 PA 58,
3 MCL 436.1703, or section 624a or 624b or a local ordinance
4 substantially corresponding to section 624a or 624b.

5 (e) A violation of section 710e or a local ordinance
6 substantially corresponding to section 710e.

7 (f) A violation of section 328(1) if, before the appearance
8 date on the citation, the person submits proof to the court that
9 the motor vehicle had insurance meeting the requirements of
10 sections 3101 and 3102 of the insurance code of 1956, 1956 PA
11 218, MCL 500.3101 and 500.3102, at the time the citation was
12 issued. Insurance obtained subsequent to the time of the
13 violation does not make the violation an exception under this
14 subsection.

15 (17) ~~—(16)—~~ The secretary of state shall discard and not
16 enter on the master driving record an abstract for a bond
17 forfeiture that occurred outside this state. However, the
18 secretary of state shall retain and enter on the master driving
19 record an abstract of an out-of-state bond forfeiture for an
20 offense that occurred in connection with the operation of a
21 commercial motor vehicle.

22 (18) ~~—(17)—~~ The secretary of state shall inform the courts of
23 this state of the nonmoving violations and violations of chapter
24 II that are used by the secretary of state as the basis for the
25 suspension, restriction, revocation, or denial of an operator's
26 or chauffeur's license.

27 (19) ~~—(18)—~~ If a conviction or civil infraction determination

1 is reversed upon appeal, the person whose conviction or
2 determination has been reversed may serve on the secretary of
3 state a certified copy of the order of reversal. The secretary
4 of state shall enter the order in the proper book or index in
5 connection with the record of the conviction or civil infraction
6 determination.

7 **(20)** ~~—(19)—~~ The secretary of state may permit a city or
8 village department, bureau, person, or court to modify the
9 requirement as to the time and manner of reporting a conviction,
10 civil infraction determination, or settlement to the secretary of
11 state if the modification will increase the economy and
12 efficiency of collecting and utilizing the records. If the
13 permitted abstract of court record reporting a conviction, civil
14 infraction determination, or settlement originates as a part of
15 the written notice to appear, authorized in section 728(1) or
16 742(1), the form of the written notice and report shall be as
17 prescribed by the secretary of state.

18 **(21)** ~~—(20)—~~ Except as provided in this act and
19 notwithstanding any other provision of law, a court shall not
20 order expunction of any violation reportable to the secretary of
21 state under this section.

22 Sec. 733. (1) The department shall not release information
23 relating to an accident on the record of a driver to a
24 nongovernmental agency unless the driver was subsequently
25 convicted of or determined responsible for a violation of this
26 act in connection with the accident.

27 (2) The department shall not release information relating to

1 an accident on the record of a police officer, fire fighter, or a
2 person authorized to operate an ambulance or other emergency
3 vehicle to a nongovernmental agency if the accident occurred
4 while the person was operating the vehicle during the course of
5 his or her employment.

6 (3) The department shall not release information received
7 under section 732(5) concerning a plea to and the discharge and
8 dismissal of a violation of section 703 of the Michigan liquor
9 control code of 1998, 1998 PA 58, MCL 436.1703, or a local
10 ordinance substantially corresponding to section 703 of the
11 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703,
12 except as provided in section 703(3) of the Michigan liquor
13 control code of 1998, 1998 PA 58, MCL 436.1703.

14 Sec. 907. (1) A violation of this act, or a local ordinance
15 substantially corresponding to a provision of this act, ~~which~~
16 **that** is designated a civil infraction shall not be considered a
17 lesser included offense of a criminal offense.

18 (2) If a person is determined pursuant to sections 741 to 750
19 to be responsible or responsible "with explanation" for a civil
20 infraction under this act or a local ordinance substantially
21 corresponding to a provision of this act, the judge or district
22 court magistrate may order the person to pay a civil fine of not
23 more than \$100.00 and costs as provided in subsection (4).
24 However, for a violation of section 674(1)(s) or a local
25 ordinance substantially corresponding to section 674(1)(s), the
26 person shall be ordered to pay costs as provided in subsection
27 (4) and a civil fine of not less than \$100.00 or more than

1 \$250.00. For a violation of section 328, the civil fine ordered
2 under this subsection shall be not more than \$50.00. For a
3 violation of section ~~328 or~~ 710d, the civil fine ordered under
4 this subsection shall not exceed \$10.00. For a violation of
5 section 710e, the civil fine and court costs ordered under this
6 subsection shall be \$25.00. For a violation of section 682 or a
7 local ordinance substantially corresponding to section 682, the
8 person shall be ordered to pay costs as provided in subsection
9 (4) and a civil fine of not less than \$100.00 or more than
10 \$500.00. Permission may be granted for payment of a civil fine
11 and costs to be made within a specified period of time or in
12 specified installments, but unless permission is included in the
13 order or judgment, the civil fine and costs shall be payable
14 immediately.

15 (3) Except as provided in this subsection, if a person is
16 determined to be responsible or responsible "with explanation"
17 for a civil infraction under this act or a local ordinance
18 substantially corresponding to a provision of this act while
19 driving a commercial motor vehicle, he or she shall be ordered to
20 pay costs as provided in subsection (4) and a civil fine of not
21 more than \$250.00. If a person is determined to be responsible
22 or responsible "with explanation" for a civil infraction under
23 section 319g or a local ordinance substantially corresponding to
24 section 319g, that person shall be ordered to pay costs as
25 provided in subsection (4) and a civil fine of not more than
26 \$10,000.00.

27 (4) If a civil fine is ordered under subsection (2) or (3),

1 the judge or district court magistrate shall summarily tax and
2 determine the costs of the action, which are not limited to the
3 costs taxable in ordinary civil actions, and may include all
4 expenses, direct and indirect, to which the plaintiff has been
5 put in connection with the civil infraction, up to the entry of
6 judgment. Costs shall not be ordered in excess of \$100.00. A
7 civil fine ordered under subsection (2) or (3) shall not be
8 waived unless costs ordered under this subsection are waived.
9 Except as otherwise provided by law, costs are payable to the
10 general fund of the plaintiff.

11 (5) In addition to a civil fine and costs ordered under
12 subsection (2) or (3) and subsection (4) and the justice system
13 assessment ordered under subsection (14), the judge or district
14 court magistrate may order the person to attend and complete a
15 program of treatment, education, or rehabilitation.

16 (6) A district court magistrate shall impose the sanctions
17 permitted under subsections (2), (3), and (5) only to the extent
18 expressly authorized by the chief judge or only judge of the
19 district court district.

20 (7) Each district of the district court and each municipal
21 court may establish a schedule of civil fines, costs, and
22 assessments to be imposed for civil infractions ~~which~~ **that**
23 occur within the respective district or city. If a schedule is
24 established, it shall be prominently posted and readily available
25 for public inspection. A schedule need not include all
26 violations ~~which~~ **that** are designated by law or ordinance as
27 civil infractions. A schedule may exclude cases on the basis of

1 a defendant's prior record of civil infractions or traffic
2 offenses, or a combination of civil infractions and traffic
3 offenses.

4 (8) The state court administrator shall annually publish and
5 distribute to each district and court a recommended range of
6 civil fines and costs for first-time civil infractions. This
7 recommendation is not binding upon the courts having jurisdiction
8 over civil infractions but is intended to act as a normative
9 guide for judges and district court magistrates and a basis for
10 public evaluation of disparities in the imposition of civil fines
11 and costs throughout the state.

12 (9) If a person has received a civil infraction citation for
13 defective safety equipment on a vehicle under section 683, the
14 court shall waive a civil fine, costs, and assessments upon
15 receipt of certification by a law enforcement agency that repair
16 of the defective equipment was made before the appearance date on
17 the citation.

18 (10) A default in the payment of a civil fine or costs
19 ordered under subsection (2), (3), or (4) or a justice system
20 assessment ordered under subsection (14), or an installment of
21 the fine, costs, or assessment, may be collected by a means
22 authorized for the enforcement of a judgment under chapter 40 of
23 the revised judicature act of 1961, 1961 PA 236, MCL 600.4001 to
24 600.4065, or under chapter 60 of the revised judicature act of
25 1961, 1961 PA 236, MCL 600.6001 to 600.6098.

26 (11) If a person fails to comply with an order or judgment
27 issued pursuant to this section, within the time prescribed by

1 the court, the driver's license of that person shall be suspended
2 pursuant to section 321a until full compliance with that order or
3 judgment occurs. In addition to this suspension, the court may
4 also proceed under section 908.

5 (12) The court shall waive any civil fine, cost, or
6 assessment against a person who received a civil infraction
7 citation for a violation of section 710d if the person, before
8 the appearance date on the citation, supplies the court with
9 evidence of acquisition, purchase, or rental of a child seating
10 system meeting the requirements of section 710d.

11 (13) Until October 1, 2003, in addition to any civil fines
12 and costs ordered to be paid under this section, the judge or
13 district court magistrate shall levy an assessment of \$5.00 for
14 each civil infraction determination, except for a parking
15 violation or a violation for which the total fine and costs
16 imposed are \$10.00 or less. An assessment paid before October 1,
17 2003 shall be transmitted by the clerk of the court to the state
18 treasurer to be deposited into the Michigan justice training
19 fund. An assessment ordered before October 1, 2003 but collected
20 on or after October 1, 2003 shall be transmitted by the clerk of
21 the court to the state treasurer for deposit in the justice
22 system fund created in section 181 of the revised judicature act
23 of 1961, 1961 PA 236, MCL 600.181. An assessment levied under
24 this subsection is not a civil fine for purposes of section 909.

25 (14) Effective October 1, 2003, in addition to any civil
26 fines ~~and~~ or costs ordered to be paid under this section, the
27 judge or district court magistrate shall order the defendant to

1 pay a justice system assessment of \$40.00 for each civil
2 infraction determination, except for a parking violation or a
3 violation for which the total fine and costs imposed are \$10.00
4 or less. Upon payment of the assessment, the clerk of the court
5 shall transmit the assessment collected to the state treasury to
6 be deposited into the justice system fund created in section 181
7 of the revised judicature act of 1961, 1961 PA 236, MCL 600.181.
8 An assessment levied under this subsection is not a civil fine
9 for purposes of section 909.

10 (15) If a person has received a citation for a violation of
11 section 223, the court shall waive any civil fine, costs, and
12 assessment, upon receipt of certification by a law enforcement
13 agency that the person, before the appearance date on the
14 citation, produced a valid registration certificate that was
15 valid on the date the violation of section 223 occurred.

16 (16) If a person has received a citation for a violation of
17 section 328(1) for failing to produce a certificate of insurance
18 pursuant to section 328(2), the court may waive the fee described
19 in section 328(3)(c) and shall waive any fine, costs, and any
20 other fee or assessment otherwise authorized under this act upon
21 receipt of verification by the court that the person, before the
22 appearance date on the citation, produced valid proof of
23 insurance that was in effect at the time the violation of section
24 328(1) occurred. Insurance obtained subsequent to the time of
25 the violation does not make the person eligible for a waiver
26 under this subsection.

27 Enacting section 1. Section 79e of the Michigan vehicle

1 code, 1949 PA 300, MCL 257.79e, is repealed April 8, 2004.

2 Enacting section 2. (1) Sections 1d, 65, 310d, 321a, 625,
3 625b, 727, 732, and 907 of the Michigan vehicle code, 1949 PA
4 300, MCL 257.1d, 257.65, 257.310d, 257.321a, 257.625, 257.625b,
5 257.727, 257.732, and 257.907, as amended by this amendatory act,
6 take effect May 3, 2004.

7 (2) Section 733 of the Michigan vehicle code, 1949 PA 300,
8 MCL 257.733, as amended by this amendatory act, takes effect
9 September 1, 2004.

10 Enacting section 3. This amendatory act does not take
11 effect unless Senate Bill No. 637 of the 92nd Legislature is
12 enacted into law.