

**SUBSTITUTE FOR
HOUSE BILL NO. 5120**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 1d, 65, 310d, 319b, 321a, 625, 625b, 727,
and 732 (MCL 257.1d, 257.65, 257.310d, 257.319b, 257.321a,
257.625, 257.625b, 257.727, and 257.732), 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, section 321a as amended by 2002 PA 741, section 625b as
amended by 1998 PA 357, and section 727 as amended by 1998 PA
348.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1d. "Alcoholic liquor" means ~~that term as defined~~
2 any liquid or compound, whether or not medicated, proprietary,
3 patented, and by whatever name called, containing any amount of
4 alcohol including any liquid or compound described in section

1 ~~105~~ **105(2)** of the Michigan liquor control code of 1998, 1998
2 PA 58, MCL 436.1105.

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

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

19 (2) Upon completion of the first 12 months of probation, the
20 secretary of state may require a licensee to be reexamined by the
21 secretary of state if the licensee's driving record contains any
22 of the following:

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

26 (b) Three convictions or 3 civil infraction determinations,
27 or a combination of convictions and civil infraction

1 determinations that equals 3, for moving violations.

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

3 (d) A conviction or civil infraction determination for a
4 moving violation and an accident for which the official police
5 report indicates the licensee had been drinking alcoholic
6 liquor.

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

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

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

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

18 (a) A moving violation resulting in a conviction or civil
19 infraction determination.

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

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

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

26 (4) The probationary period shall be extended pursuant to
27 subsection (3) until the licensee completes 10 consecutive months

1 without a moving violation, accident, or suspension enumerated in
2 subsection (3).

3 (5) Upon completion of a reexamination, the secretary of
4 state may suspend or impose probationary terms and conditions on
5 the license of a probationary licensee, except that a
6 reexamination for subsection (2)(d), (e), or (f) shall not result
7 in a license suspension or the imposition of probationary terms
8 or conditions.

9 (6) For 24 months immediately after a licensee's probationary
10 period, the secretary of state may require the licensee to be
11 reexamined by the secretary of state if the licensee's driver
12 record has a total of 9 or more points, as provided in section
13 320a, imposed in a period of 2 years and if the licensee's record
14 contains 1 or more of the following:

15 (a) A conviction for a violation or attempted violation of
16 any of the following:

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

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

25 (iii) Former section 625b.

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

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

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

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

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

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

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

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

21 (10) For purposes of this section:

22 (a) Upon conviction for a moving violation, the date of the
23 violation shall be used in determining whether the conviction
24 occurred within the probationary period.

25 (b) Upon entry of a civil infraction determination for a
26 moving violation, the date of the violation shall be used in
27 determining whether the civil infraction determination occurred

1 within the probationary period.

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

5 (d) A suspension shall be considered part of a driving record
6 from the date the suspension is imposed until the suspension is
7 terminated.

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

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

1 another state. The period of suspension or revocation is as
2 follows:

3 (a) Suspension for 60 days if the licensee is convicted of or
4 found responsible for 1 of the following while operating a
5 commercial motor vehicle:

6 (i) Two serious traffic violations arising from separate
7 incidents within 36 months.

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

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

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

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

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

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

27 (i) Three serious traffic violations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (i) One violation of a felony in which a commercial motor
27 vehicle was used and that involved the manufacture, distribution,

1 or dispensing of a controlled substance or possession with intent
2 to manufacture, distribute, or dispense a controlled substance.

3 (ii) A conviction of any offense described in subdivision (c)
4 or (d) after having been approved for the issuance of a vehicle
5 group designation under subdivision (e).

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

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

17 (3) The secretary of state shall immediately suspend all
18 vehicle group designations on the operator's or chauffeur's
19 license of a person upon receiving notice of a conviction, bond
20 forfeiture, or civil infraction determination of the person, or
21 notice that a court or administrative tribunal has found the
22 person responsible, for a violation of section 319d(4) or 319f, a
23 local ordinance substantially corresponding to section 319d(4) or
24 319f, or a law or local ordinance of another state, the United
25 States, Canada, Mexico, or a local jurisdiction of either of
26 these countries substantially corresponding to section 319d(4) or
27 319f, while operating a commercial motor vehicle. The period of

1 suspension or revocation is as follows:

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

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

11 (c) Suspension for 1 year if the licensee is convicted of or
12 found responsible for 2 violations, in any combination, of
13 section 319d(4) or 319f while operating a commercial motor
14 vehicle arising from 2 or more separate incidents during a
15 10-year period.

16 (d) Suspension for 3 years if the licensee is convicted of or
17 found responsible for 3 or more violations, in any combination,
18 of section 319d(4) or 319f while operating a commercial motor
19 vehicle arising from 3 or more separate incidents during a
20 10-year period.

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

1 period.

2 (4) As used in this section:

3 (a) "Felony in which a commercial motor vehicle was used"
4 means a felony during the commission of which the person
5 convicted operated a commercial motor vehicle and while the
6 person was operating the vehicle 1 or more of the following
7 circumstances existed:

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

9 (ii) The vehicle was used to transport a victim of the
10 felony.

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

12 (iv) The vehicle was necessary for the commission of the
13 felony.

14 (b) "Serious traffic violation" means a traffic violation
15 that occurs in connection with an accident in which a person
16 died, careless driving, excessive speeding as defined in
17 regulations promulgated under chapter 313 of title 49 of the
18 United States Code, ~~49 U.S.C. 31301 to 31317~~ **49 USC 31301 to**
19 **31317**, improper lane use, following too closely, or any other
20 serious traffic violation as defined in ~~49 C.F.R. 383.5~~ **49 CFR**
21 **383.5** or as prescribed under this act.

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

26 (6) The secretary of state shall suspend or revoke a vehicle
27 group designation under subsection (1) notwithstanding a

1 suspension, restriction, revocation, or denial of an operator's
2 or chauffeur's license or vehicle group designation under another
3 section of this act or a court order issued under another section
4 of this act or a local ordinance substantially corresponding to
5 another section of this act.

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

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

25 (2) Except as provided in subsection (3), 28 days or more
26 after a person fails to answer a citation, or a notice to appear
27 in court for a violation reportable to the secretary of state

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

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

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

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

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

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

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

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

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

1 of the following infractions:

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

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

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

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

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

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

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

1 (b) The person has paid to the court a \$45.00 driver license
2 clearance fee. If the court determines that the person is
3 responsible for only 1 parking violation under subsection (7)(a)
4 or less than 6 parking violations under subsection (7)(b) for
5 which the person's license was not issued or renewed under this
6 subsection, the court may waive payment of the fee.

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

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

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

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

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

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

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

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

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

27 (iii) If the matter is before a municipal court, to the

1 treasurer of the city in which the municipal court is located,
2 for deposit in the general fund.

3 (c) Fifteen dollars to the juror compensation reimbursement
4 fund created in section 151d of the revised judicature act of
5 1961, 1961 PA 236, MCL 600.151d.

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

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

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

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

26 (2) The owner of a vehicle or a person in charge or in
27 control of a vehicle shall not authorize or knowingly permit the

1 vehicle to be operated upon a highway or other place open to the
2 general public or generally accessible to motor vehicles,
3 including an area designated for the parking of motor vehicles,
4 within this state by a person if any of the following apply:

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

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

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

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

27 (4) A person, whether licensed or not, who operates a motor

1 vehicle in violation of subsection (1), (3), or (8) and by the
2 operation of that motor vehicle causes the death of another
3 person is guilty of a crime as follows:

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

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

24 (5) A person, whether licensed or not, who operates a motor
25 vehicle in violation of subsection (1), (3), or (8) and by the
26 operation of that motor vehicle causes a serious impairment of a
27 body function of another person is guilty of a felony punishable

1 by imprisonment for not more than 5 years or a fine of not less
2 than \$1,000.00 or more than \$5,000.00, or both. The judgment of
3 sentence may impose the sanction permitted under section 625n.
4 If the vehicle is not ordered forfeited under section 625n, the
5 court shall order vehicle immobilization under section 904d in
6 the judgment of sentence.

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

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

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

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

27 (a) He or she shall not operate a vehicle in violation of

1 subsection (1), (3), (4), (5), or (8) while another person who is
2 less than 16 years of age is occupying the vehicle. A person who
3 violates this subdivision is guilty of a crime punishable as
4 follows:

5 (i) Except as provided in subparagraph (ii), a person who
6 violates this subdivision is guilty of a misdemeanor and shall be
7 sentenced to pay a fine of not less than \$200.00 or more than
8 \$1,000.00 and to 1 or more of the following:

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

13 (B) Community service for not less than 30 days or more than
14 90 days.

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

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

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

27 (b) He or she shall not operate a vehicle in violation of

1 subsection (6) while another person who is less than 16 years of
2 age is occupying the vehicle. A person who violates this
3 subdivision is guilty of a misdemeanor punishable as follows:

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

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

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

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

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

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

19 (B) Community service for not less than 30 days or more than
20 90 days.

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

1 (d) This subsection does not prohibit a person from being
2 charged with, convicted of, or punished for a violation of
3 subsection (4) or (5) that is committed by the person while
4 violating this subsection. However, points shall not be assessed
5 under section 320a for both a violation of subsection (4) or (5)
6 and a violation of this subsection for conduct arising out of the
7 same transaction.

8 (8) A person, whether licensed or not, shall not operate a
9 vehicle upon a highway or other place open to the general public
10 or generally accessible to motor vehicles, including an area
11 designated for the parking of vehicles, within this state if the
12 person has in his or her body any amount of a controlled
13 substance listed in schedule 1 under section 7212 of the public
14 health code, 1978 PA 368, MCL 333.7212, or a rule promulgated
15 under that section, or of a controlled substance described in
16 section 7214(a)(iv) of the public health code, 1978 PA 368, MCL
17 333.7214.

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

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

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

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

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

26 (b) If the violation occurs within 7 years of a prior
27 conviction, the person shall be sentenced to pay a fine of not

1 less than \$200.00 or more than \$1,000.00 and 1 or more of the
2 following:

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

6 (ii) Community service for not less than 30 days or more than
7 90 days.

8 (c) If the violation occurs within 10 years of 2 or more
9 prior convictions, the person is guilty of a felony and shall be
10 sentenced to pay a fine of not less than \$500.00 or more than
11 \$5,000.00 and to either of the following:

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

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

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

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

27 (f) In the judgment of sentence under subdivision (b) or (c),

1 the court may impose the sanction permitted under section 625n.

2 (10) A person who is convicted of violating subsection (2) is
3 guilty of a crime as follows:

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

8 (b) If the person operating the motor vehicle violated
9 subsection (4), a felony punishable by imprisonment for not more
10 than 5 years or a fine of not less than \$1,500.00 or more than
11 \$10,000.00, or both.

12 (c) If the person operating the motor vehicle violated
13 subsection (5), a felony punishable by imprisonment for not more
14 than 2 years or a fine of not less than \$1,000.00 or more than
15 \$5,000.00, or both.

16 (11) If a person is convicted of violating subsection (3),
17 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 more than \$300.00.

24 (b) If the violation occurs within 7 years of 1 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 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 (12) If a person is convicted of violating subsection (6),

1 all of the following apply:

2 (a) Except as otherwise provided in subdivision (b), the
3 person is guilty of a misdemeanor punishable by 1 or both of the
4 following:

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

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

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

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

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

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

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

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

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

1 division of circuit court, a statement listing the defendant's
2 prior convictions.

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

10 (17) A prior conviction shall be established at sentencing by
11 1 or more of the following:

12 (a) An abstract of conviction.

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

14 (c) An admission by the defendant.

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

27 (19) Except as otherwise provided in subsection (20), if a

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

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

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

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

24 (21) If a jury or court finds under subsection (18), (19), or
25 (20) that the defendant operated a motor vehicle under the
26 influence of or while impaired due to the consumption of a
27 controlled substance or a combination of a controlled substance

1 and an alcoholic liquor, the court shall do both of the
2 following:

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

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

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

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

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

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

1 state:

2 (a) Except as provided in subsection (26), a violation or
3 attempted violation of any of the following:

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

11 (ii) Section 625m.

12 (iii) Former section 625b.

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

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

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

26 Sec. 625b. (1) A person arrested for a misdemeanor
27 violation of section 625(1), (3), (6), ~~or~~ (7), **or (8)** or

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

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

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

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

1 for a failure to comply with this time limit. The 77-day time
2 limit does not apply to a violation of section 625(1), ~~or~~ (3),
3 (7), or (8) or section 625m punishable as a felony or a violation
4 of section 625(1), (3), (6), ~~or~~ (7), or (8) or section 625m
5 joined with a felony charge.

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

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

1 appropriate rehabilitative programs as part of the sentence. The
2 person shall pay for the costs of the screening, assessment, and
3 rehabilitative services.

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

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

16 (a) The person is arrested upon a charge of negligent
17 homicide.

18 (b) The person is arrested under section 625(1), (3), (4),
19 (5), (6), ~~or~~ (7), **or (8)**, or an ordinance substantially
20 corresponding to section 625(1), (3), ~~or~~ (6), **or (8)**.

21 (c) A person is arrested under section 626 or an ordinance
22 substantially corresponding to that section. If under the
23 existing circumstances it does not appear that releasing the
24 person pending the issuance of a warrant will constitute a public
25 menace, the arresting officer may proceed as provided by
26 section 728.

27 (d) A person arrested does not have in his or her immediate

1 possession a valid operator's or chauffeur's license or the
2 receipt described in section 311a. If the arresting officer
3 otherwise satisfactorily determines the identity of the person
4 and the practicability of subsequent apprehension if the person
5 fails to voluntarily appear before a designated magistrate or the
6 family division of circuit court as directed, the officer may
7 release the person from custody with instructions to appear in
8 court, given in the form of a citation as prescribed by
9 section 728.

10 Sec. 732. (1) Each municipal judge and each clerk of a
11 court of record shall keep a full record of every case in which a
12 person is charged with or cited for a violation of this act or a
13 local ordinance substantially corresponding to this act
14 regulating the operation of vehicles on highways and with those
15 offenses pertaining to the operation of ORVs or snowmobiles for
16 which points are assessed under section 320a(1)(c) or ~~—(h)—~~ **(i)**.
17 Except as provided in subsection (15), the municipal judge or
18 clerk of the court of record shall prepare and forward to the
19 secretary of state an abstract of the court record as follows:

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

25 (b) Immediately for each case charging a violation of
26 section 625(1), (3), (4), (5), (6), ~~—or—~~ **(7)**, **or (8)** or section
27 625m or a local ordinance substantially corresponding to

1 section 625(1), (3), ~~or~~ (6), **or (8)** or section 625m in which
2 the charge is dismissed or the defendant is acquitted.

3 (c) Immediately for each case charging a violation of section
4 82127(1) or (3), 81134, or 81135 of the natural resources and
5 environmental protection act, 1994 PA 451, MCL 324.82127,
6 324.81134, and 324.81135, or a local ordinance substantially
7 corresponding to those sections.

8 (2) If a city or village department, bureau, or person is
9 authorized to accept a payment of money as a settlement for a
10 violation of a local ordinance substantially corresponding to
11 this act, the city or village department, bureau, or person shall
12 send a full report of each case in which a person pays any amount
13 of money to the city or village department, bureau, or person to
14 the secretary of state upon a form prescribed by the secretary of
15 state.

16 (3) The abstract or report required under this section shall
17 be made upon a form furnished by the secretary of state. An
18 abstract shall be certified by signature, stamp, or facsimile
19 signature of the person required to prepare the abstract as
20 correct. An abstract or report shall include all of the
21 following:

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

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

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

27 (d) The type of vehicle driven at the time of the violation

1 and, if the vehicle is a commercial motor vehicle, that vehicle's
2 group designation and indorsement classification.

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

5 (f) Whether bail was forfeited.

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

8 (h) The vehicle identification number and registration plate
9 number of all vehicles that are ordered immobilized or
10 forfeited.

11 (i) Other information considered necessary to the secretary
12 of state.

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

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

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

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

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

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

26 (f) A violation of motor carrier safety regulations, ~~49~~
27 ~~C.F.R. 392.10 or 392.11~~ **49 CFR 392.10 or 392.11**, as adopted by

1 section 1a of the motor carrier safety act of 1963, 1963 PA 181,
2 MCL 480.11a.

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

5 (h) 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 31 of the motor bus transportation act, 1982 PA 432,
8 MCL 474.131.

9 (i) An attempt to violate, a conspiracy to violate, or a
10 violation of part 74 of the public health code, 1978 PA 368,
11 MCL 333.7401 to 333.7461, or a local ordinance that prohibits
12 conduct prohibited under part 74 of the public health code, 1978
13 PA 368, MCL 333.7401 to 333.7461, unless the convicted person is
14 sentenced to life imprisonment or a minimum term of imprisonment
15 that exceeds 1 year for the offense.

16 (j) An attempt to commit an offense described in subdivisions
17 (a) to (h).

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

20 (5) As used in subsections (6) to (8), "felony in which a
21 motor vehicle was used" means a felony during the commission of
22 which the person operated a motor vehicle and while operating the
23 vehicle presented real or potential harm to persons or property
24 and 1 or more of the following circumstances existed:

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

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

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

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

4 (6) If a person is charged with a felony in which a motor
5 vehicle was used, other than a felony specified in subsection (4)
6 or section 319, the prosecuting attorney shall include the
7 following statement on the complaint and information filed in
8 district or circuit court:

9 "You are charged with the commission of a felony in which a
10 motor vehicle was used. If you are convicted and the judge finds
11 that the conviction is for a felony in which a motor vehicle was
12 used, as defined in section 319 of the Michigan vehicle code,
13 1949 PA 300, MCL 257.319, your driver's license shall be
14 suspended by the secretary of state."

15 (7) If a juvenile is accused of an act, the nature of which
16 constitutes a felony in which a motor vehicle was used, other
17 than a felony specified in subsection (4) or section 319, the
18 prosecuting attorney or family division of circuit court shall
19 include the following statement on the petition filed in the
20 court:

21 "You are accused of an act the nature of which constitutes a
22 felony in which a motor vehicle was used. If the accusation is
23 found to be true and the judge or referee finds that the nature
24 of the act constitutes a felony in which a motor vehicle was
25 used, as defined in section 319 of the Michigan vehicle code,
26 1949 PA 300, MCL 257.319, your driver's license shall be
27 suspended by the secretary of state."

1 (8) If the court determines as part of the sentence or
2 disposition that the felony for which the person was convicted or
3 adjudicated and with respect to which notice was given under
4 subsection (6) or (7) is a felony in which a motor vehicle was
5 used, the clerk of the court shall forward an abstract of the
6 court record of that conviction to the secretary of state.

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

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

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

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

16 (d) The vehicle was necessary for the commission of the
17 felony.

18 (10) If a person is charged with a felony in which a
19 commercial motor vehicle was used and for which a vehicle group
20 designation on a license is subject to suspension or revocation
21 under section 319b(1)(c)(iii), 319b(1)(d), 319b(1)(e)(iii), or
22 319b(1)(f)(i), the prosecuting attorney shall include the
23 following statement on the complaint and information filed in
24 district or circuit court:

25 "You are charged with the commission of a felony in which a
26 commercial motor vehicle was used. If you are convicted and the
27 judge finds that the conviction is for a felony in which a

1 commercial motor vehicle was used, as defined in section 319b of
2 the Michigan vehicle code, 1949 PA 300, MCL 257.319b, all vehicle
3 group designations on your driver's license shall be suspended or
4 revoked by the secretary of state."

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

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

21 (a) The name and title of the person required to forward
22 abstracts.

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

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

25 (d) The following statement:

26 "I certify that all abstracts required by section 732 of the
27 Michigan vehicle code, MCL 257.732; MSA 9.2432, for the period

1 _____ through _____ have been forwarded to the
2 secretary of state."

3 (e) Other information the secretary of state considers
4 necessary.

5 (f) The signature of the person required to forward
6 abstracts.

7 (13) The failure, refusal, or neglect of a person to comply
8 with this section constitutes misconduct in office and is grounds
9 for removal from office.

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

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

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

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

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

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

10 (16) The secretary of state shall discard and not enter on
11 the master driving record an abstract for a bond forfeiture that
12 occurred outside this state. However, the secretary of state
13 shall retain and enter on the master driving record an abstract
14 of an out-of-state bond forfeiture for an offense that occurred
15 in connection with the operation of a commercial motor vehicle.

16 (17) The secretary of state shall inform the courts of this
17 state of the nonmoving violations and violations of chapter II
18 that are used by the secretary of state as the basis for the
19 suspension, restriction, revocation, or denial of an operator's
20 or chauffeur's license.

21 (18) If a conviction or civil infraction determination is
22 reversed upon appeal, the person whose conviction or
23 determination has been reversed may serve on the secretary of
24 state a certified copy of the order of reversal. The secretary
25 of state shall enter the order in the proper book or index in
26 connection with the record of the conviction or civil infraction
27 determination.

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

12 (20) Except as provided in this act and notwithstanding any
13 other provision of law, a court shall not order expunction of any
14 violation reportable to the secretary of state under this
15 section.