

**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 of section 627(9) pertaining to | |
| 4 | speed in a work zone described in that section by | |
| 5 | exceeding the lawful maximum by more than 15 miles per | |
| 6 | hour..... | 5 points |
| 7 | (h) Violation of any law other than the law | |
| 8 | described in subdivision (g) or ordinance pertaining to | |
| 9 | speed by exceeding the lawful maximum by more than 15 | |
| 10 | miles per hour..... | 4 points |
| 11 | (i) Violation of section 625(3) or (6), section | |
| 12 | 81135 or 82127(3) of the natural resources and | |
| 13 | 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 of section 626a or a law or | |
| 20 | ordinance substantially corresponding to section 626a | 4 points |
| 21 | (k) Violation of section 653a(2)..... | 4 points |
| 22 | (l) Violation of section 627(9) pertaining to | |
| 23 | speed in a work zone described in that section by | |
| 24 | exceeding the lawful maximum by more than 10 but not | |
| 25 | more than 15 miles per hour..... | 4 points |
| 26 | (m) Violation of any law other than the law | |
| 27 | described in subdivision (l) or ordinance pertaining to | |

1 speed by exceeding the lawful maximum by more than 10
 2 but not more than 15 miles per hour or careless driving
 3 in violation of section 626b or a law or ordinance
 4 substantially corresponding to section 626b..... 3 points
 5 (n) Violation of section 627(9) pertaining to
 6 speed in a work zone described in that section by
 7 exceeding the lawful maximum by 10 miles per hour or
 8 less..... 3 points
 9 (o) Violation of any law other than the law
 10 described in subdivision (n) or ordinance pertaining to
 11 speed by exceeding the lawful maximum by 10 miles per
 12 hour or less..... 2 points
 13 (p) Disobeying a traffic signal or stop sign, or
 14 improper passing..... 3 points
 15 (q) Violation of section 624a, 624b, or a law or
 16 ordinance substantially corresponding to section 624a
 17 or 624b..... 2 points
 18 (r) Violation of section 310e(4) or (6) or a law
 19 or ordinance substantially corresponding to section
 20 310e(4) or (6)..... 2 points
 21 (s) All other moving violations pertaining to the
 22 operation of motor vehicles reported under this section 2 points
 23 (t) A refusal by a person less than 21 years of
 24 age to submit to a preliminary breath test required by
 25 a peace officer under section 625a..... 2 points
 26 (2) Points shall not be entered for a violation of section
 27 310e(14), 311, 625m, 658, 717, 719, 719a, or 723.

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

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

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

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

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

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

25 (9) If a Michigan driver commits a violation in another state
26 that would be a civil infraction if committed in Michigan, and a
27 conviction results solely because of the failure of the Michigan

1 driver to appear in that state to contest the violation, upon
2 receipt of the abstract of conviction by the secretary of state,
3 the violation shall be noted on the driver's record, but no
4 points shall be assessed against his or her driver's license.

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

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

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

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

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

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

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

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

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

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

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

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

26 (b) A pedestrian, passenger, or bicycle violation, other than
27 a violation of section 33b(1) or (2) of former 1933 (Ex Sess)

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

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

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

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

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

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

24 (b) The person has paid to the court a \$45.00 driver license
25 clearance fee. If the court determines that the person is
26 responsible for only 1 parking violation under subsection (7)(a)
27 or less than 6 parking violations under subsection (7)(b) for

1 which the person's license was not issued or renewed under this
2 subsection, the court may waive payment of the fee.

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

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

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

24 (10) For the purposes of subsections (5)(a), (8)(a), and
25 (9)(a), the court shall give to the person a copy of the
26 information being transmitted to the secretary of state. Upon
27 showing that copy, the person shall not be arrested or issued a

1 citation for driving on a suspended license, on an expired
2 license, or without a license on the basis of any matter resolved
3 under subsection (5)(a), (8)(a), or (9)(a), even if the
4 information being sent to the secretary of state has not yet been
5 received or recorded by the department.

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

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

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

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

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

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

26 (c) Fifteen dollars to the juror compensation reimbursement
27 fund created in section 151d of the revised judicature act of

1 1961, 1961 PA 236, MCL 600.151d.

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

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

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

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

22 (2) The owner of a vehicle or a person in charge or in
23 control of a vehicle shall not authorize or knowingly permit the
24 vehicle to be operated upon a highway or other place open to the
25 general public or generally accessible to motor vehicles,
26 including an area designated for the parking of motor vehicles,
27 within this state by a person if any of the following apply:

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

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

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

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

23 (4) A person, whether licensed or not, who operates a motor
24 vehicle in violation of subsection (1), (3), or (8) and by the
25 operation of that motor vehicle causes the death of another
26 person is guilty of a crime as follows:

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

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

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

20 (5) A person, whether licensed or not, who operates a motor
21 vehicle in violation of subsection (1), (3), or (8) and by the
22 operation of that motor vehicle causes a serious impairment of a
23 body function of another person is guilty of a felony punishable
24 by imprisonment for not more than 5 years or a fine of not less
25 than \$1,000.00 or more than \$5,000.00, or both. The judgment of
26 sentence may impose the sanction permitted under section 625n.
27 If the vehicle is not ordered forfeited under section 625n, the

1 court shall order vehicle immobilization under section 904d in
2 the judgment of sentence.

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

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

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

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

23 (a) He or she shall not operate a vehicle in violation of
24 subsection (1), (3), (4), (5), or (8) while another person who is
25 less than 16 years of age is occupying the vehicle. A person who
26 violates this subdivision is guilty of a crime punishable as
27 follows:

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

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

9 (B) Community service for not less than 30 days or more than
10 90 days.

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

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

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

23 (b) He or she shall not operate a vehicle in violation of
24 subsection (6) while another person who is less than 16 years of
25 age is occupying the vehicle. A person who violates this
26 subdivision is guilty of a misdemeanor punishable as follows:

27 (i) Except as provided in subparagraph (ii), a person who

1 violates this subdivision may be sentenced to 1 or more of the
2 following:

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

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

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

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

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

15 (B) Community service for not less than 30 days or more than
16 90 days.

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

24 (d) This subsection does not prohibit a person from being
25 charged with, convicted of, or punished for a violation of
26 subsection (4) or (5) that is committed by the person while
27 violating this subsection. However, points shall not be assessed

1 under section 320a for both a violation of subsection (4) or (5)
2 and a violation of this subsection for conduct arising out of the
3 same transaction.

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

14 (9) If a person is convicted of violating subsection (1) or
15 (8), 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 less than \$100.00 or more than \$500.00.

22 (b) If the violation occurs within 7 years of a 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 to 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 (10) A person who is convicted of violating subsection (2) is
26 guilty of a crime as follows:

27 (a) Except as provided in subdivisions (b) and (c), a

1 misdemeanor punishable by imprisonment for not more than 93 days
2 or a fine of not less than \$100.00 or more than \$500.00, or
3 both.

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

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

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

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

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

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

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

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

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

27 (ii) Community service for not less than 30 days or more than

1 90 days.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (16) If a person is charged with a violation of subsection
27 (1), (3), (4), (5), (7), or (8) or section 625m, the court shall

1 not permit the defendant to enter a plea of guilty or nolo
2 contendere to a charge of violating subsection (6) in exchange
3 for dismissal of the original charge. This subsection does not
4 prohibit the court from dismissing the charge upon the
5 prosecuting attorney's motion.

6 (17) A prior conviction shall be established at sentencing by
7 1 or more of the following:

8 (a) An abstract of conviction.

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

10 (c) An admission by the defendant.

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

23 (19) Except as otherwise provided in subsection (20), if a
24 person is charged with operating a vehicle while his or her
25 ability to operate the vehicle was visibly impaired due to his or
26 her consumption of a controlled substance or a combination of
27 alcoholic liquor and a controlled substance in violation of

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

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

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

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

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

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

27 (b) On a form or forms prescribed by the state court

1 administrator, forward to the department of state police a record
2 that specifies the penalties imposed by the court, including any
3 term of imprisonment, and any sanction imposed under section 625n
4 or 904d.

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

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

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

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

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

27 (i) This section, except a violation of section 625(2), or a

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

7 (ii) Section 625m.

8 (iii) Former section 625b.

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

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

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

22 Sec. 625b. (1) A person arrested for a misdemeanor
23 violation of section 625(1), (3), (6), ~~or~~ (7), **or (8)** or
24 section 625m or a local ordinance substantially corresponding to
25 section 625(1), (3), ~~or~~ (6), **or (8)** or section 625m shall be
26 arraigned on the citation, complaint, or warrant not more than 14
27 days after the arrest for the violation or, if an arrest warrant

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

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

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

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

1 joined with a felony charge.

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

11 (5) Before imposing sentence for a violation of section
12 625(1), (3), (4), (5), (6), ~~or~~ (7), **or (8)** or a local ordinance
13 substantially corresponding to section 625(1), (3), ~~or~~ (6), **or**
14 **(8)**, the court shall order the person to undergo screening and
15 assessment by a person or agency designated by the office of
16 substance abuse services to determine whether the person is
17 likely to benefit from rehabilitative services, including alcohol
18 or drug education and alcohol or drug treatment programs. Except
19 as otherwise provided in this subsection, the court may order the
20 person to participate in and successfully complete 1 or more
21 appropriate rehabilitative programs as part of the sentence. If
22 the person has 1 or more prior convictions, the court shall order
23 the person to participate in and successfully complete 1 or more
24 appropriate rehabilitative programs as part of the sentence. The
25 person shall pay for the costs of the screening, assessment, and
26 rehabilitative services.

27 (6) If the judgment and sentence are appealed to circuit

1 court, the court may ex parte order the secretary of state to
2 stay the suspension, revocation, or restricted license issued by
3 the secretary of state pending the outcome of the appeal.

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

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

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

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

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

22 (4) The driver of a vehicle in a mobile home park as defined
23 in section 2 of the mobile home commission act, 1987 PA 96, MCL
24 125.2302, shall drive at a careful and prudent speed, not greater
25 than a speed which is reasonable and proper, having due regard
26 for the traffic, surface, width of the roadway, and all other
27 conditions existing, and not greater than a speed which will

1 permit a stop within the assured clear distance ahead. It is
2 prima facie unlawful for the driver of a vehicle to drive at a
3 speed exceeding 15 miles an hour in a mobile home park as defined
4 in section 2 of the mobile home commission act, 1987 PA 96, MCL
5 125.2302.

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

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

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

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

24 (9) A person operating a vehicle on a highway, when entering
25 and passing through a work zone described in section **79e(a) or,**
26 **beginning April 8, 2004, described in section 79d(a),** where a
27 normal lane or part of the lane of traffic has been closed due to

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

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

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

24 (a) The person is arrested upon a charge of negligent
25 homicide.

26 (b) The person is arrested under section 625(1), (3), (4),
27 (5), (6), ~~or~~ (7), **or (8)**, or an ordinance substantially

1 corresponding to section 625(1), (3), ~~or~~ (6), **or (8)**.

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

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

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

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

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

11 (c) Immediately for each case charging a violation of section
12 82127(1) or (3), 81134, or 81135 of the natural resources and
13 environmental protection act, 1994 PA 451, MCL 324.82127,
14 324.81134, and 324.81135, or a local ordinance substantially
15 corresponding to those sections.

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

24 (3) The abstract or report required under this section shall
25 be made upon a form furnished by the secretary of state. An
26 abstract shall be certified by signature, stamp, or facsimile
27 signature of the person required to prepare the abstract as

1 correct. An abstract or report shall include all of the
2 following:

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

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

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

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

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

13 (f) Whether bail was forfeited.

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

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

19 (i) Other information considered necessary to the secretary
20 of state.

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

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

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

27 (c) Negligent homicide, manslaughter, or murder resulting

1 from the operation of a vehicle.

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

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

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

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

13 (h) A violation of motor carrier safety regulations, ~~49~~
14 ~~C.F.R. 392.10 or 392.11~~ **49 CFR 392.10 or 392.11**, as adopted by
15 section 31 of the motor bus transportation act, 1982 PA 432,
16 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 (5) Beginning September 1, 2004, the clerk of the court shall
2 also forward an abstract of the court record to the secretary of
3 state if a person has plead guilty to, or admitted responsibility
4 as a juvenile for, a violation of section 703 of the Michigan
5 liquor control code of 1998, 1998 PA 58, MCL 436.1703, or a local
6 ordinance substantially corresponding to that section, and has
7 had further proceedings deferred under that section. If the
8 person is sentenced to a term of probation and terms and
9 conditions of probation are fulfilled and the court discharges
10 the individual and dismisses the proceedings, the court shall
11 also report the dismissal to the secretary of state.

12 (6) ~~—(5)—~~ As used in subsections ~~—(6) to (8)—~~ (7) to (9),
13 "felony in which a motor vehicle was used" means a felony during
14 the commission of which the person operated a motor vehicle and
15 while operating the vehicle presented real or potential harm to
16 persons or property and 1 or more of the following circumstances
17 existed:

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

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

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

22 (d) The vehicle was necessary for the commission of the
23 felony.

24 (7) ~~—(6)—~~ If a person is charged with a felony in which a
25 motor vehicle was used, other than a felony specified in
26 subsection (4) or section 319, the prosecuting attorney shall
27 include the following statement on the complaint and information

1 filed in district or circuit court:

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

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

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

21 (9) ~~—(8)—~~ If the court determines as part of the sentence or
22 disposition that the felony for which the person was convicted or
23 adjudicated and with respect to which notice was given under
24 subsection ~~—(6)—~~ (7) or ~~—(7)—~~ (8) is a felony in which a motor
25 vehicle was used, the clerk of the court shall forward an
26 abstract of the court record of that conviction to the secretary
27 of state.

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

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

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

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

10 (d) The vehicle was necessary for the commission of the
11 felony.

12 (11) ~~—(10)—~~ If a person is charged with a felony in which a
13 commercial motor vehicle was used and for which a vehicle group
14 designation on a license is subject to suspension or revocation
15 under section 319b(1)(c)(iii), 319b(1)(d), 319b(1)(e)(iii), or
16 319b(1)(f)(i), the prosecuting attorney shall include the
17 following statement on the complaint and information filed in
18 district or circuit court:

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

26 (12) ~~—(11)—~~ If the judge determines as part of the sentence
27 that the felony for which the defendant was convicted and with

1 respect to which notice was given under subsection ~~—(10)—~~ (11) is
2 a felony in which a commercial motor vehicle was used, the clerk
3 of the court shall forward an abstract of the court record of
4 that conviction to the secretary of state.

5 (13) ~~—(12)—~~ Every person required to forward abstracts to the
6 secretary of state under this section shall certify for the
7 period from January 1 through June 30 and for the period from
8 July 1 through December 31 that all abstracts required to be
9 forwarded during the period have been forwarded. The
10 certification shall be filed with the secretary of state not
11 later than 28 days after the end of the period covered by the
12 certification. The certification shall be made upon a form
13 furnished by the secretary of state and shall include all of the
14 following:

15 (a) The name and title of the person required to forward
16 abstracts.

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

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

19 (d) The following statement:

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

24 (e) Other information the secretary of state considers
25 necessary.

26 (f) The signature of the person required to forward
27 abstracts.

1 (14) ~~—(13)—~~ The failure, refusal, or neglect of a person to
2 comply with this section constitutes misconduct in office and is
3 grounds for removal from office.

4 (15) ~~—(14)—~~ Except as provided in subsection ~~—(15)—~~ (16), the
5 secretary of state shall keep all abstracts received under this
6 section at the secretary of state's main office and the abstracts
7 shall be open for public inspection during the office's usual
8 business hours. Each abstract shall be entered upon the master
9 driving record of the person to whom it pertains.

10 (16) ~~—(15)—~~ Except for controlled substance offenses
11 described in subsection (4), the court shall not submit, and the
12 secretary of state shall discard and not enter on the master
13 driving record, an abstract for a conviction or civil infraction
14 determination for any of the following violations:

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

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

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

1 substantially corresponding to section 624a or 624b.

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

4 (17) ~~—(16)—~~ The secretary of state shall discard and not
5 enter on the master driving record an abstract for a bond
6 forfeiture that occurred outside this state. However, the
7 secretary of state shall retain and enter on the master driving
8 record an abstract of an out-of-state bond forfeiture for an
9 offense that occurred in connection with the operation of a
10 commercial motor vehicle.

11 (18) ~~—(17)—~~ The secretary of state shall inform the courts of
12 this state of the nonmoving violations and violations of chapter
13 II that are used by the secretary of state as the basis for the
14 suspension, restriction, revocation, or denial of an operator's
15 or chauffeur's license.

16 (19) ~~—(18)—~~ If a conviction or civil infraction determination
17 is reversed upon appeal, the person whose conviction or
18 determination has been reversed may serve on the secretary of
19 state a certified copy of the order of reversal. The secretary
20 of state shall enter the order in the proper book or index in
21 connection with the record of the conviction or civil infraction
22 determination.

23 (20) ~~—(19)—~~ The secretary of state may permit a city or
24 village department, bureau, person, or court to modify the
25 requirement as to the time and manner of reporting a conviction,
26 civil infraction determination, or settlement to the secretary of
27 state if the modification will increase the economy and

1 efficiency of collecting and utilizing the records. If the
2 permitted abstract of court record reporting a conviction, civil
3 infraction determination, or settlement originates as a part of
4 the written notice to appear, authorized in section 728(1) or
5 742(1), the form of the written notice and report shall be as
6 prescribed by the secretary of state.

7 **(21)** ~~—(20)—~~ Except as provided in this act and
8 notwithstanding any other provision of law, a court shall not
9 order expunction of any violation reportable to the secretary of
10 state under this section.

11 Sec. 733. (1) The department shall not release information
12 relating to an accident on the record of a driver to a
13 nongovernmental agency unless the driver was subsequently
14 convicted of or determined responsible for a violation of this
15 act in connection with the accident.

16 (2) The department shall not release information relating to
17 an accident on the record of a police officer, fire fighter, or a
18 person authorized to operate an ambulance or other emergency
19 vehicle to a nongovernmental agency if the accident occurred
20 while the person was operating the vehicle during the course of
21 his or her employment.

22 **(3) The department shall not release information received**
23 **under section 732(5) concerning a plea and discharge or dismissal**
24 **of a violation of section 703 of the Michigan liquor control code**
25 **of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance**
26 **substantially corresponding to section 703 of the Michigan liquor**
27 **control code of 1998, 1998 PA 58, MCL 436.1703, except as**

1 provided in section 703(3) of the Michigan liquor control code of
2 1998, 1998 PA 58, MCL 436.1703.

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

7 (2) If a person is determined pursuant to sections 741 to 750
8 to be responsible or responsible "with explanation" for a civil
9 infraction under this act or a local ordinance substantially
10 corresponding to a provision of this act, the judge or district
11 court magistrate may order the person to pay a civil fine of not
12 more than \$100.00 and costs as provided in subsection (4).
13 However, for a violation of section 674(1)(s) or a local
14 ordinance substantially corresponding to section 674(1)(s), the
15 person shall be ordered to pay costs as provided in subsection
16 (4) and a civil fine of not less than \$100.00 or more than
17 \$250.00. For a violation of section 328 or 710d, the civil fine
18 ordered under this subsection shall not exceed \$10.00. For a
19 violation of section 710e, the civil fine and court costs ordered
20 under this subsection shall be \$25.00. For a violation of
21 section 682 or a local ordinance substantially corresponding to
22 section 682, the person shall be ordered to pay costs as provided
23 in subsection (4) and a civil fine of not less than \$100.00 or
24 more than \$500.00. Permission may be granted for payment of a
25 civil fine and costs to be made within a specified period of time
26 or in specified installments, but unless permission is included
27 in the order or judgment, the civil fine and costs shall be

1 payable immediately.

2 (3) Except as provided in this subsection, if a person is
3 determined to be responsible or responsible "with explanation"
4 for a civil infraction under this act or a local ordinance
5 substantially corresponding to a provision of this act while
6 driving a commercial motor vehicle, he or she shall be ordered to
7 pay costs as provided in subsection (4) and a civil fine of not
8 more than \$250.00. If a person is determined to be responsible
9 or responsible "with explanation" for a civil infraction under
10 section 319g or a local ordinance substantially corresponding to
11 section 319g, that person shall be ordered to pay costs as
12 provided in subsection (4) and a civil fine of not more than
13 \$10,000.00.

14 (4) If a civil fine is ordered under subsection (2) or (3),
15 the judge or district court magistrate shall summarily tax and
16 determine the costs of the action, which are not limited to the
17 costs taxable in ordinary civil actions, and may include all
18 expenses, direct and indirect, to which the plaintiff has been
19 put in connection with the civil infraction, up to the entry of
20 judgment. Costs shall not be ordered in excess of \$100.00. A
21 civil fine ordered under subsection (2) or (3) shall not be
22 waived unless costs ordered under this subsection are waived.
23 Except as otherwise provided by law, costs are payable to the
24 general fund of the plaintiff.

25 (5) In addition to a civil fine and costs ordered under
26 subsection (2) or (3) and subsection (4) and the justice system
27 assessment ordered under subsection (14), the judge or district

1 court magistrate may order the person to attend and complete a
2 program of treatment, education, or rehabilitation.

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

7 (7) Each district of the district court and each municipal
8 court may establish a schedule of civil fines, costs, and
9 assessments to be imposed for civil infractions ~~which~~ **that**
10 occur within the respective district or city. If a schedule is
11 established, it shall be prominently posted and readily available
12 for public inspection. A schedule need not include all
13 violations ~~which~~ **that** are designated by law or ordinance as
14 civil infractions. A schedule may exclude cases on the basis of
15 a defendant's prior record of civil infractions or traffic
16 offenses, or a combination of civil infractions and traffic
17 offenses.

18 (8) The state court administrator shall annually publish and
19 distribute to each district and court a recommended range of
20 civil fines and costs for first-time civil infractions. This
21 recommendation is not binding upon the courts having jurisdiction
22 over civil infractions but is intended to act as a normative
23 guide for judges and district court magistrates and a basis for
24 public evaluation of disparities in the imposition of civil fines
25 and costs throughout the state.

26 (9) If a person has received a civil infraction citation for
27 defective safety equipment on a vehicle under section 683, the

1 court shall waive a civil fine, costs, and assessments upon
2 receipt of certification by a law enforcement agency that repair
3 of the defective equipment was made before the appearance date on
4 the citation.

5 (10) A default in the payment of a civil fine or costs
6 ordered under subsection (2), (3), or (4) or a justice system
7 assessment ordered under subsection (14), or an installment of
8 the fine, costs, or assessment, may be collected by a means
9 authorized for the enforcement of a judgment under chapter 40 of
10 the revised judicature act of 1961, 1961 PA 236, MCL 600.4001 to
11 600.4065, or under chapter 60 of the revised judicature act of
12 1961, 1961 PA 236, MCL 600.6001 to 600.6098.

13 (11) If a person fails to comply with an order or judgment
14 issued pursuant to this section, within the time prescribed by
15 the court, the driver's license of that person shall be suspended
16 pursuant to section 321a until full compliance with that order or
17 judgment occurs. In addition to this suspension, the court may
18 also proceed under section 908.

19 (12) The court shall waive any civil fine, cost, or
20 assessment against a person who received a civil infraction
21 citation for a violation of section 710d if the person, before
22 the appearance date on the citation, supplies the court with
23 evidence of acquisition, purchase, or rental of a child seating
24 system meeting the requirements of section 710d.

25 (13) Until October 1, 2003, in addition to any civil fines
26 and costs ordered to be paid under this section, the judge or
27 district court magistrate shall levy an assessment of \$5.00 for

1 each civil infraction determination, except for a parking
2 violation or a violation for which the total fine and costs
3 imposed are \$10.00 or less. An assessment paid before October 1,
4 2003 shall be transmitted by the clerk of the court to the state
5 treasurer to be deposited into the Michigan justice training
6 fund. An assessment ordered before October 1, 2003 but collected
7 on or after October 1, 2003 shall be transmitted by the clerk of
8 the court to the state treasurer for deposit in the justice
9 system fund created in section 181 of the revised judicature act
10 of 1961, 1961 PA 236, MCL 600.181. An assessment levied under
11 this subsection is not a civil fine for purposes of section 909.

12 (14) Effective October 1, 2003, in addition to any civil
13 fines ~~and~~ or costs ordered to be paid under this section, the
14 judge or district court magistrate shall order the defendant to
15 pay a justice system assessment of \$40.00 for each civil
16 infraction determination, except for a parking violation or a
17 violation for which the total fine and costs imposed are \$10.00
18 or less. Upon payment of the assessment, the clerk of the court
19 shall transmit the assessment collected to the state treasury to
20 be deposited into the justice system fund created in section 181
21 of the revised judicature act of 1961, 1961 PA 236, MCL 600.181.
22 An assessment levied under this subsection is not a civil fine
23 for purposes of section 909.

24 (15) If a person has received a citation for a violation of
25 section 223, the court shall waive any civil fine, costs, and
26 assessment, upon receipt of certification by a law enforcement
27 agency that the person, before the appearance date on the

1 citation, produced a valid registration certificate that was
2 valid on the date the violation of section 223 occurred.

3 Enacting section 1. Section 79e of the Michigan vehicle
4 code, 1949 PA 300, MCL 257.79e, is repealed April 8, 2004.

5 Enacting section 2. Section 733 of the Michigan vehicle
6 code, 1949 PA 300, MCL 257.733, as amended by this amendatory
7 act, takes effect September 1, 2004.

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