

# SENATE BILL No. 377

April 3, 2003, Introduced by Senators BISHOP, SANBORN, CROSEY, GEORGE, BIRKHOLZ, JOHNSON, VAN WOERKOM, GOSCHKA, KUIPERS, BASHAM and ALLEN and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 319, 319b, 625, 625n, and 904d (MCL 257.319, 257.319b, 257.625, 257.625n, and 257.904d), sections 319 and 319b as amended by 2002 PA 534, section 625 as amended by 2000 PA 460, section 625n as amended by 1998 PA 349, and section 904d as amended by 2001 PA 159.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 319. (1) The secretary of state shall immediately  
2 suspend a person's license as provided in this section upon  
3 receiving a record of the person's conviction for a crime  
4 described in this section, whether the conviction is under a law  
5 of this state, a local ordinance substantially corresponding to a  
6 law of this state, or a law of another state substantially  
7 corresponding to a law of this state.

1 (2) The secretary of state shall suspend the person's license  
2 for 1 year for any of the following crimes:

3 (a) Fraudulently altering or forging documents pertaining to  
4 motor vehicles in violation of section 257.

5 (b) A violation of section 413 of the Michigan penal code,  
6 1931 PA 328, MCL 750.413.

7 (c) A violation of section 1 of former 1931 PA 214,  
8 MCL 752.191, or section 626c.

9 (d) A felony in which a motor vehicle was used. As used in  
10 this section, "felony in which a motor vehicle was used" means a  
11 felony during the commission of which the person convicted  
12 operated a motor vehicle and while operating the vehicle  
13 presented real or potential harm to persons or property and 1 or  
14 more of the following circumstances existed:

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

16 (ii) The vehicle was used to transport a victim of the  
17 felony.

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

19 (iv) The vehicle was necessary for the commission of the  
20 felony.

21 (e) A violation of section 602a(2) or (3) of this act or  
22 section 479a(2) or (3) of the Michigan penal code, 1931 PA 328,  
23 MCL 750.479a.

24 (3) The secretary of state shall suspend the person's license  
25 for 90 days for any of the following crimes:

26 (a) Failing to stop and disclose identity at the scene of an  
27 accident resulting in injury in violation of section 617a.

1 (b) A violation of section 601b(2), section 601c(1), section  
2 626, or section 653a(3).

3 (c) Malicious destruction resulting from the operation of a  
4 vehicle under section 382(1)(b), (c), or (d) of the Michigan  
5 penal code, 1931 PA 328, MCL 750.382.

6 (d) A violation of section 703(2) of the Michigan liquor  
7 control code of 1998, 1998 PA 58, MCL 436.1703.

8 (4) The secretary of state shall suspend the person's license  
9 for 30 days for malicious destruction resulting from the  
10 operation of a vehicle under section 382(1)(a) of the Michigan  
11 penal code, 1931 PA 328, MCL 750.382.

12 (5) For perjury or making a false certification to the  
13 secretary of state under any law requiring the registration of a  
14 motor vehicle or regulating the operation of a vehicle on a  
15 highway, or for conduct prohibited under section 324(1) or a  
16 local ordinance substantially corresponding to section 324(1),  
17 the secretary shall suspend the person's license as follows:

18 (a) If the person has no prior conviction for an offense  
19 described in this subsection within 7 years, for 90 days.

20 (b) If the person has 1 or more prior convictions for an  
21 offense described in this subsection within 7 years, for 1 year.

22 (6) For a violation of section 414 of the Michigan penal  
23 code, 1931 PA 328, MCL 750.414, the secretary of state shall  
24 suspend the person's license as follows:

25 (a) If the person has no prior conviction for that offense  
26 within 7 years, for 90 days.

27 (b) If the person has 1 or more prior convictions for that

1 offense within 7 years, for 1 year.

2 (7) For a violation of section 624a or 624b of this act or  
3 section 703(1) of the Michigan liquor control code of 1998, 1998  
4 PA 58, MCL 436.1703, the secretary of state shall suspend the  
5 person's license as follows:

6 (a) If the person has 1 prior conviction for an offense  
7 described in this subsection or section 33b(1) of former 1933 (Ex  
8 Sess) PA 8, for 90 days. The secretary of state may issue the  
9 person a restricted license after the first 30 days of  
10 suspension.

11 (b) If the person has 2 or more prior convictions for an  
12 offense described in this subsection or section 33b(1) of former  
13 1933 (Ex Sess) PA 8, for 1 year. The secretary of state may  
14 issue the person a restricted license after the first 60 days of  
15 suspension.

16 (8) The secretary of state shall suspend the person's license  
17 for a violation of section 625 or 625m as follows:

18 (a) ~~For~~ **Except as provided in subdivision (b), for** 180 days  
19 for a violation of section 625(1) if the person has no prior  
20 convictions within 7 years. The secretary of state may issue the  
21 person a restricted license during all or a specified portion of  
22 the suspension, except that the secretary of state shall not  
23 issue a restricted license during the first 30 days of  
24 suspension.

25 (b) **For 150 days for a violation of section 625(1) if the**  
26 **person has a blood alcohol content of 0.165 grams or more per 100**  
27 **milliliters of blood, per 210 liters of breath, or per 67**

1 milliliters of urine and the person has no prior convictions  
2 within 7 years. The secretary of state may issue the person a  
3 restricted license during all or a specified portion of the  
4 suspension, except that the secretary of state shall not issue a  
5 restricted license during the first 60 days of suspension.

6 (c) ~~-(b)-~~ For 90 days for a violation of section 625(3) if  
7 the person has no prior convictions within 7 years. However, if  
8 the person is convicted of a violation of section 625(3), for  
9 operating a vehicle when, due to the consumption of a controlled  
10 substance or a combination of intoxicating liquor and a  
11 controlled substance, the person's ability to operate the vehicle  
12 was visibly impaired, the secretary of state shall suspend the  
13 person's license under this subdivision for 180 days. The  
14 secretary of state may issue the person a restricted license  
15 during all or a specified portion of the suspension.

16 (d) ~~-(e)-~~ For 30 days for a violation of section 625(6) if  
17 the person has no prior convictions within 7 years. The  
18 secretary of state may issue the person a restricted license  
19 during all or a specified portion of the suspension.

20 (e) ~~-(d)-~~ For 90 days for a violation of section 625(6) if  
21 the person has 1 or more prior convictions for that offense  
22 within 7 years.

23 (f) ~~-(e)-~~ For 180 days for a violation of section 625(7) if  
24 the person has no prior convictions within 7 years. The  
25 secretary of state may issue the person a restricted license  
26 after the first 90 days of suspension.

27 (g) ~~-(f)-~~ For 90 days for a violation of section 625m if the

1 person has no prior convictions within 7 years. The secretary of  
2 state may issue the person a restricted license during all or a  
3 specified portion of the suspension.

4 (9) For a violation of section 367c of the Michigan penal  
5 code, 1931 PA 328, MCL 750.367c, the secretary of state shall  
6 suspend the person's license as follows:

7 (a) If the person has no prior conviction for an offense  
8 described in this subsection within 7 years, for 6 months.

9 (b) If the person has 1 or more convictions for an offense  
10 described in this subsection within 7 years, for 1 year.

11 (10) For a violation of section 315(4), the secretary of  
12 state may suspend the person's license for 6 months.

13 (11) For a violation or attempted violation of  
14 section 411a(2) of the Michigan penal code, 1931 PA 328,  
15 MCL 750.411a, involving a school, the secretary of state shall  
16 suspend the license of a person 14 years of age or over but less  
17 than 21 years of age until 3 years after the date of the  
18 conviction or juvenile disposition for the violation. The  
19 secretary of state may issue the person a restricted license  
20 after the first 365 days of suspension.

21 (12) Except as provided in subsection (14), a suspension  
22 under this section shall be imposed notwithstanding a court order  
23 unless the court order complies with section 323.

24 (13) If the secretary of state receives records of more than  
25 1 conviction of a person resulting from the same incident, a  
26 suspension shall be imposed only for the violation to which the  
27 longest period of suspension applies under this section.

1           (14) The secretary of state may waive a restriction,  
2 suspension, or revocation of a person's license imposed under  
3 this act if the person submits proof that a court in another  
4 state revoked, suspended, or restricted his or her license for a  
5 period equal to or greater than the period of a restriction,  
6 suspension, or revocation prescribed under this act for the  
7 violation and that the revocation, suspension, or restriction was  
8 served for the violation, or may grant a restricted license.

9           (15) The secretary of state shall not issue a restricted  
10 license to a person whose license is suspended under this section  
11 unless a restricted license is authorized under this section and  
12 the person is otherwise eligible for a license.

13           (16) The secretary of state shall not issue a restricted  
14 license to a person under subsection (8) that would permit the  
15 person to operate a commercial motor vehicle that transports  
16 hazardous material in amounts requiring a placard under the  
17 hazardous materials regulations, 49 C.F.R. parts 100 to 199.

18           (17) A restricted license issued under this section shall  
19 permit the person to whom it is issued to drive under 1 or more  
20 of the following circumstances:

21           (a) In the course of the person's employment or occupation.

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

23           (i) The person's residence.

24           (ii) The person's work location.

25           (iii) An alcohol or drug education or treatment program as  
26 ordered by the court.

27           (iv) The court probation department.

1 (v) A court-ordered community service program.

2 (vi) An educational institution at which the person is  
3 enrolled as a student.

4 (vii) A place of regularly occurring medical treatment for a  
5 serious condition for the person or a member of the person's  
6 household or immediate family.

7 (18) While driving with a restricted license, the person  
8 shall carry proof of his or her destination and the hours of any  
9 employment, class, or other reason for traveling and shall  
10 display that proof upon a peace officer's request.

11 (19) Subject to subsection (21), as used in subsection (8),  
12 "prior conviction" means a conviction for any of the following,  
13 whether under a law of this state, a local ordinance  
14 substantially corresponding to a law of this state, or a law of  
15 another state substantially corresponding to a law of this  
16 state:

17 (a) Except as provided in subsection (20), a violation or  
18 attempted violation of section 625(1), (3), (4), (5), (6), or  
19 (7), section 625m, former section 625(1) or (2), or former  
20 section 625b.

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

24 (20) Except for purposes of the suspensions described in  
25 subsection (8)(c) and (d), only 1 violation or attempted  
26 violation of section 625(6), a local ordinance substantially  
27 corresponding to section 625(6), or a law of another state

1 substantially corresponding to section 625(6) may be used as a  
2 prior conviction.

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

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

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

27 (i) Two serious traffic violations arising from separate

1 incidents within 36 months.

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

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

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

8       (v) A violation of motor carrier safety regulations 49  
9 C.F.R. 392.10 or 392.11, as adopted by section 31 of the motor  
10 bus transportation act, 1982 PA 432, MCL 474.131.

11       (vi) A violation of motor carrier safety regulations 49  
12 C.F.R. 392.10 or 392.11 while operating a commercial motor  
13 vehicle other than a vehicle covered under subparagraph (iii),  
14 (iv), or (v).

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

19       (i) Three serious traffic violations.

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

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

24       (i) ~~A~~ **Except as provided under subdivision (d)(ii), a**  
25 violation of section 625(1), (3), (4), (5), (6), or (7), section  
26 625m, or former section 625(1) or (2), or former section 625b,  
27 while operating a commercial motor vehicle.

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

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

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

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

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

15          (d) Suspension for 3 years if the licensee is convicted of or  
16 found responsible for ~~an~~ **any of the following:**

17           (i) **An** offense enumerated in subdivision (c)(i) to (v) in  
18 which a commercial motor vehicle was used if the vehicle was  
19 carrying hazardous material required to have a placard pursuant  
20 to 49 C.F.R. parts 100 to 199.

21           (ii) **A violation of section 625(1), while operating a**  
22 **commercial motor vehicle, if the person has a blood alcohol**  
23 **content of 0.165 grams or more per 100 milliliters of blood, per**  
24 **210 liters of breath, or per 67 milliliters of urine.**

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

1 for 1 of the following:

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

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

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

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

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

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

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

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

27 (ii) A conviction of any offense described in subdivision (c)

1 or (d) after having been approved for the issuance of a vehicle  
2 group designation under subdivision (e).

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

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

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

26 (a) Suspension for 90 days if the licensee is convicted of or  
27 found responsible for a violation of section 319d(4) or 319f

1 while operating a commercial motor vehicle.

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

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

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

18 (e) Suspension for 3 years if the licensee is convicted of or  
19 found responsible for 2 or more violations, in any combination,  
20 of section 319d(4) or 319f while operating a commercial motor  
21 vehicle carrying hazardous material required to have a placard  
22 pursuant to 49 C.F.R. parts 100 to 199, or designed to carry 16  
23 or more passengers, including the driver, arising from 2 or more  
24 separate incidents during a 10-year 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, improper lane use,  
15 following too closely, or any other serious traffic violation as  
16 defined in 49 C.F.R. 383.5 or as prescribed under this act.

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

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

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

4 Sec. 625. (1) A person, whether licensed or not, shall not  
5 operate a vehicle upon a highway or other place open to the  
6 general public or generally accessible to motor vehicles,  
7 including an area designated for the parking of vehicles, within  
8 this state if either of the following applies:

9 (a) The person is under the influence of intoxicating liquor,  
10 a controlled substance, or a combination of intoxicating liquor  
11 and a controlled substance.

12 (b) The person has an alcohol content of 0.10 grams or more  
13 per 100 milliliters of blood, per 210 liters of breath, or per 67  
14 milliliters of urine.

15 (2) The owner of a vehicle or a person in charge or in  
16 control of a vehicle shall not authorize or knowingly permit the  
17 vehicle to be operated upon a highway or other place open to the  
18 general public or generally accessible to motor vehicles,  
19 including an area designated for the parking of motor vehicles,  
20 within this state by a person who is under the influence of  
21 intoxicating liquor, a controlled substance, or a combination of  
22 intoxicating liquor and a controlled substance, who has an  
23 alcohol content of 0.10 grams or more per 100 milliliters of  
24 blood, per 210 liters of breath, or per 67 milliliters of urine,  
25 or whose ability to operate the motor vehicle is visibly impaired  
26 due to the consumption of intoxicating liquor, a controlled  
27 substance, or a combination of intoxicating liquor and a

1 controlled substance.

2 (3) A person, whether licensed or not, shall not operate a  
3 vehicle upon a highway or other place open to the general public  
4 or generally accessible to motor vehicles, including an area  
5 designated for the parking of vehicles, within this state when,  
6 due to the consumption of intoxicating liquor, a controlled  
7 substance, or a combination of intoxicating liquor and a  
8 controlled substance, the person's ability to operate the vehicle  
9 is visibly impaired. If a person is charged with violating  
10 subsection (1), a finding of guilty under this subsection may be  
11 rendered.

12 (4) A person, whether licensed or not, who operates a motor  
13 vehicle in violation of subsection (1) or (3) and by the  
14 operation of that motor vehicle causes the death of another  
15 person is guilty of a crime as follows:

16 (a) Except as provided in subdivision (b), the person is  
17 guilty of a felony punishable by imprisonment for not more than  
18 15 years or a fine of not less than \$2,500.00 or more than  
19 \$10,000.00, or both. The judgment of sentence may impose the  
20 sanction permitted under section 625n. If the vehicle is not  
21 ordered forfeited under section 625n, the court shall order  
22 vehicle immobilization under section 904d in the judgment of  
23 sentence.

24 (b) If, at the time of the violation, the person is operating  
25 a motor vehicle in a manner proscribed under section 653a and  
26 causes the death of a police officer, firefighter, or other  
27 emergency response personnel, the person is guilty of a felony

1 punishable by imprisonment for not more than 20 years or a fine  
2 of not less than \$2,500.00 or more than \$10,000.00, or both.  
3 This subdivision applies regardless of whether the person is  
4 charged with the violation of section 653a. The judgment of  
5 sentence may impose the sanction permitted under section 625n.  
6 If the vehicle is not ordered forfeited under section 625n, the  
7 court shall order vehicle immobilization under section 904d in  
8 the judgment of sentence.

9 (5) A person, whether licensed or not, who operates a motor  
10 vehicle in violation of subsection (1) or (3) and by the  
11 operation of that motor vehicle causes a serious impairment of a  
12 body function of another person is guilty of a felony punishable  
13 by imprisonment for not more than 5 years or a fine of not less  
14 than \$1,000.00 or more than \$5,000.00, or both. The judgment of  
15 sentence may impose the sanction permitted under section 625n.  
16 If the vehicle is not ordered forfeited under section 625n, the  
17 court shall order vehicle immobilization under section 904d in  
18 the judgment of sentence. As used in this subsection, "serious  
19 impairment of a body function" includes, but is not limited to, 1  
20 or more of the following:

- 21 (a) Loss of a limb or use of a limb.  
22 (b) Loss of a hand, foot, finger, or thumb or use of a hand,  
23 foot, finger, or thumb.  
24 (c) Loss of an eye or ear or use of an eye or ear.  
25 (d) Loss or substantial impairment of a bodily function.  
26 (e) Serious visible disfigurement.  
27 (f) A comatose state that lasts for more than 3 days.

1 (g) Measurable brain damage or mental impairment.

2 (h) A skull fracture or other serious bone fracture.

3 (i) Subdural hemorrhage or subdural hematoma.

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

11 (a) An alcohol content of not less than 0.02 grams or more  
12 than 0.07 grams per 100 milliliters of blood, per 210 liters of  
13 breath, or per 67 milliliters of urine.

14 (b) Any presence of alcohol within a person's body resulting  
15 from the consumption of intoxicating liquor, other than  
16 consumption of intoxicating liquor as a part of a generally  
17 recognized religious service or ceremony.

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

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

25 (i) Except as provided in subparagraph (ii), a person who  
26 violates this subdivision is guilty of a misdemeanor and shall be  
27 sentenced to pay a fine of not less than \$200.00 or more than

1 \$1,000.00 and to 1 or more of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (d) This subsection does not prohibit a person from being  
22 charged with, convicted of, or punished for a violation of  
23 subsection (4) or (5) that is committed by the person while  
24 violating this subsection. However, points shall not be assessed  
25 under section 320a for both a violation of subsection (4) or (5)  
26 and a violation of this subsection for conduct arising out of the  
27 same transaction.

1 (8) If a person is convicted of violating subsection (1), all  
2 of the following apply:

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

6 (i) Community service for not more than 45 days **or, if the**  
7 **person has a blood alcohol content of 0.165 grams or more per 100**  
8 **milliliters of blood, per 210 liters of breath, or per 67**  
9 **milliliters of urine, community service for not more than 90**  
10 **days.**

11 (ii) Imprisonment for not more than 93 days **or, if the person**  
12 **has a blood alcohol content of 0.165 grams or more per 100**  
13 **milliliters of blood, per 210 liters of breath, or per 67**  
14 **milliliters of urine, imprisonment for not more than 180 days.**

15 (iii) A fine of not less than \$100.00 or more than \$500.00  
16 **or, if the person has a blood alcohol content of 0.165 grams or**  
17 **more per 100 milliliters of blood, per 210 liters of breath, or**  
18 **per 67 milliliters of urine, a fine of not less than \$1,000.00 or**  
19 **more than \$2,000.00.**

20 (b) If the violation occurs within 7 years of a 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 to 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 **(a), if the**  
22 **person has a blood alcohol content of 0.165 grams or more per 100**  
23 **milliliters of blood, per 210 liters of breath, or per 67**  
24 **milliliters of urine, or under subdivision (b) or (c),** the court  
25 may impose the sanction permitted under section 625n.

26 (9) A person who is convicted of violating subsection (2) is  
27 guilty of a crime as follows:

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

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

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

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

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

18 (i) Community service for not more than 45 days.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 following:

2 (i) Community service for not more than 45 days.

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

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

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

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

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

10 (12) In addition to imposing the sanctions prescribed under  
11 this section, the court may order the person to pay the costs of  
12 the prosecution under the code of criminal procedure, 1927  
13 PA 175, MCL 760.1 to ~~776.22~~ **777.69**.

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

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

27 (15) If a person is charged with a violation of subsection

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

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

9 (a) An abstract of conviction.

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

11 (c) An admission by the defendant.

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

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

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

11 (19) A special verdict described in subsections (17) and (18)  
12 is not required if a jury is instructed to make a finding solely  
13 as to either of the following:

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

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

21 (20) If a jury or court finds under subsection (17), (18), or  
22 (19) that the defendant operated a motor vehicle under the  
23 influence of or while impaired due to the consumption of a  
24 controlled substance or a combination of a controlled substance  
25 and an intoxicating liquor, the court shall do both of the  
26 following:

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

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

6 (21) Except as otherwise provided by law, a record described  
7 in subsection (20)(b) is a public record and the department of  
8 state police shall retain the information contained on that  
9 record for not less than 7 years.

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

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

21 (a) Except as provided in subsection (24), a violation or  
22 attempted violation of subsection (1), (3), (4), (5), (6), or  
23 (7), section 625m, former section 625(1) or (2), or former  
24 section 625b.

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

1 (c) A violation of section 653a(4).

2 (24) Except for purposes of the enhancement described in  
3 subsection (11)(b), only 1 violation or attempted violation of  
4 subsection (6), a local ordinance substantially corresponding to  
5 subsection (6), or a law of another state substantially  
6 corresponding to subsection (6) may be used as a prior  
7 conviction.

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

12 Sec. 625n. (1) Except as otherwise provided in this section  
13 and in addition to any other penalty provided for in this act,  
14 the judgment of sentence for a conviction for a violation of  
15 section 625(1) described in section ~~625(8)(b) or (e)~~,  
16 **625(8)(a), if the person has a blood alcohol content of 0.165**  
17 **grams or more per 100 milliliters of blood, per 210 liters of**  
18 **breath, or per 67 milliliters of urine, or section 625(8)(b), or**  
19 **section 625(8)(c)**, a violation of section 625(3) described in  
20 section 625(10)(b) or (c), a violation of section 625(4), (5), or  
21 (7), or a violation of section 904(4) or (5) may require 1 of the  
22 following with regard to the vehicle used in the offense if the  
23 defendant owns the vehicle in whole or in part or leases the  
24 vehicle:

25 (a) Forfeiture of the vehicle if the defendant owns the  
26 vehicle in whole or in part.

27 (b) Return of the vehicle to the lessor if the defendant

1 leases the vehicle.

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

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

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

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

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

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

26 (7) If a vehicle is forfeited under this section, the unit of  
27 government that seized the vehicle shall sell the vehicle and

1 dispose of the proceeds in the following order of priority:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1           (a) ~~For~~ **Except as provided in subdivision (c), for a**  
2 conviction under section 625(1), (3), or (7) or a local ordinance  
3 substantially corresponding to section 625(1) or (3) with no  
4 prior convictions, the court may order vehicle immobilization for  
5 not more than 180 days.

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

9           (c) For a conviction under **section 625(1), if the person has**  
10 **a blood alcohol content of 0.165 grams or more per 100**  
11 **milliliters of blood, per 210 liters of breath, or per 67**  
12 **milliliters of urine, or a conviction under** section 625(1), (3),  
13 (4), (5), or (7) within 7 years after a prior conviction, the  
14 court shall order vehicle immobilization for not less than 90  
15 days or more than 180 days.

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

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

23           (a) Except as provided in subdivision (b), for 1 prior  
24 suspension, revocation, or denial under section 904(10), (11), or  
25 (12) or former section 904(2) or (4) within the past 7 years, the  
26 court may order vehicle immobilization for not more than 180  
27 days.

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

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

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

14 (3) The defendant shall provide to the court the vehicle  
15 identification number and registration plate number of the  
16 vehicle involved in the violation.

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

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

21 (b) The owner, co-owner, lessee, or co-lessee knowingly  
22 permitted the vehicle to be operated in violation of section  
23 625(2) or section 904(2) regardless of whether a conviction  
24 resulted.

25 (5) An order required to be issued under this section shall  
26 not be suspended.

27 (6) If a defendant is ordered imprisoned for the violation

1 for which immobilization is ordered, the period of immobilization  
2 shall begin at the end of the period of imprisonment.

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

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

7 (b) A vehicle that is registered in another state or that is  
8 a rental vehicle.

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

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

12 (e) Any of the following:

13 (i) A violation of chapter II.

14 (ii) A violation of chapter V.

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

16 (iv) A parking violation.

17 (v) A bad check violation.

18 (vi) An equipment violation.

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

26 (viii) A violation of a local ordinance substantially  
27 corresponding to a violation described in subparagraphs (i) to

1 (vii).

2 (8) As used in this section:

3 (a) Subject to subsection (9), "prior conviction" means a  
4 conviction for any of the following, whether under a law of this  
5 state, a local ordinance substantially corresponding to a law of  
6 this state, or a law of another state substantially corresponding  
7 to a law of this state:

8 (i) Except as otherwise provided in this subparagraph, a  
9 violation or attempted violation of section 625(1), (3), (4),  
10 (5), (6), or (7), section 625m, former section 625(1) or (2), or  
11 former section 625b. However, only 1 violation or attempted  
12 violation of section 625(6), a local ordinance substantially  
13 corresponding to section 625(6), or a law of another state  
14 substantially corresponding to section 625(6) may be used as a  
15 prior conviction.

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

19 (b) "Vehicle immobilization" means requiring the motor  
20 vehicle involved in the violation immobilized in a manner  
21 provided in section 904e.

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