

MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949
DRIVING WHILE INTOXICATED, AND RECKLESS DRIVING

257.625 Operating motor vehicle while intoxicated; "operating while intoxicated" defined; operating motor vehicle when visibly impaired; penalties for causing death or serious impairment of a body function; operation of motor vehicle by person less than 21 years of age; "any bodily alcohol content" defined; requirements; controlled substance; costs; enhanced sentence; guilty plea or nolo contendere; establishment of prior conviction; special verdict; public record; burden of proving religious service or ceremony; ignition interlock device; definitions; prior conviction; violations arising out of same transaction.

Compiler's Notes: <Paragraph><P>Section 2 of Act 309 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."</P></Paragraph>

Popular Name: Heidi's Law

257.625a Arrest without warrant; circumstances; preliminary chemical breath analysis; provisions; operator ordered out-of-service; refusal of commercial motor vehicle operator to submit to chemical breath analysis as misdemeanor; penalty; provisions applicable to chemical tests and analysis; evidence; availability of test results; admissibility of refusal to submit to chemical test; definitions.

Constitutionality: <Paragraph><P>The provision in the implied consent act for the admission in a prosecution involving driving under the influence of intoxicating liquor or a controlled substance of the results of a chemical analysis of a blood sample drawn for the purpose of medical treatment from a driver of a vehicle involved in an accident, and the requirement in the act that the medical facility or person performing the analysis must release the results to a prosecuting attorney who requests the results for use in the prosecution are constitutionally valid. <Emph EmphType="underline">People</Emph> v <Emph EmphType="underline">Perlos</Emph>, 436 Mich 305; 462 NW2d 310 (1990).</P></Paragraph>

Compiler's Notes: <Paragraph><P>Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."</P></Paragraph>

257.625b Arraignment of person arrested for misdemeanor violation; pretrial conference; advising accused of maximum penalty before acceptance of plea; screening, assessment, and rehabilitative services; assessment for medication-assisted treatment; action by secretary of state pending appeal.

Compiler's Notes: <Paragraph><P>Section 2 of Act 309 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."</P></Paragraph>

257.625c Consent to chemical tests; persons not considered to have given consent to withdrawal of blood; administration of tests; definitions.

Compiler's Notes: <Paragraph><P>Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date

of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.â€

257.625d Refusal to submit to chemical test; court order; report to secretary of state; form.

Compiler's Notes: Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

257.625e Refusal to submit to chemical test pursuant to MCL 257.625d; request for hearing; notice.

Compiler's Notes: Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

257.625f Effect of failure to request hearing; hearing procedure; notice; authority of hearing officer; scope of hearing; finding; record; licensing sanctions; judicial review; notice to motor vehicle administrator of another state.

Compiler's Notes: Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

257.625g Duties of peace officer if person refuses chemical test or if test reveals unlawful alcohol content or presence of controlled substance or other intoxicating substance; test results; duration of temporary license or permit; definitions.

Admin Rule: R 325.2651 et seq. of the Michigan Administrative Code.

257.625h Drunk driving prevention equipment and training fund; drunk driving caseload assistance fund.

Compiler's Notes: Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

Another Sec. 6a, as added by Act 104 of 1991, was originally compiled at MCL 257.625h[1] to distinguish it from this Sec. 6a, as added by Act 310 of 1983. Former MCL 257.625h[1], which pertained to preliminary chemical breath analysis, was repealed by Act 104 of 1991, Eff. Jan. 1, 1992.

257.625i Michigan annual drunk driving audit; preparation; contents; report; evaluation of 1998 legislation.

Compiler's Notes: <Paragraph><P>Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."</P></Paragraph>

257.625j Repealed. 1991, Act 98, Eff. Jan. 1, 1992.

Compiler's Notes: <Paragraph><P>The repealed section pertained to the Michigan drunk driving task force.</P></Paragraph>

257.625k Ignition interlock device manufacturer; certification; approval; requirements; rules; cost; notice to department by certifying laboratory; list of manufacturers; BAID manufacturer; approval of BAID service center; inspections; prohibited conduct by individual; installation requirements; installer qualifications and requirements; approval; renewal.

Admin Rule: <Paragraph><P>R 257.1001 et seq. of the Michigan Administrative Code.</P></Paragraph>

Compiler's Notes: <Paragraph><P>Enacting section 1 of Act 32 of 2016 provides:</P></Paragraph><Paragraph><P>"Enacting section 1. R 257.1005 and R 257.1006 of the Michigan Administrative Code are rescinded."</P></Paragraph>

257.625^{*l*} Ignition interlock device; warning label; prohibited conduct; violation as misdemeanor; penalty; impoundment of motor vehicle.

Compiler's Notes: <Paragraph><P>Enacting section 1 of Act 32 of 2016 provides:</P></Paragraph><Paragraph><P>"Enacting section 1. R 257.1005 and R 257.1006 of the Michigan Administrative Code are rescinded."</P></Paragraph>

257.625m Operation of commercial motor vehicle by person with certain alcohol content; arrest without warrant; violation as misdemeanor or felony; sentence; suspension of term prohibited; prior conviction.

257.625n Forfeiture of vehicle or return to lessor.

257.625o Ignition interlock device; sale, lease, or installation in vehicle; surety bond.

257.625p Operation of commercial quadricycle by person with certain alcohol content; prohibition; violation as misdemeanor; penalty.

257.625q Compliance with MCL 257.625k; investigation and determination by secretary of state; decertification of installer; notice to manufacturer; violation; penalty; suspension or revocation of manufacturer certification; removal from list of approved certified BAIDs; summary suspension or revocation; hearing; rules.

Compiler's Notes: <Paragraph><P>Enacting section 1 of Act 32 of 2016 provides:</P></Paragraph><Paragraph><P>"Enacting section 1. R 257.1005 and R 257.1006 of the Michigan Administrative Code are rescinded."</P></Paragraph>

257.625r Authority of peace officer certified as drug recognition expert to require person to submit to preliminary oral fluid analysis; arrest; admissibility of results; refusal; ordering person out of service.

257.625s Testimony of person qualified in administration of standardized field sobriety tests.

257.625t Roadside drug testing pilot program.

Compiler's Notes: <Paragraph><P>Enacting section 1 of Act 243 of 2016 provides:</P></Paragraph><Paragraph><P>"Enacting section 1. This amendatory act shall be known and may be cited as the "Barbara J. and Thomas J. Swift Law".</P></Paragraph>

257.626 Reckless driving on highway, frozen public lake, or parking place; violation as misdemeanor; penalty.

257.626a Drag races; prohibition on public highways; definition; prima facie evidence; applicability within Silver Lake State Park; "drag race" defined.

257.626b Careless or negligent operation of vehicle as civil infraction.

257.626c Repealed. 2008, Act 463, Eff. Oct. 31, 2010.

Compiler's Notes: <Paragraph><P>The repealed section pertained to operation of vehicle resulting in serious impairment of body function as felony.</P></Paragraph>