

HOUSE BILL NO. 5854

June 11, 2020, Introduced by Reps. Sneller, Yancey, Gay-Dagnogo, Stone, Lasinski, Bolden, Hood, Brenda Carter, Tyrone Carter, Hope, Whitsett, Sabo, Warren, Sowerby, Cambensy, Clemente, Manoogian, Kuppa, Hoadley, Guerra, Brann, O'Malley, Brixie, Peterson, Ellison, Wittenberg, Hammoud, Kennedy, Chirkun and Cynthia Johnson and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 625, 904, 904a, and 905 (MCL 257.625, 257.904, 257.904a, and 257.905), section 625 as amended by 2017 PA 153, section 904 as amended by 2018 PA 212, and section 904a as amended by 1985 PA 53.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 625. (1) A person, whether licensed or not, shall not
2 operate a vehicle ~~upon~~**on** a highway or other place open to the
3 general public or generally accessible to motor vehicles, including



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1 an area designated for the parking of vehicles, within this state
 2 if the person is operating while intoxicated. As used in this
 3 section, "operating while intoxicated" means any of the following:

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

8 (b) The person has an alcohol content of 0.08 grams or more
 9 per 100 milliliters of blood, per 210 liters of breath, or per 67
 10 milliliters of urine or, beginning October 1, 2021, the person has
 11 an alcohol content of 0.10 grams or more per 100 milliliters of
 12 blood, per 210 liters of breath, or per 67 milliliters of urine.

13 (c) The person has an alcohol content of 0.17 grams or more
 14 per 100 milliliters of blood, per 210 liters of breath, or per 67
 15 milliliters of urine.

16 (2) The owner of a vehicle or a person in charge or in control
 17 of a vehicle shall not authorize or knowingly permit the vehicle to
 18 be operated ~~upon~~ **on** a highway or other place open to the general
 19 public or generally accessible to motor vehicles, including an area
 20 designated for the parking of motor vehicles, within this state by
 21 a person if any of the following apply:

22 (a) The person is under the influence of alcoholic liquor, a
 23 controlled substance, other intoxicating substance, or a
 24 combination of alcoholic liquor, a controlled substance, or other
 25 intoxicating substance.

26 (b) The person has an alcohol content of 0.08 grams or more
 27 per 100 milliliters of blood, per 210 liters of breath, or per 67
 28 milliliters of urine or, beginning October 1, 2021, the person has
 29 an alcohol content of 0.10 grams or more per 100 milliliters of



1 blood, per 210 liters of breath, or per 67 milliliters of urine.

2 (c) The person's ability to operate the motor vehicle is
3 visibly impaired due to the consumption of alcoholic liquor, a
4 controlled substance, or other intoxicating substance, or a
5 combination of alcoholic liquor, a controlled substance, or other
6 intoxicating substance.

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

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

21 (a) Except as provided in subdivisions (b) and (c), the person
22 is guilty of a felony punishable by imprisonment for not more than
23 15 years or a fine of not less than \$2,500.00 or more than
24 \$10,000.00, or both. The judgment of sentence may impose the
25 sanction permitted under section 625n. If the vehicle is not
26 ordered forfeited under section 625n, the court shall order vehicle
27 immobilization under section 904d in the judgment of sentence.

28 (b) If the violation occurs while the person has an alcohol
29 content of 0.17 grams or more per 100 milliliters of blood, per 210



1 liters of breath, or per 67 milliliters of urine, and within 7
2 years of a prior conviction, the person is guilty of a felony
3 punishable by imprisonment for not more than 20 years or a fine of
4 not less than \$2,500.00 or more than \$10,000.00, or both. The
5 judgment of sentence may impose the sanction permitted under
6 section 625n. If the vehicle is not ordered forfeited under section
7 625n, the court shall order vehicle immobilization under section
8 904d in the judgment of sentence.

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

21 (5) A person, whether licensed or not, who operates a motor
22 vehicle in violation of subsection (1), (3), or (8) and by the
23 operation of that motor vehicle causes a serious impairment of a
24 body function of another person is guilty of a crime as follows:

25 (a) Except as provided in subdivision (b), the person is
26 guilty of a felony punishable by imprisonment for not more than 5
27 years or a fine of not less than \$1,000.00 or more than \$5,000.00,
28 or both. The judgment of sentence may impose the sanction permitted
29 under section 625n. If the vehicle is not ordered forfeited under



1 section 625n, the court shall order vehicle immobilization under
2 section 904d in the judgment of sentence.

3 (b) If the violation occurs while the person has an alcohol
4 content of 0.17 grams or more per 100 milliliters of blood, per 210
5 liters of breath, or per 67 milliliters of urine, and within 7
6 years of a prior conviction, the person is guilty of a felony
7 punishable by imprisonment for not more than 10 years or a fine of
8 not less than \$1,000.00 or more than \$5,000.00, or both. The
9 judgment of sentence may impose the sanction permitted under
10 section 625n. If the vehicle is not ordered forfeited under section
11 625n, the court shall order vehicle immobilization under section
12 904d in the judgment of sentence.

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

20 (a) An alcohol content of 0.02 grams or more but less than
21 0.08 grams per 100 milliliters of blood, per 210 liters of breath,
22 or per 67 milliliters of urine or, beginning October 1, 2021, the
23 person has an alcohol content of 0.02 grams or more but less than
24 0.10 grams per 100 milliliters of blood, per 210 liters of breath,
25 or per 67 milliliters of urine.

26 (b) Any presence of alcohol within a person's body resulting
27 from the consumption of alcoholic liquor, other than consumption of
28 alcoholic liquor as a part of a generally recognized religious
29 service or ceremony.



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

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

8 (i) Except as provided in subparagraph (ii), a person who
9 violates this subdivision is guilty of a misdemeanor and must be
10 sentenced to pay a fine of not less than \$200.00 or more than
11 \$1,000.00 and to 1 or more of the following:

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

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

17 (ii) If the violation occurs within 7 years of a prior
18 conviction or after 2 or more prior convictions, regardless of the
19 number of years that have elapsed since any prior conviction, a
20 person who violates this subdivision is guilty of a felony and must
21 be sentenced to pay a fine of not less than \$500.00 or more than
22 \$5,000.00 and to either of the following:

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

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



1 **(iii) A court may suspend the mandatory term of imprisonment**
 2 **under subparagraph (ii) if a defendant agrees to participate in a**
 3 **specialty court program and successfully completes the program.**

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

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

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

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

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

14 (ii) If the violation occurs within 7 years of a prior
 15 conviction or after 2 or more prior convictions, regardless of the
 16 number of years that have elapsed since any prior conviction, a
 17 person who violates this subdivision must be sentenced to pay a
 18 fine of not less than \$200.00 or more than \$1,000.00 and to 1 or
 19 more of the following:

20 (A) Imprisonment for not ~~less than 5 days or more than 1 year.~~
 21 ~~Not less than 48 hours of this imprisonment must be served~~
 22 ~~consecutively. This term of imprisonment must not be suspended.~~

23 (B) Community service for not less than 30 days or more than
 24 90 days.

25 (c) In the judgment of sentence under subdivision (a) (i) or
 26 (b) (i), the court may, unless the vehicle is ordered forfeited under
 27 section 625n, order vehicle immobilization as provided in section
 28 904d. In the judgment of sentence under subdivision (a) (ii) or
 29 (b) (ii), the court shall, unless the vehicle is ordered forfeited



1 under section 625n, order vehicle immobilization as provided in
2 section 904d.

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

10 (8) A person, whether licensed or not, shall not operate a
11 vehicle ~~upon~~ on a highway or other place open to the general public
12 or generally accessible to motor vehicles, including an area
13 designated for the parking of vehicles, within this state if the
14 person has in his or her body any amount of a controlled substance
15 listed in schedule 1 under section 7212 of the public health code,
16 1978 PA 368, MCL 333.7212, or a rule promulgated under that
17 section, or of a controlled substance described in section
18 7214(a) (iv) of the public health code, 1978 PA 368, MCL 333.7214.

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

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

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

25 (ii) Imprisonment for not more than 93 days, or, if the person
26 is convicted of violating subsection (1)(c), imprisonment for not
27 more than 180 days.

28 (iii) A fine of not less than \$100.00 or more than \$500.00, or,
29 if the person is guilty of violating subsection (1)(c), a fine of



1 not less than \$200.00 or more than \$700.00.

2 (b) If the violation occurs within 7 years of a prior
3 conviction, the person must be sentenced to pay a fine of not less
4 than \$200.00 or more than \$1,000.00 and 1 or more of the following:

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

8 (ii) Community service for not less than 30 days or more than
9 90 days.

10 (c) If the violation occurs after 2 or more prior convictions,
11 regardless of the number of years that have elapsed since any prior
12 conviction, the person is guilty of a felony and must be sentenced
13 to pay a fine of not less than \$500.00 or more than \$5,000.00 and
14 to either of the following:

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

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

22 (d) A term of imprisonment imposed under subdivision (b) or
23 (c) must not be suspended **unless the defendant agrees to**
24 **participate in a specialty court program and successfully completes**
25 **the program.**

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



1 order vehicle immobilization as provided in section 904d.

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

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

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

9 (b) If the person operating the motor vehicle violated
10 subsection (4), a felony punishable by imprisonment for not more
11 than 5 years or a fine of not less than \$1,500.00 or more than
12 \$10,000.00, or both.

13 (c) If the person operating the motor vehicle violated
14 subsection (5), a felony punishable by imprisonment for not more
15 than 2 years or a fine of not less than \$1,000.00 or more than
16 \$5,000.00, or both.

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

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

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

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

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

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

29 (i) Imprisonment for not ~~less than 5 days or~~ more than 1 year.



1 ~~Not less than 48 hours of the term of imprisonment imposed under~~
2 ~~this subparagraph must be served consecutively.~~

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

5 (c) If the violation occurs after 2 or more prior convictions,
6 regardless of the number of years that have elapsed since any prior
7 conviction, the person is guilty of a felony and must be sentenced
8 to pay a fine of not less than \$500.00 or more than \$5,000.00 and
9 either of the following:

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

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

17 (d) A term of imprisonment imposed under subdivision (b) or
18 (c) must not be suspended **unless the defendant agrees to**
19 **participate in a specialty court program and successfully completes**
20 **the program.**

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

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

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



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

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

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

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

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

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

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

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

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

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

29 (16) If a person is charged with a violation of subsection



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

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

9 (a) A copy of a judgment of conviction.

10 (b) An abstract of conviction.

11 (c) A transcript of a prior trial or a plea-taking or
12 sentencing proceeding.

13 (d) A copy of a court register of actions.

14 (e) A copy of the defendant's driving record.

15 (f) Information contained in a presentence report.

16 (g) An admission by the defendant.

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



1 (19) Except as otherwise provided in subsection (20), if a
2 person is charged with operating a vehicle while his or her ability
3 to operate the vehicle was visibly impaired due to his or her
4 consumption of a controlled substance or other intoxicating
5 substance or a combination of alcoholic liquor, a controlled
6 substance, or other intoxicating substance in violation of
7 subsection (3) or a local ordinance substantially corresponding to
8 subsection (3), the court shall require the jury to return a
9 special verdict in the form of a written finding or, if the court
10 convicts the person without a jury or accepts a plea of guilty or
11 nolo contendere, the court shall make a finding as to whether, due
12 to the consumption of a controlled substance or a combination of
13 alcoholic liquor, a controlled substance, or other intoxicating
14 substance, the person's ability to operate a motor vehicle was
15 visibly impaired at the time of the violation.

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

19 (a) Whether the defendant was under the influence of a
20 controlled substance or a combination of alcoholic liquor, a
21 controlled substance, or other intoxicating substance at the time
22 of the violation.

23 (b) Whether the defendant was visibly impaired due to his or
24 her consumption of a controlled substance or a combination of
25 alcoholic liquor, a controlled substance, or other intoxicating
26 substance at the time of the violation.

27 (21) If a jury or court finds under subsection (18), (19), or
28 (20) that the defendant operated a motor vehicle under the
29 influence of or while impaired due to the consumption of a



1 controlled substance or a combination of a controlled substance, an
 2 alcoholic liquor, or other intoxicating substance, the court shall
 3 do both of the following:

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

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

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

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

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

24 (25) As used in this section:

25 (a) "Intoxicating substance" means any substance, preparation,
 26 or a combination of substances and preparations other than alcohol
 27 or a controlled substance, that is either of the following:

28 (i) Recognized as a drug in any of the following publications
 29 or their supplements:



1 (A) The official United States Pharmacopoeia.

2 (B) The official Homeopathic Pharmacopoeia of the United
3 States.

4 (C) The official National Formulary.

5 (ii) A substance, other than food, taken into a person's body,
6 including, but not limited to, vapors or fumes, that is used in a
7 manner or for a purpose for which it was not intended, and that may
8 result in a condition of intoxication.

9 (b) "Prior conviction" means a conviction for any of the
10 following, whether under a law of this state, a local ordinance
11 substantially corresponding to a law of this state, a law of the
12 United States substantially corresponding to a law of this state,
13 or a law of another state substantially corresponding to a law of
14 this state, subject to subsection (27):

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

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

24 (B) Section 625m.

25 (C) Former section 625b.

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

29 (iii) Section 601d or 626(3) or (4).



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

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

10 Sec. 904. (1) A person whose operator's or chauffeur's license
11 or registration certificate has been suspended or revoked, whose
12 application for license has been denied, or who has never applied
13 for a license, shall not operate a motor vehicle ~~upon~~**on** a highway
14 or other place open to the general public or generally accessible
15 to motor vehicles, including an area designated for the parking of
16 motor vehicles, within this state.

17 (2) A person shall not knowingly permit a motor vehicle owned
18 by the person to be operated ~~upon~~**on** a highway or other place open
19 to the general public or generally accessible to motor vehicles,
20 including an area designated for the parking of vehicles, within
21 this state by a person whose license or registration certificate is
22 suspended or revoked, whose application for license has been
23 denied, or who has never applied for a license, except as permitted
24 under this act.

25 (3) Except as otherwise provided in this section, a person who
26 violates subsection (1) or (2) is guilty of a misdemeanor
27 punishable as follows:

28 (a) For a first violation, by imprisonment for not more than
29 93 days or a fine of not more than \$500.00, or both. Unless the



1 vehicle was stolen or used with the permission of a person who did
2 not knowingly permit an unlicensed driver to operate the vehicle,
3 the registration plates of the vehicle shall be canceled by the
4 secretary of state ~~upon~~**on** notification by a peace officer.

5 (b) For a violation that occurs after a prior conviction, by
6 imprisonment for not more than 1 year or a fine of not more than
7 \$1,000.00, or both. Unless the vehicle was stolen, the registration
8 plates of the vehicle shall be canceled by the secretary of state
9 ~~upon~~**on** notification by a peace officer.

10 (4) A person who operates a motor vehicle in violation of
11 subsection (1) or a person whose operator's or chauffeur's license
12 or registration certificate has been suspended or revoked by
13 another state who operates a motor vehicle during the period of
14 suspension or revocation and who, by operation of that motor
15 vehicle, causes the death of another person is guilty of a felony
16 punishable by imprisonment for not more than 15 years or a fine of
17 not less than \$2,500.00 or more than \$10,000.00, or both. This
18 subsection does not apply to a person whose operator's or
19 chauffeur's license was suspended because that person failed to
20 answer a citation or comply with an order or judgment under section
21 321a.

22 (5) A person who operates a motor vehicle in violation of
23 subsection (1) or a person whose operator's or chauffeur's license
24 or registration certificate has been suspended or revoked by
25 another state who operates a motor vehicle during the period of
26 suspension or revocation and who, by operation of that motor
27 vehicle, causes the serious impairment of a body function of
28 another person is guilty of a felony punishable by imprisonment for
29 not more than 5 years or a fine of not less than \$1,000.00 or more



1 than \$5,000.00, or both. This subsection does not apply to a person
2 whose operator's or chauffeur's license was suspended because that
3 person failed to answer a citation or comply with an order or
4 judgment under section 321a.

5 (6) In addition to being subject to any other penalty provided
6 for in this act, if a person is convicted under subsection (4) or
7 (5), the court may impose the sanction permitted under section
8 625n. If the vehicle is not ordered forfeited under section 625n,
9 the court shall order vehicle immobilization under section 904d in
10 the judgment of sentence.

11 (7) A person shall not knowingly permit a motor vehicle owned
12 by the person to be operated ~~upon~~**on** a highway or other place open
13 to the general public or generally accessible to motor vehicles,
14 including an area designated for the parking of vehicles, within
15 this state, by a person whose license or registration certificate
16 is suspended or revoked, whose application for license has been
17 denied, or who has never been licensed except as permitted by this
18 act. If a person permitted to operate a motor vehicle in violation
19 of this subsection causes the serious impairment of a body function
20 of another person by operation of that motor vehicle, the person
21 knowingly permitting the operation of that motor vehicle is guilty
22 of a felony punishable by imprisonment for not more than 2 years,
23 or a fine of not less than \$1,000.00 or more than \$5,000.00, or
24 both. If a person permitted to operate a motor vehicle in violation
25 of this subsection causes the death of another person by operation
26 of that motor vehicle, the person knowingly permitting the
27 operation of that motor vehicle is guilty of a felony punishable by
28 imprisonment for not more than 5 years, or a fine of not less than
29 \$1,000.00 or more than \$5,000.00, or both.



1 (8) If the prosecuting attorney intends to seek an enhanced
 2 sentence under this section based ~~upon~~**on** the defendant having 1 or
 3 more prior convictions, the prosecuting attorney shall include on
 4 the complaint and information, or an amended complaint and
 5 information, filed in district court, circuit court, municipal
 6 court, or family division of circuit court, a statement listing the
 7 defendant's prior convictions.

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

- 10 (a) A copy of a judgment of conviction.
 11 (b) An abstract of conviction.
 12 (c) A transcript of a prior trial, plea, or sentencing.
 13 (d) A copy of a court register of action.
 14 (e) A copy of the defendant's driving record.
 15 (f) Information contained in a presentence report.
 16 (g) An admission by the defendant.

17 (10) Subject to section 732a(11)(c), ~~upon~~**on** receiving a
 18 record of a person's conviction or civil infraction determination
 19 for the unlawful operation of a motor vehicle or a moving violation
 20 reportable under section 732 while the person's operator's or
 21 chauffeur's license is suspended or revoked, the secretary of state
 22 immediately shall impose an additional like period of suspension or
 23 revocation. This subsection applies only if the violation occurs
 24 during a suspension of definite length or if the violation occurs
 25 before the person is approved for a license following a revocation.

26 (11) ~~Upon~~**On** receiving a record of a person's conviction or
 27 civil infraction determination for the unlawful operation of a
 28 motor vehicle or a moving violation reportable under section 732
 29 while the person's operator's or chauffeur's license is



1 indefinitely suspended or whose application for a license has been
2 denied, the secretary of state immediately shall impose a 30-day
3 period of suspension or denial.

4 (12) ~~Upon~~**On** receiving a record of the conviction, bond
5 forfeiture, or a civil infraction determination of a person for
6 unlawful operation of a motor vehicle requiring a vehicle group
7 designation while the designation is suspended or revoked under
8 section 319b, or while the person is disqualified from operating a
9 commercial motor vehicle by the United States Secretary of
10 Transportation or under 49 USC 31301 to 31317, the secretary of
11 state immediately shall impose an additional like period of
12 suspension or revocation. This subsection applies only if the
13 violation occurs during a suspension of definite length or if the
14 violation occurs before the person is approved for a license
15 following a revocation.

16 (13) If the secretary of state receives records of more than 1
17 conviction or civil infraction determination resulting from the
18 same incident, all of the convictions or civil infraction
19 determinations shall be treated as a single violation for purposes
20 of imposing an additional period of suspension or revocation under
21 subsection (10), (11), or (12).

22 (14) Before a person is arraigned before a district court
23 magistrate or judge on a charge of violating this section, the
24 arresting officer shall obtain the person's driving record from the
25 secretary of state and shall furnish the record to the court. The
26 driving record of the person may be obtained from the secretary of
27 state's computer information network.

28 (15) This section does not apply to a person who operates a
29 vehicle solely for the purpose of protecting human life or property



1 if the life or property is endangered and summoning prompt aid is
2 essential.

3 (16) A person whose vehicle group designation is suspended or
4 revoked and who has been notified as provided in section 212 of
5 that suspension or revocation, or whose application for a vehicle
6 group designation has been denied as provided in this act, or who
7 has never applied for a vehicle group designation and who operates
8 a commercial motor vehicle within this state, except as permitted
9 under this act, while any of those conditions exist is guilty of a
10 misdemeanor punishable, except as otherwise provided in this
11 section, by imprisonment for ~~not less than 3 days or more than 93~~
12 days or a fine of not more than \$100.00, or both.

13 (17) If a person has a second or subsequent suspension or
14 revocation under this section within 7 years as indicated on the
15 person's Michigan driving record, the court shall proceed as
16 provided in section 904d.

17 (18) Any period of suspension or revocation required under
18 subsection (10), (11), or (12) does not apply to a person who has
19 only 1 currently effective suspension or denial on his or her
20 Michigan driving record under section 321a and was convicted of or
21 received a civil infraction determination for a violation that
22 occurred during that suspension or denial. This subsection may only
23 be applied once during the person's lifetime.

24 (19) For purposes of this section, a person who never applied
25 for a license includes a person who applied for a license, was
26 denied, and never applied again.

27 Sec. 904a. Any person, not exempt from license under this act,
28 who ~~shall operate~~ **operates** a motor vehicle ~~upon~~ **on** the highways of
29 this state and who is unable to show that he or she has been issued



1 a license to operate a motor vehicle by any state or foreign
 2 country valid within the 3 years preceding is guilty of a
 3 misdemeanor, and ~~upon-on~~ conviction ~~shall be punished by~~
 4 ~~imprisonment~~ **must be imprisoned** for not more than 90 days, or ~~by a~~
 5 ~~fine of~~ **be fined** not less than \$50.00 nor more than \$100.00, or
 6 both. Any person convicted of a second offense under this section
 7 ~~shall be punished by imprisonment~~ **must be imprisoned** for not less
 8 ~~than 2 nor~~ more than 90 days, or ~~by a fine of~~ **be fined** \$100.00, or
 9 both.

10 Sec. 905. Any person who ~~shall forge,~~ **forges** or, without
 11 authority, ~~sign~~ **signs** any evidence of ability to respond in damages
 12 as required by the secretary of state in the administration of
 13 chapter 5 and any person who ~~shall violate~~ **violates** any provisions
 14 of chapter 5 for which no penalty is otherwise provided, ~~shall be~~
 15 **is** guilty of a misdemeanor and ~~upon-on~~ conviction ~~shall~~ **must** be
 16 fined not less than \$100.00 nor more than \$1,000.00, or **be**
 17 imprisoned not more than 90 days, or both. Any person whose
 18 operator's or chauffeur's license or registration card or other
 19 privilege to operate a motor vehicle has been suspended or revoked
 20 and restoration ~~thereof~~ or issuance of a new license or
 21 registration is contingent ~~upon-on~~ the furnishing of proof of
 22 financial responsibility and who during ~~such~~ **the** suspension or
 23 revocation or in the absence of full authorization from the
 24 secretary of state drives any motor vehicle ~~upon-on~~ any highway or
 25 knowingly permits any motor vehicle owned by ~~such~~ **the** person to be
 26 operated by another person ~~upon-on~~ any highway except as permitted
 27 ~~hereunder shall~~ **in this act must** be punished by a fine of ~~fine of~~ **fined** not
 28 more than \$500.00 and ~~by imprisonment~~ **or be imprisoned** for a period
 29 of not ~~less than 2 days nor~~ more than 1 year, or ~~by both.~~ ~~such fine~~



1 ~~and imprisonment.~~

