

Chapter 406 – Driving While License Suspended (OWLS)

Section 406.1 – MCL 257.9041

- A. A person whose operator's or chauffeur's license or registration certificate has been suspended or revoked and who has been notified in Section [MCL 257.212] of that suspension or revocation, whose application for a license has been denied, or who has never applied for a license, shall not operate a motor vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, within the Township of Lenox.
- B. A person shall not knowingly permit a motor vehicle owned by the person to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles; within this state by a person whose license or registration certificate is suspended or revoked, whose application for a license has been denied, or who has never applied for a license, except as permitted under this act.
- C. Except as otherwise provided in this Section, a person who violates Subsection (1) or (2) is guilty of a misdemeanor punishable as follows: For a first violation, by imprisonment for not more than ninety – three (93) days or a fine of not more than five hundred dollars (\$500.00), or both. Unless the vehicle was stolen or used with the permission of a person who did not knowingly permit an unlicensed driver to operate the vehicle, the registration plates of the vehicle shall be canceled by the Secretary of State upon notification by a law enforcement officer.
- D. Before a person is arraigned before a district court magistrate or judge on a charge of violating this Section, the arresting officer shall obtain the person's driving record from the Secretary of State and shall furnish the record to the court. The driving record of the person may be obtained from the Secretary of State's computer information network.
- E. This Section does not apply to a person who operates a vehicle solely for the purpose of protecting human life or property if the life or property is endangered summoning prompt aid is essential.
- F. A person whose vehicle group designation is suspended or revoked and who has been notified as provided in Section [MCL 257.212] of that suspension or revocation, or whose application for a vehicle group designation has been denied as provided in this act, or who has never applied for a vehicle group designation and who operates a commercial motor vehicle with this state, except as permitted under this act, while any of those conditions existing is guilty of a misdemeanor punishable, except as otherwise provided in this Section, by imprisonment for

not more than three (3) days or more than ninety – three (93) days or a fine of not more than five hundred dollars (\$500.00), or both.

G. For purposes of this Section, a person who never applied for a license includes a person who applied for a license, was denied, and never applied again.

Section 406.2 – MCL 257.904c

- A. When a law enforcement officer detains the driver of a motor vehicle for a violation of a law of this state or local ordinance for which vehicle immobilization is required, the law enforcement officer shall do all the following:
 - 1. Immediately confiscate the vehicle's registration plate and destroy it.
 - 2. Issue a temporary vehicle registration plate for the vehicle in the same form prescribed by the Secretary of State for temporary registration plates issued under Section [MCL 257.226a or .226b].
 - 3. Place the temporary vehicle registration plate on the vehicle in the manner required by the Secretary of State.
 - 4. Notify the Secretary of State through the law enforcement information network in a form prescribed by the Secretary of State that the registration plate was confiscated and destroyed, and a temporary plate was issued.
- B. A temporary vehicle registration plate issued under this Section is valid until the charges against the person are dismissed, the person pleads guilty or nolo contendere to those charges, or the person is found guilty of or is acquitted of those charges.

Section 406.3 – MCL 257.904c

- A. A court shall order a vehicle immobilized under Section [MCL 257.904d] using any available technology approved by the court that locks the ignition, wheels, or steering of the vehicle or otherwise prevents any person from operating the vehicle or that prevents the defendants from operating the vehicle. If a vehicle is immobilized under this Section, the court may order the vehicle stored at a location and in a manner considered appropriate by the court. The court may order the person convicted of violating Section [MCL 257.625] or a suspension,ocation, or denial under Section [MCL 257.904] to pay the cost of immobilizing and storing the vehicle.

- B. A vehicle subject to immobilization under this Section may be sold during the period of immobilization but shall not be sold to a person who is exempt from paying a use tax under 3(3)(a) or the Use Tax Act, 1937 PA 94, MCL 205.93 without a court order.
- C. A defendant who is prohibited from operating a motor vehicle by vehicle immobilization shall not purchase, lease, or otherwise obtain a motor vehicle during this immobilization period.
- D. A person shall not remove, tamper with, or bypass or attempt to remove, tamper with, or bypass a device that he or she knows or has reason to know has been installed on a vehicle by court order by vehicle immobilization or operate a vehicle that he or she knows or has reason to know has been ordered immobilized.
- E. A person who violates this Section is guilty of a misdemeanor punishable by imprisonment for not more than ninety – three (93) days or a fine of not more than one hundred dollars (\$100.00), or both.
- F. To the extent that a local ordinance regarding the storage or removal of vehicles conflicts with an order of immobilization issued by the court, the local ordinance is preempted.
- G. If a law enforcement officer stops a vehicle that is being operated in a violation of an immobilization order, the vehicle shall be impounded pending order of a court of competent jurisdiction.
- H. The court shall require the defendant or a person who provides immobilization services to the court under this Section to certify that a vehicle ordered immobilized by the court is immobilized as required.

