



HOUSE BILL No. 5484

December 13, 1995, Introduced by Reps. Hill, Llewellyn, Goschka, Green, Rocca, Rhead, Ryan, Nye, Byl, Lowe, McManus, DeLange, Gernaat, Bullard, Bodem, McNutt, Randall, Dalman, Bush, Brackenridge, Bobier and Perricone and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 319 of Act No. 300 of the Public Acts of 1949, entitled as amended

"Michigan vehicle code,"

as amended by Act No. 449 of the Public Acts of 1994, being section 257.319 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 319 of Act No. 300 of the Public Acts of
2 1949, as amended by Act No. 449 of the Public Acts of 1994, being
3 section 257.319 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 319. (1) The secretary of state shall immediately sus-
6 pend a person's license for not less than 90 days or more than 2
7 years upon receiving a record of the person's conviction for any
8 of the following crimes or attempts to commit any of the
9 following crimes, whether the conviction is under a law of this

1 state, a local ordinance substantially corresponding to a law of
2 this state, or a law of another state substantially corresponding
3 to a law of this state:

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

6 (b) Perjury or making a false certification to the secretary
7 of state under any law requiring the registration of a motor
8 vehicle or regulating the operation of a motor vehicle on a
9 highway.

10 (c) A violation of section 413 or 414 of the Michigan penal
11 code, Act No. 328 of the Public Acts of 1931, being sections
12 750.413 and 750.414 of the Michigan Compiled Laws, or a violation
13 of section 1 of Act No. 214 of the Public Acts of 1931, being
14 section 752.191 of the Michigan Compiled Laws.

15 (d) A conviction for reckless driving in violation of sec-
16 tion 626.

17 (e) Failing to stop and disclose identity at the scene of an
18 accident resulting in death or injury in violation of section 617
19 or 617a.

20 (f) A felony in which a motor vehicle was used. As used in
21 this section, "felony in which a motor vehicle was used" means a
22 felony during the commission of which the person convicted oper-
23 ated a motor vehicle and while operating the vehicle presented
24 real or potential harm to persons or property and 1 or more of
25 the following circumstances existed:

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

1 (ii) The vehicle was used to transport a victim of the
2 felony.

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

4 (iv) The vehicle was necessary for the commission of the
5 felony.

6 (2) The secretary of state shall suspend the license of a
7 person convicted of malicious destruction resulting from the
8 operation of a motor vehicle under section 382 of the Michigan
9 penal code, Act No. 328 of the Public Acts of 1931, ~~as amended,~~
10 being section 750.382 of the Michigan Compiled Laws, for not more
11 than 1 year as ordered by the court as part of the sentence.

12 (3) The secretary of state shall immediately suspend a
13 person's license for the period specified in the abstract of con-
14 viction upon receiving the person's license and abstract of con-
15 viction forwarded to the secretary of state pursuant to section
16 367c of the Michigan penal code, Act No. 328 of the Public Acts
17 of 1931, being section 750.367c of the Michigan Compiled Laws.

18 (4) Except as otherwise provided in subsection ~~(9)~~ (10),
19 if a court has not ordered a suspension of a person's license
20 under this act for a violation described in subdivision (a), (b),
21 (c), or (d) for a period equal to or greater than the period of a
22 suspension prescribed under subdivision (a), (b), (c), or (d) for
23 the violation, the secretary of state shall suspend the license
24 as follows, notwithstanding a court order issued under
25 section 625(1), (3), or (6), section 625b, former section 625(1)
26 or (2), or former section 625b or a local ordinance substantially

1 corresponding to section 625(1), (3), or (6), section 625b,
2 former section 625(1) or (2), or former section 625b:

3 (a) For not less than 90 days or more than 1 year upon
4 receiving a record of the person's conviction for a violation of
5 section 625(3), a local ordinance substantially corresponding to
6 section 625(3), or a law of another state substantially corre-
7 sponding to section 625(3), if the person has no prior convic-
8 tions within 7 years for a violation of section 625(1), (3), (4),
9 or (5), former section 625(1) or (2), or former section 625b, a
10 local ordinance substantially corresponding to section 625(1) or
11 (3), former section 625(1) or (2), or former section 625b, or a
12 law of another state substantially corresponding to section
13 625(1), (3), (4), or (5), former section 625(1) or (2), or former
14 section 625b. However, if the person is convicted of a violation
15 of section 625(3), a local ordinance substantially corresponding
16 to section 625(3), or a law of another state substantially corre-
17 sponding to section 625(3) for operating a vehicle when, due to
18 the consumption of a controlled substance or a combination of
19 intoxicating liquor and a controlled substance, the person's
20 ability to operate the vehicle was visibly impaired, the secre-
21 tary of state shall suspend the person's license under this sub-
22 division for a period of not less than 6 months or more than 1
23 year.

24 (b) For not less than 6 months or more than 2 years upon
25 receiving a record of the person's conviction if the person has
26 the following convictions, whether under the law of this state, a
27 local ordinance substantially corresponding to a law of this

1 state, or a law of another state substantially corresponding to a
2 law of this state:

3 (i) One conviction under section 625(1) or former section
4 625(1) or (2).

5 (ii) Any combination of 2 convictions under section 625(3)
6 or former section 625b within a 7-year period.

7 (iii) One conviction under section 625(1) or former section
8 625(1) or (2) and 1 conviction under section 625(3) or former
9 section 625b within a 7-year period.

10 (iv) One conviction under section 625(4) or (5) followed by
11 1 conviction under section 625(3) within a 7-year period.

12 (c) For not less than 30 days or more than 90 days upon
13 receiving a record of the person's conviction for a violation of
14 section 625(6), a local ordinance substantially corresponding to
15 section 625(6), or a law of another state substantially corre-
16 sponding to section 625(6), if the person has no prior convic-
17 tions within 7 years for a violation of section 625(1), (3), (4),
18 (5), or (6), former section 625(1) or (2), or former section
19 625b, a local ordinance substantially corresponding to section
20 625(1), (3), or (6), former section 625(1) or (2), or former sec-
21 tion 625b, or a law of another state substantially corresponding
22 to section 625(1), (3), (4), (5), or (6), former section 625(1)
23 or (2), or former section 625b.

24 (d) For not less than 90 days or more than 1 year upon
25 receiving a record of the person's conviction for a violation of
26 section 625(6), a local ordinance substantially corresponding to
27 section 625(6), or a law of another state substantially

1 corresponding to section 625(6), if the person has 1 or more
2 prior convictions within 7 years for a violation of section
3 625(1), (3), (4), (5), or (6), former section 625(1) or (2), or
4 former section 625b, a local ordinance substantially correspond-
5 ing to section 625(1), (3), or (6), former section 625(1) or (2),
6 or former section 625b, or a law of another state substantially
7 corresponding to section 625(1), (3), (4), (5), or (6), former
8 section 625(1) or (2), or former section 625b.

9 (5) Upon receiving a certificate of conviction pursuant to
10 section 33b(3) of the Michigan liquor control act, Act No. 8 of
11 the Public Acts of the Extra Session of 1933, being section
12 436.33b of the Michigan Compiled Laws, or a local ordinance or
13 law of another state substantially corresponding to section
14 33b(3) of Act No. 8 of the Public Acts of the Extra Session of
15 1933, the secretary of state shall suspend pursuant to court
16 order the person's operator's or chauffeur's license for
17 90 days. A suspension under this subsection shall be in addition
18 to any other suspension of the person's license.

19 (6) Upon receiving the record of a person's conviction for a
20 violation of section 602a of this act or section 479a(1), (4), or
21 (5) of Act No. 328 of the Public Acts of 1931, being section
22 750.479a of the Michigan Compiled Laws, the secretary of state
23 immediately shall suspend the person's license for the period
24 ordered by the court as part of the sentence or disposition.

25 (7) Upon the receipt of a ~~civil infraction determination or~~
26 ~~probate court order of disposition~~ CERTIFICATE OF CONVICTION for
27 a violation of section 33b(1) of Act No. 8 of the Public Acts of

1 the Extra Session of 1933, being section 436.33b of the Michigan
2 Compiled Laws, ~~and section 624b~~ and, notwithstanding any court
3 order to the contrary, the secretary of state shall suspend the
4 person's operator's or chauffeur's license for the period of time
5 described in section 33b(5) of Act No. 8 of the Public Acts of
6 the Extra Session of 1933 ~~or section 624b~~ and, if applicable,
7 issue a restricted license as ordered by the court in the manner
8 provided for in section 33b(7). ~~or section 624b.~~ In the case of
9 a person who does not possess an operator or chauffeur license,
10 the secretary of state shall deny the application for an operator
11 or chauffeur license for the applicable suspension period.

12 (8) Except as provided in subsection ~~(+10)~~ (11), a suspen-
13 sion pursuant to this section shall be imposed notwithstanding a
14 court order issued under section 625(1), (3), (4), (5), or (6) or
15 section 625b or a local ordinance substantially corresponding to
16 section 625(1), (3), or (6) or section 625b.

17 (9) TIME SERVED FOR IMPRISONMENT FOR A CRIME FOR WHICH SUS-
18 PENSION OF A LICENSE IS ORDERED SHALL NOT BE COUNTED TOWARD SAT-
19 ISFYING THE PERIOD OF LICENSE SUSPENSION.

20 (10) ~~(+9)~~ If the secretary of state receives records of
21 more than 1 conviction of a person resulting from the same inci-
22 dent, a suspension shall be imposed only for the violation to
23 which the longest period of suspension applies under this
24 section.

25 (11) ~~(+10)~~ The secretary of state may waive a suspension of
26 a person's license imposed under subsection (4)(a), (b), (c), or
27 (d) if the person submits proof that a court in another state

1 revoked, suspended, or restricted his or her license for a period
2 equal to or greater than the period of a suspension prescribed
3 under subsection (4)(a), (b), (c), or (d) for the violation and
4 that the revocation, suspension, or restriction was served for
5 the violation, or may grant a restricted license.