

HOUSE BILL No. 5781

April 23, 1998, Introduced by Rep. Law and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 319 (MCL 257.319), as amended by 1996
PA 587.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

1 (b) Perjury or making a false certification to the secretary
2 of state under any law requiring the registration of a motor
3 vehicle or regulating the operation of a motor vehicle on a
4 highway.

5 (c) A violation of section 413 or 414 of the Michigan penal
6 code, ~~Act No. 328 of the Public Acts of 1931, being sections~~
7 ~~750.413 and 750.414 of the Michigan Compiled Laws~~ 1931 PA 328,
8 MCL 750.413 AND 750.414, or a violation of section 1 of ~~Act~~
9 ~~No. 214 of the Public Acts of 1931, being section 752.191 of the~~
10 ~~Michigan Compiled Laws~~ 1931 PA 214, MCL 752.191.

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

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

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

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

23 (ii) The vehicle was used to transport a victim of the
24 felony.

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

26 (iv) The vehicle was necessary for the commission of the
27 felony.

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

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

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

26 (a) For not less than 90 days or more than 1 year upon
27 receiving a record of the person's conviction for a violation of

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

19 (b) For not less than 6 months or more than 2 years upon
20 receiving a record of the person's conviction if the person has
21 the following convictions, whether under the law of this state, a
22 local ordinance substantially corresponding to a law of this
23 state, or a law of another state substantially corresponding to a
24 law of this state:

25 (i) One conviction under section 625(1) or former section
26 625(1) or (2).

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

3 (iii) One conviction under section 625(1) or former section
4 625(1) or (2) and 1 conviction under section 625(3) or former
5 section 625b within a 7-year period.

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

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

20 (d) For not less than 90 days or more than 1 year upon
21 receiving a record of the person's conviction for a violation of
22 section 625(6), a local ordinance substantially corresponding to
23 section 625(6), or a law of another state substantially corre-
24 sponding to section 625(6) if the person has 1 or more prior con-
25 victions within 7 years for a violation of section 625(1), (3),
26 (4), (5), or (6), former section 625(1) or (2), or former section
27 625b, a local ordinance substantially corresponding to section

1 625(1), (3), or (6), former section 625(1) or (2), or former
2 section 625b, or a law of another state substantially correspond-
3 ing to section 625(1), (3), (4), (5), or (6), former section
4 625(1) or (2), or former section 625b.

5 (5) Upon receiving a certificate of conviction under section
6 33b(2) of the Michigan liquor control act, ~~Act No. 8 of the~~
7 ~~Public Acts of the Extra Session of 1933, being section 436.33b~~
8 ~~of the Michigan Compiled Laws~~ 1933 (EX SESS) PA 8, MCL 436.33B,
9 or a local ordinance or law of another state substantially corre-
10 sponding to section 33b(2) of ~~Act No. 8 of the Public Acts of~~
11 ~~the Extra Session of 1933~~ 1933 (EX SESS) PA 8, MCL 436.33B, the
12 secretary of state shall suspend pursuant to court order the
13 person's operator's or chauffeur's license for 90 days. A sus-
14 pension under this subsection shall be in addition to any other
15 suspension of the person's license.

16 (6) Upon receiving the record of a person's conviction for a
17 violation of section 602a(2) or (3) of this act or section
18 479a(2) or (3) of ~~Act No. 328 of the Public Acts of 1931, being~~
19 ~~section 750.479a of the Michigan Compiled Laws~~ THE MICHIGAN
20 PENAL CODE, 1931 PA 328, MCL 750.479A, the secretary of state
21 immediately shall suspend the person's license for the period
22 ordered by the court as part of the sentence or disposition.

23 (7) Upon receiving an abstract of conviction for a violation
24 of section 33b(1) of ~~Act No. 8 of the Public Acts of the Extra~~
25 ~~Session of 1933, being section 436.33b of the Michigan Compiled~~
26 ~~Laws~~ THE MICHIGAN LIQUOR CONTROL ACT, 1933 (EX SESS) PA 8,
27 MCL 436.33B, or section 624a or 624b or a local ordinance

1 substantially corresponding to those sections, the secretary of
2 state shall suspend the person's operator's or chauffeur's
3 license for the period of time described in section 33b(4) of
4 ~~Act No. 8 of the Public Acts of the Extra Session of 1933~~ THE
5 MICHIGAN LIQUOR CONTROL ACT, 1933 (EX SESS) PA 8, MCL 436.33B, or
6 section 624a or 624b notwithstanding any court order to the con-
7 trary and, if applicable, issue a restricted license as ordered
8 by the court in the manner provided for in section 33b of ~~Act~~
9 ~~No. 8 of the Public Acts of the Extra Session of 1933~~ THE
10 MICHIGAN LIQUOR CONTROL ACT, 1933 (EX SESS) PA 8, MCL 436.33B, or
11 section 624a or 624b. If the person does not possess an
12 operator's or chauffeur's license, the secretary of state shall
13 deny the person's application for an operator's or chauffeur's
14 license for the applicable suspension period.

15 (8) THE SECRETARY OF STATE SHALL SUSPEND THE LICENSE OF A
16 PERSON CONVICTED OF MALICIOUS DESTRUCTION OF PROPERTY THROUGH ANY
17 METHOD OF DEFAACEMENT, INCLUDING, BUT NOT LIMITED TO, PAINTING,
18 DRAWING, WRITING, OR OTHERWISE MARRING THE SURFACE OF THE PROP-
19 ERTY BY USE OF PAINT, SPRAY PAINT, INK, OR ANY OTHER SUBSTANCE OR
20 OBJECT. THE LICENSE SHALL BE SUSPENDED FOR 3 MONTHS FOR A FIRST
21 CONVICTION AND 6 MONTHS FOR A SECOND OR SUBSEQUENT CONVICTION. A
22 PERSON WHO DOES NOT HAVE AN OPERATOR'S OR CHAUFFEUR'S LICENSE AND
23 WHO IS CONVICTED OF A CRIME DESCRIBED IN THIS SUBSECTION IS
24 SUBJECT TO THE FOLLOWING:

25 (A) FOR A FIRST CONVICTION, THE PERSON SHALL BE PROHIBITED
26 FROM RECEIVING AN OPERATOR'S OR CHAUFFEUR'S LICENSE FOR 3 MONTHS
27 AFTER OTHERWISE BECOMING ELIGIBLE FOR THAT LICENSE.

1 (B) FOR A SECOND OR SUBSEQUENT CONVICTION, THE PERSON SHALL
2 BE PROHIBITED FROM RECEIVING AN OPERATOR'S OR CHAUFFEUR'S LICENSE
3 FOR 6 MONTHS AFTER OTHERWISE BECOMING ELIGIBLE FOR THAT LICENSE.

4 (9) ~~(8)~~ Except as provided in subsection ~~(10)~~ (11), a
5 suspension under this section shall be imposed notwithstanding a
6 court order issued under section 625(1), (3), (4), (5), or (6) or
7 section 625b or a local ordinance substantially corresponding to
8 section 625(1), (3), or (6) or section 625b.

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

14 (11) ~~(10)~~ The secretary of state may waive a suspension of
15 a person's license imposed under subsection (4)(a), (b), (c), or
16 (d) if the person submits proof that a court in another state
17 revoked, suspended, or restricted his or her license for a period
18 equal to or greater than the period of a suspension prescribed
19 under subsection (4)(a), (b), (c), or (d) for the violation and
20 that the revocation, suspension, or restriction was served for
21 the violation, or may grant a restricted license.