

SUBSTITUTE FOR  
SENATE BILL NO. 306

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending sections 307, 315, and 319 (MCL 257.307, 257.315, and  
257.319), section 307 as amended by 1998 PA 330 and section 319  
as amended by 1998 PA 347, and by adding section 50a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1        SEC. 50A. "RESIDENCE ADDRESS" MEANS THE PLACE THAT IS THE  
2 SETTLED OR PERMANENT HOME OR DOMICILE AT WHICH A PERSON RESIDES  
3 AS DEFINED IN SECTION 11 OF THE MICHIGAN ELECTION LAW, 1954 PA  
4 116, MCL 168.11. THIS DEFINITION APPLIES TO THIS ACT ONLY.

5        Sec. 307. (1) An application for an operator's or  
6 chauffeur's license shall be made in a manner prescribed by the  
7 secretary of state and shall contain all of the following:

8        (a) The applicant's full name, date of birth, RESIDENCE  
9 address, ~~of residence,~~ height, sex, eye color, signature, other

**SB 306, As Passed Senate, March 23, 1999**

Senate Bill No. 306 as amended March 23, 1999

2

1 information required or permitted on the license under this  
2 chapter, and, to the extent required to comply with federal law,  
3 the applicant's social security number.

4 (B) THE FOLLOWING STATEMENT SHALL BE INCLUDED IN CAPITAL  
5 LETTERS IN 12-POINT BOLD FACED TYPE: "IF THE RESIDENCE ADDRESS FOR  
6 YOUR DRIVERS LICENSE IS DIFFERENT FROM YOUR RESIDENCE ADDRESS FOR  
7 VOTING, THE SECRETARY OF STATE WILL AUTOMATICALLY CHANGE YOUR VOTING  
8 ADDRESS TO MATCH YOUR DRIVER LICENSE RESIDENCE ADDRESS. AS A  
9 RESULT, YOUR VOTER REGISTRATION AT YOUR OLD RESIDENCE ADDRESS WILL  
NO LONGER BE VALID FOR VOTING PURPOSES. THE CLERK OF THE  
JURISDICTION WHERE YOUR RESIDENCE ADDRESS IS LOCATED WILL PROVIDE  
INFORMATION ON ANY CHANGES IN YOUR POLLING PLACE LOCATION."

9 (C) ~~(b)~~ For an operator's or chauffeur's license with a  
10 vehicle group designation or indorsement, the following certifi-  
11 cations by the applicant:

12 (i) The applicant meets the applicable federal physical  
13 driver qualification requirements under 49 C.F.R. part 391 if the  
14 applicant operates or intends to operate in interstate commerce  
15 or meets the applicable physical qualifications under the rules  
16 promulgated by the department of state police under the motor  
17 carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.22, if  
18 the applicant operates or intends to operate in intrastate  
19 commerce.

20 (ii) The vehicle in which the applicant will take the driv-  
21 ing skills tests is representative of the type of vehicle the  
22 applicant operates or intends to operate.

23 (iii) The applicant has not been convicted of an offense as  
24 described in section 312f or 319b.

25 (iv) The applicant does not have a driver's license from  
26 more than 1 state.

1       (D) ~~(c)~~ For an operator's or chauffeur's license with a  
2 vehicle group designation or indorsement and for which the  
3 applicant claims a waiver of the driving test as provided in  
4 section 312f, the following additional certifications by the  
5 applicant concerning the 2-year period immediately before  
6 application:

7       (i) The applicant has not had more than 1 license.

8       (ii) The applicant has not had any license suspended,  
9 revoked, or canceled.

10       (iii) The applicant has not been convicted of any offense  
11 described in section 319b while operating a motor vehicle.

12       (iv) The applicant has not been convicted of a moving viola-  
13 tion under state or local law relating to motor vehicle traffic  
14 control arising in connection with a traffic accident.

15       (v) The applicant is regularly employed in a job requiring  
16 the operation of a commercial motor vehicle.

17       (vi) The applicant qualifies under either of the following:

18       (A) He or she has passed a behind-the-wheel driving test  
19 given by a state with a commercial motor vehicle driver licensing  
20 and testing system and taken in a representative vehicle for that  
21 applicant's driver's license vehicle group designation.

22       (B) For at least 2 years immediately preceding application,  
23 the applicant has operated a vehicle representative of the com-  
24 mercial motor vehicle group or passenger vehicle for which he or  
25 she is applying. The applicant's employer or the applicant, if  
26 self-employed, shall provide evidence of this requirement.

1       (2) An applicant for an operator's or chauffeur's license  
2 may have his or her image captured or reproduced when the  
3 application for the license is made. The secretary of state  
4 shall acquire by purchase or lease the equipment for capturing  
5 the images and may furnish the equipment to a local unit autho-  
6 rized by the secretary of state to license drivers. The secre-  
7 tary of state shall acquire equipment purchased or leased pursu-  
8 ant to this section under standard purchasing procedures of the  
9 department of management and budget based on standards and speci-  
10 fications established by the secretary of state. The secretary  
11 of state shall not purchase or lease equipment until an appropri-  
12 ation for the equipment has been made by the legislature. An  
13 image captured pursuant to this section shall appear on the  
14 applicant's operator's or chauffeur's license. The secretary of  
15 state may retain and use a person's image described in this sub-  
16 section only for programs administered by the secretary of  
17 state. Except as provided in this subsection, the secretary of  
18 state shall not use a person's image unless the person grants  
19 written permission for that purpose to the secretary of state or  
20 specific enabling legislation permitting the use is enacted into  
21 law. A law enforcement agency of this state has access to infor-  
22 mation retained by the secretary of state under this subsection.  
23 The information may be utilized for any law enforcement purpose  
24 unless otherwise prohibited by law.

25       (3) An application shall contain a signature and certifica-  
26 tion by the applicant and shall be accompanied by the proper  
27 fee. The examiner shall collect the application fee and shall

1 forward the fee to the secretary of state with the application.  
2 The secretary of state shall refund the application fee to the  
3 applicant if the license applied for is denied, but shall not  
4 refund the fee to an applicant who fails to complete the examina-  
5 tion requirements of the secretary of state within 90 days after  
6 the date of application for a license. Until January 1, 2002, a  
7 service fee of \$1.00 shall be added to each fee collected for an  
8 original, renewal, duplicate, or corrected operator's or  
9 chauffeur's license. The service fee received and collected  
10 under this subsection shall be deposited in the state treasury to  
11 the credit of the general fund. The service fee shall be used to  
12 defray the expenses of the secretary of state. Appropriations  
13 from the Michigan transportation fund shall not be used to com-  
14 pensate the secretary of state for costs incurred and services  
15 performed under this section.

16 (4) In conjunction with the issuance of an operator's or  
17 chauffeur's license, the secretary of state shall do all of the  
18 following:

19 (a) Provide the applicant with all of the following:

20 (i) Written information explaining the applicant's right to  
21 make an anatomical gift in the event of death in accordance with  
22 section 310.

23 (ii) Written information describing the organ donation reg-  
24 istry program maintained by Michigan's federally designated organ  
25 procurement organization or its successor organization. The  
26 written information required under this subparagraph shall  
27 include, in a type size and format that is conspicuous in

1 relation to the surrounding material, the address and telephone  
2 number of Michigan's federally designated organ procurement  
3 organization or its successor organization, along with an  
4 advisory to call Michigan's federally designated organ procure-  
5 ment organization or its successor organization with questions  
6 about the organ donor registry program.

7       (iii) Written information giving the applicant the opportu-  
8 nity to be placed on the organ donation registry described in  
9 subparagraph (ii).

10       (b) Provide the applicant with the opportunity to specify on  
11 his or her operator's or chauffeur's license that he or she is  
12 willing to make an anatomical gift in the event of death in  
13 accordance with section 310.

14       (c) Inform the applicant in writing that, if he or she indi-  
15 cates to the secretary of state under this section a willingness  
16 to have his or her name placed on the organ donor registry  
17 described in subdivision (a)(ii), the secretary of state will  
18 forward the applicant's name and address to the organ donation  
19 registry maintained by Michigan's federally designated organ pro-  
20 curement organization or its successor organization, as required  
21 by subsection (6).

22       (5) The secretary of state may fulfill the requirements of  
23 subsection (4) by 1 or more of the following methods:

24       (a) Providing printed material enclosed with a mailed notice  
25 for an operator's or chauffeur's license renewal or the issuance  
26 of an operator's or chauffeur's license.

**SB 306, As Passed Senate, March 23, 1999**

Senate Bill No. 306

7

1 (b) Providing printed material to an applicant who  
2 personally appears at a secretary of state branch office.

3 (c) Through electronic information transmittals for  
4 operator's and chauffeur's licenses processed by electronic  
5 means.

6 (6) If an applicant indicates a willingness under this sec-  
7 tion to have his or her name placed on the organ donor registry  
8 described in subsection (4)(a)(ii), the secretary of state shall  
9 within 10 days forward the applicant's name and address to the  
10 organ donor registry maintained by Michigan's federally desig-  
11 nated organ procurement organization or its successor  
12 organization. The secretary of state may forward information  
13 under this subsection by mail or by electronic means. The secre-  
14 tary of state shall not maintain a record of the name or address  
15 of an individual who indicates a willingness to have his or her  
16 name placed on the organ donor registry after forwarding that  
17 information to the organ donor registry under this subsection.  
18 Information about an applicant's indication of a willingness to  
19 have his or her name placed on the organ donor registry that is  
20 obtained by the secretary of state under subsection (4) and for-  
21 warding under this subsection is exempt from disclosure under the  
22 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246,  
23 pursuant to section 13(1)(d) of the freedom of information act,  
24 1976 PA 442, MCL 15.243.

25 (7) If an application is received from a person previously  
26 licensed in another jurisdiction, the secretary of state shall  
27 request a copy of the applicant's driving record and other

1 available information from the other jurisdiction. When  
2 received, the driving record and other available information from  
3 the other jurisdiction becomes a part of the driver's record in  
4 this state with the same force and effect as if it had been  
5 entered on the driver's record in this state in the original  
6 instance. If the application is for an original, renewal, or  
7 change of a vehicle group designation or indorsement, the secre-  
8 tary of state shall also check the applicant's driving record  
9 with the national drivers register and the United States depart-  
10 ment of transportation before issuing that group designation or  
11 indorsement.

12 (8) Except for a vehicle group designation or indorsement,  
13 the secretary of state may issue a renewal operator's or  
14 chauffeur's license for 1 additional 4-year period by mail or by  
15 other methods prescribed by the secretary of state. The secre-  
16 tary of state shall issue a renewal license only in person if the  
17 licensee has a driving record with a conviction or civil infrac-  
18 tion determination obtained in the 48 months preceding renewal.  
19 However, the secretary of state shall not refuse to issue a  
20 renewal license by mail or by other method because of a convic-  
21 tion or civil infraction determination for which fines and costs  
22 were waived under section 901a or section 907. If a license is  
23 renewed by mail or by other method, the secretary of state shall  
24 issue evidence of renewal to indicate the date the license  
25 expires in the future.

26 (9) Upon request, the secretary of state shall provide an  
27 information manual to an applicant explaining how to obtain a



1 vehicle group designation or indorsement. The manual shall  
2 contain the information required under 49 C.F.R. part 383.

3 (10) The secretary of state shall not disclose a social  
4 security number obtained under subsection (1) to another person  
5 except for use for 1 or more of the following purposes:

6 (a) Compliance with the commercial motor vehicle safety act  
7 of 1986, title XII of Public Law 99-570, 100 Stat. 3207-170, and  
8 regulations and state law and rules related to that act.

9 (b) Through the law enforcement information network, to  
10 carry out the purposes of section 466(a) of part D of title IV of  
11 the social security act, 42 U.S.C. 666, in connection with mat-  
12 ters relating to paternity, child support, or overdue child  
13 support.

14 (c) As otherwise required by law.

15 (11) The secretary of state shall not display a person's  
16 social security number on the person's operator's or chauffeur's  
17 license.

18 (12) A requirement under this section to include a social  
19 security number on an application does not apply to an applicant  
20 who demonstrates he or she is exempt under law from obtaining a  
21 social security number or to an applicant who for religious con-  
22 victions is exempt under law from disclosure of his or her social  
23 security number under these circumstances. The secretary of  
24 state shall inform the applicant of this possible exemption.

25 (13) IF THE PERSON'S RESIDENCE ADDRESS ON THE APPLICATION  
26 FOR AN OPERATOR'S OR CHAUFFEUR'S LICENSE DIFFERS FROM THE  
27 PERSON'S RESIDENCE ADDRESS ON THE QUALIFIED VOTER FILE CREATED

**SB 306, As Passed Senate, March 23, 1999**

Senate Bill No. 306

10

1 UNDER SECTION 509<sup>o</sup> OF THE MICHIGAN ELECTION LAW, 1954 PA 116, MCL  
2 168.509<sup>o</sup>, THE SECRETARY OF STATE SHALL CHANGE THE PERSON'S RESI-  
3 DENCE ADDRESS ON THE QUALIFIED VOTER FILE.

4       Sec. 315. (1) ~~(a) Any~~ AN operator or chauffeur ~~,~~ who  
5 ~~shall change~~ CHANGES his OR HER residence ~~previous to~~ BEFORE  
6 the expiration of a license granted under this chapter shall  
7 immediately ~~return such license to the local examining board or~~  
8 ~~the department, whose duty it shall be to write the new address~~  
9 ~~on the reverse side of the license and the date of change~~ NOTIFY  
10 THE SECRETARY OF STATE OF HIS OR HER NEW RESIDENCE ADDRESS. A  
11 CHANGE OF ADDRESS NOTIFICATION SHALL BE IN A MANNER PRESCRIBED BY  
12 THE SECRETARY OF STATE AND MAY INCLUDE NOTIFICATION BY PERSONALLY  
13 APPEARING AT A BRANCH OFFICE OF THE SECRETARY OF STATE OR OTHER  
14 LOCATION DESIGNATED BY THE SECRETARY OF STATE, OR A NOTIFICATION  
15 BY MAIL, TELEPHONE, ELECTRONICALLY, BY SUBMITTING A VOTER REGIS-  
16 TRATION APPLICATION, OR BY ANY OTHER MEANS PRESCRIBED BY THE SEC-  
17 RETARY OF STATE.

18       (2) UPON RECEIVING A CHANGE OF ADDRESS NOTIFICATION, THE  
19 SECRETARY OF STATE SHALL CHANGE THE PERSON'S DRIVER LICENSE  
20 RECORD TO INDICATE THE NEW RESIDENCE ADDRESS. THE SECRETARY OF  
21 STATE SHALL CHANGE THE PERSON'S RESIDENCE ADDRESS ON THE QUALI-  
22 FIED VOTER FILE CREATED UNDER SECTION 509<sup>o</sup> OF THE MICHIGAN ELEC-  
23 TION LAW, 1954 PA 116, MCL 168.509<sup>o</sup>, TO INDICATE THE PERSON'S NEW  
24 RESIDENCE ADDRESS IF THE CHANGE OF ADDRESS NOTIFICATION INFORMS  
25 THE PERSON THAT THE NEW RESIDENCE ADDRESS WILL CHANGE THE  
26 PERSON'S RESIDENCE ADDRESS ON THE QUALIFIED VOTER FILE AND  
27 CONTAINS THE PERSON'S SIGNATURE. THE SECRETARY OF STATE SHALL

1 PROVIDE THE PERSON WITH A NEW LICENSE OR A LABEL OR SOME OTHER  
2 MECHANISM CONTAINING THE NEW RESIDENCE ADDRESS. UPON RECEIPT OF  
3 THE LABEL OR OTHER MECHANISM, THE PERSON SHALL AFFIX THE LABEL OR  
4 MECHANISM TO HIS OR HER OPERATOR'S OR CHAUFFEUR'S LICENSE AS PRE-  
5 SCRIBED BY THE SECRETARY OF STATE. IF THE SECRETARY OF STATE  
6 FURNISHED THE PERSON WITH A NEW LICENSE, THE PERSON SHALL DESTROY  
7 HIS OR HER OLD LICENSE AND REPLACE IT WITH THE NEW LICENSE.

8 (3) ~~(b) Failure to have such change of address recorded as~~  
9 ~~herein provided may be cause for revocation or suspension of same~~  
10 ~~immediately if there is no response to a notice mailed to his~~  
11 ~~last known address.~~ IF A PERSON FAILS TO REPORT A CHANGE OF HIS  
12 OR HER RESIDENCE ADDRESS AS REQUIRED UNDER THIS SECTION AND SUB-  
13 SEQUENTLY THERE IS NO RESPONSE TO A NOTICE MAILED TO THE RESI-  
14 DENCE ADDRESS SHOWN BY THE RECORD OF THE SECRETARY OF STATE, THE  
15 SECRETARY OF STATE MAY IMMEDIATELY SUSPEND OR REVOKE HIS OR HER  
16 LICENSE.

17 (4) A PERSON SHALL NOT REPORT A CHANGE OF ADDRESS TO THE  
18 SECRETARY OF STATE FOR HIMSELF OR HERSELF THAT IS NOT HIS OR HER  
19 RESIDENCE ADDRESS. A PERSON SHALL NOT REPORT A CHANGE OF ADDRESS  
20 TO THE SECRETARY OF STATE FOR ANOTHER PERSON WITHOUT THE CONSENT  
21 OF THE OTHER PERSON. A PERSON WHO IS CONVICTED OF A VIOLATION OF  
22 THIS SUBSECTION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRIS-  
23 ONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF \$100.00, OR BOTH.  
24 UPON RECEIVING THE ABSTRACT OF A CONVICTION UNDER THIS SUBSEC-  
25 TION, THE SECRETARY OF STATE SHALL SUSPEND THE PERSON'S  
26 OPERATOR'S OR CHAUFFEUR'S LICENSE FOR 6 MONTHS. THE SECRETARY OF

**SB 306, As Passed Senate, March 23, 1999**

Senate Bill No. 306 as amended March 18, 1999

12

1 STATE SHALL NOT ISSUE A RESTRICTED LICENSE TO THE PERSON DURING  
2 THE SUSPENSION.

3 (5) UPON A SECOND OR SUBSEQUENT CONVICTION UNDER SUBSECTION  
4 (4), A PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT  
5 FOR NOT MORE THAN 1 YEAR OR A FINE OF \$1,000.00, OR BOTH. UPON  
6 RECEIVING THE ABSTRACT OF A SECOND OR SUBSEQUENT CONVICTION UNDER  
7 SUBSECTION (4), THE SECRETARY OF STATE SHALL REVOKE THE PERSON'S  
8 OPERATOR'S OR CHAUFFEUR'S LICENSE.

9 (6) THE SUSPENSION OR REVOCATION OF AN OPERATOR'S OR  
10 CHAUFFEUR'S LICENSE UNDER SUBSECTION (4) OR (5) IS NOT APPEALABLE  
11 UNDER SECTION 323.

12 Sec. 319. (1) The secretary of state shall immediately sus-  
13 pend a person's license as provided in this section upon receiv-  
14 ing a record of the person's conviction for a crime described in  
15 this section, whether the conviction is under a law of this  
16 state, a local ordinance substantially corresponding to a law of  
17 this state, or a law of another state substantially corresponding  
18 to a law of this state.

19 (2) The secretary of state shall suspend the person's  
20 license for 1 year for any of the following crimes:

21 (a) Fraudulently altering or forging documents pertaining to  
22 motor vehicles in violation of section 257.

23 (b) A violation of section 413 of the Michigan penal code,  
24 1931 PA 328, MCL 750.413.

25 (c) A violation of section 1 of 1931 PA 214, MCL 752.191.

1 (d) Failing to stop and disclose identity at the scene of an  
2 accident resulting in death or serious injury in violation of  
3 section 617.

4 (e) A felony in which a motor vehicle was used. As used in  
5 this section, "felony in which a motor vehicle was used" means a  
6 felony during the commission of which the person convicted oper-  
7 ated a motor vehicle and while operating the vehicle presented  
8 real or potential harm to persons or property and 1 or more of  
9 the following circumstances existed:

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

11 (ii) The vehicle was used to transport a victim of the  
12 felony.

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

14 (iv) The vehicle was necessary for the commission of the  
15 felony.

16 (f) A violation of section 602a(2) or (3) of this act or  
17 section 479a(2) or (3) of the Michigan penal code, 1931 PA 328,  
18 MCL 750.479a.

19 (3) The secretary of state shall suspend the person's  
20 license for 90 days for any of the following crimes:

21 (a) Failing to stop and disclose identity at the scene of an  
22 accident resulting in injury in violation of section 617a.

23 (b) Reckless driving in violation of section 626.

24 (c) Malicious destruction resulting from the operation of a  
25 vehicle under section 382(1)(b), (c), or (d) of the Michigan  
26 penal code, 1931 PA 328, MCL 750.382.

**SB 306, As Passed Senate, March 23, 1999**

Senate Bill No. 306

14

1 (d) A violation described in section 367c of the Michigan  
2 penal code, 1931 PA 328, MCL 750.367c.

3 (e) A violation of section 703(2) of the Michigan liquor  
4 control code of 1998, 1998 PA 58, MCL 436.1703.

5 (4) The secretary of state shall suspend the person's  
6 license for 30 days for malicious destruction resulting from the  
7 operation of a vehicle under section 382(1)(a) of the Michigan  
8 penal code, 1931 PA 328, MCL 750.382.

9 (5) For perjury or making a false certification to the sec-  
10 retary of state under any law requiring the registration of a  
11 motor vehicle or regulating the operation of a vehicle on a high-  
12 way, the secretary shall suspend the person's license as  
13 follows:

14 (a) If the person has no prior conviction for an offense  
15 described in this subsection within 7 years, for 90 days.

16 (b) If the person has 1 or more prior convictions for an  
17 offense described in this subsection within 7 years, for 1 year.

18 (6) For a violation of section 414 of the Michigan penal  
19 code, 1931 PA 328, MCL 750.414, the secretary of state shall sus-  
20 pend the person's license as follows:

21 (a) If the person has no prior conviction for that offense  
22 within 7 years, for 90 days.

23 (b) If the person has 1 or more prior convictions for that  
24 offense within 7 years, for 1 year.

25 (7) For a violation of section 624a or 624b of this act or  
26 section 703(1) of the Michigan liquor control code of 1998, 1998

1 PA 58, MCL 436.1703, the secretary of state shall suspend the  
2 person's license as follows:

3 (a) If the person has 1 prior conviction for an offense  
4 described in this subsection or section 33b(1) of former 1933 (Ex  
5 Sess) PA 8, for 90 days. The secretary of state may issue the  
6 person a restricted license after the first 30 days of  
7 suspension.

8 (b) If the person has 2 or more prior convictions for an  
9 offense described in this subsection or section 33b(1) of former  
10 1933 (Ex Sess) PA 8, for 1 year. The secretary of state may  
11 issue the person a restricted license after the first 60 days of  
12 suspension.

13 (8) The secretary of state shall suspend the person's  
14 license for a violation of section 625 or 625m as follows:

15 (a) For 180 days for a violation of section 625(1) if the  
16 person has no prior convictions within 7 years. The secretary of  
17 state may issue the person a restricted license during all or a  
18 specified portion of the suspension, except that the secretary of  
19 state shall not issue a restricted license during the first 30  
20 days of suspension.

21 (b) For 90 days for a violation of section 625(3) if the  
22 person has no prior convictions within 7 years. However, if the  
23 person is convicted of a violation of section 625(3), for operat-  
24 ing a vehicle when, due to the consumption of a controlled sub-  
25 stance or a combination of intoxicating liquor and a controlled  
26 substance, the person's ability to operate the vehicle was  
27 visibly impaired, the secretary of state shall suspend the

1 person's license under this subdivision for 180 days. The  
2 secretary of state may issue the person a restricted license  
3 during all or a specified portion of the suspension.

4 (c) For 30 days for a violation of section 625(6) if the  
5 person has no prior convictions within 7 years. The secretary of  
6 state may issue the person a restricted license during all or a  
7 specified portion of the suspension.

8 (d) For 90 days for a violation of section 625(6) if the  
9 person has 1 or more prior convictions within 7 years.

10 (e) For 180 days for a violation of section 625(7) if the  
11 person has no prior convictions within 7 years. The secretary of  
12 state may issue the person a restricted license after the first  
13 90 days of suspension.

14 (f) For 90 days for a violation of section 625m if the  
15 person has no prior convictions within 7 years. The secretary of  
16 state may issue the person a restricted license during all or a  
17 specified portion of the suspension.

18 (9) FOR A VIOLATION OF SECTION 315(4), THE SECRETARY OF  
19 STATE SHALL EITHER SUSPEND THE PERSON'S LICENSE FOR 6 MONTHS OR  
20 REVOKE THE PERSON'S LICENSE FOR A SECOND OR SUBSEQUENT CONVICTION  
21 AS REQUIRED UNDER SECTION 315(5).

22 (10) ~~-(9)-~~ Except as provided in subsection ~~-(11)-~~ (12), a  
23 suspension under this section shall be imposed notwithstanding a  
24 court order.

25 (11) ~~-(10)-~~ If the secretary of state receives records of  
26 more than 1 conviction of a person resulting from the same  
27 incident, a suspension shall be imposed only for the violation to



1 which the longest period of suspension applies under this  
2 section.

3       (12) ~~—(11)—~~ The secretary of state may waive a suspension of  
4 a person's license imposed under this act if the person submits  
5 proof that a court in another state revoked, suspended, or  
6 restricted his or her license for a period equal to or greater  
7 than the period of a suspension prescribed under this act for the  
8 violation and that the revocation, suspension, or restriction was  
9 served for the violation, or may grant a restricted license.

10       (13) ~~—(12)—~~ The secretary of state shall not issue a  
11 restricted license to a person whose license is suspended under  
12 this section unless a restricted license is authorized under this  
13 section and the person is otherwise eligible for a license.

14       (14) ~~—(13)—~~ The secretary of state shall not issue a  
15 restricted license to a person under subsection (8) that would  
16 permit the person to operate a commercial motor vehicle that  
17 hauls hazardous material.

18       (15) ~~—(14)—~~ A restricted license issued under this section  
19 shall permit the person to whom it is issued to drive under 1 or  
20 more of the following circumstances:

21       (a) In the course of the person's employment or occupation.

22       (b) To and from any combination of the following:

23       (i) The person's residence.

24       (ii) The person's work location.

25       (iii) An alcohol or drug education or treatment program as  
26 ordered by the court.

- 1       (iv) The court probation department.
- 2       (v) A court-ordered community service program.
- 3       (vi) An educational institution at which the person is
- 4 enrolled as a student.
- 5       (vii) A place of regularly occurring medical treatment for a
- 6 serious condition for the person or a member of the person's
- 7 household or immediate family.
- 8       (16) ~~-(15)-~~ While driving, the person shall carry proof of
- 9 his or her destination and the hours of any employment, class, or
- 10 other reason for traveling and shall display that proof upon a
- 11 peace officer's request.
- 12       (17) ~~-(16)-~~ Subject to subsection ~~-(18)-~~ (19), as used in
- 13 subsection (8), "prior conviction" means a conviction for any of
- 14 the following, whether under a law of this state, a local ordi-
- 15 nance substantially corresponding to a law of this state, or a
- 16 law of another state substantially corresponding to a law of this
- 17 state:
- 18       (a) Except as provided in subsection ~~-(17)-~~ (18), a viola-
- 19 tion or attempted violation of section 625(1), (3), (4), (5),
- 20 (6), or (7), section 625m, former section 625(1) or (2), or
- 21 former section 625b.
- 22       (b) Negligent homicide, manslaughter, or murder resulting
- 23 from the operation of a vehicle or an attempt to commit any of
- 24 those crimes.
- 25       (18) ~~-(17)-~~ Except for purposes of the suspensions described
- 26 in subsection (8)(c) and (d), only 1 violation or attempted
- 27 violation of section 625(6), a local ordinance substantially

**SB 306, As Passed Senate, March 23, 1999**

Senate Bill No. 306

19

1 corresponding to section 625(6), or a law of another state  
2 substantially corresponding to section 625(6) may be used as a  
3 prior conviction.

4       (19) ~~—(18)—~~ If 2 or more convictions described in subsection  
5 ~~—(16)—~~ (17) are convictions for violations arising out of the  
6 same transaction, only 1 conviction shall be used to determine  
7 whether the person has a prior conviction.

8       Enacting section 1. This amendatory act takes effect  
9 October 1, 1999.