

HOUSE BILL No. 4304

February 20, 2001, Introduced by Reps. Thomas, Raczkowski, Schermesser, Wojno, McConico, Jacobs, Williams, Garza, Dennis, Hale, Schauer, Rivet, Clark, Hardman, Neumann, Waters, Minore and Lemmons and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 319 and 319b (MCL 257.319 and 257.319b),
section 319 as amended by 2000 PA 460 and section 319b as amended
by 1998 PA 356, and by adding section 626c.

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 as provided in this section upon receiv-
3 ing a record of the person's conviction for a crime described in
4 this section, whether the conviction is under a law of this
5 state, a local ordinance substantially corresponding to a law of
6 this state, or a law of another state substantially corresponding
7 to a law of this state.

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

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

3 (b) A violation of section 413 of the Michigan penal code,
4 1931 PA 328, MCL 750.413.

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

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

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

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

16 (ii) The vehicle was used to transport a victim of the
17 felony.

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

19 (iv) The vehicle was necessary for the commission of the
20 felony.

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

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

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

1 (b) A violation of section 626 or section 653a(3).

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

5 (d) A violation of section 703(2) of the Michigan liquor
6 control code of 1998, 1998 PA 58, MCL 436.1703.

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

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

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

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

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

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

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

1 (7) For a violation of section 624a or 624b of this act or
2 section 703(1) of the Michigan liquor control code of 1998, 1998
3 PA 58, MCL 436.1703, the secretary of state shall suspend the
4 person's license as follows:

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

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

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

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

23 (b) For 90 days for a violation of section 625(3) if the
24 person has no prior convictions within 7 years. However, if the
25 person is convicted of a violation of section 625(3), for operat-
26 ing a vehicle when, due to the consumption of a controlled
27 substance or a combination of intoxicating liquor and a

1 controlled substance, the person's ability to operate the vehicle
2 was visibly impaired, the secretary of state shall suspend the
3 person's license under this subdivision for 180 days. The secre-
4 tary of state may issue the person a restricted license during
5 all or a specified portion of the suspension.

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

10 (d) For 90 days for a violation of section 625(6) if the
11 person has 1 or more prior convictions for that offense within 7
12 years.

13 (e) For 180 days for a violation of section 625(7) if the
14 person has no prior convictions within 7 years. The secretary of
15 state may issue the person a restricted license after the first
16 90 days of suspension.

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

21 (9) For a violation of section 367c of the Michigan penal
22 code, 1931 PA 328, MCL 750.367c, the secretary of state shall
23 suspend the person's license as follows:

24 (a) If the person has no prior conviction for an offense
25 described in this subsection within 7 years, for 6 months.

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

1 (10) For a violation of section 315(4), the secretary of
2 state may suspend the person's license for 6 months and shall
3 revoke the person's license for a second or subsequent conviction
4 as required under section 315(5).

5 (11) THE SECRETARY OF STATE SHALL SUSPEND THE PERSON'S
6 LICENSE FOR A VIOLATION OF SECTION 626C AS FOLLOWS:

7 (A) FOR 30 DAYS IF THE PERSON HAS NO PRIOR CONVICTIONS UNDER
8 SECTION 626C WITHIN 2 YEARS.

9 (B) FOR 1 YEAR IF THE PERSON HAS 1 OR MORE PRIOR CONVICTIONS
10 UNDER SECTION 626C WITHIN 2 YEARS. THE SECRETARY OF STATE MAY
11 ISSUE THE PERSON A RESTRICTED LICENSE AFTER THE FIRST 120 DAYS OF
12 SUSPENSION.

13 (12) ~~-(11)-~~ Except as provided in subsection ~~-(13)-~~ (14), a
14 suspension under this section shall be imposed notwithstanding a
15 court order.

16 (13) ~~-(12)-~~ If the secretary of state receives records of
17 more than 1 conviction of a person resulting from the same inci-
18 dent, a suspension shall be imposed only for the violation to
19 which the longest period of suspension applies under this
20 section.

21 (14) ~~-(13)-~~ The secretary of state may waive a suspension of
22 a person's license imposed under this act if the person submits
23 proof that a court in another state revoked, suspended, or
24 restricted his or her license for a period equal to or greater
25 than the period of a suspension prescribed under this act for the
26 violation and that the revocation, suspension, or restriction was
27 served for the violation, or may grant a restricted license.

1 (15) ~~—(14)—~~ The secretary of state shall not issue a
2 restricted license to a person whose license is suspended under
3 this section unless a restricted license is authorized under this
4 section and the person is otherwise eligible for a license.

5 (16) ~~—(15)—~~ The secretary of state shall not issue a
6 restricted license to a person under subsection (8) that would
7 permit the person to operate a commercial motor vehicle that
8 hauls hazardous material.

9 (17) ~~—(16)—~~ A restricted license issued under this section
10 shall permit the person to whom it is issued to drive under 1 or
11 more of the following circumstances:

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

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

14 (i) The person's residence.

15 (ii) The person's work location.

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

18 (iv) The court probation department.

19 (v) A court-ordered community service program.

20 (vi) An educational institution at which the person is
21 enrolled as a student.

22 (vii) A place of regularly occurring medical treatment for a
23 serious condition for the person or a member of the person's
24 household or immediate family.

25 (18) ~~—(17)—~~ While driving with a restricted license, the
26 person shall carry proof of his or her destination and the hours

1 of any employment, class, or other reason for traveling and shall
2 display that proof upon a peace officer's request.

3 (19) ~~-(18)-~~ Subject to subsection ~~-(20)-~~ (21), as used in
4 subsection (8), "prior conviction" means a conviction for any of
5 the following, whether under a law of this state, a local ordi-
6 nance substantially corresponding to a law of this state, or a
7 law of another state substantially corresponding to a law of this
8 state:

9 (a) Except as provided in subsection ~~-(19)-~~ (20), a viola-
10 tion or attempted violation of section 625(1), (3), (4), (5),
11 (6), or (7), section 625m, former section 625(1) or (2), or
12 former section 625b.

13 (b) Negligent homicide, manslaughter, or murder resulting
14 from the operation of a vehicle or an attempt to commit any of
15 those crimes.

16 (20) ~~-(19)-~~ Except for purposes of the suspensions described
17 in subsection (8)(c) and (d), only 1 violation or attempted vio-
18 lation of section 625(6), a local ordinance substantially corre-
19 sponding to section 625(6), or a law of another state substan-
20 tially corresponding to section 625(6) may be used as a prior
21 conviction.

22 (21) ~~-(20)-~~ If 2 or more convictions described in subsection
23 ~~-(18)-~~ (19) are convictions for violations arising out of the
24 same transaction, only 1 conviction shall be used to determine
25 whether the person has a prior conviction.

26 Sec. 319b. (1) The secretary of state shall immediately
27 suspend or revoke, as applicable, all vehicle group designations

1 on the operator's or chauffeur's license of a person upon
2 receiving notice of a conviction, bond forfeiture, or civil
3 infraction determination of the person, or notice that a court or
4 administrative tribunal has found the person responsible, for a
5 violation described in this subsection of a law of this state, a
6 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, or notice that the person has refused to
9 submit to a chemical test of his or her blood, breath, or urine
10 for the purpose of determining the amount of alcohol or presence
11 of a controlled substance or both in the person's blood, breath,
12 or urine while the person was operating a commercial motor vehi-
13 cle as required by a law or local ordinance of this or another
14 state. The period of suspension or revocation is as follows:

15 (a) Suspension for 60 days if the licensee is convicted of
16 or found responsible for 2 serious traffic violations while oper-
17 ating a commercial motor vehicle arising from separate incidents
18 within 36 months.

19 (b) Suspension for 120 days if the licensee is convicted of
20 or found responsible for 3 serious traffic violations while oper-
21 ating a commercial motor vehicle arising from separate incidents
22 within 36 months.

23 (c) Suspension for 1 year if the licensee is convicted of or
24 found responsible for 1 of the following:

25 (i) A violation of section 625(1), (3), (4), (5), (6), or
26 (7), section 625m, or former section 625(1) or (2), or former
27 section 625b, or a local ordinance substantially corresponding to

1 section 625(1) or (3), section 625m, or former section 625(1) or
2 (2), or former section 625b, or a law of another state substan-
3 tially corresponding to section 625(1), (3), (4), (5), (6), or
4 (7), section 625m, or former section 625(1) or (2), or former
5 section 625b, while operating a commercial motor vehicle.

6 (ii) Leaving the scene of an accident involving a commercial
7 motor vehicle operated by the licensee.

8 (iii) A felony in which a commercial motor vehicle was
9 used.

10 (iv) A refusal of a peace officer's request to submit to a
11 chemical test of his or her blood, breath, or urine to determine
12 the amount of alcohol or presence of a controlled substance or
13 both in his or her blood, breath, or urine while he or she was
14 operating a commercial motor vehicle as required by a law or
15 local ordinance of this state or another state.

16 (v) A 6-point violation as provided in section 320a while
17 operating a commercial motor vehicle.

18 (d) Suspension for 3 years if the licensee is convicted of
19 or found responsible for an offense enumerated in subdivision
20 (c)(i) to (v) in which a commercial motor vehicle was used if the
21 vehicle was carrying hazardous material required to have a plac-
22 ard pursuant to 49 C.F.R. parts 100 to 199.

23 (e) Revocation for not less than 10 years and until the
24 person is approved for the issuance of a vehicle group designa-
25 tion if a licensee is convicted of or found responsible for 1 of
26 the following:

1 (i) Any combination of 2 violations arising from 2 or more
2 separate incidents under section 625(1), (3), (4), (5), (6), or
3 (7), section 625m, or former section 625(1) or (2), or former
4 section 625b, a local ordinance substantially corresponding to
5 section 625(1) or (3), section 625m, or former section 625(1) or
6 (2), or former section 625b, or a law of another state substan-
7 tially corresponding to section 625(1), (3), (4), (5), (6), or
8 (7), section 625m, or former section 625(1) or (2), or former
9 section 625b while driving a commercial motor vehicle.

10 (ii) Two violations of leaving the scene of an accident
11 involving a commercial motor vehicle operated by the licensee.

12 (iii) Two violations of a felony in which a commercial motor
13 vehicle was used.

14 (iv) Two refusals of a request of a police officer to submit
15 to a chemical test of his or her blood, breath, or urine for the
16 purpose of determining the amount of alcohol or presence of a
17 controlled substance or both in his or her blood while he or she
18 was operating a commercial motor vehicle in this state or another
19 state, which refusals occurred in separate incidents.

20 (v) Two 6-point violations as provided in section 320a while
21 operating a commercial motor vehicle.

22 (vi) Two violations, in any combination, of the offenses
23 enumerated under subparagraph (i), (ii), (iii), (iv), or (v)
24 arising from 2 or more separate incidents.

25 (f) Revocation for life if a licensee is convicted of or
26 found responsible for any of the following:

1 (i) One violation of a felony in which a commercial motor
2 vehicle was used and that involved the manufacture, distribution,
3 or dispensing of a controlled substance or possession with intent
4 to manufacture, distribute, or dispense a controlled substance.

5 (ii) A conviction of any offense described in
6 subdivision (c) or (d) after having been approved for the issu-
7 ance of a vehicle group designation under subdivision (e).

8 (2) The secretary of state shall immediately suspend all
9 vehicle group designations on the operator's or chauffeur's
10 license of a person upon receiving notice of a conviction, bond
11 forfeiture, or civil infraction determination of the person, or
12 notice that a court or administrative tribunal has found the
13 person responsible, for a violation of section 319d(4) or 319f, a
14 local ordinance substantially corresponding to section 319d(4) or
15 319f, or a law or local ordinance of another state, the United
16 States, Canada, Mexico, or a local jurisdiction of either of
17 these countries substantially corresponding to section 319d(4) or
18 319f, while operating a commercial motor vehicle as defined in
19 section 7a. The period of suspension or revocation is as
20 follows:

21 (a) Suspension for 90 days if the licensee is convicted of
22 or found responsible for a violation of section 319d(4) or 319f
23 while operating a commercial motor vehicle.

24 (b) Suspension for 180 days if the licensee is convicted of
25 or found responsible for a violation of section 319d(4) or 319f
26 while operating a commercial motor vehicle that is either
27 carrying hazardous material required to have a placard pursuant

1 to 49 C.F.R. parts 100 to 199 or designed to carry 16 or more
2 passengers, including the driver.

3 (c) Suspension for 1 year if the licensee is convicted of or
4 found responsible for 2 violations, in any combination, of sec-
5 tion 319d(4) or 319f while operating a commercial motor vehicle
6 arising from 2 or more separate incidents during a 10-year
7 period.

8 (d) Suspension for 3 years if the licensee is convicted of
9 or found responsible for 3 or more violations, in any combina-
10 tion, of section 319d(4) or 319f while operating a commercial
11 motor vehicle arising from 3 or more separate incidents during a
12 10-year period.

13 (e) Suspension for 3 years if the licensee is convicted of
14 or found responsible for 2 or more violations, in any combina-
15 tion, of section 319d(4) or 319f while operating a commercial
16 motor vehicle carrying hazardous material required to have a
17 placard pursuant to 49 C.F.R. parts 100 to 199, or designed to
18 carry 16 or more passengers, including the driver, arising from 2
19 or more separate incidents during a 10-year period.

20 (3) As used in this section:

21 (a) "Felony in which a commercial motor vehicle was used"
22 means a felony during the commission of which the person con-
23 victed operated a commercial motor vehicle and while the person
24 was operating the vehicle 1 or more of the following circum-
25 stances 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 (b) "Serious traffic violation" means a traffic violation
7 that occurs in connection with an accident in which a person
8 died, careless driving, AGGRESSIVE DRIVING AS PROVIDED IN
9 SECTION 626C, excessive speeding, ~~as defined in the federal~~
10 ~~administrative regulations promulgated to implement the commer-~~
11 ~~cial motor vehicle safety act of 1986, title XII of Public Law~~
12 ~~99-570, 100 Stat. 3207-170,~~ improper lane use, following too
13 closely, or any other serious traffic violation as defined in 49
14 C.F.R. 383.5 or as prescribed under this act.

15 (4) For the purpose of this section only, a bond forfeiture
16 or a determination by a court of original jurisdiction or an
17 authorized administrative tribunal that a person has violated the
18 law is considered a conviction.

19 (5) The secretary of state shall suspend or revoke a vehicle
20 group designation under subsection (1) notwithstanding a suspen-
21 sion, restriction, revocation, or denial of an operator's or
22 chauffeur's license or vehicle group designation under another
23 section of this act or a court order issued under another section
24 of this act or a local ordinance substantially corresponding to
25 another section of this act.

1 (6) When determining the applicability of conditions listed
2 in this section, the secretary of state shall only consider
3 violations that occurred after January 1, 1990.

4 SEC. 626C. (1) A PERSON WHO COMMITS 2 OR MORE OF THE FOL-
5 LOWING DURING A SINGLE CONTINUOUS PERIOD OF DRIVING IS GUILTY OF
6 AGGRESSIVE DRIVING:

7 (A) RECKLESS DRIVING UNDER SECTION 626.

8 (B) CARELESS DRIVING UNDER SECTION 626B.

9 (C) VIOLATION OF A SPEED LIMIT ESTABLISHED UNDER
10 SECTION 627, 627A, 628, OR 629.

11 (D) FAILURE TO OBEY A TRAFFIC CONTROL DEVICE AS PROVIDED IN
12 SECTION 611.

13 (E) FOLLOWING ANOTHER VEHICLE TOO CLOSELY AS DESCRIBED IN
14 SECTION 643.

15 (F) OVERTAKING AND PASSING A VEHICLE ON THE RIGHT BY DRIVING
16 OFF THE PAVEMENT OR MAIN-TRAVELED PORTION OF THE ROADWAY AS PRO-
17 VIDED IN SECTION 637(2).

18 (G) FAILURE TO YIELD THE RIGHT-OF-WAY AS DESCRIBED IN
19 SECTION 649.

20 (H) IMPROPER LANE CHANGES IN VIOLATION OF SECTION 642.

21 (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDE-
22 MEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 180 DAYS OR A
23 FINE OF NOT MORE THAN \$2,500.00, OR BOTH.

24 (3) THE COURT SHALL ORDER A PERSON CONVICTED OF A VIOLATION
25 OF THIS SECTION TO ATTEND AND SUCCESSFULLY COMPLETE REVIEW SES-
26 SIONS COMPOSED OF BOTH CLASSROOM AND BEHIND-THE-WHEEL TIME

1 PERIODS DESIGNED TO IMPROVE THE SAFETY AND HABITS OF DRIVERS AS
2 DEVELOPED BY THE SECRETARY OF STATE.

3 Enacting section 1. This amendatory act takes effect
4 October 1, 2001.