

# SENATE BILL No. 332

March 20, 2003, Introduced by Senator THOMAS and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending sections 319 and 319b (MCL 257.319 and 257.319b), as  
amended by 2002 PA 534, and by adding section 626d.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 319. (1) The secretary of state shall immediately  
2 suspend a person's license as provided in this section upon  
3 receiving a record of the person's conviction for a crime  
4 described in this section, whether the conviction is under a law  
5 of this state, a local ordinance substantially corresponding to a  
6 law of this state, or a law of another state substantially  
7 corresponding to a law of this state.

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

10       (a) Fraudulently altering or forging documents pertaining to

1 motor vehicles in violation of section 257.

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

4 (c) A violation of section 1 of former 1931 PA 214,  
5 MCL 752.191, or section 626c.

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

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

13 (ii) The vehicle was used to transport a victim of the  
14 felony.

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

16 (iv) The vehicle was necessary for the commission of the  
17 felony.

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

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

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

25 (b) A violation of section 601b(2), section 601c(1), section  
26 626, or section 653a(3).

27 (c) Malicious destruction resulting from the operation of a

1 vehicle under section 382(1)(b), (c), or (d) of the Michigan  
2 penal code, 1931 PA 328, MCL 750.382.

3 (d) 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 license  
6 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  
10 secretary of state under any law requiring the registration of a  
11 motor vehicle or regulating the operation of a vehicle on a  
12 highway, or for conduct prohibited under section 324(1) or a  
13 local ordinance substantially corresponding to section 324(1),  
14 the secretary shall suspend the person's license as follows:

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

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

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

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

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

26 (7) For a violation of section 624a or 624b of this act or  
27 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 license  
14 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  
24 operating a vehicle when, due to the consumption of a controlled  
25 substance or a combination of intoxicating liquor and a  
26 controlled substance, the person's ability to operate the vehicle  
27 was 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 for that offense within 7  
10 years.

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

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

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

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

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

26 (10) For a violation of section 315(4), the secretary of  
27 state may suspend the person's license for 6 months.

1       (11) The secretary of state shall suspend the person's  
2 license for a violation of section 626d as follows:

3       (a) For 30 days if the person has no prior convictions under  
4 section 626d within 2 years.

5       (b) For 1 year if the person has 1 or more prior convictions  
6 under section 626d within 2 years. The secretary of state may  
7 issue the person a restricted license after the first 120 days of  
8 suspension.

9       (12) ~~—(11)—~~ For a violation or attempted violation of  
10 section 411a(2) of the Michigan penal code, 1931 PA 328,  
11 MCL 750.411a, involving a school, the secretary of state shall  
12 suspend the license of a person 14 years of age or over but less  
13 than 21 years of age until 3 years after the date of the  
14 conviction or juvenile disposition for the violation. The  
15 secretary of state may issue the person a restricted license  
16 after the first 365 days of suspension.

17       (13) ~~—(12)—~~ Except as provided in subsection ~~—(14)—~~ (15), a  
18 suspension under this section shall be imposed notwithstanding a  
19 court order unless the court order complies with section 323.

20       (14) ~~—(13)—~~ If the secretary of state receives records of  
21 more than 1 conviction of a person resulting from the same  
22 incident, a suspension shall be imposed only for the violation to  
23 which the longest period of suspension applies under this  
24 section.

25       (15) ~~—(14)—~~ The secretary of state may waive a restriction,  
26 suspension, or revocation of a person's license imposed under  
27 this act if the person submits proof that a court in another

1 state revoked, suspended, or restricted his or her license for a  
2 period equal to or greater than the period of a restriction,  
3 suspension, or revocation prescribed under this act for the  
4 violation and that the revocation, suspension, or restriction was  
5 served for the violation, or may grant a restricted license.

6       **(16)** ~~—(15)—~~ The secretary of state shall not issue a  
7 restricted license to a person whose license is suspended under  
8 this section unless a restricted license is authorized under this  
9 section and the person is otherwise eligible for a license.

10       **(17)** ~~—(16)—~~ The secretary of state shall not issue a  
11 restricted license to a person under subsection (8) that would  
12 permit the person to operate a commercial motor vehicle that  
13 transports hazardous material in amounts requiring a placard  
14 under the hazardous materials regulations, 49 C.F.R. parts 100 to  
15 199.

16       **(18)** ~~—(17)—~~ A restricted license issued under this section  
17 shall permit the person to whom it is issued to drive under 1 or  
18 more of the following circumstances:

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

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

21       (i) The person's residence.

22       (ii) The person's work location.

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

25       (iv) The court probation department.

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

27       (vi) An educational institution at which the person is

1 enrolled as a student.

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

5 (19) ~~-(18)-~~ While driving with a restricted license, the  
6 person shall carry proof of his or her destination and the hours  
7 of any employment, class, or other reason for traveling and shall  
8 display that proof upon a peace officer's request.

9 (20) ~~-(19)-~~ Subject to subsection ~~-(21)-~~ (22), as used in  
10 subsection (8), "prior conviction" means a conviction for any of  
11 the following, whether under a law of this state, a local  
12 ordinance substantially corresponding to a law of this state, or  
13 a law of another state substantially corresponding to a law of  
14 this state:

15 (a) Except as provided in subsection ~~-(20)-~~ (21), a violation  
16 or attempted violation of section 625(1), (3), (4), (5), (6), or  
17 (7), section 625m, former section 625(1) or (2), or former  
18 section 625b.

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

22 (21) ~~-(20)-~~ Except for purposes of the suspensions described  
23 in subsection (8)(c) and (d), only 1 violation or attempted  
24 violation of section 625(6), a local ordinance substantially  
25 corresponding to section 625(6), or a law of another state  
26 substantially corresponding to section 625(6) may be used as a  
27 prior conviction.



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

5       Sec. 319b. (1) The secretary of state shall immediately  
6 suspend or revoke, as applicable, all vehicle group designations  
7 on the operator's or chauffeur's license of a person upon  
8 receiving notice of a conviction, bond forfeiture, or civil  
9 infraction determination of the person, or notice that a court or  
10 administrative tribunal has found the person responsible, for a  
11 violation described in this subsection of a law of this state, a  
12 local ordinance substantially corresponding to a law of this  
13 state, or a law of another state substantially corresponding to a  
14 law of this state, or notice that the person has refused to  
15 submit to a chemical test of his or her blood, breath, or urine  
16 for the purpose of determining the amount of alcohol or presence  
17 of a controlled substance or both in the person's blood, breath,  
18 or urine while the person was operating a commercial motor  
19 vehicle as required by a law or local ordinance of this or  
20 another state. The period of suspension or revocation is as  
21 follows:

22       (a) Suspension for 60 days if the licensee is convicted of  
23 or found responsible for 1 of the following while operating a  
24 commercial motor vehicle:

25       (i) Two serious traffic violations arising from separate  
26 incidents within 36 months.

27       (ii) A violation of section 667, 668, 669, or 669a.

1 (iii) A violation of motor carrier safety regulations 49  
2 C.F.R. 392.10 or 392.11, as adopted by section 1a of the motor  
3 carrier safety act of 1963, 1963 PA 181, MCL 480.11a.

4 (iv) A violation of section 57 of the pupil transportation  
5 act, 1990 PA 187, MCL 257.1857.

6 (v) A violation of motor carrier safety regulations 49  
7 C.F.R. 392.10 or 392.11, as adopted by section 31 of the motor  
8 bus transportation act, 1982 PA 432, MCL 474.131.

9 (vi) A violation of motor carrier safety regulations 49  
10 C.F.R. 392.10 or 392.11 while operating a commercial motor  
11 vehicle other than a vehicle covered under subparagraph (iii),  
12 (iv), or (v).

13 (b) Suspension for 120 days if the licensee is convicted of  
14 or found responsible for 1 of the following arising from separate  
15 incidents within 36 months while operating a commercial motor  
16 vehicle:

17 (i) Three serious traffic violations.

18 (ii) Any combination of 2 violations described in  
19 subdivision (a)(ii).

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

22 (i) A violation of section 625(1), (3), (4), (5), (6), or  
23 (7), section 625m, or former section 625(1) or (2), or former  
24 section 625b, while operating a commercial motor vehicle.

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

27 (iii) A felony in which a commercial motor vehicle was

1 used.

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

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

10 (vi) Any combination of 3 violations described in  
11 subdivision (a)(ii) arising from separate incidents within 36  
12 months while operating a commercial motor vehicle.

13 (d) Suspension for 3 years if the licensee is convicted of  
14 or found responsible for an offense enumerated in subdivision  
15 (c)(i) to (v) in which a commercial motor vehicle was used if the  
16 vehicle was carrying hazardous material required to have a  
17 placard pursuant to 49 C.F.R. parts 100 to 199.

18 (e) Revocation for not less than 10 years and until the  
19 person is approved for the issuance of a vehicle group  
20 designation if a licensee is convicted of or found responsible  
21 for 1 of the following:

22 (i) Any combination of 2 violations arising from 2 or more  
23 separate incidents under section 625(1), (3), (4), (5), (6), or  
24 (7), section 625m, or former section 625(1) or (2), or former  
25 section 625b, while driving a commercial motor vehicle.

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

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

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

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

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

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

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

20       (ii) A conviction of any offense described in  
21 subdivision (c) or (d) after having been approved for the  
22 issuance of a vehicle group designation under subdivision (e).

23       (iii) A conviction of a violation of chapter LXXXIII-A of  
24 the Michigan penal code, 1931 PA 328, MCL 750.543a to 750.543z.

25       (2) The secretary of state shall immediately revoke for life  
26 the hazardous material indorsement (H vehicle indorsement) on the  
27 operator's or chauffeur's license of a person with a vehicle

1 group designation upon receiving notice from the U.S. department  
2 of transportation that the person poses a security risk  
3 warranting denial under the uniting and strengthening America by  
4 providing appropriate tools required to intercept and obstruct  
5 terrorism (USA PATRIOT ACT) act of 2001, Public Law 107-56, 115  
6 Stat. 272.

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

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

22 (b) Suspension for 180 days if the licensee is convicted of  
23 or found responsible for a violation of section 319d(4) or 319f  
24 while operating a commercial motor vehicle that is either  
25 carrying hazardous material required to have a placard pursuant  
26 to 49 C.F.R. parts 100 to 199 or designed to carry 16 or more  
27 passengers, including the driver.

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

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

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

19 (4) As used in this section:

20 (a) "Felony in which a commercial motor vehicle was used"  
21 means a felony during the commission of which the person  
22 convicted operated a commercial motor vehicle and while the  
23 person was operating the vehicle 1 or more of the following  
24 circumstances existed:

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

26 (ii) The vehicle was used to transport a victim of the  
27 felony.

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

2 (iv) The vehicle was necessary for the commission of the  
3 felony.

4 (b) "Serious traffic violation" means a traffic violation  
5 that occurs in connection with an accident in which a person  
6 died, careless driving, **aggressive driving as provided in section**  
7 **626d**, excessive speeding, ~~as defined in regulations promulgated~~  
8 ~~under chapter 313 of title 49 of the United States Code, 49~~  
9 ~~U.S.C. 31301 to 31317,~~ improper lane use, following too closely,  
10 or any other serious traffic violation as defined in 49  
11 C.F.R. 383.5 or as prescribed under this act.

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

16 (6) The secretary of state shall suspend or revoke a vehicle  
17 group designation under subsection (1) notwithstanding a  
18 suspension, restriction, revocation, or denial of an operator's  
19 or chauffeur's license or vehicle group designation under another  
20 section of this act or a court order issued under another section  
21 of this act or a local ordinance substantially corresponding to  
22 another section of this act.

23 (7) When determining the applicability of conditions listed  
24 in this section, the secretary of state shall only consider  
25 violations that occurred after January 1, 1990.

26 **Sec. 626d. (1) A person who commits 2 or more of the**  
27 **following during a single continuous period of driving is guilty**

1 of aggressive driving:

2 (a) Reckless driving under section 626.

3 (b) Careless driving under section 626b.

4 (c) Violation of a speed limit established under section 627,  
5 627a, 628, or 629.

6 (d) Failure to obey a traffic control device as provided in  
7 section 611.

8 (e) Following another vehicle too closely as described in  
9 section 643.

10 (f) Overtaking and passing a vehicle on the right by driving  
11 off the pavement or main-traveled portion of the roadway as  
12 provided in section 637(2).

13 (g) Failure to yield the right-of-way as described in  
14 section 649.

15 (h) Improper lane changes in violation of section 642.

16 (2) A person who violates this section is guilty of a  
17 misdemeanor punishable by imprisonment for not more than 180 days  
18 or a fine of not more than \$2,500.00, or both.

19 (3) The court shall order a person convicted of a violation  
20 of this section to attend and successfully complete review  
21 sessions composed of both classroom and behind-the-wheel time  
22 periods designed to improve the safety and habits of drivers as  
23 developed by the secretary of state.

24 Enacting section 1. This amendatory act takes effect  
25 February 1, 2004.