

MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949

***** 257.319.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 *****

257.319.amended Suspension of license; crimes; violations; waiver; restricted license; "prior conviction" as used in subsection (8); 2 or more convictions; appeal.

Sec. 319. (1) The secretary of state shall immediately suspend an individual's license as provided in this section on receiving a record of the individual's conviction for a crime described in this section, whether the conviction is under a law of this state, a local ordinance that substantially corresponds to a law of this state, a law of another state that substantially corresponds to a law of this state, or, beginning October 31, 2010, a law of the United States that substantially corresponds to a law of this state.

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

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

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

(c) A felony in which a motor vehicle was used. As used in this section, "felony in which a motor vehicle was used" means a felony during the commission of which the individual convicted operated a motor vehicle and while operating the vehicle presented real or potential harm to individuals or property and 1 or more of the following circumstances existed:

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

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

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

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

(d) A violation of section 602a(2) or (3) or section 479a(2) or (3) of the Michigan penal code, 1931 PA 328, MCL 750.479a.

(e) Beginning October 31, 2010, a violation of section 601d.

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

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

(b) A violation of section 601b(2), section 601c(1), section 653a(3), section 626 before October 31, 2010, or, beginning October 31, 2010, section 626(2).

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

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

(5) For perjury or making a false certification to the secretary of state under any law requiring the registration of a motor vehicle or regulating the operation of a vehicle on a highway, or for conduct prohibited under section 324(1) or a local ordinance that substantially corresponds to section 324(1), the secretary of state shall suspend the individual's license as follows:

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

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

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

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

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

(7) For a violation of section 624a or 624b, the secretary of state shall suspend the individual's license as follows:

(a) If the individual has 1 prior conviction for an offense described in section 624a or 624b, for 90 days. The secretary of state may issue the individual a restricted license after the first 30 days of suspension.

(b) If the individual has 2 or more prior convictions for an offense described in section 624a or 624b, for 1 year. The secretary of state may issue the individual a restricted license after the first 60 days of suspension.

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

(a) For 180 days for a violation of section 625(1) or (8) before October 31, 2010 or, beginning October 31, 2010, section 625(1)(a) or (b) or (8) if the individual has no prior convictions within 7 years. The secretary of

state may issue the individual a restricted license during a specified portion of the suspension, except that the secretary of state shall not issue a restricted license during the first 30 days of suspension.

(b) For 90 days for a violation of section 625(3) if the individual has no prior convictions within 7 years. However, if the individual is convicted of a violation of section 625(3), for operating a vehicle when, due to the consumption of a controlled substance or a combination of alcoholic liquor and a controlled substance, the individual's ability to operate the vehicle was visibly impaired, the secretary of state shall suspend the individual's license under this subdivision for 180 days. The secretary of state may issue the individual a restricted license during all or a specified portion of the suspension.

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

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

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

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

(g) Beginning October 31, 2010, for 1 year for a violation of section 625(1)(c) if the individual has no prior convictions within 7 years or not more than 2 convictions within 10 years. The secretary of state may issue the individual a restricted license, except that the secretary of state shall not issue a restricted license during the first 45 days of suspension.

(h) Beginning October 31, 2010, the department shall order an individual convicted of violating section 625(1)(c) not to operate a motor vehicle under a restricted license issued under subdivision (g) unless the vehicle is equipped with an ignition interlock device approved, certified, and installed as required under sections 625k and 625l. The ignition interlock device may be removed after the interlock device provider provides the department with verification that the individual has operated the vehicle with no instances of reaching or exceeding a blood alcohol level of 0.025 grams per 210 liters of breath. This subdivision does not prohibit the removal of the ignition interlock device for any of the following:

(i) A start-up test failure that occurs within the first 2 months after installation of the device. As used in this subdivision, "start-up test failure" means that the ignition interlock device has prevented the motor vehicle from being started. Multiple unsuccessful attempts at 1 time to start the vehicle are treated as 1 start-up test failure only under this subparagraph.

(ii) A start-up test failure occurring more than 2 months after installation of the device, if not more than 15 minutes after detecting the start-up test failure the individual delivers a breath sample that the ignition interlock device analyzes as having an alcohol level of less than 0.025 grams per 210 liters of breath.

(iii) A retest prompted by the device, if not more than 5 minutes after detecting the retest failure the individual delivers a breath sample that the ignition interlock device analyzes as having an alcohol level of less than 0.025 grams per 210 liters of breath.

(i) Beginning October 31, 2010, if an individual violates the conditions of the restricted license issued under subdivision (g) or operates or attempts to operate a motor vehicle with a blood alcohol level of 0.025 grams per 210 liters of breath, the secretary of state shall impose an additional like period of suspension and restriction as prescribed under subdivision (g). This subdivision does not require an additional like period of suspension and restriction for any of the following:

(i) A start-up test failure within the first 2 months after installation of the ignition interlock device. As used in this subdivision, "start-up test failure" means that the ignition interlock device has prevented the motor vehicle from being started. Multiple unsuccessful attempts at 1 time to start the vehicle are treated as 1 start-up test failure only under this subparagraph.

(ii) A start-up test failure occurring more than 2 months after installation of the device, if not more than 15 minutes after detecting the start-up test failure the individual delivers a breath sample that the ignition interlock device analyzes as having an alcohol level of less than 0.025 grams per 210 liters of breath.

(iii) Any retest prompted by the device, if not more than 5 minutes after detecting the retest failure the individual delivers a breath sample that the ignition interlock device analyzes as having an alcohol level of less than 0.025 grams per 210 liters of breath.

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

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

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

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

(11) Except as provided in subsection (13), a suspension under this section must be imposed notwithstanding a court order unless the court order complies with section 323.

(12) If the secretary of state receives records of more than 1 conviction of an individual that results from the same incident, a suspension must be imposed only for the violation to which the longest period of suspension applies under this section.

(13) The secretary of state may waive a restriction, suspension, or revocation of an individual's license imposed under this act if the individual submits proof that a court in another state revoked, suspended, or restricted his or her license for a period equal to or greater than the period of a restriction, suspension, or revocation prescribed under this act for the violation and that the revocation, suspension, or restriction was served for the violation, or may grant a restricted license.

(14) The secretary of state shall not issue a restricted license to an individual whose license is suspended under this section unless a restricted license is authorized under this section and the individual is otherwise eligible for a license.

(15) The secretary of state shall not issue a restricted license to an individual under subsection (8) that would permit the individual to operate a commercial motor vehicle.

(16) Except as provided in subsection (15), a restricted license issued under this section must permit the individual to whom it is issued to take any driving skills test required by the secretary of state and to operate a vehicle under 1 or more of the following circumstances:

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

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

(i) The individual's residence.

(ii) The individual's work location.

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

(iv) The court probation department.

(v) A court-ordered community service program.

(vi) An educational institution at which the individual is enrolled as a student.

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

(viii) An ignition interlock service provider as required.

(17) While driving with a restricted license, the individual shall carry proof of his or her destination and the hours of any employment, class, or other reason for traveling and shall display that proof on a peace officer's request.

(18) Subject to subsection (20), as used in subsection (8), "prior conviction" means a conviction for any of the following, whether under a law of this state, a local ordinance that substantially corresponds to a law of this state, or a law of another state that substantially corresponds to a law of this state:

(a) Except as provided in subsection (19), a violation or attempted violation of any of the following:

(i) Section 625, except a violation of section 625(2), or a violation of any prior enactment of section 625 in which the defendant operated a vehicle while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled substance, or while visibly impaired, or with an unlawful bodily alcohol content.

(ii) Section 625m.

(iii) Former section 625b.

(b) Negligent homicide, manslaughter, or murder that results from the operation of a vehicle or an attempt to commit any of those crimes.

(c) Beginning October 31, 2010, a violation of section 601d or section 626(3) or (4).

(19) Except for purposes of the suspensions described in subsection (8)(c) and (d), only 1 violation or attempted violation of section 625(6), a local ordinance that substantially corresponds to section 625(6), or a law of another state that substantially corresponds to section 625(6) may be used as a prior conviction.

(20) If 2 or more convictions described in subsection (18) are convictions for violations arising out of the same transaction, only 1 conviction must be used to determine whether the individual has a prior conviction.

(21) Any period of suspension or restriction required under this section is not subject to appeal to the secretary of state.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1967, Act 226, Eff. Nov. 2, 1967;—

Am. 1976, Act 285, Eff. Apr. 1, 1977;—Am. 1980, Act 398, Eff. Mar. 31, 1981;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 1981, Act 159, Eff. Mar. 31, 1982;—Am. 1981, Act 222, Imd. Eff. Jan. 5, 1982;—Am. 1982, Act 64, Eff. Mar. 30, 1983;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1986, Act 177, Imd. Eff. July 7, 1986;—Am. 1988, Act 205, Eff. July 1, 1988;—Am. 1988, Act 406, Eff. Mar. 30, 1989;—Am. 1991, Act 93, Eff. Jan. 1, 1992;—Am. 1993, Act 359, Eff. Sept. 1, 1994;—Am. 1994, Act 211, Eff. Nov. 1, 1994;—Am. 1994, Act 449, Eff. May 1, 1995;—Am. 1996, Act 493, Eff. Apr. 1, 1997;—Am. 1996, Act 587, Eff. June 1, 1997;—Am. 1998, Act 347, Eff. Oct. 1, 1999;—Am. 1999, Act 118, Eff. Apr. 1, 2000;—Am. 1999, Act 267, Imd. Eff. Dec. 29, 1999;—Am. 2000, Act 152, Imd. Eff. June 12, 2000;—Am. 2000, Act 460, Eff. Mar. 28, 2001;—Am. 2001, Act 103, Eff. Oct. 1, 2001;—Am. 2001, Act 134, Eff. Feb. 1, 2002;—Am. 2001, Act 159, Eff. Feb. 1, 2002;—Am. 2002, Act 422, Eff. Oct. 1, 2002;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2003, Act 61, Eff. Sept. 30, 2003;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2008, Act 462, Eff. Oct. 31, 2010;—Am. 2008, Act 463, Eff. Oct. 31, 2010;—Am. 2010, Act 155, Eff. Jan. 1, 2011;—Am. 2010, Act 267, Eff. June 30, 2011;—Am. 2012, Act 306, Imd. Eff. Oct. 1, 2012;—Am. 2015, Act 11, Eff. July 8, 2015;—Am. 2016, Act 32, Eff. June 6, 2016;—Am. 2016, Act 358, Eff. Jan. 1, 2018;—Am. 2020, Act 376, Eff. Oct. 1, 2021.

Compiler's note: Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

Section 2 of Act 205 of 1988 provides: "This amendatory act shall take effect July 1, 1988 and apply to violations which occur on or after that date."

Enacting section 1 of Act 32 of 2016 provides:

"Enacting section 1. R 257.1005 and R 257.1006 of the Michigan Administrative Code are rescinded."