

Act No. 93
Public Acts of 1991
Approved by the Governor
July 30, 1991
Filed with the Secretary of State
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**STATE OF MICHIGAN
86TH LEGISLATURE
REGULAR SESSION OF 1991**

Introduced by Senators Stabenow, Van Regenmorter, Welborn and Ehlers

ENROLLED SENATE BILL No. 315

AN ACT to amend sections 319, 319b, 320a, and 625b of Act No. 300 of the Public Acts of 1949, entitled as amended "An act to provide for the registration, titling, sale, transfer, and regulation of vehicles operated upon the public highways of this state or any other place open to the general public and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," section 319 as amended by Act No. 406 of the Public Acts of 1988, section 319b as added by Act No. 346 of the Public Acts of 1988, section 320a as amended by Act No. 154 of the Public Acts of 1987, and section 625b as amended by Act No. 109 of the Public Acts of 1987, being sections 257.319, 257.319b, 257.320a, and 257.625b of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Sections 319, 319b, 320a, and 625b of Act No. 300 of the Public Acts of 1949, section 319 as amended by Act No. 406 of the Public Acts of 1988, section 319b as added by Act No. 346 of the Public Acts of 1988, section 320a as amended by Act No. 154 of the Public Acts of 1987, and section 625b as amended by Act No. 109 of the Public Acts of 1987, being sections 257.319, 257.319b, 257.320a, and 257.625b of the Michigan Compiled Laws, are amended to read as follows:

Sec. 319. (1) The secretary of state shall immediately suspend for a period of not less than 90 days or more than 2 years, the license of a person upon receiving a record of the conviction or probate court disposition of the person for any of the following crimes or attempts to commit any of the following crimes, whether the conviction or probate court disposition is under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

- (a) Fraudulently altering or forging documents pertaining to motor vehicles, in violation of section 257.
- (b) Perjury or the making of a false certification to the secretary of state under any law requiring the registration of a motor vehicle or regulating the operation of a motor vehicle on a highway.
- (c) A violation of section 324, 413, or 414 of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.324, 750.413, and 750.414 of the Michigan Compiled Laws; or a violation of section 1 of Act No. 214 of the Public Acts of 1931, being section 752.191 of the Michigan Compiled Laws.

(d) Conviction upon 3 charges of reckless driving within the preceding 36 months.

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

(f) 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 person convicted operated a motor vehicle and while operating the vehicle presented real or potential harm to persons 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.

(2) The secretary of state shall suspend the license of a person convicted of malicious destruction resulting from the operation of a motor vehicle under section 382 of the Michigan penal code, Act No. 328 of the Public Acts of 1931, as amended, being section 750.382 of the Michigan Compiled Laws, for a period of not more than 1 year as ordered by the court as part of the sentence.

(3) The secretary of state shall immediately suspend the license of a person for the period specified in the certificate of conviction upon receipt of the person's license and certificate of conviction forwarded to the secretary of state pursuant to section 367c of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being section 750.367c of the Michigan Compiled Laws.

(4) If a court has not ordered a suspension of a person's license as authorized by this act, the secretary of state shall suspend the license as follows, notwithstanding a court order issued under section 625(1), (3), (4), or (5), or section 625b, or former section 625(1) or (2), or former section 625b, or a local ordinance substantially corresponding to section 625(1) or (3), or section 625b, or former section 625(1) or (2), or former section 625b:

(a) For a period of not less than 90 days or more than 1 year, upon receiving a record of the conviction of the person for a violation of section 625(3), a local ordinance substantially corresponding to section 625(3), or a law of another state substantially corresponding to section 625(3), if the person has no prior convictions within 7 years for a violation of section 625(1), (3), (4), or (5), or former section 625(1) or (2), or former section 625b, a local ordinance substantially corresponding to section 625(1) or (3), or former section 625(1) or (2), or former section 625b, or a law of another state substantially corresponding to section 625(1), (3), (4), or (5), or former section 625(1) or (2), or former section 625b.

(b) For a period of not less than 6 months or more than 2 years, if the person has the following convictions within a 7-year period, whether under the law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

(i) One conviction under section 625(1) or former section 625(1) or (2). However, if the conviction is under a law of another state substantially corresponding to section 625(1) or former section 625(1) or (2), the secretary of state may waive the suspension under this subdivision if the person submits proof that a court suspended or restricted his or her license for a period equal to or greater than the period of suspension or restriction authorized under this subsection and that the suspension or restriction was served in the other state, or may grant restrictions.

(ii) Any combination of 2 convictions under section 625(3) or former section 625b.

(iii) One conviction under section 625(1) or former section 625(1) or (2) and 1 conviction under section 625(3) or former section 625b.

(iv) One conviction under section 625(4) or (5) followed by 1 conviction under section 625(3).

(5) Upon receipt of a certificate of conviction pursuant to section 33b(3) of the Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being section 436.33b of the Michigan Compiled Laws, or a local ordinance or law of another state substantially corresponding to section 33b(3) of Act No. 8 of the Public Acts of the Extra Session of 1933, the secretary of state shall suspend the person's operator's or chauffeur's license for a period of 90 days. A suspension under this subsection shall be in addition to any other suspension of the person's license.

(6) Upon receipt of the record of the conviction or probate court disposition of a person for a violation of section 602a of this act or section 479a(1), (4), or (5) of Act No. 328 of the Public Acts of 1931, being section 750.479a of the Michigan Compiled Laws, the secretary of state immediately shall suspend the license of the person for the period ordered by the court as part of the sentence or disposition.

(7) A suspension pursuant to this section shall be imposed notwithstanding a court order issued under section 625(1), (3), (4), or (5), or section 625b, or a local ordinance substantially corresponding to section 625(1) or (3) or section 625b.

(8) If the secretary of state receives records of more than 1 conviction or probate court disposition of a person resulting from the same incident, a suspension shall be imposed only for the violation to which the longest period of suspension applies under this section.

(9) As used in this section, "probate court disposition" means the entry of a probate court order of disposition for a child found to be within the provisions of chapter XIIA of Act No. 288 of the Public Acts of 1939, being sections 712A.1 to 712A.28 of the Michigan Compiled Laws.

Sec. 319b. (1) The secretary of state shall immediately suspend all vehicle group designations on an operator's or chauffeur's license when the secretary of state receives notice of a conviction, bond forfeiture, or civil infraction determination for a violation described in this section committed within this state or another state. The period of suspension shall be as follows:

(a) For 60 days when the licensee is convicted of or found responsible for 2 serious traffic violations while operating a commercial motor vehicle within 36 months.

(b) For 120 days when the licensee is convicted of or found responsible for 3 serious traffic violations while operating a commercial motor vehicle within 36 months.

(c) For 1 year when the licensee is convicted of 1 of the following:

(i) A violation of section 625(1), (3), (4), or (5), or former section 625(1) or (2), or former section 625b, or a local ordinance substantially corresponding to section 625(1) or (3), or former section 625(1) or (2), or former section 625b, or a law of another state substantially corresponding to section 625(1), (3), (4), or (5) or former section 625(1) or (2), or former section 625b, while operating a commercial motor vehicle.

(ii) Leaving the scene of an accident involving a commercial motor vehicle, which commercial motor vehicle is operated by the licensee.

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

(iv) A 6-point violation as provided in section 320a.

(d) For 3 years when the licensee is convicted of a felony in which a commercial motor vehicle was used if the vehicle was carrying hazardous material required to have a placard pursuant to 49 C.F.R. parts 100 to 199.

(e) For life when a licensee is convicted of 1 of the following:

(i) Any combination of 2 violations under section 625(1), (3), (4), or (5), or former section 625(1) or (2), or former section 625b, a local ordinance substantially corresponding to section 625(1) or (3), or former section 625(1) or (2), or former section 625b, or a law of another state substantially corresponding to section 625(1), (3), (4), or (5), or former section 625(1) or (2), or former section 625b while driving a commercial motor vehicle.

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

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

(iv) Two violations of any combination of the offenses under subparagraph (i), (ii), or (iii).

(v) One violation of a felony in which a commercial motor vehicle was used and which involves the manufacture, distribution, or dispensing of a controlled substance or possession with intent to manufacture, distribute, or dispense a controlled substance.

(2) As used in this section:

(a) "Felony in which a commercial motor vehicle was used" means a felony during the commission of which the person convicted operated a commercial motor vehicle and while operating the vehicle 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.

(b) "Serious traffic violation" means reckless driving, a traffic violation received in connection with an accident in which a person died, careless driving, excessive speeding as defined in the federal administrative regulations promulgated to implement the commercial motor vehicle safety act of 1986, title XII of Public Law 99-570, 100 Stat. 3207-170, or any other serious traffic offense as specified in the federal regulations implementing that act or as prescribed under this act.

(3) For the purpose of this section only, a bond forfeiture shall be considered a conviction.

(4) The secretary of state may suspend a vehicle group designation notwithstanding a suspension, restriction, revocation, or denial of an operator's or chauffeur's license under another section of this act.

(5) The secretary of state, when determining the applicability of conditions listed in this section, shall only consider violations which occurred after October 1, 1989.

Sec. 320a. (1) The secretary of state, within 10 days after the receipt of a properly prepared abstract from this or another state, shall record the date of conviction, civil infraction determination, or probate court disposition, and the number of points for each, based on the following formula, except as otherwise provided in this section and section 629c:

- (a) Manslaughter, negligent homicide, or a felony resulting from the operation of a motor vehicle 6 points
- (b) A violation of section 625(1) or a law or ordinance substantially corresponding to section 625(1) 6 points
- (c) A violation or attempted violation of section 625(4) or (5) 6 points
- (d) Failing to stop and disclose identity at the scene of an accident when required by law 6 points
- (e) Operating a motor vehicle in a reckless manner 6 points
- (f) Violation of any law or ordinance pertaining to speed by exceeding the lawful maximum by more than 15 miles per hour 4 points
- (g) Violation of section 625(3) or a law or ordinance substantially corresponding to section 625(3) 4 points
- (h) Fleeing or eluding an officer 6 points
- (i) Violation of section 626a or a law or ordinance substantially corresponding to section 626a 4 points
- (j) Violation of any law or ordinance pertaining to speed by exceeding the lawful maximum by more than 10 but not more than 15 miles per hour or careless driving in violation of section 626b or a law or ordinance substantially corresponding to section 626b 3 points
- (k) Violation of any law or ordinance pertaining to speed by exceeding the lawful maximum by 10 miles per hour or less 2 points
- (l) Disobeying a traffic signal or stop sign, or improper passing 3 points
- (m) Violation of section 624a or a law or ordinance substantially corresponding to section 624a ... 2 points
- (n) All other moving violations pertaining to the operation of motor vehicles reported under this section 2 points

(2) Points shall not be entered for a violation of section 311, 658, 717, 719, 719a, or 723.

(3) Points shall not be entered for bond forfeitures.

(4) Points shall not be entered for overweight loads or for defective equipment.

(5) If more than 1 conviction, civil infraction determination, or probate court disposition results from the same incident, points shall be entered only for the violation which receives the highest number of points under this section.

(6) If a person has accumulated 9 points as provided in this section, the secretary of state may call the person in for an interview as to the person's driving ability and record after due notice as to time and place of the interview. If the person fails to appear as provided in this subsection, the secretary of state shall add 3 points to the person's record.

(7) If a person is determined to be responsible for a civil infraction for a violation of a law or ordinance pertaining to speed by exceeding the lawful maximum on a street or highway as that maximum was reduced by Act No. 28 of the Public Acts of 1974, then points shall be entered as follows:

- (a) Sixty miles per hour to the lawful maximum in effect before being reduced by Act No. 28 of the Public Acts of 1974 1 point
- (b) Exceeding the lawful maximum in effect before being reduced by Act No. 28 of the Public Acts of 1974, by 10 miles per hour or less 2 points
- (c) Exceeding the lawful maximum in effect before being reduced by Act No. 28 of the Public Acts of 1974, by more than 10 but not more than 15 miles per hour 3 points
- (d) Exceeding the lawful maximum in effect before being reduced by Act No. 28 of the Public Acts of 1974, by more than 15 miles per hour 4 points

(8) Notwithstanding subsection (7), if a person violates a speed restriction established by an executive order issued during a state of energy emergency as provided by Act No. 191 of the Public Acts of 1982, being sections 10.81 to 10.89 of the Michigan Compiled Laws, the secretary of state shall enter points for the violation pursuant to subsection (1).

(9) The secretary of state shall enter 6 points upon the record of a person whose license is suspended or denied pursuant to section 625f. However, if a conviction, civil infraction determination, or probate court disposition results from the same incident, additional points for that offense shall not be entered.

(10) If a Michigan driver commits a violation in another state that would be a civil infraction if committed in Michigan, and a conviction results solely because of the failure of the Michigan driver to appear in that state to contest the violation, upon receipt of the abstract of conviction by the secretary of state, the violation shall be noted on the driver's record, but no points shall be assessed against his or her driver's license.

Sec. 625b. (1) A person arrested for a misdemeanor violation of section 625(1) or (3), or a local ordinance substantially corresponding to section 625(1) or (3), shall be arraigned on the citation, complaint, or warrant not more than 14 days after the date of arrest or, if an arrest warrant is reissued, not more than 14 days after the reissued arrest warrant is served.

(2) The court shall schedule a pretrial conference between the prosecuting attorney, the defendant, and the defendant's attorney in each case in which the defendant is charged with a misdemeanor violation of section 625(1) or (3) or a local ordinance substantially corresponding to section 625(1) or (3). The pretrial conference shall be held not more than 35 days after the date of the person's arrest for the violation or, if an arrest warrant is reissued, not more than 35 days after the date the reissued arrest warrant is served, unless the court has only 1 judge who sits in more than 1 location in that district, in which case the pretrial conference shall be held not more than 42 days after the date of the person's arrest for the violation or, if an arrest warrant is reissued, not more than 42 days after the date the reissued arrest warrant is served. The court shall order the defendant to attend the pretrial conference and may accept a plea by the defendant at the conclusion of the pretrial conference. The court may adjourn the pretrial conference upon the motion of a party for good cause shown. Not more than 1 adjournment shall be granted to a party, and the length of an adjournment shall not exceed 14 days. The court shall, except for delay attributable to the unavailability of the defendant, a witness, or material evidence, or due to an interlocutory appeal or exceptional circumstances, but not a delay caused by docket congestion, finally adjudicate, by a plea of guilty or nolo contendere, or the entry of a verdict, or by other final disposition, a case in which the defendant is charged with a misdemeanor violation of section 625(1) or (3) or a local ordinance substantially corresponding to section 625(1) or (3) within 77 days after the person is arrested for the violation or, if an arrest warrant is reissued, not more than 77 days after the date the reissued arrest warrant is served.

(3) Before accepting a plea of guilty or nolo contendere under section 625, or a local ordinance substantially corresponding to section 625(1), (2), or (3), the court shall advise the accused of the maximum possible term of imprisonment and the maximum possible fine that may be imposed for the violation, and shall advise the defendant that the maximum possible license sanctions that may be imposed will be based upon the master driving record maintained by the secretary of state pursuant to section 204a.

(4) Before imposing sentence, other than court-ordered license sanctions, for a violation of section 625(1), (3), (4), or (5) or a local ordinance substantially corresponding to section 625(1) or (3), the court shall order the person to undergo screening and assessment by a person or agency designated by the office of substance abuse services, to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. As part of the sentence, the court may order the person to participate in and successfully complete 1 or more appropriate rehabilitative programs. The person shall pay for the costs of the screening, assessment, and rehabilitative services.

(5) Immediately upon acceptance by the court of a plea of guilty or nolo contendere or upon entry of a verdict of guilty for a violation of section 625(1), (3), (4), or (5) or a local ordinance substantially corresponding to section 625(1) or (3), whether or not the person is eligible to be sentenced as a multiple offender, the court shall consider all prior convictions currently entered upon the Michigan driving record of the person, except those convictions which, upon motion by the defendant, are determined by the court to be constitutionally invalid, and shall impose the following licensing sanctions:

(a) For a conviction under section 625(4) or (5), the court shall order the secretary of state to revoke the operator's or chauffeur's license of the person and shall not order the secretary of state to issue a restricted license to the person.

(b) For a conviction under section 625(1) or a local ordinance substantially corresponding to section 625(1):

(i) If the court finds that the person has no prior convictions within 7 years for a violation of section 625(1), (3), (4), or (5), or former section 625(1) or (2), or former section 625b, a local ordinance substantially corresponding to section 625(1) or (3), or former section 625(1) or (2) or former section 625b, or a law of another state substantially corresponding to section 625(1), (3), (4), or (5), or former section 625(1) or (2), or former section 625b, the court shall order the secretary of state to suspend the operator's or chauffeur's license of the person for a period of not less than 6 months or more than 2 years. The court may order the secretary of state to issue to the person a restricted license during all or a specified portion of the period of suspension, except that a restricted license shall not be issued during the first 30 days of the period of suspension.

(ii) If the court finds that the person has 1 prior conviction within 7 years for a violation of section 625(3) or former section 625b, a local ordinance substantially corresponding to section 625(3) or former section 625b, or a

law of another state substantially corresponding to section 625(3) or former section 625b, the court shall order the secretary of state to suspend the operator's or chauffeur's license of the person for a period of not less than 6 months or more than 2 years. The court may order the secretary of state to issue to the person a restricted license during all or any portion of the period of suspension, except that a restricted license shall not be issued during the first 60 days of the period of suspension.

(iii) If the court finds that the person has 1 or more prior convictions within 7 years for a violation of section 625(1), (4), or (5), or former section 625(1) or (2), a local ordinance substantially corresponding to section 625(1) or former section 625(1) or (2), or a law of another state substantially corresponding to section 625(1), (4), or (5), or former section 625(1) or (2), or that the person has 2 or more prior convictions within 10 years for a violation of section 625(1), (3), (4), or (5), or former section 625(1) or (2), or former section 625b, a local ordinance substantially corresponding to section 625(1) or (3), or former section 625(1) or (2), or former section 625b, or a law of another state substantially corresponding to section 625(1), (3), (4), or (5), or former section 625(1) or (2), or former section 625b, the court shall order the secretary of state to revoke the operator's or chauffeur's license of the person and shall not order the secretary of state to issue a restricted license to the person.

(c) For a conviction under section 625(3) or a local ordinance substantially corresponding to section 625(3):

(i) If the court finds that the convicted person has no prior conviction within 7 years for a violation of section 625(1), (3), (4), or (5), or former section 625(1) or (2), or former section 625b, a local ordinance substantially corresponding to section 625(1) or (3), or former section 625(1) or (2), or former section 625b, or a law of another state substantially corresponding to section 625(1), (3), (4), or (5), or former section 625(1) or (2), or former section 625b, the court shall order the secretary of state to suspend the operator's or chauffeur's license of the person for a period of not less than 90 days or more than 1 year. The court may order the secretary of state to issue to the person a restricted license during all or a specified portion of the period of suspension.

(ii) If the court finds that the person has 1 prior conviction within 7 years for a violation of section 625(1), (3), (4), or (5), or former section 625(1) or (2), or former section 625b, a local ordinance substantially corresponding to section 625(1) or (3), or former section 625(1) or (2), or former section 625b, or a law of another state substantially corresponding to section 625(1), (3), (4), or (5), or former section 625(1) or (2), or section 625b, the court shall order the secretary of state to suspend the operator's or chauffeur's license of the person for a period of not less than 6 months or more than 2 years. The court may order the secretary of state to issue to the person a restricted license during all or any portion of the suspension period, except that a restricted license shall not be issued during the first 60 days of the period of suspension.

(iii) If the court finds that the person has 2 or more prior convictions within 10 years for a violation of section 625(1), (3), (4), or (5), or former section 625(1) or (2), or former section 625b, a local ordinance substantially corresponding to section 625(1) or (3), or former section 625(1) or (2), or former section 625b, or a law of another state substantially corresponding to section 625(1), (3), (4), or (5), or former section 625(1) or (2), or former section 625b, the court shall order the secretary of state to revoke the operator's or chauffeur's license of the person and shall not order the secretary of state to issue a restricted license to the person.

(6) A restricted license issued pursuant to an order under subsection (5) shall permit the person to whom it is issued to do 1 or more of the following:

(a) Drive to and from the person's residence and work location.

(b) Drive in the course of the person's employment or occupation.

(c) Drive to and from the person's residence and an alcohol or drug education or treatment program as ordered by the court.

(d) Drive to and from the person's residence and the court probation department, or a court-ordered community service program, or both.

(e) Drive to and from the person's residence and an educational institution at which the person is enrolled as a student.

(7) The court may order that the restricted license issued pursuant to subsection (5) include the requirement that the person shall not operate a motor vehicle unless the vehicle is equipped with a functioning ignition interlock device. The device shall be set to render the motor vehicle inoperable if the device detects a blood alcohol content of 0.02% or more by weight of alcohol in the person who offers a breath sample. The court may order installation of an ignition interlock device on any motor vehicle that the person owns or operates, the costs of which shall be borne by the person whose license is restricted.

(8) The court shall not order the secretary of state under subsection (5) to issue a restricted license that would permit a person to operate a truck or truck tractor, including a trailer, that hauls hazardous materials.

(9) The court shall not order the secretary of state to issue a restricted license unless the person states under oath, and the court finds pursuant to testimony taken in open court or pursuant to statements contained in a sworn affidavit on a form prescribed by the state court administrator, that the person is unable to take public transportation to and from his or her work location, place of alcohol or drug education treatment, court-ordered

community service program, or educational institution, and does not have any family members or other individuals able to provide transportation.

(10) The court order issued under subsection (5) and the restricted license shall indicate the permitted destination of the person, the approved route or routes if specified by the court, and permitted times of travel.

(11) As used in this section, "work location" means, as applicable, either the specific place or places of employment, or the territory or territories regularly visited by the person in pursuance of the person's occupation, or both.

(12) Immediately upon acceptance by the court of a plea of guilty or nolo contendere or upon entry of a verdict of guilty for a violation of section 625(1), (3), (4), or (5), or a local ordinance substantially corresponding to section 625(1) or (3), the person shall surrender to the court his or her operator's or chauffeur's license or permit. The court shall immediately destroy the license or permit and forward an abstract of conviction with court-ordered license sanctions to the secretary of state. Upon receipt of, and pursuant to, the abstract of conviction with court-ordered license sanctions, the secretary of state shall suspend or revoke the person's license and, if ordered by the court and the person is otherwise eligible for a license, issue to the person a restricted license stating the limited driving privileges indicated on the abstract. If the judgment and sentence is appealed to circuit court, the court may, ex parte, order the secretary of state to stay the suspension, revocation, or restricted license issued pursuant to this section pending the outcome of the appeal.

Section 2. This amendatory act shall take effect January 1, 1992.

Section 3. This amendatory act shall not take effect unless all of the following bills of the 86th Legislature are enacted into law:

(a) Senate Bill No. 314.

(b) House Bill No. 4827.

(c) House Bill No. 4828.

This act is ordered to take immediate effect.

.....
Secretary of the Senate.

.....
Clerk of the House of Representatives.

Approved.....

.....
Governor.