

# HOUSE BILL No. 5307

October 31, 1991, Introduced by Reps. Martin, Nye, Horton, Dolan, Oxender, Dalman, Jamian, Middleton and London and referred to the Committee on Judiciary.

A bill to amend section 319 of Act No. 300 of the Public Acts of 1949, entitled as amended  
"Michigan vehicle code,"  
as amended by Act No. 93 of the Public Acts of 1991, being section 257.319 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 319 of Act No. 300 of the Public Acts of  
2 1949, as amended by Act No. 93 of the Public Acts of 1991, being  
3 section 257.319 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5 Sec. 319. (1) The secretary of state shall immediately sus-  
6 pend for a period of not less than 90 days or more than 2 years,  
7 the license of a person upon receiving a record of the conviction  
8 or probate court disposition of the person for any of the  
9 following crimes or attempts to commit any of the following

1 crimes, whether the conviction or probate court disposition is  
2 under a law of this state, a local ordinance substantially corre-  
3 sponding to a law of this state, or a law of another state sub-  
4 stantially corresponding to a law of this state:

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

7 (b) Perjury or the making of a false certification to the  
8 secretary of state under any law requiring the registration of a  
9 motor vehicle or regulating the operation of a motor vehicle on a  
10 highway.

11 (c) A violation of section 324, 413, or 414 of the Michigan  
12 penal code, Act No. 328 of the Public Acts of 1931, being sec-  
13 tions 750.324, 750.413, and 750.414 of the Michigan Compiled  
14 Laws; or a violation of section 1 of Act No. 214 of the Public  
15 Acts of 1931, being section 752.191 of the Michigan Compiled  
16 Laws.

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

19 (e) Failing to stop and disclose identity at the scene of an  
20 accident resulting in death or injury to another person, in vio-  
21 lation of section 617 or 617a.

22 (f) A felony in which a motor vehicle was used. As used in  
23 this section, "felony in which a motor vehicle was used" means a  
24 felony during the commission of which the person convicted oper-  
25 ated a motor vehicle and while operating the vehicle presented  
26 real or potential harm to persons or property and 1 or more of  
27 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

1 (3), or section 625b, or former section 625(1) or (2), or former  
2 section 625b:

3 (a) For a period of not less than 90 days or more than 1  
4 year, upon receiving a record of the conviction of the person for  
5 a violation of section 625(3), a local ordinance substantially  
6 corresponding to section 625(3), or a law of another state sub-  
7 stantially corresponding to section 625(3), if the person has no  
8 prior convictions within 7 years for a violation of section  
9 625(1), (3), (4), or (5), or former section 625(1) or (2), or  
10 former section 625b, a local ordinance substantially correspond-  
11 ing to section 625(1) or (3), or former section 625(1) or (2), or  
12 former section 625b, or a law of another state substantially cor-  
13 responding to section 625(1), (3), (4), or (5), or former section  
14 625(1) or (2), or former section 625b.

15 (b) For a period of not less than 6 months or more than 2  
16 years, if the person has the following convictions within a  
17 7-year period, whether under the law of this state, a local ordi-  
18 nance substantially corresponding to a law of this state, or a  
19 law of another state substantially corresponding to a law of this  
20 state:

21 (i) One conviction under section 625(1) or former section  
22 625(1) or (2). However, if the conviction is under a law of  
23 another state substantially corresponding to section 625(1) or  
24 former section 625(1) or (2), the secretary of state may waive  
25 the suspension under this subdivision if the person submits proof  
26 that a court suspended or restricted his or her license for a  
27 period equal to or greater than the period of suspension or

1 restriction authorized under this subsection and that the  
2 suspension or restriction was served in the other state, or may  
3 grant restrictions.

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

6       (iii) One conviction under section 625(1) or former section  
7 625(1) or (2) and 1 conviction under section 625(3) or former  
8 section 625b.

9       (iv) One conviction under section 625(4) or (5) followed by  
10 1 conviction under section 625(3).

11       (5) UPON RECEIPT OF A CERTIFICATE OF CONVICTION PURSUANT TO  
12 SECTION 33A(1) OF THE MICHIGAN LIQUOR CONTROL ACT, ACT NO. 8 OF  
13 THE PUBLIC ACTS OF THE EXTRA SESSION OF 1933, BEING SECTION  
14 436.33A OF THE MICHIGAN COMPILED LAWS, OR A LOCAL ORDINANCE OR  
15 LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO THAT SECTION,  
16 THE SECRETARY OF STATE SHALL SUSPEND THE PERSON'S OPERATOR'S OR  
17 CHAUFFEUR'S LICENSE FOR A PERIOD OF 1 YEAR.

18       (6) ~~-(5)-~~ Upon receipt of a certificate of conviction pursu-  
19 ant to section 33b(3) of the Michigan liquor control act, Act  
20 No. 8 of the Public Acts of the Extra Session of 1933, being sec-  
21 tion 436.33b of the Michigan Compiled Laws, or a local ordinance  
22 or law of another state substantially corresponding to section  
23 33b(3) of Act No. 8 of the Public Acts of the Extra Session of  
24 1933, the secretary of state shall suspend the person's  
25 operator's or chauffeur's license for a period of 90 days. A  
26 suspension under this subsection shall be in addition to any  
27 other suspension of the person's license.

1       (7) ~~-(6)-~~ Upon receipt of the record of the conviction or  
2 probate court disposition of a person for a violation of section  
3 602a of this act or section 479a(1), (4), or (5) of Act No. 328  
4 of the Public Acts of 1931, being section 750.479a of the  
5 Michigan Compiled Laws, the secretary of state immediately shall  
6 suspend the license of the person for the period ordered by the  
7 court as part of the sentence or disposition.

8       (8) ~~-(7)-~~ A suspension pursuant to this section shall be  
9 imposed notwithstanding a court order issued under  
10 section 625(1), (3), (4), or (5), or section 625b, or a local  
11 ordinance substantially corresponding to section 625(1) or (3) or  
12 section 625b.

13       (9) ~~-(8)-~~ If the secretary of state receives records of more  
14 than 1 conviction or probate court disposition of a person  
15 resulting from the same incident, a suspension shall be imposed  
16 only for the violation to which the longest period of suspension  
17 applies under this section.

18       (10) ~~-(9)-~~ As used in this section, "probate court  
19 disposition" means the entry of a probate court order of disposi-  
20 tion for a child found to be within the provisions of chapter  
21 XIIIA of Act No. 288 of the Public Acts of 1939, being  
22 sections 712A.1 to 712A.28 of the Michigan Compiled Laws.

23       Section 2. This amendatory act shall not take effect unless  
24 Senate Bill No. \_\_\_\_\_ or House Bill No. 5308 (request  
25 no. 03528'91) of the 86th Legislature is enacted into law.