

Act No. 404
Public Acts of 1996
Approved by the Governor
October 20, 1996
Filed with the Secretary of State
October 21, 1996

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Senator Gougeon

ENROLLED SENATE BILL No. 927

AN ACT to amend sections 319b, 319d, and 803a 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 certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles 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 and local 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 319b as amended by Act No. 100 of the Public Acts of 1991, section 319d as amended by Act No. 449 of the Public Acts of 1994, and section 803a as amended by Act No. 347 of the Public Acts of 1990, being sections 257.319b, 257.319d, and 257.803a of the Michigan Compiled Laws; and to add sections 20a, 319f, and 803p.

The People of the State of Michigan enact:

Section 1. Sections 319b, 319d, and 803a of Act No. 300 of the Public Acts of 1949, section 319b as amended by Act No. 100 of the Public Acts of 1991, section 319d as amended by Act No. 449 of the Public Acts of 1994, and section 803a as amended by Act No. 347 of the Public Acts of 1990, being sections 257.319b, 257.319d, and 257.803a of the Michigan Compiled Laws, are amended and sections 20a, 319f, and 803p are added to read as follows:

Sec. 20a. "Historic vehicle" means a vehicle which is over 25 years old, and which is owned solely as a collector's item and for participation in club activities, exhibitions, tours, parades, and similar uses, including mechanical testing, but is not used for general transportation.

Sec. 319b. (1) The secretary of state shall immediately suspend or revoke, as applicable, all vehicle group designations on the operator's or chauffeur's license of a person upon receiving notice of a conviction, bond forfeiture, or civil infraction determination of the person, or notice that a court or administrative tribunal has found the person responsible, for a violation described in this subsection of 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, or notice that the person has refused to submit to a chemical test of his or her blood, breath, or urine for the purpose of determining the amount of alcohol or presence of a controlled substance or both in the person's blood while the person

was operating a commercial motor vehicle as required by a law or local ordinance of this or another state. The period of suspension or revocation is as follows:

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

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

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

(i) A violation of section 625(1), (3), (4), or (5), section 625m, or former section 625(1) or (2), or former section 625b, or a local ordinance substantially corresponding to section 625(1) or (3), section 625m, 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), section 625m, 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 operated by the licensee.

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

(iv) A refusal to submit to a chemical test of his or her blood, breath, or urine for the purpose of determining the amount of alcohol or presence of a controlled substance or both in his or her blood while he or she was operating a commercial motor vehicle as required by a law or local ordinance of this state or another state.

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

(d) Suspension for 3 years if the licensee is convicted of or found responsible for an offense enumerated in subdivision (c)(i) to (iv) 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) Revocation for not less than 10 years and until the person is approved for the issuance of a vehicle group designation if a licensee is convicted of or found responsible for 1 of the following:

(i) Any combination of 2 violations under section 625(1), (3), (4), or (5), section 625m, or former section 625(1) or (2), or former section 625b, a local ordinance substantially corresponding to section 625(1) or (3), section 625m, 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), section 625m, 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 operated by the licensee.

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

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

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

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

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

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

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

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

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

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

(3) 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 the person was 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 a traffic violation that occurs 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, improper lane use, following too closely, or any other serious traffic violation as defined in 49 C.F.R. 383.5 or as prescribed under this act.

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

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

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

Sec. 319d. (1) A person, whether licensed or not, shall not operate a commercial motor vehicle within this state with an alcohol content of 0.015 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(2) A peace officer who has reasonable cause to believe that a person was operating a commercial motor vehicle within the state with an alcohol content of 0.015 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, as measured by a preliminary chemical breath analysis or a chemical test provided under section 625a, shall order the person out-of-service immediately for 24 hours, which shall begin upon issuance of the order.

(3) A peace officer shall immediately order a person who refuses to submit to a preliminary chemical breath analysis requested or a chemical test provided under section 625a out-of-service for 24 hours, which shall begin when the order is issued.

(4) A person ordered out-of-service under this section, a local ordinance substantially corresponding to this section, or a law or local ordinance of another state substantially corresponding to this section shall not operate a commercial motor vehicle within this state during the 24-hour out-of-service period.

(5) A peace officer who issues an out-of-service order under this section shall provide for the safe and expeditious disposition of a product carried by a commercial motor vehicle that is hazardous or would result in damage to the vehicle, human health, or the environment.

(6) Failure to comply with subsection (1) is not a civil infraction or criminal violation of this act.

(7) A person who violates subsection (4) is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$100.00, or both.

Sec. 319f. (1) A person shall not operate a commercial motor vehicle in this state in violation of an out-of-service order.

(2) As used in subsection (1):

(a) "Out-of-service order" means a declaration by an authorized enforcement officer that a driver of a commercial motor vehicle as defined in subdivision (b), or a motor carrier operation, is out-of-service pursuant to 49 C.F.R. 386.72, 49 C.F.R. 392.5, 49 C.F.R. 395.13, 49 C.F.R. 396.9, or the north American uniform out-of-service criteria, or a law or local ordinance of a state, the United States, Canada, Mexico, or a local jurisdiction thereof, substantially corresponding to 49 C.F.R. 386.72, 49 C.F.R. 392.5, 49 C.F.R. 395.13, 49 C.F.R. 396.9, or the north American uniform out-of-service criteria.

(b) "Commercial motor vehicle" means any motor vehicle as defined in section 7a and any motor vehicle having a GVWR or GCWR of 10,001 pounds or more.

Sec. 803a. (1) The secretary of state may issue to the owner of an historic vehicle an historic vehicle registration plate which shall bear the inscription "historical vehicle - Michigan" and the registration number.

(2) The owner of an historic vehicle applying for an historic vehicle registration plate or a registration tab under this section shall pay a fee of \$30.00, shall certify that the vehicle for which the registration is requested is owned and operated solely as an historic vehicle, and shall certify that the vehicle has been inspected and found safe to operate on the highways of this state. The registration certificate need not specify the weight of the historic vehicle. The registration issued under this section is transferable to another historic vehicle upon completion of the application for transfer and payment of the fee in the manner described in section 809.

(3) A registration issued under this section shall expire on April 15 in the tenth year following the date of issuance of the registration.

(4) The secretary of state may revoke a registration issued under this section, for cause shown and after a hearing, for failure of the applicant to comply with this section, for use of the vehicle for which the registration was issued for purposes other than those enumerated in section 20a, or because the vehicle is not safe to operate on the highways of this state.

Sec. 803p. (1) The owner of an historic vehicle may use an authentic Michigan registration plate of the same year as the model year in which the vehicle was manufactured instead of an historic vehicle registration plate issued under section 803a by presenting the authentic plate number and year to the secretary of state at the time of registration. The owner of an historic vehicle may purchase an authentic Michigan registration plate from another person and restore the plate to its authentic condition for use pursuant to this section. An authentically restored plate shall be considered an authentic Michigan registration plate.

(2) The owner of an historic vehicle applying to use an authentic Michigan registration plate under this section shall pay a fee of \$35.00, shall certify that the vehicle for which the registration is requested is owned and operated solely as an historic vehicle, and shall certify that the vehicle has been inspected and found safe to operate on the highways of this state. The registration certificate need not specify the weight of the historic vehicle. The registration issued under this section is not transferable to another historic vehicle.

(3) A registration issued under this section shall remain valid until the registrant either sells, transfers, or scraps the vehicle or modifies the vehicle in a manner that requires the issuance of a new certificate of title for the vehicle under this act.

(4) After a hearing and for cause shown, the secretary of state may revoke a registration issued under this section for failure of the applicant to comply with this section, for use of the vehicle for which the registration was issued for purposes other than those enumerated in section 20a, or because the vehicle is not safe to operate on the highways of this state.

Section 2. This amendatory act shall take effect 60 days after the date of its enactment.

This act is ordered to take immediate effect.

Secretary of the Senate.

Clerk of the House of Representatives.

Approved -----

Governor.

