

SUBSTITUTE FOR
HOUSE BILL NO. 5951

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 319 and 319b (MCL 257.319 and 257.319b),
section 319 as amended by 1996 PA 587 and section 319b as amended
by 1996 PA 404.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 319. (1) The secretary of state shall immediately sus-
2 pend a person's license ~~for not less than 90 days or more than 2~~
3 ~~years~~ AS PROVIDED IN THIS SECTION upon receiving a record of the
4 person's conviction for ~~any of the following crimes or attempts~~
5 ~~to commit any of the following crimes~~ A CRIME OR ATTEMPT TO
6 COMMIT A CRIME DESCRIBED IN THIS SECTION, whether the conviction
7 is under a law of this state, a local ordinance substantially
8 corresponding to a law of this state, or a law of another state
9 substantially corresponding to a law of this state. ~~—~~

HB5951, As Passed House, July 1, 1998

House Bill No. 5951

2

1 (2) THE SECRETARY OF STATE SHALL SUSPEND THE PERSON'S
2 LICENSE FOR 1 YEAR FOR ANY OF THE FOLLOWING CRIMES:

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

5 ~~—(b) Perjury or making a false certification to the secre-~~
6 ~~tary of state under any law requiring the registration of a motor~~
7 ~~vehicle or regulating the operation of a motor vehicle on a~~
8 ~~highway.—~~

9 (B) ~~—(c) A violation of section 413 —or 414— of the~~
10 ~~Michigan penal code, —Act No. 328 of the Public Acts of 1931,~~
11 ~~being sections 750.413 and 750.414 of the Michigan Compiled Laws,~~
12 ~~or a 1931 PA 328, MCL 750.413.~~

13 (C) A violation of section 1 of ~~—Act No. 214 of the Public~~
14 ~~Acts of 1931, being section 752.191 of the Michigan Compiled~~
15 ~~Laws— 1931 PA 214, MCL 752.191.~~

16 ~~—(d) A conviction for reckless driving in violation of sec-~~
17 ~~tion 626.—~~

18 (D) ~~—(e) Failing to stop and disclose identity at the scene~~
19 ~~of an accident resulting in death or SERIOUS injury in violation~~
20 ~~of section 617. —or 617a.—~~

21 (E) ~~—(f) A felony in which a motor vehicle was used. As~~
22 ~~used in this section, "felony in which a motor vehicle was used"~~
23 ~~means a felony during the commission of which the person con-~~
24 ~~victed operated a motor vehicle and while operating the vehicle~~
25 ~~presented real or potential harm to persons or property and 1 or~~
26 ~~more of the following circumstances existed:~~

HB5951, As Passed House, July 1, 1998

Sub. H.B. 5951 (H-1) as amended July 1, 1998

3

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

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

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

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

7 (F) A VIOLATION OF SECTION 602A(2) OR (3) OF THIS ACT OR
8 SECTION 479A(2) OR (3) OF THE MICHIGAN PENAL CODE, 1931 PA 328,
9 MCL 750.479A. THE SECRETARY OF STATE MAY ISSUE THE PERSON A
10 RESTRICTED LICENSE AFTER THE FIRST 180 DAYS OF SUSPENSION.

11 (3) THE SECRETARY OF STATE SHALL SUSPEND THE PERSON'S
12 LICENSE FOR 90 DAYS FOR ANY OF THE FOLLOWING CRIMES:

13 (A) FAILING TO STOP AND DISCLOSE IDENTITY AT THE SCENE OF AN
14 ACCIDENT RESULTING IN INJURY IN VIOLATION OF SECTION 617A.

15 (B) RECKLESS DRIVING IN VIOLATION OF SECTION 626.

16 (C) ~~-(2) The secretary of state shall suspend the license of~~
17 ~~a person convicted of malicious~~ MALICIOUS destruction resulting
18 from the operation of a [motor] vehicle under section 382 of the
19 Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~
20 ~~being section 750.382 of the Michigan Compiled Laws, for not more~~
21 ~~than 1 year as ordered by the court as part of the sentence~~ 1931
22 PA 328, MCL 750.382.

23 (D) ~~-(3) The secretary of state shall immediately suspend a~~
24 ~~person's license for the period specified in the abstract of con-~~
25 ~~viction upon receiving the person's license and abstract of con-~~
26 ~~viction forwarded to the secretary of state pursuant to~~ A
27 VIOLATION [DESCRIBED IN] section 367c of the Michigan penal code,
~~Act~~

06031'98 (H-1)

HB5951, As Passed House, July 1, 1998

Sub. H.B. 5951 (H-1) as amended June 30, 1998

4

~~1 No. 328 of the Public Acts of 1931, being section 750.367c of the
2 Michigan Compiled Laws 1931 PA 328, MCL 750.367C.~~

3 (E) A VIOLATION OF SECTION 703(2) OF THE MICHIGAN LIQUOR
4 CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1703.

5 (4) ~~(4) Except as otherwise provided in subsection (9), if a
6 court has not ordered a suspension of a person's license under
7 this act for a violation described in subdivision (a), (b), (c),
8 or (d) for a period equal to or greater than the suspension
9 period prescribed under subdivision (a), (b), (c), or (d) for the
10 violation, the secretary of state shall suspend the license as
11 follows, notwithstanding a court order issued under
12 section 625(1), (3), or (6), section 625b, former section 625(1)
13 or (2), or former section 625b or a local ordinance substantially
14 corresponding to section 625(1), (3), or (6), section 625b,
15 former section 625(1) or (2), or former section 625b FOR PERJURY
16 OR MAKING A FALSE CERTIFICATION TO THE SECRETARY OF STATE UNDER
17 ANY LAW REQUIRING THE REGISTRATION OF A MOTOR VEHICLE OR REGULAT-
18 ING THE OPERATION OF A VEHICLE ON A HIGHWAY, THE SECRETARY SHALL
19 SUSPEND THE PERSON'S LICENSE AS FOLLOWS:~~

20 (A) IF THE PERSON HAS NO PRIOR CONVICTION FOR AN OFFENSE
21 DESCRIBED IN THIS SUBSECTION WITHIN 7 YEARS, FOR 90 DAYS.

22 (B) IF THE PERSON HAS 1 OR MORE PRIOR CONVICTIONS FOR AN
23 OFFENSE DESCRIBED IN THIS [SUBSECTION] WITHIN 7 YEARS, FOR 1 YEAR.

24 (5) FOR A VIOLATION OF SECTION 414 OF THE MICHIGAN PENAL
25 CODE, 1931 PA 328, MCL 750.414, THE SECRETARY OF STATE SHALL SUS-
26 PEND THE PERSON'S LICENSE AS FOLLOWS:

06031'98 (H-1)

HB5951, As Passed House, July 1, 1998

House Bill No. 5951

5

1 (A) IF THE PERSON HAS NO PRIOR CONVICTION FOR THAT OFFENSE
2 WITHIN 7 YEARS, FOR 90 DAYS.

3 (B) IF THE PERSON HAS 1 OR MORE PRIOR CONVICTIONS FOR THAT
4 OFFENSE WITHIN 7 YEARS, FOR 1 YEAR.

5 (6) FOR A VIOLATION OF SECTION 624A OR 624B OF THIS ACT OR
6 SECTION 703(1) OF THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998
7 PA 58, MCL 436.1703, THE SECRETARY OF STATE SHALL SUSPEND THE
8 PERSON'S LICENSE AS FOLLOWS:

9 (A) IF THE PERSON HAS 1 PRIOR CONVICTION FOR AN OFFENSE
10 DESCRIBED IN THIS SUBSECTION OR SECTION 33B(1) OF FORMER 1933 (EX
11 SESS) PA 8, FOR 90 DAYS. THE SECRETARY OF STATE MAY ISSUE THE
12 PERSON A RESTRICTED LICENSE AFTER THE FIRST 30 DAYS OF
13 SUSPENSION.

14 (B) IF THE PERSON HAS 2 OR MORE PRIOR CONVICTIONS FOR AN
15 OFFENSE DESCRIBED IN THIS SUBSECTION OR SECTION 33B(1) OF FORMER
16 1933 (EX SESS) PA 8, FOR 1 YEAR. THE SECRETARY OF STATE MAY
17 ISSUE THE PERSON A RESTRICTED LICENSE AFTER THE FIRST 60 DAYS OF
18 SUSPENSION.

19 (7) THE SECRETARY OF STATE SHALL SUSPEND THE PERSON'S
20 LICENSE FOR A VIOLATION OF SECTION 625 AS FOLLOWS:

21 (A) FOR 180 DAYS FOR A VIOLATION OF SECTION 625(1) IF THE
22 PERSON HAS NO PRIOR CONVICTIONS WITHIN 7 YEARS. THE SECRETARY OF
23 STATE MAY ISSUE THE PERSON A RESTRICTED LICENSE DURING ALL OR A
24 SPECIFIED PORTION OF THE SUSPENSION, EXCEPT THAT THE SECRETARY OF
25 STATE SHALL NOT ISSUE A RESTRICTED LICENSE DURING THE FIRST 30
26 DAYS OF SUSPENSION.

HB5951, As Passed House, July 1, 1998

House Bill No. 5951

6

1 (B) ~~(a) For not less than 90 days or more than 1 year~~
2 ~~upon receiving a record of the person's conviction for a~~
3 ~~violation of section 625(3) , a local ordinance substantially~~
4 ~~corresponding to section 625(3), or a law of another state sub-~~
5 ~~stantially corresponding to section 625(3) if the person has no~~
6 ~~prior convictions within 7 years. for a violation of section~~
7 ~~625(1), (3), (4), or (5), former section 625(1) or (2), or former~~
8 ~~section 625b, a local ordinance substantially corresponding to~~
9 ~~section 625(1) or (3), former section 625(1) or (2), or former~~
10 ~~section 625b, or a law of another state substantially correspond-~~
11 ~~ing to section 625(1), (3), (4), or (5), former section 625(1) or~~
12 ~~(2), or former section 625b. However, if the person is convicted~~
13 ~~of a violation of section 625(3), a local ordinance substan-~~
14 ~~tially corresponding to section 625(3), or a law of another state~~
15 ~~substantially corresponding to section 625(3) for operating a~~
16 ~~vehicle when, due to the consumption of a controlled substance or~~
17 ~~a combination of intoxicating liquor and a controlled substance,~~
18 ~~the person's ability to operate the vehicle was visibly impaired,~~
19 ~~the secretary of state shall suspend the person's license under~~
20 ~~this subdivision for not less than 6 months or more than 1 year-~~
21 ~~180 DAYS. THE SECRETARY OF STATE MAY ISSUE THE PERSON A~~
22 ~~RESTRICTED LICENSE DURING ALL OR A SPECIFIED PORTION OF THE~~
23 ~~SUSPENSION.~~

24 ~~(b) For not less than 6 months or more than 2 years upon~~
25 ~~receiving a record of the person's conviction if the person has~~
26 ~~the following convictions, whether under the law of this state, a~~
27 ~~local ordinance substantially corresponding to a law of this~~

HB5951, As Passed House, July 1, 1998

House Bill No. 5951

7

1 ~~state, or a law of another state substantially corresponding to a~~
2 ~~law of this state:~~

3 ~~(i) One conviction under section 625(1) or former section~~
4 ~~625(1) or (2).~~

5 ~~(ii) Any combination of 2 convictions under section 625(3)~~
6 ~~or former section 625b within a 7-year period.~~

7 ~~(iii) One conviction under section 625(1) or former section~~
8 ~~625(1) or (2) and 1 conviction under section 625(3) or former~~
9 ~~section 625b within a 7-year period.~~

10 ~~(iv) One conviction under section 625(4) or (5) followed by~~
11 ~~1 conviction under section 625(3) within a 7-year period.~~

12 (c) For ~~not less than 30 days or more than 90 days upon~~
13 ~~receiving a record of the person's conviction~~ for a violation of
14 section 625(6) ~~, a local ordinance substantially corresponding~~
15 ~~to section 625(6), or a law of another state substantially corre-~~
16 ~~sponding to section 625(6) if the person has no prior convic-~~
17 ~~tions within 7 years. for a violation of section 625(1), (3),~~
18 ~~(4), (5), or (6), former section 625(1) or (2), or former section~~
19 ~~625b, a local ordinance substantially corresponding to section~~
20 ~~625(1), (3), or (6), former section 625(1) or (2), or former sec-~~
21 ~~tion 625b, or a law of another state substantially corresponding~~
22 ~~to section 625(1), (3), (4), (5), or (6), former section 625(1)~~
23 ~~or (2), or former section 625b. THE SECRETARY OF STATE MAY ISSUE~~
24 ~~THE PERSON A RESTRICTED LICENSE DURING ALL OR A SPECIFIED PORTION~~
25 ~~OF THE SUSPENSION.~~

26 (d) For ~~not less than 90 days or more than 1 year upon~~
27 ~~receiving a record of the person's conviction~~ for a violation of

HB5951, As Passed House, July 1, 1998

House Bill No. 5951

8

1 ~~section 625(6) , a local ordinance substantially corresponding~~
2 ~~to section 625(6), or a law of another state substantially corre-~~
3 ~~sponding to section 625(6) if the person has 1 or more prior~~
4 ~~convictions within 7 years. for a violation of section 625(1),~~
5 ~~(3), (4), (5), or (6), former section 625(1) or (2), or former~~
6 ~~section 625b, a local ordinance substantially corresponding to~~
7 ~~section 625(1), (3), or (6), former section 625(1) or (2), or~~
8 ~~former section 625b, or a law of another state substantially cor-~~
9 ~~responding to section 625(1), (3), (4), (5), or (6), former sec-~~
10 ~~tion 625(1) or (2), or former section 625b.~~

11 ~~(5) Upon receiving a certificate of conviction under section~~
12 ~~33b(2) of the Michigan liquor control act, Act No. 8 of the~~
13 ~~Public Acts of the Extra Session of 1933, being section 436.33b~~
14 ~~of the Michigan Compiled Laws, or a local ordinance or law of~~
15 ~~another state substantially corresponding to section 33b(2) of~~
16 ~~Act No. 8 of the Public Acts of the Extra Session of 1933, the~~
17 ~~secretary of state shall suspend pursuant to court order the~~
18 ~~person's operator's or chauffeur's license for 90 days. A sus-~~
19 ~~pension under this subsection shall be in addition to any other~~
20 ~~suspension of the person's license.~~

21 ~~(6) Upon receiving the record of a person's conviction for a~~
22 ~~violation of section 602a(2) or (3) of this act or section~~
23 ~~479a(2) or (3) of Act No. 328 of the Public Acts of 1931, being~~
24 ~~section 750.479a of the Michigan Compiled Laws, the secretary of~~
25 ~~state immediately shall suspend the person's license for the~~
26 ~~period ordered by the court as part of the sentence or~~
27 ~~disposition.~~

HB5951, As Passed House, July 1, 1998

House Bill No. 5951

9

1 ~~(7) Upon receiving an abstract of conviction for a violation~~
2 ~~of section 33b(1) of Act No. 8 of the Public Acts of the Extra~~
3 ~~Session of 1933, being section 436.33b of the Michigan Compiled~~
4 ~~Laws, or section 624a or 624b or a local ordinance substantially~~
5 ~~corresponding to those sections, the secretary of state shall~~
6 ~~suspend the person's operator's or chauffeur's license for the~~
7 ~~period of time described in section 33b(4) of Act No. 8 of the~~
8 ~~Public Acts of the Extra Session of 1933 or section 624a or 624b~~
9 ~~notwithstanding any court order to the contrary and, if applica-~~
10 ~~ble, issue a restricted license as ordered by the court in the~~
11 ~~manner provided for in section 33b of Act No. 8 of the Public~~
12 ~~Acts of the Extra Session of 1933 or section 624a or 624b. If~~
13 ~~the person does not possess an operator's or chauffeur's license,~~
14 ~~the secretary of state shall deny the person's application for an~~
15 ~~operator's or chauffeur's license for the applicable suspension~~
16 ~~period.~~

17 (8) Except as provided in subsection (10), a suspension
18 under this section shall be imposed notwithstanding a court
19 order. ~~issued under section 625(1), (3), (4), (5), or (6) or~~
20 ~~section 625b or a local ordinance substantially corresponding to~~
21 ~~section 625(1), (3), or (6) or section 625b.~~

22 (9) If the secretary of state receives records of more than
23 1 conviction of a person resulting from the same incident, a sus-
24 pension shall be imposed only for the violation to which the
25 longest period of suspension applies under this section.

26 (10) The secretary of state may waive a suspension of a
27 person's license imposed under ~~subsection (4)(a), (b), (c), or~~

HB5951, As Passed House, July 1, 1998

House Bill No. 5951

10

1 ~~(d)~~ THIS ACT if the person submits proof that a court in another
2 state revoked, suspended, or restricted his or her license for a
3 period equal to or greater than the period of a suspension pre-
4 scribed under ~~subsection (4)(a), (b), (c), or (d)~~ THIS ACT for
5 the violation and that the revocation, suspension, or restriction
6 was served for the violation, or may grant a restricted license.

7 (11) THE SECRETARY OF STATE SHALL NOT ISSUE A RESTRICTED
8 LICENSE TO A PERSON WHOSE LICENSE IS SUSPENDED UNDER THIS SECTION
9 UNLESS A RESTRICTED LICENSE IS AUTHORIZED UNDER THIS SECTION AND
10 THE PERSON IS OTHERWISE ELIGIBLE FOR A LICENSE.

11 (12) THE SECRETARY OF STATE SHALL NOT ISSUE A RESTRICTED
12 LICENSE TO A PERSON UNDER SUBSECTION (7) THAT WOULD PERMIT THE
13 PERSON TO OPERATE A COMMERCIAL MOTOR VEHICLE THAT HAULS HAZARDOUS
14 MATERIAL.

15 (13) A RESTRICTED LICENSE ISSUED UNDER THIS SECTION SHALL
16 PERMIT THE PERSON TO WHOM IT IS ISSUED TO DRIVE UNDER 1 OR MORE
17 OF THE FOLLOWING CIRCUMSTANCES:

18 (A) IN THE COURSE OF THE PERSON'S EMPLOYMENT OR OCCUPATION.

19 (B) TO AND FROM ANY COMBINATION OF THE FOLLOWING:

20 (i) THE PERSON'S RESIDENCE.

21 (ii) THE PERSON'S WORK LOCATION.

22 (iii) AN ALCOHOL OR DRUG EDUCATION OR TREATMENT PROGRAM AS
23 ORDERED BY THE COURT.

24 (iv) THE COURT PROBATION DEPARTMENT.

25 (v) A COURT-ORDERED COMMUNITY SERVICE PROGRAM.

26 (vi) AN EDUCATIONAL INSTITUTION AT WHICH THE PERSON IS
27 ENROLLED AS A STUDENT.

HB5951, As Passed House, July 1, 1998

House Bill No. 5951

11

1 (vii) A PLACE OF REGULARLY OCCURRING MEDICAL TREATMENT FOR A
2 SERIOUS CONDITION FOR THE PERSON OR A MEMBER OF THE PERSON'S
3 HOUSEHOLD OR IMMEDIATE FAMILY.

4 (viii) TO AND FROM THE PERSON'S RESIDENCE AND THE SITE WHERE
5 MONITORING OF THE IGNITION INTERLOCK TAKES PLACE, IF AN IGNITION
6 INTERLOCK DEVICE WAS INSTALLED ON THE PERSON'S VEHICLE.

7 (14) WHILE DRIVING, THE PERSON SHALL CARRY PROOF OF HIS OR
8 HER DESTINATION AND THE HOURS OF ANY EMPLOYMENT, CLASS, OR OTHER
9 REASON FOR TRAVELING.

10 (15) AS USED IN SUBSECTION (7), "PRIOR CONVICTION" MEANS A
11 CONVICTION FOR ANY OF THE FOLLOWING, WHETHER UNDER A LAW OF THIS
12 STATE, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO A LAW OF
13 THIS STATE, OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING
14 TO A LAW OF THIS STATE:

15 (A) EXCEPT AS PROVIDED IN SUBSECTION (16), A VIOLATION OR
16 ATTEMPTED VIOLATION OF SECTION 625(1), (3), (4), (5), OR (6),
17 SECTION 625M, FORMER SECTION 625(1) OR (2), OR FORMER SECTION
18 625B.

19 (B) NEGLIGENT HOMICIDE, MANSLAUGHTER, OR MURDER RESULTING
20 FROM THE OPERATION OF A VEHICLE.

21 (16) EXCEPT FOR PURPOSES OF THE SUSPENSIONS DESCRIBED IN
22 SUBSECTION (7)(C) AND (D), ONLY 1 VIOLATION OR ATTEMPTED VIOLA-
23 TION OF SECTION 625(6), A LOCAL ORDINANCE SUBSTANTIALLY CORRE-
24 SPONDING TO SECTION 625(6), OR A LAW OF ANOTHER STATE SUBSTAN-
25 Tially CORRESPONDING TO SECTION 625(6) MAY BE USED AS A PRIOR
26 CONVICTION.

HB5951, As Passed House, July 1, 1998

House Bill No. 5951

12

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

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

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

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

HB5951, As Passed House, July 1, 1998

House Bill No. 5951

13

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

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

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

14 (iv) A refusal OF A PEACE OFFICER'S REQUEST to submit to a
15 chemical test of his or her blood, breath, or urine ~~for the pur-~~
16 ~~pose of determining~~ TO DETERMINE the amount of alcohol or pres-
17 ence of a controlled substance or both in his or her blood,
18 BREATH, OR URINE while he or she was operating a commercial motor
19 vehicle as required by a law or local ordinance of this state or
20 another state.

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

23 (d) Suspension for 3 years if the licensee is convicted of
24 or found responsible for an offense enumerated in subdivision
25 (c)(i) to (iv) in which a commercial motor vehicle was used if
26 the vehicle was carrying hazardous material required to have a
27 placard pursuant to 49 C.F.R. parts 100 to 199.

HB5951, As Passed House, July 1, 1998

House Bill No. 5951

14

1 (e) Revocation for not less than 10 years and until the
2 person is approved for the issuance of a vehicle group designa-
3 tion if a licensee is convicted of or found responsible for 1 of
4 the following:

5 (i) A VIOLATION OR ATTEMPTED VIOLATION OF SECTION 625(4) OR
6 (5) OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO
7 SECTION 625(4) OR (5) WHILE DRIVING A COMMERCIAL MOTOR VEHICLE.

8 (ii) NEGLIGENT HOMICIDE, MANSLAUGHTER, OR MURDER RESULTING
9 FROM THE OPERATION OF A COMMERCIAL MOTOR VEHICLE, WHETHER UNDER A
10 LAW OF THIS STATE OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRE-
11 SPONDING TO A LAW OF THIS STATE.

12 (iii) ~~(i)~~ Any combination of 2 OR MORE violations ~~under~~
13 ~~section~~ OF ANY OF THE FOLLOWING, WHETHER UNDER A LAW OF THIS
14 STATE, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO A LAW OF
15 THIS STATE, OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING
16 TO A LAW OF THIS STATE:

17 (A) SECTION 625(1), (3), (4), or (5), section 625m, ~~or~~
18 former section 625(1) or (2), or former section 625b ~~, a local~~
19 ~~ordinance substantially corresponding to section 625(1) or (3),~~
20 ~~section 625m, or former section 625(1) or (2), or former section~~
21 ~~625b, or a law of another state substantially corresponding to~~
22 ~~section 625(1), (3), (4), or (5), section 625m, or former section~~
23 ~~625(1) or (2), or former section 625b~~ while driving a commercial
24 motor vehicle.

25 (B) NEGLIGENT HOMICIDE, MANSLAUGHTER, OR MURDER RESULTING
26 FROM THE OPERATION OF A COMMERCIAL MOTOR VEHICLE.

HB5951, As Passed House, July 1, 1998

House Bill No. 5951

15

1 (iv) ~~(ii)~~ Two violations of leaving the scene of an
2 accident involving a commercial motor vehicle operated by the
3 licensee.

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

6 (vi) ~~(iv)~~ Two refusals of a PEACE OFFICER'S request ~~of a~~
7 ~~police officer~~ to submit to a chemical test of his or her blood,
8 breath, or urine ~~for the purpose of determining~~ TO DETERMINE
9 the amount of alcohol or presence of a controlled substance or
10 both in his or her blood, BREATH, OR URINE while he or she was
11 operating a commercial motor vehicle in this state or another
12 state ~~, which~~ IF THE refusals occurred in separate incidents.

13 (vii) ~~(v)~~ Two ANY COMBINATION OF 2 OR MORE violations ~~,~~
14 ~~in any combination,~~ of ~~the offenses~~ AN OFFENSE enumerated
15 ~~under~~ IN subparagraph (i), (ii), (iii), ~~or~~ (iv), (v), OR (vi)
16 arising from 2 or more separate incidents.

17 (viii) ~~(vi)~~ One violation of a felony in which a commer-
18 cial motor vehicle was used and that involved the manufacture,
19 ~~distribution, or dispensing~~ CREATION, OR DELIVERY of a con-
20 trolled substance or possession with intent to manufacture,
21 ~~distribute, or dispense~~ CREATE, OR DELIVER a controlled
22 substance.

23 (ix) A VIOLATION OF SECTION 625M(1) PUNISHABLE UNDER
24 SECTION 625M(5).

25 (2) The secretary of state shall immediately suspend all
26 vehicle group designations on the operator's or chauffeur's
27 license of a person upon receiving notice of a conviction, bond

HB5951, As Passed House, July 1, 1998

House Bill No. 5951

16

1 forfeiture, or civil infraction determination of the person, or
2 notice that a court or administrative tribunal has found the
3 person responsible, for a violation of section 319d(4) or 319f, a
4 local ordinance substantially corresponding to section 319d(4) or
5 319f, or a law or local ordinance of another state, the United
6 States, Canada, Mexico, or a local jurisdiction of ~~either of~~
7 ~~these countries~~ CANADA OR MEXICO substantially corresponding to
8 section 319d(4) or 319f ~~,~~ while operating a commercial motor
9 vehicle. ~~as defined in section 7a.~~ The period of suspension or
10 revocation is as follows:

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

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

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

25 (d) Suspension for 3 years if the licensee is convicted of
26 or found responsible for 3 or more violations, in any
27 combination, of section 319d(4) or 319f while operating a

HB5951, As Passed House, July 1, 1998

House Bill No. 5951

17

1 commercial motor vehicle arising from 3 or more separate
2 incidents during a 10-year period.

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

10 (3) As used in this section:

11 (a) "Felony in which a commercial motor vehicle was used"
12 means a felony during the commission of which the person con-
13 victed operated a commercial motor vehicle and while the person
14 was operating the vehicle 1 or more of the following circum-
15 stances existed:

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

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

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

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

22 (b) "Serious traffic violation" means a traffic violation
23 that occurs in connection with an accident in which a person
24 died, careless driving, excessive speeding as defined in the fed-
25 eral administrative regulations promulgated to implement the com-
26 mercial motor vehicle safety act of 1986, title XII of Public Law
27 99-570, 100 Stat. 3207-170, improper lane use, following too

HB5951, As Passed House, July 1, 1998

House Bill No. 5951

18

1 closely, or any other serious traffic violation as defined in 49
2 C.F.R. 383.5 or as prescribed under this act.

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

7 (5) The secretary of state shall suspend or revoke a vehicle
8 group designation under subsection (1) notwithstanding a suspen-
9 sion, restriction, revocation, or denial of an operator's or
10 chauffeur's license or vehicle group designation under another
11 section of this act. ~~or a court order issued under another sec-~~
12 ~~tion of this act or a local ordinance substantially corresponding~~
13 ~~to another section of this act.~~

14 (6) ~~The secretary of state, when~~ WHEN determining the
15 applicability of conditions listed in this section, THE SECRETARY
16 OF STATE shall only consider violations that occurred after
17 January 1, 1990.

18 Enacting section 1. This amendatory act takes effect
19 October 1, 1999.

20 Enacting section 2. This amendatory act does not take
21 effect unless all of the following bills of the 89th Legislature
22 are enacted into law:

23 (a) House Bill No. 4210.

24 (b) House Bill No. 4576.

25 (c) House Bill No. 4959.

26 (d) House Bill No. 4960.

HB5951, As Passed House, July 1, 1998

House Bill No. 5951

19

- 1 (e) House Bill No. 4961.
- 2 (f) House Bill No. 5122.
- 3 (g) House Bill No. 5123.
- 4 (h) House Bill No. 5952.
- 5 (i) House Bill No. 5953.
- 6 (j) House Bill No. 5954.
- 7 (k) House Bill No. 5955.
- 8 (l) House Bill No. 5956.