

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5951

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 8a, 44a, and 319b (MCL 257.8a, 257.44a, and 257.319b), section 8a as amended by 1994 PA 449, section 44a as added by 1993 PA 359, and section 319b as amended by 1996 PA 404, and by adding section 23b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8a. "Conviction" means a final conviction, the payment
2 of a fine, a plea of guilty or nolo contendere if accepted by the
3 court, or a finding of guilt for a criminal law violation or a
4 juvenile adjudication, ~~or~~ probate court disposition, OR JUVE-
5 NILE DISPOSITION for a violation that if committed by an adult
6 would be a crime, regardless of whether the penalty is rebated or
7 suspended.

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1 SEC. 23B. "JUVENILE DISPOSITION" MEANS THE ENTRY OF AN
2 ORDER OF DISPOSITION FOR A JUVENILE FOUND TO BE WITHIN THE
3 COURT'S JURISDICTION UNDER CHAPTER XIIIA OF 1939 PA 288, MCL
4 712A.1 TO 712A.32.

5 Sec. 44a. "Probate court disposition" means the entry of ~~a~~
6 ~~probate court~~ AN order of disposition for a ~~child~~ JUVENILE
7 found to be within the ~~provisions of~~ COURT'S JURISDICTION UNDER
8 chapter XIIIA of ~~Act No. 288 of the Public Acts of 1939, being~~
9 ~~sections 712A.1 to 712A.28 of the Michigan Compiled Laws~~ 1939 PA
10 288, MCL 712A.1 TO 712A.32.

11 Sec. 319b. (1) The secretary of state shall immediately
12 suspend or revoke, as applicable, all vehicle group designations
13 on the operator's or chauffeur's license of a person upon receiv-
14 ing notice of a conviction, bond forfeiture, or civil infraction
15 determination of the person, or notice that a court or adminis-
16 trative tribunal has found the person responsible, for a viola-
17 tion described in this subsection of a law of this state, a local
18 ordinance substantially corresponding to a law of this state, or
19 a law of another state substantially corresponding to a law of
20 this state, or notice that the person has refused to submit to a
21 chemical test of his or her blood, breath, or urine for the pur-
22 pose of determining the amount of alcohol or presence of a con-
23 trolled substance or both in the person's blood, BREATH, OR URINE
24 while the person was operating a commercial motor vehicle as
25 required by a law or local ordinance of this or another state.
26 The period of suspension or revocation is as follows:

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

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

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

11 (i) A violation of section 625(1), (3), (4), ~~or~~ (5), (6),
12 OR (7), section 625m, or former section 625(1) or (2), or former
13 section 625b, or a local ordinance substantially corresponding to
14 section 625(1) or (3), section 625m, or former section 625(1) or
15 (2), or former section 625b, or a law of another state substan-
16 tially corresponding to section 625(1), (3), (4), ~~or~~ (5), (6),
17 OR (7), section 625m, or former section 625(1) or (2), or former
18 section 625b, while operating a commercial motor vehicle.

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

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

23 (iv) A refusal OF A PEACE OFFICER'S REQUEST to submit to a
24 chemical test of his or her blood, breath, or urine ~~for the pur-~~
25 ~~pose of determining~~ TO DETERMINE the amount of alcohol or pres-
26 ence of a controlled substance or both in his or her blood,
27 BREATH, OR URINE while he or she was operating a commercial motor

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1 vehicle as required by a law or local ordinance of this state or
2 another state.

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

5 (d) Suspension for 3 years if the licensee is convicted of
6 or found responsible for an offense enumerated in subdivision
7 (c)(i) to ~~(iv)~~ (v) in which a commercial motor vehicle was used
8 if the vehicle was carrying hazardous material required to have a
9 placard pursuant to 49 C.F.R. parts 100 to 199.

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

14 (i) Any combination of 2 violations ARISING FROM 2 OR MORE
15 SEPARATE INCIDENTS under section 625(1), (3), (4), ~~or~~ (5), (6),
16 OR (7), section 625m, or former section 625(1) or (2), or former
17 section 625b, a local ordinance substantially corresponding to
18 section 625(1) or (3), section 625m, or former section 625(1) or
19 (2), or former section 625b, or a law of another state substan-
20 tially corresponding to section 625(1), (3), (4), ~~or~~ (5), (6),
21 OR (7), section 625m, or former section 625(1) or (2), or former
22 section 625b while driving a commercial motor vehicle.

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

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

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

7 (v) TWO 6-POINT VIOLATIONS AS PROVIDED IN SECTION 320A WHILE
8 OPERATING A COMMERCIAL MOTOR VEHICLE.

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

12 (F) REVOCATION FOR LIFE IF A LICENSEE IS CONVICTED OF OR
13 FOUND RESPONSIBLE FOR ANY OF THE FOLLOWING:

14 (i) ~~(vi)~~ One violation of a felony in which a commercial
15 motor vehicle was used and that involved the manufacture, distri-
16 bution, or dispensing of a controlled substance or possession
17 with intent to manufacture, distribute, or dispense a controlled
18 substance.

19 (ii) A CONVICTION OF ANY OFFENSE DESCRIBED IN
20 SUBDIVISION (C) OR (D) AFTER HAVING BEEN APPROVED FOR THE ISSU-
21 ANCE OF A VEHICLE GROUP DESIGNATION UNDER SUBDIVISION (E).

22 (2) The secretary of state shall immediately suspend all
23 vehicle group designations on the operator's or chauffeur's
24 license of a person upon receiving notice of a conviction, bond
25 forfeiture, or civil infraction determination of the person, or
26 notice that a court or administrative tribunal has found the
27 person responsible, for a violation of section 319d(4) or 319f, a

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1 local ordinance substantially corresponding to section 319d(4) or
2 319f, or a law or local ordinance of another state, the United
3 States, Canada, Mexico, or a local jurisdiction of either of
4 these countries substantially corresponding to section 319d(4) or
5 319f, while operating a commercial motor vehicle as defined in
6 section 7a. The period of suspension or revocation is as
7 follows:

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

11 (b) Suspension for 180 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 THAT IS either carry-
14 ing hazardous material required to have a placard pursuant to
15 C.F.R. parts 100 to 199 —, or ~~that is~~ designed to carry 16 or
16 more passengers, including the driver.

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

22 (d) Suspension for 3 years if the licensee is convicted of
23 or found responsible for 3 or more violations, in any combina-
24 tion, of section 319d(4) or 319f while operating a commercial
25 motor vehicle arising from 3 or more separate incidents during a
26 10-year period.

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

8 (3) As used in this section:

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

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

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

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

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

20 (b) "Serious traffic violation" means a traffic violation
21 that occurs in connection with an accident in which a person
22 died, careless driving, excessive speeding as defined in the fed-
23 eral administrative regulations promulgated to implement the com-
24 mercial motor vehicle safety act of 1986, title XII of Public Law
25 99-570, 100 Stat. 3207-170, improper lane use, following too
26 closely, or any other serious traffic violation as defined in 49
27 C.F.R. 383.5 or as prescribed under this act.

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

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

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

16 Enacting section 1. This amendatory act takes effect
17 October 1, 1999.

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

21 (a) Senate Bill No. 268.

22 (b) Senate Bill No. 269.

23 (c) Senate Bill No. 625.

24 (d) Senate Bill No. 627.

25 (e) Senate Bill No. 869.

26 (f) Senate Bill No. 870.

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- 1 (g) Senate Bill No. 953.
- 2 (h) House Bill No. 4210.
- 3 (i) House Bill No. 4576.
- 4 (j) House Bill No. 4959.
- 5 (k) House Bill No. 4960.
- 6 (l) House Bill No. 4961.
- 7 (m) House Bill No. 5122.
- 8 (n) House Bill No. 5123.
- 9 (o) House Bill No. 5952.
- 10 (p) House Bill No. 5953.
- 11 (q) House Bill No. 5954.
- 12 (r) House Bill No. 5955.
- 13 (s) House Bill No. 5956.