

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 627**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 258, 319, 602a, and 625m (MCL 257.258, 257.319, 257.602a, and 257.625m), sections 319 and 602a as amended by 1996 PA 587 and section 625m as amended by 1996 PA 491, and by adding section 204b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 204B. (1) WHEN ASSESSING POINTS, TAKING LICENSING OR
2 REGISTRATION ACTIONS, OR IMPOSING OTHER SANCTIONS UNDER THIS ACT
3 FOR A CONVICTION OF AN ATTEMPTED VIOLATION OF A LAW OF THIS
4 STATE, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO A LAW OF
5 THIS STATE, OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING
6 TO A LAW OF THIS STATE, THE SECRETARY OF STATE OR THE COURT SHALL
7 TREAT THE CONVICTION THE SAME AS IF IT WERE A CONVICTION FOR THE
8 COMPLETED OFFENSE.

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1 (2) THE COURT SHALL IMPOSE A CRIMINAL PENALTY FOR A
2 CONVICTION OF AN ATTEMPTED VIOLATION OF THIS ACT OR A LOCAL ORDI-
3 NANCE SUBSTANTIALLY CORRESPONDING TO A PROVISION OF THIS ACT IN
4 THE SAME MANNER AS IF THE OFFENSE HAD BEEN COMPLETED.

5 Sec. 258. (1) ~~(a) The department~~ SECRETARY OF STATE may
6 cancel, revoke, or suspend the registration of a vehicle, ~~or a~~
7 certificate of title, registration certificate, or registration
8 plate ~~in~~ IF any of the following ~~events~~ APPLY:

9 (A) ~~(1) When the department is satisfied~~ THE SECRETARY OF
10 STATE DETERMINES that ~~such~~ THE registration, ~~or that such~~
11 certificate of title, or plate was fraudulently or erroneously
12 issued.

13 (B) ~~(2) When the department~~ THE SECRETARY OF STATE deter-
14 mines that the licensee has made or is making an unlawful use of
15 his OR HER registration certificate, plate, or ~~title~~
16 certificate OF TITLE.

17 (C) ~~(3) When a~~ A registered vehicle has been dismantled or
18 wrecked.

19 (D) ~~(4) When the department~~ THE SECRETARY OF STATE deter-
20 mines that the required fee has not been paid and ~~the same~~ IT
21 is not paid upon reasonable notice or demand.

22 (E) ~~(5) When a~~ A registration certificate or registration
23 plate is knowingly displayed upon a vehicle other than the one
24 for which IT WAS issued.

25 (F) ~~(6) When the department~~ THE SECRETARY OF STATE deter-
26 mines that the owner has committed ~~any~~ AN offense under this
27 act involving the registration or certificate of title.

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1 (G) ~~(7) When the department~~ THE SECRETARY OF STATE is ~~so~~
2 authorized TO DO SO under ~~any other provision of~~ this act.

3 (H) A COURT ORDERS THE SECRETARY OF STATE TO DO SO AS PRO-
4 VIDED IN SECTION [233(4)].

5 (I) ~~(8) Upon receipt of~~ RECEIVING notification from
6 another state or foreign country that a certificate of title
7 issued by the ~~department~~ SECRETARY OF STATE has been surren-
8 dered by the owner in conformity with the laws of ~~such other~~
9 THAT state or foreign country.

10 (J) ~~(9) When it~~ IT is shown by satisfactory evidence that
11 delivery of a motor vehicle in the possession of a dealer was not
12 made to the applicant registered under this act. The money paid
13 for registration and license fees may be refunded to the party
14 who ~~makes application~~ APPLIES for the refund.

15 (2) ~~(b)~~ If the LICENSEE'S offense ~~of the licensee~~ con-
16 sists ~~in~~ OF hauling on the registered vehicle a gross weight
17 more than 1,000 pounds in excess of the elected gross weight
18 specified on the owners' ~~reregistration [sic]~~ REGISTRATION cer-
19 tificate, the registration shall be canceled and the vehicle
20 shall not again be operated on the highways, roads, ~~and~~ OR
21 streets ~~of the state~~ until it is ~~reregistered,~~ REGISTERED
22 AGAIN and new plates are issued. The ~~reregistration~~ NEW
23 REGISTRATION fee shall be computed on the basis of twice the dif-
24 ference between the original registration fee and the registra-
25 tion fee applicable to the gross weight constituting the viola-
26 tion of the elected gross weight. ~~, one-half~~ ONE-HALF of
27 ~~which~~ THE NEW registration fee shall be a penalty. The period

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1 of the ~~reregistration~~ NEW REGISTRATION fee shall not extend
2 beyond the termination date of the canceled registration
3 certificate. The ~~reregistration~~ NEW REGISTRATION fee shall not
4 exceed the maximum gross weight of the vehicle or combination of
5 vehicles as determined by the number of axles and the legal
6 weight applicable to ~~such~~ THOSE axles as specified by section
7 722. ~~For the purpose of this act the~~ THE gross weight of a
8 vehicle or combination of vehicles may be determined by weighing
9 the individual axles or group of axles, and the total weight on
10 all axles ~~shall be~~ IS the gross vehicle weight.

11 (3) ~~(c)~~ Before ~~any~~ THE SECRETARY OF STATE MAKES A can-
12 cellation under ~~subparagraphs 1, 2, 5, 6 and 7 of this section~~
13 ~~is made,~~ SUBSECTION (1)(A), (B), (E), (F), OR (G), the person
14 affected ~~thereby~~ BY THE CANCELLATION shall be given notice and
15 an opportunity to be heard.

16 Sec. 319. (1) The secretary of state shall immediately sus-
17 pend a person's license ~~for not less than 90 days or more than 2~~
18 ~~years~~ AS PROVIDED IN THIS SECTION upon receiving a record of the
19 person's conviction for ~~any of the following crimes or attempts~~
20 ~~to commit any of the following crimes~~ A CRIME DESCRIBED IN THIS
21 SECTION, whether the conviction is under a law of this state, a
22 local ordinance substantially corresponding to a law of this
23 state, or a law of another state substantially corresponding to a
24 law of this state. ~~—~~

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

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1 (a) Fraudulently altering or forging documents pertaining to
2 motor vehicles ~~,~~ in violation of section 257.

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

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

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

14 ~~(d) A conviction for reckless driving in violation of sec-~~
15 ~~tion 626.~~

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

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

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

26 (ii) The vehicle was used to transport a victim of the
27 felony.

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

2 (iv) The vehicle was necessary for the commission of the
3 felony.

4 (F) A VIOLATION OF SECTION 602A(2) OR (3) OF THIS ACT OR
5 SECTION 479A(2) OR (3) OF THE MICHIGAN PENAL CODE, 1931 PA 328,
6 MCL 750.479A.

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

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

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

12 (C) ~~-(2) The secretary of state shall suspend the license of~~
13 ~~a person convicted of malicious~~ MALICIOUS destruction resulting
14 from the operation of a ~~motor~~ vehicle under section [382
15 382(1)(B), (C), OR (D)] of the
16 Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~
17 ~~being section 750.382 of the Michigan Compiled Laws, for not more~~
18 ~~than 1 year as ordered by the court as part of the sentence~~ 1931
19 PA 328, MCL 750.382.

20 (D) ~~-(3) The secretary of state shall immediately suspend a~~
21 ~~person's license for the period specified in the abstract of con-~~
22 ~~viction upon receiving the person's license and abstract of con-~~
23 ~~viction forwarded to the secretary of state pursuant to~~ A VIOLA-
24 TION DESCRIBED IN section 367c of the Michigan penal code, ~~Act~~
25 ~~No. 328 of the Public Acts of 1931, being section 750.367c of the~~
26 ~~Michigan Compiled Laws~~ 1931 PA 328, MCL 750.367C.

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

[(4) THE SECRETARY OF STATE SHALL SUSPEND THE PERSON'S LICENSE
FOR 30 DAYS FOR MALICIOUS DESTRUCTION RESULTING FROM THE OPERATION
OF A VEHICLE UNDER SECTION 382(1)(A) OF THE MICHIGAN PENAL CODE,
1931 PA 328, MCL 750.382.]

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

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

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

20 [(6)] FOR A VIOLATION OF SECTION 414 OF THE MICHIGAN PENAL
21 CODE, 1931 PA 328, MCL 750.414, THE SECRETARY OF STATE SHALL SUS-
22 PEND THE PERSON'S LICENSE AS FOLLOWS:

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

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

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

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

10 (B) IF THE PERSON HAS 2 OR MORE PRIOR CONVICTIONS FOR AN
11 OFFENSE DESCRIBED IN THIS SUBSECTION OR SECTION 33B(1) OF FORMER
12 1933 (EX SESS) PA 8, FOR 1 YEAR. THE SECRETARY OF STATE MAY
13 ISSUE THE PERSON A RESTRICTED LICENSE AFTER THE FIRST 60 DAYS OF
14 SUSPENSION.

15 [(8)] THE SECRETARY OF STATE SHALL SUSPEND THE PERSON'S
16 LICENSE FOR A VIOLATION OF SECTION 625 OR 625M AS FOLLOWS:

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

23 (B) ~~(a) For not less than 90 days or more than 1 year~~
24 ~~upon receiving a record of the person's conviction for a viola-~~
25 ~~tion of section 625(3) , a local ordinance substantially corre-~~
26 ~~sponding to section 625(3), or a law of another state~~
27 ~~substantially corresponding to section 625(3)~~ if the person has

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

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

25 ~~(i) One conviction under section 625(1) or former section~~
26 ~~625(1) or (2).~~

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

3 ~~(iii) One conviction under section 625(1) or former section~~
4 ~~625(1) or (2) and 1 conviction under section 625(3) or former~~
5 ~~section 625b within a 7-year period.~~

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

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

22 (d) For ~~not less than 90 days or more than 1 year upon~~
23 ~~receiving a record of the person's conviction~~ for a violation of
24 section 625(6) ~~, a local ordinance substantially corresponding~~
25 ~~to section 625(6), or a law of another state substantially corre-~~
26 ~~sponding to section 625(6)~~ if the person has 1 or more prior
27 convictions within 7 years. ~~for a violation of section 625(1),~~

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1 ~~(3), (4), (5), or (6), former section 625(1) or (2), or former~~
2 ~~section 625b, a local ordinance substantially corresponding to~~
3 ~~section 625(1), (3), or (6), former section 625(1) or (2), or~~
4 ~~former section 625b, or a law of another state substantially cor-~~
5 ~~responding to section 625(1), (3), (4), (5), or (6), former sec-~~
6 ~~tion 625(1) or (2), or former section 625b.~~

[(E) FOR 180 DAYS FOR A VIOLATION OF SECTION 625(7) IF THE PERSON HAS NO PRIOR CONVICTIONS WITHIN 7 YEARS. THE SECRETARY OF STATE MAY ISSUE THE PERSON A RESTRICTED LICENSE AFTER THE FIRST 90 DAYS OF SUSPENSION.]

7 [(F)] FOR 90 DAYS FOR A VIOLATION OF SECTION 625M IF THE
8 PERSON HAS NO PRIOR CONVICTIONS WITHIN 7 YEARS. THE SECRETARY OF
9 STATE MAY ISSUE THE PERSON A RESTRICTED LICENSE DURING ALL OR A
10 SPECIFIED PORTION OF THE SUSPENSION.

11 ~~(5) Upon receiving a certificate of conviction under sec-~~
12 ~~tion 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.~~

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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~~ (11)], 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~~

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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 [(8)] 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.

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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 (14) WHILE DRIVING, THE PERSON SHALL CARRY PROOF OF HIS OR
5 HER DESTINATION AND THE HOURS OF ANY EMPLOYMENT, CLASS, OR OTHER
6 REASON FOR TRAVELING AND SHALL DISPLAY THAT PROOF UPON A PEACE
7 OFFICER'S REQUEST.

8 (15) SUBJECT TO SUBSECTION [(18)], AS USED IN SUBSECTION [(8)],
9 "PRIOR CONVICTION" MEANS A CONVICTION FOR ANY OF THE FOLLOWING,
10 WHETHER UNDER A LAW OF THIS STATE, A LOCAL ORDINANCE SUBSTAN-
11 TIALY CORRESPONDING TO A LAW OF THIS STATE, OR A LAW OF ANOTHER
12 STATE SUBSTANTIALLY CORRESPONDING TO A LAW OF THIS STATE:

13 (A) EXCEPT AS PROVIDED IN SUBSECTION [(17)], A VIOLATION OR
14 ATTEMPTED VIOLATION OF SECTION 625(1), (3), (4), (5), (6), OR
15 (7), SECTION 625M, FORMER SECTION 625(1) OR (2), OR FORMER SEC-
16 TION 625B.

17 (B) NEGLIGENT HOMICIDE, MANSLAUGHTER, OR MURDER RESULTING
18 FROM THE OPERATION OF A VEHICLE OR AN ATTEMPT TO COMMIT ANY OF
19 THOSE CRIMES.

20 (16) EXCEPT FOR PURPOSES OF THE SUSPENSIONS DESCRIBED IN
21 SUBSECTION [(8)(C)] AND (D), ONLY 1 VIOLATION OR ATTEMPTED VIOLA-
22 TION OF SECTION 625(6), A LOCAL ORDINANCE SUBSTANTIALLY CORRE-
23 SPONDING TO SECTION 625(6), OR A LAW OF ANOTHER STATE SUBSTAN-
24 TIALY CORRESPONDING TO SECTION 625(6) MAY BE USED AS A PRIOR
25 CONVICTION.

26 (17) IF 2 OR MORE CONVICTIONS DESCRIBED IN SUBSECTION [(16)]
27 ARE CONVICTIONS FOR VIOLATIONS ARISING OUT OF THE SAME

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1 TRANSACTION, ONLY 1 CONVICTION SHALL BE USED TO DETERMINE WHETHER
2 THE PERSON HAS A PRIOR CONVICTION.

3 Sec. 602a. (1) A driver of a motor vehicle who is given by
4 hand, voice, emergency light, or siren a visual or audible signal
5 by a police or conservation officer, acting in the lawful per-
6 formance of his or her duty, directing the driver to bring his or
7 her motor vehicle to a stop shall not willfully fail to obey that
8 direction by increasing the speed of the motor vehicle, extin-
9 guishing the lights of the motor vehicle, or otherwise attempting
10 to flee or elude the officer. This subsection does not apply
11 unless the police or conservation officer giving the signal is in
12 uniform ~~—~~ and the OFFICER'S vehicle ~~—driven by the police or~~
13 ~~conservation officer—~~ is identified as an official police or
14 department of natural resources vehicle.

15 (2) Except as provided in subsection (3), (4), or (5), an
16 individual who violates subsection (1) is guilty of fourth-degree
17 fleeing and eluding, a felony punishable by imprisonment for not
18 more than 2 years or a fine of not more than \$500.00, or both.

19 (3) Except as provided in subsection (4) or (5), an individ-
20 ual who violates subsection (1) is guilty of third-degree fleeing
21 and eluding, a felony punishable by imprisonment for not more
22 than 5 years or a fine of not more than \$1,000.00, or both, if 1
23 or more of the following circumstances apply:

24 (a) The violation results in a collision or accident.

25 (b) A portion of the violation occurred in an area where the
26 speed limit is 35 miles an hour or less, whether that speed limit
27 is posted or imposed as a matter of law.

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1 (c) The individual has a prior conviction for fourth-degree
2 fleeing and eluding, attempted fourth-degree fleeing and eluding,
3 or fleeing and eluding under a current or former law of this
4 state prohibiting substantially similar conduct.

5 (4) Except as provided in subsection (5), an individual who
6 violates subsection (1) is guilty of second-degree fleeing and
7 eluding, a felony punishable by imprisonment for not more than 10
8 years or a fine of not more than \$5,000.00, or both, if 1 or more
9 of the following circumstances apply:

10 (a) The violation results in serious injury to an
11 individual.

12 (b) The individual has 1 or more prior convictions for
13 first-, second-, or third-degree fleeing and eluding, attempted
14 first-, second-, or third-degree fleeing and eluding, or fleeing
15 and eluding under a current or former law of this state prohibit-
16 ing substantially similar conduct.

17 (c) The individual has any combination of 2 or more prior
18 convictions for fourth-degree fleeing and eluding, attempted
19 fourth-degree fleeing and eluding, or fleeing and eluding under a
20 current or former law of this state prohibiting substantially
21 similar conduct.

22 (5) If the violation results in the death of another indi-
23 vidual, an individual who violates subsection (1) is guilty of
24 first-degree fleeing and eluding, a felony punishable by impris-
25 onment for not more than 15 years or a fine of not more than
26 \$10,000.00, or both.

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1 ~~[(6)] (6) As part of the sentence imposed under subsection (2)~~
2 ~~or (3), the court shall order the secretary of state to suspend~~
3 ~~the individual's operator's or chauffeur's license for a period~~
4 ~~of 1 year. [The individual shall not be eligible to receive a~~
5 ~~restricted license pursuant to section 323] —or 323a [during the~~
6 ~~first 6 months of the period of suspension.] —If a term of impris-~~
7 ~~onment is served as a part of the sentence, the period of suspen-~~
8 ~~sion of the individual's license shall begin after the completion~~
9 ~~of the term of imprisonment.~~

10 ~~(7) As part of the sentence imposed under subsection (4) or~~
11 ~~(5), the court shall order the secretary of state to revoke the~~
12 ~~individual's operator's or chauffeur's license.~~

13 ~~[(7)] (8) A conviction under this section does not prohibit~~
14 ~~a conviction and sentence under any other applicable provision,~~
15 ~~except section 479a(2), (3), (4), or (5) of the Michigan penal~~
16 ~~code, —Act No. 328 of the Public Acts of 1931, being section~~
17 ~~750.479a of the Michigan Compiled Laws— 1931 PA 328, MCL~~
18 ~~750.479A, for conduct arising out of the same transaction.~~

19 ~~[(8)] (9) As used in this section, "serious injury" means a~~
20 ~~physical injury that IS NOT NECESSARILY PERMANENT, BUT THAT con-~~
21 ~~stitutes —permanent— serious bodily disfigurement or that seri-~~
22 ~~ously —and irreparably— impairs the functioning of a body organ~~
23 ~~or limb. Serious injury includes, but is not limited to, 1 or~~
24 ~~more of the following:~~

25 (a) Loss of a limb or use of a limb.

26 (b) Loss of a hand, foot, finger, or thumb or use of a hand,
27 foot, finger, or thumb.

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- 1 (c) Loss of an eye or ear or use of an eye or ear.
2 (d) Loss or substantial impairment of a bodily function.
3 (e) Serious visible disfigurement.
4 (f) A comatose state that lasts for more than 3 days.
5 (g) Measurable brain damage or mental impairment.
6 (h) A skull fracture or other serious bone fracture.
7 (i) Subdural hemorrhage or hematoma.

8 Sec. 625m. (1) A person, whether licensed or not, who has
9 an alcohol content of 0.04 grams or more but not more than 0.07
10 grams per 100 milliliters of blood, per 210 liters of breath, or
11 per 67 milliliters of urine shall not operate a commercial motor
12 vehicle within this state.

13 (2) A peace officer may arrest a person without a warrant
14 under either of the following circumstances:

15 (a) The peace officer has reasonable cause to believe that
16 the person was, at the time of an accident, the driver of a com-
17 mercial motor vehicle involved in the accident and was operating
18 the vehicle in violation of this section or a local ordinance
19 substantially corresponding to this section.

20 (b) The person is found in the driver's seat of a commercial
21 motor vehicle parked or stopped on a highway or street within
22 this state if any part of the vehicle intrudes into the roadway
23 and the peace officer has reasonable cause to believe the person
24 was operating the vehicle in violation of this section or a local
25 ordinance substantially corresponding to this section.

26 (3) ~~A~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (4) AND
27 (5), A person who is convicted of a violation of this section or

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1 a local ordinance substantially corresponding to this section is
2 guilty of a misdemeanor punishable by imprisonment for not more
3 than ~~90~~ 93 days or a fine of not more than \$300.00, or both,
4 together with costs of the prosecution. ~~As part of the sen-~~
5 ~~tence, the court shall order the secretary of state to suspend~~
6 ~~the vehicle group designations on the person's operator's or~~
7 ~~chauffeur's license pursuant to section 319b(1)(c) or, if the~~
8 ~~vehicle was carrying hazardous material required to have a plac-~~
9 ~~ard pursuant to 49 C.F.R. parts 100 to 199, pursuant to section~~
10 ~~319b(1)(d). The court shall not order the secretary of state to~~
11 ~~issue a restricted license that would permit the person to oper-~~
12 ~~ate a commercial motor vehicle.~~

13 (4) A person who violates this section or a local ordinance
14 substantially corresponding to this section within ~~10~~ 7 years
15 of ~~a~~ 1 prior conviction may be sentenced to imprisonment for
16 not more than 1 year or a fine of not more than \$1,000.00, or
17 both. ~~As part of the sentence, the court shall order the secre-~~
18 ~~tary of state to revoke the vehicle group designations on the~~
19 ~~person's operator's or chauffeur's license pursuant to section~~
20 ~~319b(1)(e). The court shall not order the secretary of state to~~
21 ~~issue a restricted license that would permit the person to oper-~~
22 ~~ate a commercial motor vehicle. As used in this subsection,~~
23 ~~"prior conviction" means a conviction for a violation of this~~
24 ~~section, section 625(1), (3), (4), or (5), former section 625(1)~~
25 ~~or (2), or former section 625b, a local ordinance substantially~~
26 ~~corresponding to this section, section 625(1) or (3), former~~
27 ~~section 625(1) or (2), or former section 625b, or a law of~~

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1 ~~another state substantially corresponding to this section,~~
2 ~~section 625(1), (3), (4), or (5), former section 625(1) or (2),~~
3 ~~or former section 625b, while operating a commercial motor~~
4 ~~vehicle.~~

5 (5) ~~When assessing points and taking license actions under~~
6 ~~this act, the secretary of state and the court shall treat a con-~~
7 ~~viction for an attempted violation of subsection (1), a local~~
8 ~~ordinance substantially corresponding to subsection (1), or a law~~
9 ~~of another state substantially corresponding to subsection (1)~~
10 ~~the same as if the offense had been completed.~~ A PERSON WHO VIO-
11 LATES THIS SECTION OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPOND-
12 ING TO THIS SECTION WITHIN 10 YEARS OF 2 OR MORE PRIOR CONVIC-
13 TIONS IS GUILTY OF A FELONY AND SHALL BE SENTENCED TO PAY A FINE
14 OF NOT LESS THAN \$500.00 OR MORE THAN \$5,000.00 AND TO EITHER OF
15 THE FOLLOWING:

16 (A) IMPRISONMENT UNDER THE JURISDICTION OF THE DEPARTMENT OF
17 CORRECTIONS FOR NOT LESS THAN 1 YEAR OR MORE THAN 5 YEARS.

18 (B) PROBATION WITH IMPRISONMENT IN THE COUNTY JAIL FOR NOT
19 LESS THAN 30 DAYS OR MORE THAN 1 YEAR AND COMMUNITY SERVICE FOR
20 NOT LESS THAN 60 DAYS OR MORE THAN 180 DAYS. NOT LESS THAN 48
21 HOURS OF THE IMPRISONMENT IMPOSED UNDER THIS SUBDIVISION SHALL BE
22 SERVED CONSECUTIVELY.

23 (6) A TERM OF IMPRISONMENT IMPOSED UNDER SUBSECTION (4) OR
24 (5) SHALL NOT BE SUSPENDED.

25 (7) SUBJECT TO SUBSECTION (9), AS USED IN THIS SECTION,
26 "PRIOR CONVICTION" MEANS A CONVICTION FOR ANY OF THE FOLLOWING,
27 WHETHER UNDER A LAW OF THIS STATE, A LOCAL ORDINANCE

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1 SUBSTANTIALLY CORRESPONDING TO A LAW OF THIS STATE, OR A LAW OF
2 ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO A LAW OF THIS
3 STATE:

4 (A) EXCEPT AS PROVIDED IN SUBSECTION (8), A VIOLATION OR
5 ATTEMPTED VIOLATION OF THIS SECTION, SECTION 625(1), (3), (4),
6 (5), (6), OR (7), FORMER SECTION 625(1) OR (2), OR FORMER SECTION
7 625B.

8 (B) NEGLIGENT HOMICIDE, MANSLAUGHTER, OR MURDER RESULTING
9 FROM THE OPERATION OF A VEHICLE OR AN ATTEMPT TO COMMIT ANY OF
10 THOSE CRIMES.

11 (8) ONLY 1 VIOLATION OR ATTEMPTED VIOLATION OF
12 SECTION 625(6), A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO
13 SECTION 625(6), OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRE-
14 SPONDING TO SECTION 625(6) MAY BE USED AS A PRIOR CONVICTION.

15 (9) IF 2 OR MORE CONVICTIONS DESCRIBED IN SUBSECTION (7) ARE
16 CONVICTIONS FOR VIOLATIONS ARISING OUT OF THE SAME TRANSACTION,
17 ONLY 1 CONVICTION SHALL BE USED TO DETERMINE WHETHER THE PERSON
18 HAS A PRIOR CONVICTION.

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

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

24 (a) Senate Bill No. 268.

25 (b) Senate Bill No. 269.

26 (c) Senate Bill No. 625.

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- 1 (d) Senate Bill No. 869.
- 2 (e) Senate Bill No. 870.
- 3 (f) Senate Bill No. 953.
- 4 (g) House Bill No. 4210.
- 5 (h) House Bill No. 4576.
- 6 (i) House Bill No. 4959.
- 7 (j) House Bill No. 4960.
- 8 (k) House Bill No. 4961.
- 9 (l) House Bill No. 5122.
- 10 (m) House Bill No. 5123.
- 11 (n) House Bill No. 5951.
- 12 (o) House Bill No. 5952.
- 13 (p) House Bill No. 5953.
- 14 (q) House Bill No. 5954.
- 15 (r) House Bill No. 5955.
- 16 (s) House Bill No. 5956.