

# HOUSE BILL No. 5464

January 14, 1998, Introduced by Rep. Scranton and referred to the Committee on Judiciary.

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

## 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 upon receiving a record of the person's conviction for any  
4 of the following crimes or attempts to commit any of the follow-  
5 ing crimes, whether the conviction is under a law of this state,  
6 a local ordinance substantially corresponding to a law of this  
7 state, or a law of another state substantially corresponding to a  
8 law of this state:

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

1 (b) Perjury or making a false certification to the secretary  
2 of state under any law requiring the registration of a motor  
3 vehicle or regulating the operation of a motor vehicle on a  
4 highway.

5 (c) A violation of section 413 or 414 of the Michigan penal  
6 code, ~~Act No. 328 of the Public Acts of 1931, being sections~~  
7 ~~750.413 and 750.414 of the Michigan Compiled Laws~~ 1931 PA 328,  
8 MCL 750.413 AND 750.414, or a violation of section 1 of ~~Act~~  
9 ~~No. 214 of the Public Acts of 1931, being section 752.191 of the~~  
10 ~~Michigan Compiled Laws~~ 1931 PA 214, MCL 752.191.

11 (d) A conviction for reckless driving in violation of sec-  
12 tion 626.

13 (e) Failing to stop and disclose identity at the scene of an  
14 accident resulting in death or injury in violation of section 617  
15 or 617a.

16 (f) A felony in which a motor vehicle was used. As used in  
17 this section, "felony in which a motor vehicle was used" means a  
18 felony during the commission of which the person convicted oper-  
19 ated a motor vehicle and while operating the vehicle presented  
20 real or potential harm to persons or property and 1 or more of  
21 the following circumstances existed:

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

23 (ii) The vehicle was used to transport a victim of the  
24 felony.

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

26 (iv) The vehicle was necessary for the commission of the  
27 felony.

1 (2) The secretary of state shall suspend the license of a  
2 person convicted of malicious destruction resulting from the  
3 operation of a motor vehicle under section 382 of the Michigan  
4 penal code, ~~Act No. 328 of the Public Acts of 1931, being sec-~~  
5 ~~tion 750.382 of the Michigan Compiled Laws~~ 1931 PA 328, MCL  
6 750.382, for not more than 1 year as ordered by the court as part  
7 of the sentence.

8 (3) The secretary of state shall immediately suspend a  
9 person's license for the period specified in the abstract of con-  
10 viction upon receiving the person's license and abstract of con-  
11 viction forwarded to the secretary of state pursuant to section  
12 367c of the Michigan penal code, ~~Act No. 328 of the Public Acts~~  
13 ~~of 1931, being section 750.367c of the Michigan Compiled Laws~~  
14 1931 PA 328, MCL 750.367C.

15 (4) Except as otherwise provided in subsection (9), if a  
16 court has not ordered a suspension of a person's license under  
17 this act for a violation described in subdivision (a), (b), (c),  
18 or (d) for a period equal to or greater than the suspension  
19 period prescribed under subdivision (a), (b), (c), or (d) for the  
20 violation, the secretary of state shall suspend the license as  
21 follows, notwithstanding a court order issued under  
22 section 625(1), (3), or (6), section 625b, former section 625(1)  
23 or (2), or former section 625b or a local ordinance substantially  
24 corresponding to section 625(1), (3), or (6), section 625b,  
25 former section 625(1) or (2), or former section 625b:

26 (a) 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

1 section 625(3), a local ordinance substantially corresponding to  
2 section 625(3), or a law of another state substantially corre-  
3 sponding to section 625(3) if the person has no prior convictions  
4 within 7 years for a violation of section 625(1), (3), (4), or  
5 (5), former section 625(1) or (2), or former section 625b, a  
6 local ordinance substantially corresponding to section 625(1) or  
7 (3), former section 625(1) or (2), or former section 625b, or a  
8 law of another state substantially corresponding to section  
9 625(1), (3), (4), or (5), former section 625(1) or (2), or former  
10 section 625b. However, if the person is convicted of a violation  
11 of section 625(3), a local ordinance substantially corresponding  
12 to section 625(3), or a law of another state substantially corre-  
13 sponding to section 625(3) for operating a vehicle when, due to  
14 the consumption of a controlled substance or a combination of  
15 intoxicating liquor and a controlled substance, the person's  
16 ability to operate the vehicle was visibly impaired, the secre-  
17 tary of state shall suspend the person's license under this sub-  
18 division for not less than 6 months or more than 1 year.

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).

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 to  
11 section 625(6), or a law of another state substantially corre-  
12 sponding to section 625(6) if the person has no prior convictions  
13 within 7 years for a violation of section 625(1), (3), (4), (5),  
14 or (6), former section 625(1) or (2), or former section 625b, a  
15 local ordinance substantially corresponding to section 625(1),  
16 (3), or (6), former section 625(1) or (2), or former section  
17 625b, or a law of another state substantially corresponding to  
18 section 625(1), (3), (4), (5), or (6), former section 625(1) or  
19 (2), or former section 625b.

20       (d) For not less than 90 days or more than 1 year upon  
21 receiving a record of the person's conviction for a violation of  
22 section 625(6), a local ordinance substantially corresponding to  
23 section 625(6), or a law of another state substantially corre-  
24 sponding to section 625(6) if the person has 1 or more prior con-  
25 victions within 7 years for a violation of section 625(1), (3),  
26 (4), (5), or (6), former section 625(1) or (2), or former section  
27 625b, a local ordinance substantially corresponding to section

1 625(1), (3), or (6), former section 625(1) or (2), or former  
2 section 625b, or a law of another state substantially correspond-  
3 ing to section 625(1), (3), (4), (5), or (6), former section  
4 625(1) or (2), or former section 625b.

5 (5) Upon receiving a certificate of conviction under section  
6 33b(2) of the Michigan liquor control act, ~~Act No. 8 of the~~  
7 ~~Public Acts of the Extra Session of 1933, being section 436.33b~~  
8 ~~of the Michigan Compiled Laws~~ 1933 (EX SESS) PA 8, MCL 436.33B,  
9 or a local ordinance or law of another state substantially corre-  
10 sponding to section 33b(2) of ~~Act No. 8 of the Public Acts of~~  
11 ~~the Extra Session of 1933~~ THE MICHIGAN LIQUOR CONTROL ACT, 1933  
12 (EX SESS) PA 8, MCL 436.33B, the secretary of state shall suspend  
13 pursuant to court order the person's operator's or chauffeur's  
14 license for 90 days. A suspension under this subsection shall be  
15 in addition to any other suspension of the person's license.

16 (6) Upon receiving the record of a person's conviction for a  
17 violation of section 602a(2) or (3) of this act or section  
18 479a(2) or (3) of ~~Act No. 328 of the Public Acts of 1931, being~~  
19 ~~section 750.479a of the Michigan Compiled Laws~~ THE MICHIGAN  
20 PENAL CODE, 1931 PA 328, MCL 750.479A, the secretary of state  
21 immediately shall suspend the person's license for the period  
22 ordered by the court as part of the sentence or disposition.

23 (7) Upon receiving an abstract of conviction for a violation  
24 of section 33b(1) of ~~Act No. 8 of the Public Acts of the Extra~~  
25 ~~Session of 1933, being section 436.33b of the Michigan Compiled~~  
26 ~~Laws~~ THE MICHIGAN LIQUOR CONTROL ACT, 1933 (EX SESS) PA 8, MCL  
27 436.33B, or section 624a or 624b or a local ordinance

1 substantially corresponding to those sections, the secretary of  
2 state shall suspend the person's operator's or chauffeur's  
3 license for the period of time described in section 33b(4) of  
4 ~~Act No. 8 of the Public Acts of the Extra Session of 1933~~ THE  
5 MICHIGAN LIQUOR CONTROL ACT, 1933 (EX SESS) PA 8, MCL 436.33B, or  
6 section 624a or 624b notwithstanding any court order to the  
7 contrary. ~~and, if applicable, issue a restricted license as~~  
8 ~~ordered by the court in the manner provided for in section 33b of~~  
9 ~~Act No. 8 of the Public Acts of the Extra Session of 1933 or sec-~~  
10 ~~tion 624a or 624b.~~ If the person does not possess an operator's  
11 or chauffeur's license, the secretary of state shall deny the  
12 person's application for an operator's or chauffeur's license for  
13 the applicable suspension period.

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

19 (9) If the secretary of state receives records of more than  
20 1 conviction of a person resulting from the same incident, a sus-  
21 pension shall be imposed only for the violation to which the  
22 longest period of suspension applies under this section.

23 (10) The secretary of state may waive a suspension of a  
24 person's license imposed under subsection (4)(a), (b), (c), or  
25 (d) if the person submits proof that a court in another state  
26 revoked, suspended, or restricted his or her license for a period  
27 equal to or greater than the period of a suspension prescribed

1 under subsection (4)(a), (b), (c), or (d) for the violation and  
2 that the revocation, suspension, or restriction was served for  
3 the violation, or may grant a restricted license.

4 Enacting section 1. This amendatory act does not take  
5 effect unless Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_  
6 (request no. 04208'97) of the 89th Legislature is enacted into  
7 law.