

REPRINT
SUBSTITUTE FOR
HOUSE BILL NO. 5164
(As passed the House, March 8, 2000)

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 319 (MCL 257.319), as amended by 1999 PA
267.

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 as provided in this section upon receiv-
3 ing a record of the person's conviction for a crime described in
4 this section, whether the conviction is under a law of this
5 state, a local ordinance substantially corresponding to a law of
6 this state, or a law of another state substantially corresponding
7 to a law of this state.

8 (2) The secretary of state shall suspend the person's
9 license for 1 year for any of the following crimes:

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

3 (b) A violation of section 413 of the Michigan penal code,
4 1931 PA 328, MCL 750.413.

5 (c) A violation of section 1 of 1931 PA 214, MCL 752.191.

6 (d) Failing to stop and disclose identity at the scene of an
7 accident resulting in death or serious injury in violation of
8 section 617.

9 (e) A felony in which a motor vehicle was used. As used in
10 this section, "felony in which a motor vehicle was used" means a
11 felony during the commission of which the person convicted oper-
12 ated a motor vehicle and while operating the vehicle presented
13 real or potential harm to persons or property and 1 or more of
14 the following circumstances existed:

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

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

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

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

21 (f) A violation of section 602a(2) or (3) of this act or
22 section 479a(2) or (3) of the Michigan penal code, 1931 PA 328,
23 MCL 750.479a.

24 (3) The secretary of state shall suspend the person's
25 license for 90 days for any of the following crimes:

26 (a) Failing to stop and disclose identity at the scene of an
27 accident resulting in injury in violation of section 617a.

1 (b) Reckless driving in violation of section 626.

2 (c) Malicious destruction resulting from the operation of a
3 vehicle under section 382(1)(b), (c), or (d) of the Michigan
4 penal code, 1931 PA 328, MCL 750.382.

5 ~~(d) A violation described in section 367c of the Michigan~~
6 ~~penal code, 1931 PA 328, MCL 750.367c.~~

7 (D) ~~(e)~~ A violation of section 703(2) of the Michigan
8 liquor control code of 1998, 1998 PA 58, MCL 436.1703.

9 (4) The secretary of state shall suspend the person's
10 license for 30 days for malicious destruction resulting from the
11 operation of a vehicle under section 382(1)(a) of the Michigan
12 penal code, 1931 PA 328, MCL 750.382.

13 (5) For perjury or making a false certification to the sec-
14 retary of state under any law requiring the registration of a
15 motor vehicle or regulating the operation of a vehicle on a high-
16 way, the secretary shall suspend the person's license as
17 follows:

18 (a) If the person has no prior conviction for an offense
19 described in this subsection within 7 years, for 90 days.

20 (b) If the person has 1 or more prior convictions for an
21 offense described in this subsection within 7 years, for 1 year.

22 (6) For a violation of section 414 of the Michigan penal
23 code, 1931 PA 328, MCL 750.414, the secretary of state shall sus-
24 pend the person's license as follows:

25 (a) If the person has no prior conviction for that offense
26 within 7 years, for 90 days.

1 (b) If the person has 1 or more prior convictions for that
2 offense within 7 years, for 1 year.

3 (7) For a violation of section 624a or 624b of this act or
4 section 703(1) of the Michigan liquor control code of 1998, 1998
5 PA 58, MCL 436.1703, the secretary of state shall suspend the
6 person's license as follows:

7 (a) If the person has 1 prior conviction for an offense
8 described in this subsection or section 33b(1) of former 1933 (Ex
9 Sess) PA 8, for 90 days. The secretary of state may issue the
10 person a restricted license after the first 30 days of
11 suspension.

12 (b) If the person has 2 or more prior convictions for an
13 offense described in this subsection or section 33b(1) of former
14 1933 (Ex Sess) PA 8, for 1 year. The secretary of state may
15 issue the person a restricted license after the first 60 days of
16 suspension.

17 (8) The secretary of state shall suspend the person's
18 license for a violation of section 625 or 625m as follows:

19 (a) For 180 days for a violation of section 625(1) if the
20 person has no prior convictions within 7 years. The secretary of
21 state may issue the person a restricted license during all or a
22 specified portion of the suspension, except that the secretary of
23 state shall not issue a restricted license during the first 30
24 days of suspension.

25 (b) For 90 days for a violation of section 625(3) if the
26 person has no prior convictions within 7 years. However, if the
27 person is convicted of a violation of section 625(3), for

1 operating a vehicle when, due to the consumption of a controlled
2 substance or a combination of intoxicating liquor and a con-
3 trolled substance, the person's ability to operate the vehicle
4 was visibly impaired, the secretary of state shall suspend the
5 person's license under this subdivision for 180 days. The secre-
6 tary of state may issue the person a restricted license during
7 all or a specified portion of the suspension.

8 (c) For 30 days for a violation of section 625(6) if the
9 person has no prior convictions within 7 years. The secretary of
10 state may issue the person a restricted license during all or a
11 specified portion of the suspension.

12 (d) For 90 days for a violation of section 625(6) if the
13 person has 1 or more prior convictions for that offense within 7
14 years.

15 (e) For 180 days for a violation of section 625(7) if the
16 person has no prior convictions within 7 years. The secretary of
17 state may issue the person a restricted license after the first
18 90 days of suspension.

19 (f) For 90 days for a violation of section 625m if the
20 person has no prior convictions within 7 years. The secretary of
21 state may issue the person a restricted license during all or a
22 specified portion of the suspension.

23 (9) FOR A VIOLATION OF SECTION 367C OF THE MICHIGAN PENAL
24 CODE, 1931 PA 328, MCL 750.367C, THE SECRETARY OF STATE SHALL
25 SUSPEND THE PERSON'S LICENSE AS FOLLOWS:

26 (A) IF THE PERSON HAS NO PRIOR CONVICTION FOR AN OFFENSE
27 DESCRIBED IN THIS SUBSECTION WITHIN 7 YEARS, FOR 6 MONTHS.

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

3 (10) ~~-(9)-~~ For a violation of section 315(4), the secretary
4 of state may suspend the person's license for 6 months and shall
5 revoke the person's license for a second or subsequent conviction
6 as required under section 315(5).

7 (11) ~~-(10)-~~ Except as provided in subsection ~~-(12)-~~ (13), a
8 suspension under this section shall be imposed notwithstanding a
9 court order.

10 (12) ~~-(11)-~~ If the secretary of state receives records of
11 more than 1 conviction of a person resulting from the same inci-
12 dent, a suspension shall be imposed only for the violation to
13 which the longest period of suspension applies under this
14 section.

15 (13) ~~-(12)-~~ The secretary of state may waive a suspension of
16 a person's license imposed under this act if the person submits
17 proof that a court in another state revoked, suspended, or
18 restricted his or her license for a period equal to or greater
19 than the period of a suspension prescribed under this act for the
20 violation and that the revocation, suspension, or restriction was
21 served for the violation, or may grant a restricted license.

22 (14) ~~-(13)-~~ The secretary of state shall not issue a
23 restricted license to a person whose license is suspended under
24 this section unless a restricted license is authorized under this
25 section and the person is otherwise eligible for a license.

26 (15) ~~-(14)-~~ The secretary of state shall not issue a
27 restricted license to a person under subsection (8) that would

1 permit the person to operate a commercial motor vehicle that
2 hauls hazardous material.

3 (16) ~~-(15)-~~ A restricted license issued under this section
4 shall permit the person to whom it is issued to drive under 1 or
5 more of the following circumstances:

6 (a) In the course of the person's employment or occupation.

7 (b) To and from any combination of the following:

8 (i) The person's residence.

9 (ii) The person's work location.

10 (iii) An alcohol or drug education or treatment program as
11 ordered by the court.

12 (iv) The court probation department.

13 (v) A court-ordered community service program.

14 (vi) An educational institution at which the person is
15 enrolled as a student.

16 (vii) A place of regularly occurring medical treatment for a
17 serious condition for the person or a member of the person's
18 household or immediate family.

19 (17) ~~-(16)-~~ While driving with a restricted license, the
20 person shall carry proof of his or her destination and the hours
21 of any employment, class, or other reason for traveling and shall
22 display that proof upon a peace officer's request.

23 (18) ~~-(17)-~~ Subject to subsection ~~-(19)-~~ (20), as used in
24 subsection (8), "prior conviction" means a conviction for any of
25 the following, whether under a law of this state, a local ordi-
26 nance substantially corresponding to a law of this state, or a

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

3 (a) Except as provided in subsection ~~-(18)-~~ (19), a viola-
4 tion or attempted violation of section 625(1), (3), (4), (5),
5 (6), or (7), section 625m, former section 625(1) or (2), or
6 former section 625b.

7 (b) Negligent homicide, manslaughter, or murder resulting
8 from the operation of a vehicle or an attempt to commit any of
9 those crimes.

10 (19) ~~-(18)-~~ Except for purposes of the suspensions described
11 in subsection (8)(c) and (d), only 1 violation or attempted vio-
12 lation of section 625(6), a local ordinance substantially corre-
13 sponding to section 625(6), or a law of another state substan-
14 tially corresponding to section 625(6) may be used as a prior
15 conviction.

16 (20) ~~-(19)-~~ If 2 or more convictions described in subsection
17 ~~-(17)-~~ (18) are convictions for violations arising out of the
18 same transaction, only 1 conviction shall be used to determine
19 whether the person has a prior conviction.