

HOUSE BILL No. 4279

February 16, 1999, Introduced by Reps. Thomas, DeHart, Kelly, Daniels, Wojno, Hale, Woodward and Cherry and referred to the Committee on Criminal Law and Corrections.

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 1998 PA 347 and section 319b as amended by 1998 PA 356, and by adding section 626c.

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 (e) A violation of section 703(2) of the Michigan liquor
8 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 within 7 years.

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

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

22 (9) THE SECRETARY OF STATE SHALL SUSPEND THE PERSON'S
23 LICENSE FOR A VIOLATION OF SECTION 626C AS FOLLOWS:

24 (A) FOR 30 DAYS IF THE PERSON HAS NO PRIOR CONVICTIONS UNDER
25 SECTION 626C WITHIN 2 YEARS.

26 (B) FOR 1 YEAR IF THE PERSON HAS 1 OR MORE PRIOR CONVICTIONS
27 UNDER SECTION 626C WITHIN 2 YEARS. THE SECRETARY OF STATE MAY

1 ISSUE THE PERSON A RESTRICTED LICENSE AFTER THE FIRST 120 DAYS OF
2 SUSPENSION.

3 (10) ~~(9)~~ Except as provided in subsection ~~(11)~~ (12), a
4 suspension under this section shall be imposed notwithstanding a
5 court order.

6 (11) ~~(10)~~ If the secretary of state receives records of
7 more than 1 conviction of a person resulting from the same inci-
8 dent, a suspension shall be imposed only for the violation to
9 which the longest period of suspension applies under this
10 section.

11 (12) ~~(11)~~ The secretary of state may waive a suspension of
12 a person's license imposed under this act if the person submits
13 proof that a court in another state revoked, suspended, or
14 restricted his or her license for a period equal to or greater
15 than the period of a suspension prescribed under this act for the
16 violation and that the revocation, suspension, or restriction was
17 served for the violation, or may grant a restricted license.

18 (13) ~~(12)~~ The secretary of state shall not issue a
19 restricted license to a person whose license is suspended under
20 this section unless a restricted license is authorized under this
21 section and the person is otherwise eligible for a license.

22 (14) ~~(13)~~ The secretary of state shall not issue a
23 restricted license to a person under subsection (8) that would
24 permit the person to operate a commercial motor vehicle that
25 hauls hazardous material.

1 (15) ~~-(14)-~~ A restricted license issued under this section
2 shall permit the person to whom it is issued to drive under 1 or
3 more of the following circumstances:

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

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

6 (i) The person's residence.

7 (ii) The person's work location.

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

10 (iv) The court probation department.

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

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

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

17 (16) ~~-(15)-~~ While driving WITH A RESTRICTED LICENSE, the
18 person shall carry proof of his or her destination and the hours
19 of any employment, class, or other reason for traveling and shall
20 display that proof upon a peace officer's request.

21 (17) ~~-(16)-~~ Subject to subsection ~~-(18)-~~ (19), as used in
22 subsection (8), "prior conviction" means a conviction for any of
23 the following, whether under a law of this state, a local ordi-
24 nance substantially corresponding to a law of this state, or a
25 law of another state substantially corresponding to a law of this
26 state:

1 (a) Except as provided in subsection ~~(17)~~ (18), a
2 violation or attempted violation of section 625(1), (3), (4),
3 (5), (6), or (7), section 625m, former section 625(1) or (2), or
4 former section 625b.

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

8 (18) ~~(17)~~ Except for purposes of the suspensions described
9 in subsection (8)(c) and (d), only 1 violation or attempted vio-
10 lation of section 625(6), a local ordinance substantially corre-
11 sponding to section 625(6), or a law of another state substan-
12 tially corresponding to section 625(6) may be used as a prior
13 conviction.

14 (19) ~~(18)~~ If 2 or more convictions described in subsection
15 ~~(16)~~ (17) are convictions for violations arising out of the
16 same transaction, only 1 conviction shall be used to determine
17 whether the person has a prior conviction.

18 Sec. 319b. (1) The secretary of state shall immediately
19 suspend or revoke, as applicable, all vehicle group designations
20 on the operator's or chauffeur's license of a person upon receiv-
21 ing notice of a conviction, bond forfeiture, or civil infraction
22 determination of the person, or notice that a court or adminis-
23 trative tribunal has found the person responsible, for a viola-
24 tion described in this subsection of a law of this state, a local
25 ordinance substantially corresponding to a law of this state, or
26 a law of another state substantially corresponding to a law of
27 this state, or notice that the person has refused to submit to a

1 chemical test of his or her blood, breath, or urine for the
2 purpose of determining the amount of alcohol or presence of a
3 controlled substance or both in the person's blood, breath, or
4 urine while the person was operating a commercial motor vehicle
5 as required by a law or local ordinance of this or another
6 state. The period of suspension or revocation is as follows:

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

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

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

17 (i) A violation of section 625(1), (3), (4), (5), (6), or
18 (7), section 625m, or former section 625(1) or (2), or former
19 section 625b, or a local ordinance substantially corresponding to
20 section 625(1) or (3), section 625m, or former section 625(1) or
21 (2), or former section 625b, or a law of another state substan-
22 tially corresponding to section 625(1), (3), (4), (5), (6), or
23 (7), section 625m, or former section 625(1) or (2), or former
24 section 625b, while operating a commercial motor vehicle.

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

1 (iii) A felony in which a commercial motor vehicle was
2 used.

3 (iv) A refusal of a peace officer's request to submit to a
4 chemical test of his or her blood, breath, or urine to determine
5 the amount of alcohol or presence of a controlled substance or
6 both in his or her blood, breath, or urine while he or she was
7 operating a commercial motor vehicle as required by a law or
8 local ordinance of this state or another state.

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

11 (d) Suspension for 3 years if the licensee is convicted of
12 or found responsible for an offense enumerated in subdivision
13 (c)(i) to (v) in which a commercial motor vehicle was used if the
14 vehicle was carrying hazardous material required to have a plac-
15 ard pursuant to 49 C.F.R. parts 100 to 199.

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

20 (i) Any combination of 2 violations arising from 2 or more
21 separate incidents under section 625(1), (3), (4), (5), (6), or
22 (7), section 625m, or former section 625(1) or (2), or former
23 section 625b, a local ordinance substantially corresponding to
24 section 625(1) or (3), section 625m, or former section 625(1) or
25 (2), or former section 625b, or a law of another state substan-
26 tially corresponding to section 625(1), (3), (4), (5), (6), or

1 (7), section 625m, or former section 625(1) or (2), or former
2 section 625b while driving a commercial motor vehicle.

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

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

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

13 (v) Two 6-point violations as provided in section 320a while
14 operating a commercial motor vehicle.

15 (vi) Two violations, in any combination, of the offenses
16 enumerated under subparagraph (i), (ii), (iii), (iv), or (v)
17 arising from 2 or more separate incidents.

18 (f) Revocation for life if a licensee is convicted of or
19 found responsible for any of the following:

20 (i) One violation of a felony in which a commercial motor
21 vehicle was used and that involved the manufacture, distribution,
22 or dispensing of a controlled substance or possession with intent
23 to manufacture, distribute, or dispense a controlled substance.

24 (ii) A conviction of any offense described in
25 subdivision (c) or (d) after having been approved for the issu-
26 ance of a vehicle group designation under subdivision (e).

1 (2) The secretary of state shall immediately suspend all
2 vehicle group designations on the operator's or chauffeur's
3 license of a person upon receiving notice of a conviction, bond
4 forfeiture, or civil infraction determination of the person, or
5 notice that a court or administrative tribunal has found the
6 person responsible, for a violation of section 319d(4) or 319f, a
7 local ordinance substantially corresponding to section 319d(4) or
8 319f, or a law or local ordinance of another state, the United
9 States, Canada, Mexico, or a local jurisdiction of either of
10 these countries substantially corresponding to section 319d(4) or
11 319f, while operating a commercial motor vehicle as defined in
12 section 7a. The period of suspension or revocation is as
13 follows:

14 (a) Suspension for 90 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.

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

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

1 (d) Suspension for 3 years if the licensee is convicted of
2 or found responsible for 3 or more violations, in any combina-
3 tion, of section 319d(4) or 319f while operating a commercial
4 motor vehicle arising from 3 or more separate incidents during a
5 10-year period.

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

13 (3) As used in this section:

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

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

20 (ii) The vehicle was used to transport a victim of the
21 felony.

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

23 (iv) The vehicle was necessary for the commission of the
24 felony.

25 (b) "Serious traffic violation" means a traffic violation
26 that occurs in connection with an accident in which a person
27 died, careless driving, AGGRESSIVE DRIVING AS PROVIDED IN

1 SECTION 626C, excessive speeding as defined in the federal
2 administrative regulations promulgated to implement the commer-
3 cial motor vehicle safety act of 1986, title XII of Public Law
4 99-570, 100 Stat. 3207-170, improper lane use, following too
5 closely, or any other serious traffic violation as defined in 49
6 C.F.R. 383.5 or as prescribed under this act.

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

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

18 (6) When determining the applicability of conditions listed
19 in this section, the secretary of state shall only consider vio-
20 lations that occurred after January 1, 1990.

21 SEC. 626C. (1) A PERSON WHO COMMITS 2 OR MORE OF THE FOL-
22 LOWING DURING A SINGLE CONTINUOUS PERIOD OF DRIVING IS GUILTY OF
23 AGGRESSIVE DRIVING:

24 (A) RECKLESS DRIVING UNDER SECTION 626.

25 (B) CARELESS DRIVING UNDER SECTION 626B.

26 (C) VIOLATION OF A SPEED LIMIT ESTABLISHED UNDER
27 SECTION 627, 627A, 628, OR 629.

1 (D) FAILURE TO OBEY A TRAFFIC CONTROL DEVICE AS PROVIDED IN
2 SECTION 611.

3 (E) FOLLOWING ANOTHER VEHICLE TOO CLOSELY AS DESCRIBED IN
4 SECTION 643.

5 (F) OVERTAKING AND PASSING A VEHICLE ON THE RIGHT BY DRIVING
6 OFF THE PAVEMENT OR MAIN-TRAVELED PORTION OF THE ROADWAY AS PRO-
7 VIDED IN SECTION 637(2).

8 (G) FAILURE TO YIELD THE RIGHT-OF-WAY AS DESCRIBED IN
9 SECTION 649.

10 (H) IMPROPER LANE CHANGES IN VIOLATION OF SECTION 642.

11 (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDE-
12 MEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 180 DAYS OR A
13 FINE OF NOT MORE THAN \$2,500.00, OR BOTH.

14 (3) THE COURT SHALL ORDER A PERSON CONVICTED OF A VIOLATION
15 OF THIS SECTION TO ATTEND AND SUCCESSFULLY COMPLETE REVIEW SES-
16 SIONS COMPOSED OF BOTH CLASSROOM AND BEHIND-THE-WHEEL TIME PERI-
17 ODS DESIGNED TO IMPROVE THE SAFETY AND HABITS OF DRIVERS AS
18 DEVELOPED BY THE SECRETARY OF STATE.

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