

SENATE BILL No. 394

April 23, 2003, Introduced by Senators SANBORN, CROPSEY, PATTERSON, KUIPERS,
BISHOP, GARCIA, BIRKHOLZ and CASSIS 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 2002 PA
534.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 319. (1) The secretary of state shall immediately
2 suspend a person's license as provided in this section upon
3 receiving a record of the person's conviction for a crime
4 described in this section, whether the conviction is under a law
5 of this state, a local ordinance substantially corresponding to a
6 law of this state, or a law of another state substantially
7 corresponding to a law of this state.

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

10 (a) Fraudulently altering or forging documents pertaining to

1 motor vehicles in violation of section 257.

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

4 (c) A violation of section 1 of former 1931 PA 214,
5 MCL 752.191, or section 626c.

6 (d) A felony in which a motor vehicle was used. As used in
7 this section, "felony in which a motor vehicle was used" means a
8 felony during the commission of which the person convicted
9 operated a motor vehicle and while operating the vehicle
10 presented real or potential harm to persons or property and 1 or
11 more of the following circumstances existed:

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

13 (ii) The vehicle was used to transport a victim of the
14 felony.

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

16 (iv) The vehicle was necessary for the commission of the
17 felony.

18 (e) A violation of section 602a(2) or (3) of this act or
19 section 479a(2) or (3) of the Michigan penal code, 1931 PA 328,
20 MCL 750.479a.

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

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

25 (b) A violation of section 601b(2), section 601c(1), section
26 626, or section 653a(3).

27 (c) Malicious destruction resulting from the operation of a

1 vehicle under section 382(1)(b), (c), or (d) of the Michigan
2 penal code, 1931 PA 328, MCL 750.382.

3 (d) A violation of section 703(2) of the Michigan liquor
4 control code of 1998, 1998 PA 58, MCL 436.1703.

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

9 (5) For perjury or making a false certification to the
10 secretary of state under any law requiring the registration of a
11 motor vehicle or regulating the operation of a vehicle on a
12 highway, or for conduct prohibited under section 324(1) or a
13 local ordinance substantially corresponding to section 324(1),
14 the secretary shall suspend the person's license as follows:

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

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

19 (6) For a violation of section 414 of the Michigan penal
20 code, 1931 PA 328, MCL 750.414, the secretary of state shall
21 suspend the person's license as follows:

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

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

26 (7) For a violation of section 624a or 624b of this act or
27 section 703(1) of the Michigan liquor control code of 1998, 1998

1 PA 58, MCL 436.1703, the secretary of state shall suspend the
2 person's license as follows:

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

8 (b) If the person has 2 or more prior convictions for an
9 offense described in this subsection or section 33b(1) of former
10 1933 (Ex Sess) PA 8, for 1 year. The secretary of state may
11 issue the person a restricted license after the first 60 days of
12 suspension.

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

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

21 (b) For 90 days for a violation of section 625(3) if the
22 person has no prior convictions within 7 years. However, if the
23 person is convicted of a violation of section 625(3), for
24 operating a vehicle when, due to the consumption of a controlled
25 substance or a combination of intoxicating liquor and a
26 controlled substance, the person's ability to operate the vehicle
27 was visibly impaired, the secretary of state shall suspend the

1 person's license under this subdivision for 180 days. The
2 secretary of state may issue the person a restricted license
3 during all or a specified portion of the suspension.

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

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

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

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

19 (9) For a violation of section 367c of the Michigan penal
20 code, 1931 PA 328, MCL 750.367c, the secretary of state shall
21 suspend the person's license as follows:

22 (a) If the person has no prior conviction for an offense
23 described in this subsection within 7 years, for 6 months.

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

26 (10) For a violation of section 315(4), the secretary of
27 state may suspend the person's license for 6 months.

1 (11) For a violation or attempted violation of
2 section 411a(2) of the Michigan penal code, 1931 PA 328,
3 MCL 750.411a, involving a school, the secretary of state shall
4 suspend the license of a person 14 years of age or over but less
5 than 21 years of age until 3 years after the date of the
6 conviction or juvenile disposition for the violation. The
7 secretary of state may issue the person a restricted license
8 after the first 365 days of suspension.

9 (12) Except as provided in subsection (14), a suspension
10 under this section shall be imposed notwithstanding a court order
11 unless the court order complies with section 323.

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

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

24 (15) The secretary of state shall not issue a restricted
25 license to a person whose license is suspended under this section
26 unless a restricted license is authorized under this section and
27 the person is otherwise eligible for a license.

1 (16) The secretary of state shall not issue a restricted
2 license to a person under subsection (8) that would permit the
3 person to operate a commercial motor vehicle that transports
4 hazardous material in amounts requiring a placard under the
5 hazardous materials regulations, 49 C.F.R. parts 100 to 199.

6 (17) A restricted license issued under this section shall
7 permit the person to whom it is issued to drive under 1 or more
8 of the following circumstances:

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

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

11 (i) The person's residence.

12 (ii) The person's work location.

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

15 (iv) The court probation department.

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

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

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

22 (18) While driving with a restricted license, the person
23 shall carry proof of his or her destination and the hours of any
24 employment, class, or other reason for traveling and shall
25 display that proof upon a peace officer's request.

26 (19) Subject to subsection (21), as used in subsection (8),
27 "prior conviction" means a conviction for any of the following,

1 whether under a law of this state, a local ordinance
2 substantially corresponding to a law of this state, or a law of
3 another state substantially corresponding to a law of this
4 state:

5 (a) Except as provided in subsection (20), a violation or
6 attempted violation of section 625(1), (3), (4), (5), (6), or
7 (7), section 625m, former section 625(1) or (2), or former
8 section 625b.

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

12 (20) Except for purposes of the suspensions described in
13 subsection (8)(c) and (d), only 1 violation or attempted
14 violation of section 625(6), a local ordinance substantially
15 corresponding to section 625(6), or a law of another state
16 substantially corresponding to section 625(6) may be used as a
17 prior conviction.

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

22 **(22) The secretary of state shall suspend the operator's or**
23 **chauffeur's license of an individual who is less than 21 years of**
24 **age and who has either been convicted of or who has a juvenile**
25 **disposition for violating section 703(1) of the Michigan liquor**
26 **control code of 1998, 1998 PA 58, MCL 436.1703, as follows:**

27 (a) For a first offense, a suspension for 30 days.

1 (b) For a second offense, a suspension for 90 days.

2 (c) For a third or subsequent offense, a suspension for 1
3 year.