

# HOUSE BILL No. 4614

March 18, 2009, Introduced by Reps. Dean, Robert Jones, Bettie Scott, Lindberg, Hammel, Bennett, Gregory, LeBlanc, Leland, Johnson, Ebli, Roy Schmidt, Valentine, Durhal, Cushingberry and McDowell and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending sections 319 and 319b (MCL 257.319 and 257.319b), as  
amended by 2008 PA 463, and by adding section 626d.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 319. (1) The secretary of state shall immediately suspend  
2 a person's license as provided in this section upon receiving a  
3 record of the person's conviction for a crime described in this  
4 section, whether the conviction is under a law of this state, a  
5 local ordinance substantially corresponding to a law of this state,  
6 a law of another state substantially corresponding to a law of this  
7 state, or, **BEGINNING OCTOBER 31, 2010**, a law of the United States  
8 substantially corresponding to a law of this state.

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

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

5           (b) A violation of section 413 of the Michigan penal code,  
6 1931 PA 328, MCL 750.413.

7           (c) A violation of section 1 of former 1931 PA 214, MCL  
8 752.191, or section 626c.

9           (d) 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 operated  
12 a motor vehicle and while operating the vehicle presented real or  
13 potential harm to persons or property and 1 or more of the  
14 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 felony.

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

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

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

23           (f) ~~A—BEGINNING OCTOBER 31, 2010, A~~ violation of section 601d.

24           (3) The secretary of state shall suspend the person's license  
25 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) A violation of section 601b(2), section 601c(1), section  
2 **653A(3), SECTION 626 BEFORE OCTOBER 31, 2010, OR, BEGINNING OCTOBER**  
3 **31, 2010, SECTION 626(2).** ~~, or section 653a(3).~~

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

7 (d) 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 license  
10 for 30 days for malicious destruction resulting from the operation  
11 of a vehicle under section 382(1)(a) of the Michigan penal code,  
12 1931 PA 328, MCL 750.382.

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

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

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

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

26 (a) If the person has no prior conviction for that offense  
27 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 PA  
5 58, MCL 436.1703, the secretary of state shall suspend the person's  
6 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 suspension.

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

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

18 (a) For 180 days for a violation of section **625(1) OR (8)**  
19 **BEFORE OCTOBER 31, 2010 OR, BEGINNING OCTOBER 31, 2010, SECTION**  
20 625(1)(a) or (b) or (8) if the person has no prior convictions  
21 within 7 years. The secretary of state may issue the person a  
22 restricted license during a specified portion of the suspension,  
23 except that the secretary of state shall not issue a restricted  
24 license during the first 30 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 operating

1 a vehicle when, due to the consumption of a controlled substance or  
2 a combination of alcoholic liquor and a controlled substance, the  
3 person's ability to operate the vehicle was visibly impaired, the  
4 secretary of state shall suspend the person's license under this  
5 subdivision for 180 days. The secretary of state may issue the  
6 person a restricted license during all or a specified portion of  
7 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 90  
18 days of suspension.

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

23 (g) ~~For~~**BEGINNING OCTOBER 31, 2010, FOR** 1 year for a violation  
24 of section 625(1)(c) if the person has no prior convictions within  
25 7 years or not more than 2 convictions within 10 years. The  
26 secretary of state may issue the person a restricted license,  
27 except that the secretary of state shall not issue a restricted

1 license during the first 45 days of suspension.

2 (h) ~~The~~**BEGINNING OCTOBER 31, 2010, THE** department shall order  
3 a person convicted of violating section 625(1)(c) not to operate a  
4 motor vehicle under a restricted license issued under subdivision  
5 (g) unless the vehicle is equipped with an ignition interlock  
6 device approved, certified, and installed as required under  
7 sections 625k and 625l. The ignition interlock device may be removed  
8 after the interlock device provider provides the department with  
9 verification that the person has operated the vehicle with no  
10 instances of reaching or exceeding a blood alcohol level of 0.025  
11 grams per 210 liters of breath.

12 (i) ~~If~~**BEGINNING OCTOBER 31, 2010, IF** an individual violates  
13 the conditions of the restricted license issued under subdivision  
14 (g) or operates or attempts to operate a motor vehicle with a blood  
15 alcohol level of 0.025 grams per 210 liters of breath, the  
16 secretary of state shall impose an additional like period of  
17 suspension and restriction as prescribed under subdivision (g).  
18 This subdivision does not apply to a start-up test failure within  
19 the first 2 months after installation of the ignition interlock  
20 device. As used in this subdivision, "start-up test failure" means  
21 that term as defined in R 257.313a of the Michigan administrative  
22 code.

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

5 (11) FOR A VIOLATION OF SECTION 626D, THE SECRETARY OF STATE  
6 SHALL SUSPEND THE PERSON'S LICENSE AS FOLLOWS:

7 (A) FOR 30 DAYS IF THE PERSON HAS NO PRIOR CONVICTIONS UNDER  
8 SECTION 626D WITHIN 2 YEARS. THE SECRETARY SHALL NOT ISSUE A  
9 RESTRICTED LICENSE TO A PERSON UNDER THIS SUBDIVISION.

10 (B) FOR 1 YEAR IF THE PERSON HAS 1 OR MORE PRIOR CONVICTIONS  
11 UNDER SECTION 626D WITHIN 2 YEARS. THE SECRETARY OF STATE MAY ISSUE  
12 THE PERSON A RESTRICTED LICENSE AFTER THE FIRST 120 DAYS OF  
13 SUSPENSION.

14 (12) ~~(11)~~—For a violation or attempted violation of section  
15 411a(2) of the Michigan penal code, 1931 PA 328, MCL 750.411a,  
16 involving a school, the secretary of state shall suspend the  
17 license of a person 14 years of age or over but less than 21 years  
18 of age until 3 years after the date of the conviction or juvenile  
19 disposition for the violation. The secretary of state may issue the  
20 person a restricted license after the first 365 days of suspension.

21 (13) ~~(12)~~—Except as provided in subsection ~~(14)~~—(15), a  
22 suspension under this section shall be imposed notwithstanding a  
23 court order unless the court order complies with section 323.

24 (14) ~~(13)~~—If the secretary of state receives records of more  
25 than 1 conviction of a person resulting from the same incident, a  
26 suspension shall be imposed only for the violation to which the  
27 longest period of suspension applies under this section.

1           (15) ~~(14)~~—The secretary of state may waive a restriction,  
2 suspension, or revocation of a person's license imposed under this  
3 act if the person submits proof that a court in another state  
4 revoked, suspended, or restricted his or her license for a period  
5 equal to or greater than the period of a restriction, suspension,  
6 or revocation prescribed under this act for the violation and that  
7 the revocation, suspension, or restriction was served for the  
8 violation, or may grant a restricted license.

9           (16) ~~(15)~~—The secretary of state shall not issue a restricted  
10 license to a person whose license is suspended under this section  
11 unless a restricted license is authorized under this section and  
12 the person is otherwise eligible for a license.

13           (17) ~~(16)~~—The secretary of state shall not issue a restricted  
14 license to a person under subsection (8) that would permit the  
15 person to operate a commercial motor vehicle.

16           (18) ~~(17)~~—Except as provided in subsection ~~(16)~~—(17), a  
17 restricted license issued under this section shall permit the  
18 person to whom it is issued to take any driving skills test  
19 required by the secretary of state and to operate a vehicle under 1  
20 or more of the following circumstances:

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

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

23           (i) The person's residence.

24           (ii) The person's work location.

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

27           (iv) The court probation department.

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

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

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

7 (19) ~~(18)~~ While driving with a restricted license, the person  
8 shall carry proof of his or her destination and the hours of any  
9 employment, class, or other reason for traveling and shall display  
10 that proof upon a peace officer's request.

11 (20) ~~(19)~~ Subject to subsection ~~(21)~~ (22), as used in  
12 subsection (8), "prior conviction" means a conviction for any of  
13 the following, whether under a law of this state, a local ordinance  
14 substantially corresponding to a law of this state, or a law of  
15 another state substantially corresponding to a law of this state:

16 (a) Except as provided in subsection ~~(20)~~ (21), a violation or  
17 attempted violation of any of the following:

18 (i) Section 625, except a violation of section 625(2), or a  
19 violation of any prior enactment of section 625 in which the  
20 defendant operated a vehicle while under the influence of  
21 intoxicating or alcoholic liquor or a controlled substance, or a  
22 combination of intoxicating or alcoholic liquor and a controlled  
23 substance, or while visibly impaired, or with an unlawful bodily  
24 alcohol content.

25 (ii) Section 625m.

26 (iii) Former section 625b.

27 (b) Negligent homicide, manslaughter, or murder resulting from

1 the operation of a vehicle or an attempt to commit any of those  
2 crimes.

3 (c) ~~A-BEGINNING OCTOBER 31, 2010, A~~ violation of section 601d  
4 or section 626(3) or (4).

5 (21) ~~(20)~~—Except for purposes of the suspensions described in  
6 subsection (8)(c) and (d), only 1 violation or attempted violation  
7 of section 625(6), a local ordinance substantially corresponding to  
8 section 625(6), or a law of another state substantially  
9 corresponding to section 625(6) may be used as a prior conviction.

10 (22) ~~(21)~~—If 2 or more convictions described in subsection  
11 ~~(19)~~—(20) are convictions for violations arising out of the same  
12 transaction, only 1 conviction shall be used to determine whether  
13 the person has a prior conviction.

14 Sec. 319b. (1) The secretary of state shall immediately  
15 suspend or revoke, as applicable, all vehicle group designations on  
16 the operator's or chauffeur's license of a person upon receiving  
17 notice of a conviction, bond forfeiture, or civil infraction  
18 determination of the person, or notice that a court or  
19 administrative tribunal has found the person responsible, for a  
20 violation described in this subsection of a law of this state, a  
21 local ordinance substantially corresponding to a law of this state  
22 while the person was operating a commercial motor vehicle, or a law  
23 of another state substantially corresponding to a law of this  
24 state, or notice that the person has refused to submit to a  
25 chemical test of his or her blood, breath, or urine for the purpose  
26 of determining the amount of alcohol or presence of a controlled  
27 substance or both in the person's blood, breath, or urine while the

1 person was operating a commercial motor vehicle as required by a  
2 law or local ordinance of this or another state. The period of  
3 suspension or revocation is as follows:

4 (a) Suspension for 60 days if the person is convicted of or  
5 found responsible for 1 of the following while operating a  
6 commercial motor vehicle:

7 (i) Two serious traffic violations arising from separate  
8 incidents within 36 months.

9 (ii) A violation of section 667, 668, 669, or 669a.

10 (iii) A violation of motor carrier safety regulations 49 CFR  
11 392.10 or 392.11, as adopted by section 1a of the motor carrier  
12 safety act of 1963, 1963 PA 181, MCL 480.11a.

13 (iv) A violation of section 57 of the pupil transportation act,  
14 1990 PA 187, MCL 257.1857.

15 (v) A violation of motor carrier safety regulations 49 CFR  
16 392.10 or 392.11, as adopted by section 31 of the motor bus  
17 transportation act, 1982 PA 432, MCL 474.131.

18 (vi) A violation of motor carrier safety regulations 49 CFR  
19 392.10 or 392.11 while operating a commercial motor vehicle other  
20 than a vehicle covered under subparagraph (iii), (iv), or (v).

21 (b) Suspension for 120 days if the person is convicted of or  
22 found responsible for 1 of the following arising from separate  
23 incidents within 36 months while operating a commercial motor  
24 vehicle:

25 (i) Three serious traffic violations.

26 (ii) Any combination of 2 violations described in subdivision  
27 (a) (ii).

1 (c) Suspension for 1 year if the person is convicted of or  
2 found responsible for 1 of the following:

3 (i) A violation of section 625(1), (3), (4), (5), (6), (7), or  
4 (8), section 625m, or former section 625(1) or (2), or former  
5 section 625b, while operating a commercial or noncommercial motor  
6 vehicle.

7 (ii) Leaving the scene of an accident involving a commercial or  
8 noncommercial motor vehicle operated by the person.

9 (iii) Except for a felony described in 49 CFR 383.51(b)(9), a  
10 felony in which a commercial or noncommercial motor vehicle was  
11 used.

12 (iv) A refusal of a peace officer's request to submit to a  
13 chemical test of his or her blood, breath, or urine to determine  
14 the amount of alcohol or presence of a controlled substance or both  
15 in his or her blood, breath, or urine while he or she was operating  
16 a commercial or noncommercial motor vehicle as required by a law or  
17 local ordinance of this state or another state.

18 (v) Effective October 1, 2005, operating a commercial motor  
19 vehicle in violation of a suspension, revocation, denial, or  
20 cancellation that was imposed for previous violations committed  
21 while operating a commercial motor vehicle.

22 (vi) Effective October 1, 2005, causing a fatality through the  
23 negligent or criminal operation of a commercial motor vehicle,  
24 including, but not limited to, the crimes of motor vehicle  
25 manslaughter, motor vehicle homicide, and negligent homicide.

26 (vii) A 6-point violation as provided in section 320a while  
27 operating a commercial motor vehicle.

1           (viii) Any combination of 3 violations described in subdivision  
2 (a) (ii) arising from separate incidents within 36 months while  
3 operating a commercial motor vehicle.

4           (d) Suspension for 3 years if the person is convicted of or  
5 found responsible for an offense enumerated in subdivision (c) (i) to  
6 (vii) in which a commercial motor vehicle was used if the vehicle was  
7 carrying hazardous material required to have a placard under 49 CFR  
8 parts 100 to 199.

9           (e) Revocation for life, but with eligibility for reissue of a  
10 group vehicle designation after not less than 10 years and after  
11 approval by the secretary of state, if the person is convicted of  
12 or found responsible for 2 violations or a combination of any 2  
13 violations arising from 2 or more separate incidents involving any  
14 of the following:

15           (i) Section 625(1), (3), (4), (5), (6), (7), or (8), section  
16 625m, or former section 625(1) or (2), or former section 625b,  
17 while operating a commercial or noncommercial motor vehicle.

18           (ii) Leaving the scene of an accident involving a commercial or  
19 noncommercial motor vehicle operated by the licensee.

20           (iii) Except for a felony described in 49 CFR 383.51(b) (9), a  
21 felony in which a commercial or noncommercial motor vehicle was  
22 used.

23           (iv) A refusal of a request of a police officer to submit to a  
24 chemical test of his or her blood, breath, or urine for the purpose  
25 of determining the amount of alcohol or presence of a controlled  
26 substance or both in his or her blood while he or she was operating  
27 a commercial or noncommercial motor vehicle in this state or

1 another state.

2 (v) Effective October 1, 2005, operating a commercial motor  
3 vehicle in violation of a suspension, revocation, denial, or  
4 cancellation that was imposed for previous violations committed  
5 while operating a commercial motor vehicle.

6 (vi) Effective October 1, 2005, causing a fatality through the  
7 negligent or criminal operation of a commercial motor vehicle,  
8 including, but not limited to, the crimes of motor vehicle  
9 manslaughter, motor vehicle homicide, and negligent homicide.

10 (vii) Six-point violations as provided in section 320a while  
11 operating a commercial motor vehicle.

12 (f) Revocation for life if a person is convicted of or found  
13 responsible for any of the following:

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

18 (ii) A conviction of any offense described in subdivision (c)  
19 or (d) after having been approved for the reissuance of a vehicle  
20 group designation under subdivision (e).

21 (iii) A conviction of a violation of chapter LXXXIII-A of the  
22 Michigan penal code, 1931 PA 328, MCL 750.543a to 750.543z.

23 (2) The secretary of state shall immediately deny, cancel, or  
24 revoke a hazardous material indorsement on the operator's or  
25 chauffeur's license of a person with a vehicle group designation  
26 upon receiving notice from a federal government agency that the  
27 person poses a security risk warranting denial, cancellation, or

1 revocation under the uniting and strengthening America by providing  
2 appropriate tools required to intercept and obstruct terrorism (USA  
3 PATRIOT ACT) act of 2001, Public Law 107-56. The denial,  
4 cancellation, or revocation cannot be appealed under section 322 or  
5 323 and remains in effect until the secretary of state receives a  
6 federal government notice that the person does not pose a security  
7 risk in the transportation of hazardous materials.

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

20 (a) Suspension for 90 days if the person is convicted of or  
21 found responsible for a violation of section 319d(4) or 319f while  
22 operating a commercial motor vehicle.

23 (b) Suspension for 180 days if the person is convicted of or  
24 found responsible for a violation of section 319d(4) or 319f while  
25 operating a commercial motor vehicle that is either carrying  
26 hazardous material required to have a placard under 49 CFR parts  
27 100 to 199 or designed to carry 16 or more passengers, including

1 the driver.

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

6 (d) Suspension for 3 years if the person is convicted of or  
7 found responsible for 3 or more violations, in any combination, of  
8 section 319d(4) or 319f while operating a commercial motor vehicle  
9 arising from 3 or more separate incidents during a 10-year period.

10 (e) Suspension for 3 years if the person is convicted of or  
11 found responsible for 2 or more violations, in any combination, of  
12 section 319d(4) or 319f while operating a commercial motor vehicle  
13 carrying hazardous material required to have a placard under 49 CFR  
14 parts 100 to 199, or designed to carry 16 or more passengers,  
15 including the driver, arising from 2 or more separate incidents  
16 during a 10-year period.

17 (4) The secretary of state shall suspend or revoke, as  
18 applicable, any privilege to operate a commercial motor vehicle as  
19 directed by the federal government or its designee.

20 (5) For the purpose of this section only, a bond forfeiture or  
21 a determination by a court of original jurisdiction or an  
22 authorized administrative tribunal that a person has violated the  
23 law is considered a conviction.

24 (6) The secretary of state shall suspend or revoke a vehicle  
25 group designation under subsection (1) or deny, cancel, or revoke a  
26 hazardous material indorsement under subsection (2) notwithstanding  
27 a suspension, restriction, revocation, or denial of an operator's

1 or chauffeur's license or vehicle group designation under another  
2 section of this act or a court order issued under another section  
3 of this act or a local ordinance substantially corresponding to  
4 another section of this act.

5 (7) A conviction, bond forfeiture, or civil infraction  
6 determination, or notice that a court or administrative tribunal  
7 has found a person responsible for a violation described in this  
8 subsection while the person was operating a noncommercial motor  
9 vehicle counts against the person who holds a license to operate a  
10 commercial motor vehicle the same as if the person had been  
11 operating a commercial motor vehicle at the time of the violation.  
12 For the purpose of this subsection, a noncommercial motor vehicle  
13 does not include a recreational vehicle used off-road. This  
14 subsection applies to the following state law violations or a local  
15 ordinance substantially corresponding to any of those violations or  
16 a law of another state or out-of-state jurisdiction substantially  
17 corresponding to any of those violations:

18 (a) Operating a vehicle in violation of section 625.

19 (b) Refusing to submit to a chemical test of his or her blood,  
20 breath, or urine for the purpose of determining the amount of  
21 alcohol or the presence of a controlled substance or both in the  
22 person's blood, breath, or urine as required by a law or local  
23 ordinance of this or another state.

24 (c) Leaving the scene of an accident.

25 (d) Using a vehicle to commit a felony.

26 (8) When determining the applicability of conditions listed in  
27 this section, the secretary of state shall consider only violations

1 that occurred after January 1, 1990.

2 (9) When determining the applicability of conditions listed in  
3 subsection (1)(a) or (b), the secretary of state shall count only  
4 from incident date to incident date.

5 (10) As used in this section:

6 (a) "Felony in which a commercial motor vehicle was used"  
7 means a felony during the commission of which the person convicted  
8 operated a commercial motor vehicle and while the person was  
9 operating the vehicle 1 or more of the following circumstances  
10 existed:

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

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

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

14 (iv) The vehicle was necessary for the commission of the  
15 felony.

16 (b) "Serious traffic violation" means any of the following:

17 (i) A traffic violation that occurs in connection with an  
18 accident in which a person died.

19 (ii) Careless driving.

20 **(iii) AGGRESSIVE DRIVING AS PROVIDED IN SECTION 626D.**

21 (iv) ~~(iii)~~ Excessive speeding as defined in regulations  
22 promulgated under 49 USC 31301 to 31317.

23 (v) ~~(iv)~~ Improper lane use.

24 (vi) ~~(v)~~ Following too closely.

25 (vii) ~~(vi)~~ Effective October 1, 2005, driving a commercial motor  
26 vehicle without obtaining any vehicle group designation on the  
27 person's license.

1           (viii) ~~(vii)~~—Effective October 1, 2005, driving a commercial  
2 motor vehicle without either having an operator's or chauffeur's  
3 license in the person's possession or providing proof to the court,  
4 not later than the date by which the person must appear in court or  
5 pay a fine for the violation, that the person held a valid vehicle  
6 group designation and indorsement on the date that the citation was  
7 issued.

8           (ix) ~~(viii)~~—Effective October 1, 2005, driving a commercial motor  
9 vehicle while in possession of an operator's or chauffeur's license  
10 that has a vehicle group designation but does not have the  
11 appropriate vehicle group designation or indorsement required for  
12 the specific vehicle group being operated or the passengers or type  
13 of cargo being transported.

14           (x) ~~(ix)~~—Any other serious traffic violation as defined in 49  
15 CFR 383.5 or as prescribed under this act.

16           **SEC. 626D. (1) A PERSON WHO COMMITS 2 OR MORE OF THE FOLLOWING**  
17 **DURING A SINGLE CONTINUOUS PERIOD OF DRIVING IS GUILTY OF**  
18 **AGGRESSIVE DRIVING:**

19           **(A) FAILURE TO OBEY A TRAFFIC CONTROL DEVICE AS PROVIDED IN**  
20 **SECTION 611.**

21           **(B) RECKLESS DRIVING UNDER SECTION 626.**

22           **(C) CARELESS DRIVING UNDER SECTION 626B.**

23           **(D) VIOLATION OF A SPEED LIMIT ESTABLISHED UNDER SECTION 627,**  
24 **627A, 628, OR 629.**

25           **(E) OVERTAKING AND PASSING A VEHICLE ON THE RIGHT BY DRIVING**  
26 **OFF THE PAVEMENT OR MAIN-TRAVELED PORTION OF THE ROADWAY AS**  
27 **PROVIDED IN SECTION 637(2).**

1 (F) IMPROPER LANE CHANGES IN VIOLATION OF SECTION 642.

2 (G) FOLLOWING ANOTHER VEHICLE TOO CLOSELY AS DESCRIBED IN  
3 SECTION 643.

4 (H) FAILURE TO YIELD THE RIGHT-OF-WAY AS DESCRIBED IN SECTION  
5 649.

6 (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A  
7 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 180 DAYS  
8 OR A FINE OF NOT MORE THAN \$2,500.00, OR BOTH.

9 (3) THE COURT SHALL ORDER A PERSON CONVICTED OF A VIOLATION OF  
10 THIS SECTION TO ATTEND AND SUCCESSFULLY COMPLETE REVIEW SESSIONS  
11 COMPOSED OF BOTH CLASSROOM AND BEHIND-THE-WHEEL TIME PERIODS  
12 DESIGNED TO IMPROVE THE SAFETY AND HABITS OF DRIVERS AS DEVELOPED  
13 BY THE SECRETARY OF STATE.