

HOUSE BILL NO. 4390

April 24, 2025, Introduced by Reps. BeGole, Rogers, Prestin, Rigas, Borton, Woolford, Harris, Mueller, St. Germaine, Schmaltz, DeBoyer, Meerman, Outman, Neyer, Mentzer, Longjohn, Wortz, Markkanen, Wozniak, McFall, Robinson, Steele, Fairbairn, Bruck, Scott, T. Carter, Aragona, Rheingans, Miller, Linting, VanderWall, Greene and Kunse and referred to Committee on Government Operations.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 43b and 319b (MCL 257.43b and 257.319b),
section 43b as added by 2016 PA 243 and section 319b as amended by
2023 PA 39, and by adding section 36d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 36d. "Other bodily fluid" means fluid from the human body**
2 **capable of revealing the presence of controlled substances or their**
3 **metabolites including, but not limited to, oral fluid.**

1 Sec. 43b. "Preliminary oral fluid analysis" means the on-site
2 taking of a preliminary oral fluid test, performed by a ~~certified~~
3 ~~drug recognition expert, as that term is defined in section 625t,~~
4 **peace officer**, from the oral fluid of a person for the purpose of
5 detecting the presence of a controlled substance, as that term is
6 defined in section 7104 of the public health code, 1978 PA 368, MCL
7 333.7104.

8 Sec. 319b. (1) The secretary of state shall immediately
9 suspend or revoke, as applicable, all commercial learners permits
10 or vehicle group designations on the operator's or chauffeur's
11 license of an individual upon receiving notice of a conviction,
12 bond forfeiture, or civil infraction determination of the
13 individual, or notice that a court or administrative tribunal has
14 found the individual responsible, for a violation described in this
15 subsection of a law of this state, a local ordinance substantially
16 corresponding to a law of this state while the individual was
17 operating a commercial motor vehicle, or a law of another state
18 substantially corresponding to a law of this state, or notice that
19 the individual has refused to submit to a chemical test of the
20 individual's blood, breath, ~~or~~ **urine, or other bodily fluid** for the
21 purpose of determining the amount of alcohol or presence of a
22 controlled substance or both in the individual's blood, breath, ~~or~~
23 **urine, or other bodily fluid** while the individual was operating a
24 commercial motor vehicle as required by a law or local ordinance of
25 this or another state. The period of suspension or revocation is as
26 follows:

27 (a) Suspension for 60 days, to run consecutively with any
28 commercial driver license action imposed under this section, if the
29 individual is convicted of or found responsible for 1 of the

1 following while operating a commercial motor vehicle:

2 (i) Two serious traffic violations arising from separate
3 incidents within 36 months.

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

5 (iii) A violation of motor carrier safety regulations 49 CFR
6 392.10 or 392.11, as adopted by section 1a of the motor carrier
7 safety act of 1963, 1963 PA 181, MCL 480.11a.

8 (iv) A violation of section 57 of the pupil transportation act,
9 1990 PA 187, MCL 257.1857.

10 (v) A violation of motor carrier safety regulations 49 CFR
11 392.10 or 392.11 while operating a commercial motor vehicle other
12 than a vehicle covered under subparagraph (iii) or (iv).

13 (vi) A violation of commercial motor vehicle fraudulent testing
14 law.

15 (b) Suspension for 120 days, to be served consecutively with a
16 60-day suspension imposed under subdivision (a) (i), if the
17 individual is convicted of or found responsible for 1 of the
18 following arising from separate incidents within 36 months while
19 operating a commercial motor vehicle:

20 (i) Three serious traffic violations.

21 (ii) Any combination of 2 violations described in subdivision
22 (a) (ii).

23 (c) Suspension for 1 year, to run consecutively with any
24 commercial driver license action imposed under this section, if the
25 individual is convicted of or found responsible for 1 of the
26 following:

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

1 vehicle.

2 (ii) Leaving the scene of an accident involving a commercial or
3 noncommercial motor vehicle operated by the individual.

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

7 (iv) A refusal of a peace officer's request to submit to a
8 chemical test of the individual's blood, breath, ~~or~~ urine, **or other**
9 **bodily fluid** to determine the amount of alcohol or presence of a
10 controlled substance or both in the individual's blood, breath, ~~or~~
11 urine, **or other bodily fluid** while the individual was operating a
12 commercial or noncommercial motor vehicle as required by a law or
13 local ordinance of this state or another state.

14 (v) Operating a commercial motor vehicle in violation of a
15 suspension, revocation, denial, or cancellation that was imposed
16 for previous violations committed while operating a commercial
17 motor vehicle.

18 (vi) Causing a fatality through the negligent or criminal
19 operation of a commercial motor vehicle, including, but not limited
20 to, the crimes of motor vehicle manslaughter, motor vehicle
21 homicide, and negligent homicide.

22 (vii) A violation of commercial motor vehicle fraudulent
23 testing law.

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

27 (d) Suspension for 3 years, to run consecutively with any
28 commercial driver license action imposed under this section, if the
29 individual is convicted of or found responsible for an offense

1 enumerated in subdivision (c) (i) to (vi) in which a commercial motor
 2 vehicle was used if the vehicle was carrying hazardous material
 3 required to have a placard under 49 CFR parts ~~100-105~~ to 199.

4 (e) Revocation for life, to run consecutively with any
 5 commercial driver license action imposed under this section, but
 6 with eligibility for reissue of a group vehicle designation after
 7 not less than 10 years and after approval by the secretary of
 8 state, if the individual is convicted of or found responsible for 2
 9 violations or a combination of any 2 violations arising from 2 or
 10 more separate incidents involving any of the following:

11 (i) Section 625(1), (3), (4), (5), (6), (7), or (8), **or** section
 12 625m, ~~or former section 625(1) or (2), or former section 625b,~~
 13 while operating a commercial or noncommercial motor vehicle.

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

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

19 (iv) A refusal of a request of a police officer to submit to a
 20 chemical test of the individual's blood, breath, ~~or~~ urine, **or other**
 21 **bodily fluid** for the purpose of determining the amount of alcohol
 22 or presence of a controlled substance or both in the individual's
 23 blood while the individual was operating a commercial or
 24 noncommercial motor vehicle in this state or another state.

25 (v) Operating a commercial motor vehicle in violation of a
 26 suspension, revocation, denial, or cancellation that was imposed
 27 for previous violations committed while operating a commercial
 28 motor vehicle.

29 (vi) Causing a fatality through the negligent or criminal

1 operation of a commercial motor vehicle, including, but not limited
2 to, the crimes of motor vehicle manslaughter, motor vehicle
3 homicide, and negligent homicide.

4 (f) Revocation for life if an individual is convicted of or
5 found responsible for any of the following:

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

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

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

15 (2) The secretary of state shall immediately deny, cancel, or
16 revoke a hazardous material ~~indorsement~~**endorsement** on the
17 operator's or chauffeur's license of an individual with a vehicle
18 group designation upon receiving notice from a federal government
19 agency that the individual poses a security risk warranting denial,
20 cancellation, or revocation under the uniting and strengthening
21 America by providing appropriate tools required to intercept and
22 obstruct terrorism (USA PATRIOT ~~ACT~~**Act**) act of 2001, Public Law
23 107-56. The denial, cancellation, or revocation cannot be appealed
24 under section 322 or 323 and remains in effect until the secretary
25 of state receives a federal government notice that the individual
26 does not pose a security risk in the transportation of hazardous
27 materials.

28 (3) The secretary of state shall immediately suspend or
29 revoke, as applicable, all commercial learners permits or vehicle

1 group designations on an individual's operator's or chauffeur's
2 license upon receiving notice of a conviction, bond forfeiture, or
3 civil infraction determination of the individual, or notice that a
4 court or administrative tribunal has found the individual
5 responsible, for a violation of section 319d(4) or 319f, a local
6 ordinance substantially corresponding to section 319d(4) or 319f,
7 or a law or local ordinance of another state, the United States,
8 Canada, the United Mexican States, or a local jurisdiction of
9 either of these countries substantially corresponding to section
10 319d(4) or 319f, while operating a commercial motor vehicle. The
11 period of suspension or revocation, that must run consecutively
12 with any commercial driver license action imposed under this
13 section, is as follows:

14 (a) Suspension for 180 days if the individual 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 individual 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 carrying
20 hazardous material required to have a placard under 49 CFR parts
21 ~~100-105~~ to 199 or designed to carry 16 or more passengers,
22 including the driver.

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

27 (d) Suspension for 3 years if the individual is convicted of
28 or found responsible for 3 or more violations, in any combination,
29 of section 319d(4) or 319f while operating a commercial motor

1 vehicle arising from 3 or more separate incidents during a 10-year
2 period.

3 (e) Suspension for 3 years if the individual is convicted of
4 or found responsible for 2 or more violations, in any combination,
5 of section 319d(4) or 319f while operating a commercial motor
6 vehicle carrying hazardous material required to have a placard
7 under 49 CFR parts ~~100-105~~ to 199, or designed to carry 16 or more
8 passengers, including the driver, arising from 2 or more separate
9 incidents during a 10-year period.

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

13 (5) For the purpose of this section only, a bond forfeiture or
14 a determination by a court of original jurisdiction or an
15 authorized administrative tribunal that an individual has violated
16 the law is considered a conviction.

17 (6) The secretary of state shall suspend or revoke a vehicle
18 group designation under subsection (1) or deny, cancel, or revoke a
19 hazardous material ~~indorsement~~**endorsement** under subsection (2)
20 notwithstanding a suspension, restriction, revocation, or denial of
21 an operator's or chauffeur's license or vehicle group designation
22 under another section of this act or a court order issued under
23 another section of this act or a local ordinance substantially
24 corresponding to another section of this act.

25 (7) A conviction, bond forfeiture, or civil infraction
26 determination, or notice that a court or administrative tribunal
27 has found an individual responsible for a violation described in
28 this subsection while the individual was operating a noncommercial
29 motor vehicle counts against the individual who holds a license to

1 operate a commercial motor vehicle the same as if the individual
2 had been operating a commercial motor vehicle at the time of the
3 violation. For the purpose of this subsection, a noncommercial
4 motor vehicle does not include a recreational vehicle used off-
5 road. This subsection applies to the following state law violations
6 or a local ordinance substantially corresponding to any of those
7 violations or a law of another state or out-of-state jurisdiction
8 substantially corresponding to any of those violations:

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

10 (b) Refusing to submit to a chemical test of the individual's
11 blood, breath, ~~or~~ urine, **or other bodily fluid** for the purpose of
12 determining the amount of alcohol or the presence of a controlled
13 substance or both in the individual's blood, breath, ~~or~~ urine, **or**
14 **other bodily fluid** as required by a law or local ordinance of this
15 or another state.

16 (c) Leaving the scene of an accident.

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

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

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

24 (10) As used in this section:

25 (a) "Felony in which a commercial motor vehicle was used"
26 means a felony during the commission of which the individual
27 convicted operated a commercial motor vehicle and while the
28 individual was operating the vehicle 1 or more of the following
29 circumstances existed:

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

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

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

4 (iv) The vehicle was necessary for the commission of the
5 felony.

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

7 (i) A traffic violation that occurs in connection with an
8 accident in which an individual died.

9 (ii) Reckless driving.

10 (iii) Excessive speeding as defined in regulations promulgated
11 under 49 USC 31301 to 31317.

12 (iv) Improper lane use.

13 (v) Following too closely.

14 (vi) Operating a commercial motor vehicle without obtaining any
15 vehicle group designation on the individual's license.

16 (vii) Operating a commercial motor vehicle without either
17 having an operator's or chauffeur's license in the individual's
18 possession or providing proof to the court, not later than the date
19 by which the individual must appear in court or pay a fine for the
20 violation, that the individual held a valid vehicle group
21 designation and ~~indorsement~~**endorsement** on the date that the
22 citation was issued.

23 (viii) Operating a commercial motor vehicle while in possession
24 of an operator's or chauffeur's license that has a vehicle group
25 designation but does not have the appropriate vehicle group
26 designation or ~~indorsement~~**endorsement** required for the specific
27 vehicle group being operated or the passengers or type of cargo
28 being transported.

1 (ix) Beginning October 28, 2013, a violation of section 602b(2)
2 or (3) or, beginning on the effective date of the amendatory act
3 that added section 602b(8), a violation of section 602b(2).

4 (x) Any other serious traffic violation as defined in 49 CFR
5 383.5 or as prescribed under this act.

6 Enacting section 1. This amendatory act takes effect 90 days
7 after the date it is enacted into law.

8 Enacting section 2. This amendatory act does not take effect
9 unless House Bill No. 4391 (request no. H02293'25) of the 103rd
10 Legislature is enacted into law.