

SENATE BILL No. 574

October 4, 1989, Introduced by Senators N. SMITH,
GEAKE, GAST and WELBORN and referred to the Committee
on Judiciary.

A bill to amend section 319 of Act No. 300 of the Public
Acts of 1949, entitled as amended
"Michigan vehicle code,"
as amended by Act No. 406 of the Public Acts of 1988, being sec-
tion 257.319 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 319 of Act No. 300 of the Public Acts of
2 1949, as amended by Act No. 406 of the Public Acts of 1988, being
3 section 257.319 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 319. (1) The secretary of state shall immediately sus-
6 pend for a period of not less than 90 days, nor more than 2
7 years, the license of a person upon receiving a record of the
8 conviction of the person or the entry of a probate court order of
9 disposition for a child found to be within the provisions of

1 chapter XIIIA of Act No. 288 of the Public Acts of 1939, being
2 sections 712A.1 to 712A.28 of the Michigan Compiled Laws, for any
3 of the following crimes or attempts to commit any of the follow-
4 ing crimes, whether the conviction or probate court disposition
5 is under a law of this state, a local ordinance substantially
6 corresponding to a law of this state, or a law of another state
7 substantially corresponding to a law of this state:

8 (a) Fraudulently altering or forging documents pertaining to
9 motor vehicles, in violation of section 257.

10 (b) Perjury or the making of a false certification to the
11 secretary of state under any law requiring the registration of a
12 motor vehicle or regulating the operation of a motor vehicle on a
13 highway.

14 (c) A violation of section 324, 413, or 414 of the Michigan
15 penal code, Act No. 328 of the Public Acts of 1931, being sec-
16 tions 750.324, 750.413, and 750.414 of the Michigan Compiled
17 Laws; or a violation of section 1 of Act No. 214 of the Public
18 Acts of 1931, being section 752.191 of the Michigan Compiled
19 Laws.

20 (d) Conviction upon 3 charges of reckless driving within the
21 preceding 12 months.

22 (e) Failing to stop and disclose identity at the scene of an
23 accident resulting in death or injury to another person, in vio-
24 lation of section 617.

25 (f) A felony in which a motor vehicle was used. As used in
26 this section, "felony in which a motor vehicle was used" means a
27 felony during the commission of which the person convicted

1 operated a motor vehicle and while operating the vehicle
2 presented real or potential harm to persons or property and 1 or
3 more of the following circumstances existed:

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

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

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

8 (iv) The vehicle was necessary for the commission of the
9 felony.

10 (2) The secretary of state shall suspend, for the period
11 described in subsection (1), the license of a person upon receiv-
12 ing the record of conviction of the person for a violation of a
13 law of another state substantially corresponding to section
14 625(1) or (2).

15 (3) The secretary of state shall suspend the license of a
16 person convicted of malicious destruction resulting from the
17 operation of a motor vehicle under section 382 of the Michigan
18 penal code, Act No. 328 of the Public Acts of 1931, as amended,
19 being section 750.382 of the Michigan Compiled Laws, for a period
20 of not more than 1 year as ordered by the court as part of the
21 sentence.

22 (4) The secretary of state shall immediately suspend the
23 license of a person for the period specified in the certificate
24 of conviction upon receipt of the person's license and certifi-
25 cate of conviction forwarded to the secretary of state pursuant
26 to section 367c of the Michigan penal code, Act No. 328 of the

1 Public Acts of 1931, being section 750.367c of the Michigan
2 Compiled Laws.

3 (5) The secretary of state shall suspend, for a period of
4 not less than 6 months nor more than 18 months, the license of a
5 person having the following convictions within a 7-year period,
6 whether under the law of this state, a local ordinance substan-
7 tially corresponding to a law of this state, or a law of another
8 state substantially corresponding to a law of this state:

9 (a) Two convictions under section 625b.

10 (b) One conviction under section 625(1) or (2) followed by 1
11 conviction under section 625b.

12 (6) Upon receipt of a certificate of conviction pursuant to
13 section 33b(3) of the Michigan liquor control act, Act No. 8 of
14 the Public Acts of the Extra Session of 1933, being section
15 436.33b of the Michigan Compiled Laws, or a local ordinance or
16 law of another state substantially corresponding to section
17 33b(3) of Act No. 8 of the Public Acts of the Extra Session of
18 1933, the secretary of state shall suspend the person's
19 operator's or chauffeur's license for a period of 90 days. A
20 suspension under this subsection shall be in addition to any
21 other suspension of the person's license.

22 (7) Upon receipt of the record of the conviction of a
23 person, or the entry of a probate court order of disposition for
24 a child found to be within the provisions of chapter XIIIA of Act
25 No. 288 of the Public Acts of 1939, for a violation of section
26 602a of this act or section 479a(1), (4), or (5) of Act No. 328
27 of the Public Acts of 1931, being section 750.479a or the

1 Michigan Compiled Laws, the secretary of state immediately shall
2 suspend the license of the person for the period ordered by the
3 court as part of the sentence or disposition.

4 (8) For purposes of this section, the secretary of state
5 shall treat a conviction or probate court disposition for a child
6 found to be within the provisions of chapter XIIIA of Act No. 288
7 of the Public Acts of 1939 for an attempted offense as if the
8 offense had been completed.

9 (9) THE SECRETARY OF STATE SHALL IMMEDIATELY SUSPEND THE
10 LICENSE OF A PERSON CONVICTED OF, OR FOUND RESPONSIBLE FOR, VIO-
11 LATING OR ATTEMPTING TO VIOLATE SECTION 7401, 7402, 7403, 7404,
12 OR 7407 OF THE PUBLIC HEALTH CODE, ACT NO. 368 OF THE PUBLIC ACTS
13 OF 1978, BEING SECTIONS 333.7401, 333.7402, 333.7403, 333.7404,
14 AND 333.7407 OF THE MICHIGAN COMPILED LAWS, OR A LOCAL ORDINANCE,
15 LAW OF ANOTHER STATE, OR LAW OF THE UNITED STATES SUBSTANTIALLY
16 CORRESPONDING TO SECTION 7401, 7402, 7403, 7404, OR 7407 OF THE
17 PUBLIC HEALTH CODE, ACT NO. 368 OF THE PUBLIC ACTS OF 1978, FOR
18 THE PERIOD SPECIFIED IN THE CERTIFICATE OF CONVICTION OR PROBATE
19 COURT ORDER OF DISPOSITION FORWARDED TO THE SECRETARY OF STATE.