

# HOUSE BILL No. 6214

June 15, 2006, Introduced by Rep. Baxter and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending section 319 (MCL 257.319), as amended by 2004 PA 362.

**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 or a law of another state substantially corresponding to a law of  
7 this state.

8           (2) The secretary of state shall suspend the person's license

1 for 1 year for any of the following crimes:

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

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

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

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

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

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

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

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

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

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

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

26 (b) A violation of section 601b(2), section 601c(1), section  
27 626, or section 653a(3).

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

4 (D) A VIOLATION OF SECTION 701 OF THE MICHIGAN LIQUOR CONTROL  
5 CODE OF 1998, 1998 PA 58, MCL 436.1701, COMMITTED BY A PERSON OTHER  
6 THAN IN HIS OR HER CAPACITY AS A VENDOR OR THE AGENT OR EMPLOYEE OF  
7 A VENDOR. AS USED IN THIS SUBDIVISION, "VENDOR" MEANS THAT TERM AS  
8 DEFINED IN SECTION 113 OF THE LIQUOR CONTROL CODE OF 1998, 1998 PA  
9 58, MCL 436.1113.

10 (E) ~~(d)~~ A violation of section 703(2) of the Michigan liquor  
11 control code of 1998, 1998 PA 58, MCL 436.1703.

12 (4) The secretary of state shall suspend the person's license  
13 for 30 days for malicious destruction resulting from the operation  
14 of a vehicle under section 382(1)(a) of the Michigan penal code,  
15 1931 PA 328, MCL 750.382.

16 (5) For perjury or making a false certification to the  
17 secretary of state under any law requiring the registration of a  
18 motor vehicle or regulating the operation of a vehicle on a  
19 highway, or for conduct prohibited under section 324(1) or a local  
20 ordinance substantially corresponding to section 324(1), the  
21 secretary shall 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 90 days.

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

26 (6) For a violation of section 414 of the Michigan penal code,  
27 1931 PA 328, MCL 750.414, the secretary of state shall suspend the

1 person's license as follows:

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

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

6 (7) For a violation of section 624a or 624b of this act or  
7 section 703(1) of the Michigan liquor control code of 1998, 1998 PA  
8 58, MCL 436.1703, the secretary of state shall suspend the person's  
9 license as follows:

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

14 (b) If the person has 2 or more prior convictions for an  
15 offense described in this subsection or section 33b(1) of former  
16 1933 (Ex Sess) PA 8, for 1 year. The secretary of state may issue  
17 the person a restricted license after the first 60 days of  
18 suspension.

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

21 (a) For 180 days for a violation of section 625(1) or (8) if  
22 the person has no prior convictions within 7 years. The secretary  
23 of state may issue the person a restricted license during a  
24 specified portion of the suspension, except that the secretary of  
25 state shall not issue a restricted license during the first 30 days  
26 of suspension.

27 (b) For 90 days for a violation of section 625(3) if the

1 person has no prior convictions within 7 years. However, if the  
2 person is convicted of a violation of section 625(3), for operating  
3 a vehicle when, due to the consumption of a controlled substance or  
4 a combination of alcoholic liquor and a controlled substance, the  
5 person's ability to operate the vehicle was visibly impaired, the  
6 secretary of state shall suspend the person's license under this  
7 subdivision for 180 days. The secretary of state may issue the  
8 person a restricted license during all or a specified portion of  
9 the suspension.

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

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

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

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

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

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

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

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

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

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

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

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

1 violation, or may grant a restricted license.

2 (15) The secretary of state shall not issue a restricted  
3 license to a person whose license is suspended under this section  
4 unless a restricted license is authorized under this section and  
5 the person is otherwise eligible for a license.

6 (16) The secretary of state shall not issue a restricted  
7 license to a person under subsection (8) that would permit the  
8 person to operate a commercial motor vehicle.

9 (17) A restricted license issued under this section shall  
10 permit the person to whom it is issued to take any driving skills  
11 test required by the secretary of state and to drive under 1 or  
12 more of the following circumstances:

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

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

15 (i) The person's residence.

16 (ii) The person's work location.

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

19 (iv) The court probation department.

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

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

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

26 (18) While driving with a restricted license, the person shall  
27 carry proof of his or her destination and the hours of any

1 employment, class, or other reason for traveling and shall display  
2 that proof upon a peace officer's request.

3 (19) Subject to subsection (21), as used in subsection (8),  
4 "prior conviction" means a conviction for any of the following,  
5 whether 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) Except as provided in subsection (20), a violation or  
9 attempted violation of any of the following:

10 (i) Section 625, except a violation of section 625(2), or a  
11 violation of any prior enactment of section 625 in which the  
12 defendant operated a vehicle while under the influence of  
13 intoxicating or alcoholic liquor or a controlled substance, or a  
14 combination of intoxicating or alcoholic liquor and a controlled  
15 substance, or while visibly impaired, or with an unlawful bodily  
16 alcohol content.

17 (ii) Section 625m.

18 (iii) Former section 625b.

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

22 (20) Except for purposes of the suspensions described in  
23 subsection (8)(c) and (d), only 1 violation or attempted violation  
24 of section 625(6), a local ordinance substantially corresponding to  
25 section 625(6), or a law of another state substantially  
26 corresponding to section 625(6) may be used as a prior conviction.

27 (21) If 2 or more convictions described in subsection (19) are



1 convictions for violations arising out of the same transaction,  
2 only 1 conviction shall be used to determine whether the person has  
3 a prior conviction.