

# SENATE BILL No. 809

November 9, 2011, Introduced by Senator SCHUITMAKER and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 304, 319, and 319b (MCL 257.304, 257.319, and 257.319b), section 304 as added by 2010 PA 155, section 319 as amended by 2010 PA 267, and section 319b as amended by 2008 PA 463.

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

1           Sec. 304. (1) Except as provided in subsection (3), the  
2 secretary of state shall issue a restricted license to a person  
3 whose license was suspended or restricted under section 319 or  
4 revoked or denied under section 303 based on either of the  
5 following:

6           (a) Two or more convictions for violating section 625(1) or  
7 (3) or a local ordinance of this state substantially corresponding  
8 to section 625(1) or (3).

9           (b) One conviction for violating section 625(1) or (3) or a

1 local ordinance of this state substantially corresponding to  
2 section 625(1) or (3), preceded by 1 or more convictions for  
3 violating a local ordinance or law of another state substantially  
4 corresponding to section 625(1), (3), or (6), or a law of the  
5 United States substantially corresponding to section 625(1), (3),  
6 or (6).

7 (2) A restricted license issued under subsection (1) shall not  
8 be issued until after the person's operator's or chauffeur's  
9 license has been suspended or revoked for 45 days and the judge  
10 assigned to a DWI/sobriety court certifies to the secretary of  
11 state that both of the following conditions have been met:

12 (a) The person has been admitted into a DWI/sobriety court  
13 program.

14 (b) An ignition interlock device approved, certified, and  
15 installed as required under sections 625k and 625l has been  
16 installed on each motor vehicle owned or operated, or both, by the  
17 individual.

18 (3) A restricted license shall not be issued under subsection  
19 (1) if the person is otherwise ineligible for an operator's or  
20 chauffeur's license under this act, unless the person's  
21 ineligibility is based on 1 or more of the following:

22 (a) Section 303(1)(i) or (l).

23 (b) Section 303(2)(c)(i) or (iii).

24 (c) Section 303(2)(g)(i) or (iii).

25 (d) Section 319(4), (5), (6), (7), (8)(a) to (e), or (9).

26 (e) Section 319e(2)(a) or (b).

27 (f) Section 320(1)(d).

1 (g) Section 321a(1), (2), or (3).

2 (h) Section 323c.

3 (i) Section 625f(1)(a).

4 (j) Section 732a(5).

5 (k) Section 904(10).

6 (l) Section 82105a(2) of the natural resources and  
7 environmental protection act, 1994 PA 451, MCL 324.82105a.

8 (m) Section 3177 of the insurance code of 1956, 1956 PA 218,  
9 MCL 500.3177.

10 (n) Section 10 of the motor vehicle claims act, 1965 PA 198,  
11 MCL 257.1110.

12 (4) A restricted license issued under subsection (1) permits  
13 the person to whom it is issued to operate only the vehicle  
14 equipped with an ignition interlock device described in subsection  
15 (2)(b), to take any driving skills test required by the secretary  
16 of state, and to drive to and from any combination of the following  
17 locations:

18 (a) The person's residence.

19 (b) The person's workplace.

20 (c) The person's school.

21 (d) An alcohol or drug education or treatment program as  
22 ordered by the court.

23 (5) Except as otherwise provided in this section, a restricted  
24 license issued under subsection (1) is effective until a hearing  
25 officer orders an unrestricted license under section 322. The  
26 ~~person shall not be considered for~~ **HEARING OFFICER SHALL NOT ORDER**  
27 an unrestricted license until the later of the following events

1 occurs:

2 (a) The court notifies the secretary of state that the person  
3 has successfully completed the DWI/sobriety court program.

4 (b) The minimum period of license sanction that would have  
5 been imposed under section 303 or 319 but for this section has been  
6 completed.

7 **(C) THE PERSON SATISFIES THE REQUIREMENTS OF SECTION 303.**

8 (6) If the secretary of state receives a notification from the  
9 DWI/sobriety court under section 1084(6) of the revised judicature  
10 act of 1961, 1961 PA 236, MCL 600.1084, the secretary of state  
11 shall summarily impose 1 of the following license sanctions, as  
12 applicable:

13 (a) Suspension for the full length of time provided under  
14 section 319(8). However, a restricted license shall not be issued  
15 as provided under section 319(8). This subdivision applies if the  
16 underlying conviction or convictions would have subjected the  
17 person to a license sanction under section 319(8) if this section  
18 did not apply.

19 (b) A license revocation and denial for the full length of  
20 time provided under section 303. The minimum period of license  
21 revocation and denial imposed shall be the same as if this section  
22 did not apply. This subdivision applies if the underlying  
23 conviction or convictions would have caused a license revocation  
24 and denial under section 303 if this section did not apply.

25 (7) After the person completes the DWI/sobriety court  
26 interlock pilot program, the following apply:

27 **(A) THE SECRETARY OF STATE SHALL POSTPONE CONSIDERING THE**

1 ISSUANCE OF AN UNRESTRICTED LICENSE UNDER SECTION 322 FOR A PERIOD  
2 OF 3 MONTHS FOR EACH ACT THAT WOULD BE A MINOR VIOLATION IF THE  
3 PERSON'S LICENSE HAD BEEN ISSUED UNDER SECTION 322(6). AS USED IN  
4 THIS SUBDIVISION, "MINOR VIOLATION" MEANS THAT TERM AS DEFINED IN R  
5 257.301A OF THE MICHIGAN ADMINISTRATIVE CODE.

6 (B) ~~(a)~~—The restricted license issued under this section shall  
7 be suspended or revoked or denied as provided in subsection (6),  
8 unless set aside under subsection (5), if any of the following  
9 events occur:

10 (i) The person operates a motor vehicle without an ignition  
11 interlock device that meets the criteria under subsection (2)(b).

12 (ii) The person removes, or causes to be removed, an ignition  
13 interlock device from a vehicle he or she owns or operates unless  
14 the secretary of state has authorized its removal under section  
15 322a.

16 (iii) THE PERSON COMMITS ANY OTHER ACT THAT WOULD BE A MAJOR  
17 VIOLATION IF THE PERSON'S LICENSE HAD BEEN ISSUED UNDER SECTION  
18 322(6). AS USED IN THIS SUBPARAGRAPH, "MAJOR VIOLATION" MEANS THAT  
19 TERM AS DEFINED IN R 257.301A OF THE MICHIGAN ADMINISTRATIVE CODE.

20 (iv) ~~(iii)~~—The person is arrested for a violation of any of the  
21 following:

22 (A) Section 625.

23 (B) A local ordinance of this state or another state  
24 substantially corresponding to section 625.

25 (C) A law of the United States substantially corresponding to  
26 section 625.

27 (b) If the person is convicted of or found responsible for any

1 offense that requires the suspension, revocation, denial, or  
2 cancellation of the person's operator's or chauffeur's license, the  
3 restricted license issued under this section shall be suspended  
4 until the requisite period of license suspension, revocation,  
5 denial, or cancellation, as appropriate, has elapsed.

6 (c) If the person has failed to pay any court-ordered fines or  
7 costs that resulted from the operation of a vehicle, the restricted  
8 license issued under this section shall be suspended pending  
9 payment of those fines and costs.

10 (8) All driver responsibility fees required to be assessed by  
11 the secretary of state under section 732a for the conviction or  
12 convictions that led to the restricted license under this section  
13 shall be held in abeyance as follows:

14 (a) The fees shall be held in abeyance during the time the  
15 person has a restricted license under this section and is  
16 participating in the DWI/sobriety court interlock pilot project.

17 (b) At the end of the person's participation in the  
18 DWI/sobriety court program, the driver responsibility fees shall be  
19 assessed and paid under the payment schedule described in section  
20 732a.

21 (9) The vehicle of an individual admitted to the DWI/sobriety  
22 court interlock pilot project whose vehicle would otherwise be  
23 subject to immobilization or forfeiture under this act is exempt  
24 from both immobilization and forfeiture under sections 625n and  
25 904d if both of the following apply:

26 (a) The person is a DWI/sobriety court interlock pilot program  
27 participant in good standing or the person successfully

1 satisfactorily completes the DWI/sobriety court interlock pilot  
2 program.

3 (b) The person does not subsequently violate a law of this  
4 state for which vehicle immobilization or forfeiture is a sanction.

5 (10) This section only applies to individuals arrested for a  
6 violation of section 625 on or after ~~the effective date of the~~  
7 ~~amendatory act that added this section.~~ **JANUARY 1, 2011.**

8 (11) As used in this section:

9 (a) "DWI/sobriety court" means that term as defined in section  
10 1084 of the revised judicature act of 1961, 1961 PA 236, MCL  
11 600.1084.

12 (b) "DWI/sobriety court interlock pilot project" and  
13 "DWI/sobriety court program" mean those terms as defined or  
14 described in section 1084 of the revised judicature act of 1961,  
15 1961 PA 236, MCL 600.1084.

16 Sec. 319. (1) The secretary of state shall immediately suspend  
17 a person's license as provided in this section upon receiving a  
18 record of the person's conviction for a crime described in this  
19 section, whether the conviction is under a law of this state, a  
20 local ordinance substantially corresponding to a law of this state,  
21 a law of another state substantially corresponding to a law of this  
22 state, or, beginning October 31, 2010, a law of the United States  
23 substantially corresponding to a law of this state.

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

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

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

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

5 (d) A felony in which a motor vehicle was used. As used in  
6 this section, "felony in which a motor vehicle was used" means a  
7 felony during the commission of which the person convicted operated  
8 a motor vehicle and while operating the vehicle presented real or  
9 potential harm to persons or property and 1 or more of the  
10 following circumstances 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 (e) A violation of section 602a(2) or (3) of this act or  
17 section 479a(2) or (3) of the Michigan penal code, 1931 PA 328, MCL  
18 750.479a.

19 (f) Beginning October 31, 2010, a violation of section 601d.

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

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

24 (b) A violation of section 601b(2), section 601c(1), section  
25 653a(3), section 626 before October 31, 2010, or, beginning October  
26 31, 2010, section 626(2).

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



1 vehicle under section 382(1)(b), (c), or (d) of the Michigan penal  
2 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 operation  
7 of a vehicle under section 382(1)(a) of the Michigan penal code,  
8 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 local  
13 ordinance substantially corresponding to section 324(1), the  
14 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 code,  
20 1931 PA 328, MCL 750.414, the secretary of state shall suspend the  
21 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 PA

1 58, MCL 436.1703, the secretary of state shall suspend the person's  
2 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 suspension.

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

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

14 (a) For 180 days for a violation of section 625(1) or (8)  
15 before October 31, 2010 or, beginning October 31, 2010, section  
16 625(1) (a) or (b) or (8) if the person has no prior convictions  
17 within 7 years. The secretary of state may issue the person a  
18 restricted license during a specified portion of the suspension,  
19 except that the secretary of state shall not issue a restricted  
20 license during the first 30 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 operating  
24 a vehicle when, due to the consumption of a controlled substance or  
25 a combination of alcoholic liquor and a controlled substance, the  
26 person's ability to operate the vehicle was visibly impaired, the  
27 secretary of state shall suspend the person's license under this

1 subdivision for 180 days. The secretary of state may issue the  
2 person a restricted license during all or a specified portion of  
3 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 90  
14 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 may  
17 issue the person a restricted license during all or a specified  
18 portion of the suspension.

19 (g) Beginning October 31, 2010, for 1 year for a violation of  
20 section 625(1)(c) if the person has no prior convictions within 7  
21 years or not more than 2 convictions within 10 years. The secretary  
22 of state may issue the person a restricted license, except that the  
23 secretary of state shall not issue a restricted license during the  
24 first 45 days of suspension.

25 (h) Beginning October 31, 2010, the department shall order a  
26 person convicted of violating section 625(1)(c) not to operate a  
27 motor vehicle under a restricted license issued under subdivision

1 (g) unless the vehicle is equipped with an ignition interlock  
2 device approved, certified, and installed as required under  
3 sections 625k and 625l. The ignition interlock device may be removed  
4 after the interlock device provider provides the department with  
5 verification that the person has operated the vehicle with no  
6 instances of reaching or exceeding a blood alcohol level of 0.025  
7 grams per 210 liters of breath. This subdivision does not prohibit  
8 the removal of the ignition interlock device for any of the  
9 following:

10 (i) A start-up test failure that occurs within the first 2  
11 months after installation of the device. As used in this  
12 subdivision, "start-up test failure" means that the ignition  
13 interlock device has prevented the motor vehicle from being  
14 started. Multiple unsuccessful attempts at 1 time to start the  
15 vehicle shall be treated as 1 start-up test failure only under this  
16 subparagraph.

17 (ii) A start-up test failure occurring more than 2 months after  
18 installation of the device, if not more than 15 minutes after  
19 detecting the start-up test failure the person delivers a breath  
20 sample that the ignition interlock device analyzes as having an  
21 alcohol level of less than 0.025 grams per 210 liters of breath.

22 (iii) A retest prompted by the device, if not more than 5  
23 minutes after detecting the ~~start-up test~~ **RETEST** failure the person  
24 delivers a breath sample that the ignition interlock device  
25 analyzes as having an alcohol level of less than 0.025 grams per  
26 210 liters of breath.

27 (i) Beginning October 31, 2010, if an individual violates the

1 conditions of the restricted license issued under subdivision (g)  
2 or operates or attempts to operate a motor vehicle with a blood  
3 alcohol level of 0.025 grams per 210 liters of breath, the  
4 secretary of state shall impose an additional like period of  
5 suspension and restriction as prescribed under subdivision (g).  
6 This subdivision does not require an additional like period of  
7 suspension and restriction for any of the following:

8 (i) A start-up test failure within the first 2 months after  
9 installation of the ignition interlock device. As used in this  
10 subdivision, "start-up test failure" means that the ignition  
11 interlock device has prevented the motor vehicle from being  
12 started. Multiple unsuccessful attempts at 1 time to start the  
13 vehicle shall be treated as 1 start-up test failure only under this  
14 subparagraph.

15 (ii) A start-up test failure occurring more than 2 months after  
16 installation of the device, if not more than 15 minutes after  
17 detecting the start-up test failure the person delivers a breath  
18 sample that the ignition interlock device analyzes as having an  
19 alcohol level of less than 0.025 grams per 210 liters of breath.

20 (iii) Any retest prompted by the device, if not more than 5  
21 minutes after detecting the ~~start-up test~~ **RETEST** failure the person  
22 delivers a breath sample that the ignition interlock device  
23 analyzes as having an alcohol level of less than 0.025 grams per  
24 210 liters of breath.

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) For a second or subsequent violation of section 701(1) of  
15 the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701,  
16 by an individual who is not a retail licensee or a retail  
17 licensee's clerk, agent, or employee, the secretary of state shall  
18 suspend the person's license for 180 days. The secretary of state  
19 may issue a person a restricted license during all or a specified  
20 portion of the suspension.

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

24 (14) If the secretary of state receives records of more than 1  
25 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) 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) 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) 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) Except as provided in subsection (17), a restricted  
17 license issued under this section shall permit the person to whom  
18 it is issued to take any driving skills test required by the  
19 secretary of state and to operate a vehicle under 1 or more of the  
20 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) While driving with a restricted license, the person shall  
8 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) Subject to subsection (22), as used in subsection (8),  
12 "prior conviction" means a conviction for any of the following,  
13 whether under a law of this state, a local ordinance substantially  
14 corresponding to a law of this state, or a law of another state  
15 substantially corresponding to a law of this state:

16 (a) Except as provided in subsection (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) Beginning October 31, 2010, a violation of section 601d or  
4 section 626(3) or (4).

5 (21) 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) If 2 or more convictions described in subsection (20) are  
11 convictions for violations arising out of the same transaction,  
12 only 1 conviction shall be used to determine whether the person has  
13 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, **TO BE SERVED CONSECUTIVELY WITH A**  
22 **60-DAY SUSPENSION IMPOSED UNDER SUBSECTION (A) (i)**, if the person is  
23 convicted of or found responsible for 1 of the following arising  
24 from separate incidents within 36 months while operating a  
25 commercial motor vehicle:

26 (i) Three serious traffic violations.

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

1 (a) (ii) .

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

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

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

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

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

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

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

27 ~~(vii) A 6 point violation as provided in section 320a while~~

1 ~~operating a commercial motor vehicle.~~

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

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

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

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

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

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

24       (iv) A refusal of a request of a police officer 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 his or her blood while he or she was operating

1 a commercial or noncommercial motor vehicle in this state or  
2 another state.

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

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

11 ~~—— (vii) Six point violations as provided in section 320a while~~  
12 ~~operating a commercial motor vehicle.~~

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

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

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

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

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

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

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

21 (a) Suspension for ~~90~~**180** days if the person is convicted of  
22 or found responsible for a violation of section 319d(4) or 319f  
23 while operating a commercial motor vehicle.

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

1 100 to 199 or designed to carry 16 or more passengers, including  
2 the driver.

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

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

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

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

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

25 (6) The secretary of state shall suspend or revoke a vehicle  
26 group designation under subsection (1) or deny, cancel, or revoke a  
27 hazardous material indorsement under subsection (2) notwithstanding

1 a suspension, restriction, revocation, or denial of an operator's  
2 or chauffeur's license or vehicle group designation under another  
3 section of this act or a court order issued under another section  
4 of this act or a local ordinance substantially corresponding to  
5 another section of this act.

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

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

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

25 (c) Leaving the scene of an accident.

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

27 (8) When determining the applicability of conditions listed in



1 this section, the secretary of state shall consider only violations  
2 that occurred after January 1, 1990.

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

6 (10) As used in this section:

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

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

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

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

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

20 (ii) ~~Careless~~**RECKLESS** driving.

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

23 (iv) Improper lane use.

24 (v) Following too closely.

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

1           (vii) ~~Effective October 1, 2005, driving~~ **OPERATING** 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           (viii) ~~Effective October 1, 2005, driving~~ **OPERATING** a commercial  
9 motor vehicle while in possession of an operator's or chauffeur's  
10 license 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           (ix) **BEGINNING OCTOBER 28, 2013, A VIOLATION OF SECTION**  
15 **602B(2).**

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