

SENATE BILL NO. 240

March 23, 2023, Introduced by Senators WOJNO, MCMORROW, HERTEL, CAMILLERI, CHANG and POLEHANKI and referred to the Committee on Civil Rights, Judiciary, and Public Safety.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 319, 319b, and 320a (MCL 257.319, 257.319b, and 257.320a), section 319 as amended by 2020 PA 376, section 319b as amended by 2015 PA 11, and section 320a as amended by 2018 PA 349.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 319. (1) The secretary of state shall immediately suspend
2 an individual's license as provided in this section on receiving a

1 record of a court order entered under section 602b suspending the
2 individual's license or of the individual's conviction for a crime
3 described in this section, whether the conviction is under a law of
4 this state, a local ordinance that substantially corresponds to a
5 law of this state, a law of another state that substantially
6 corresponds to a law of this state, or, beginning October 31, 2010,
7 a law of the United States that substantially corresponds to a law
8 of this state.

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

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

13 (b) A violation of section 413 of the Michigan penal code,
14 1931 PA 328, MCL 750.413.

15 (c) A felony in which a motor vehicle was used. As used in
16 this section, "felony in which a motor vehicle was used" means a
17 felony during the commission of which the individual convicted
18 operated a motor vehicle and while operating the vehicle presented
19 real or potential harm to individuals or property and 1 or more of
20 the following circumstances existed:

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

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

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

24 (iv) The vehicle was necessary for the commission of the
25 felony.

26 (d) A violation of section ~~602a(2) or (3)~~ **602a** or section
27 479a(2) or (3) of the Michigan penal code, 1931 PA 328, MCL
28 750.479a.

29 (e) Beginning October 31, 2010, a violation of section 601d.

1 (3) The secretary of state shall suspend the individual's
2 license for 90 days for any of the following crimes:

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

5 (b) A violation of section 601b(2), section 601c(1), section
6 653a(3), section 626 before October 31, 2010, or, beginning October
7 31, 2010, section 626(2).

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

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

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

22 (a) If the individual has no prior conviction for an offense
23 described in this subsection within 7 years, for 90 days.

24 (b) If the individual 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
28 individual's license as follows:

29 (a) If the individual has no prior conviction for that offense

1 within 7 years, for 90 days.

2 (b) If the individual has 1 or more prior convictions for that
3 offense within 7 years, for 1 year.

4 (7) For a violation of section 624a or 624b, the secretary of
5 state shall suspend the individual's license as follows:

6 (a) If the individual has 1 prior conviction for an offense
7 described in section 624a or 624b, for 90 days. The secretary of
8 state may issue the individual a restricted license after the first
9 30 days of suspension.

10 (b) If the individual has 2 or more prior convictions for an
11 offense described in section 624a or 624b, for 1 year. The
12 secretary of state may issue the individual a restricted license
13 after the first 60 days of suspension.

14 (8) The secretary of state shall suspend the individual's
15 license for a violation of section 625 or 625m as follows:

16 (a) For 180 days for a violation of section 625(1) or (8)
17 before October 31, 2010 or, beginning October 31, 2010, section
18 625(1)(a) or (b) or (8) if the individual has no prior convictions
19 within 7 years. The secretary of state may issue the individual a
20 restricted license during a specified portion of the suspension,
21 except that the secretary of state shall not issue a restricted
22 license during the first 30 days of suspension.

23 (b) For 90 days for a violation of section 625(3) if the
24 individual has no prior convictions within 7 years. However, if the
25 individual is convicted of a violation of section 625(3), for
26 operating a vehicle when, due to the consumption of a controlled
27 substance or a combination of alcoholic liquor and a controlled
28 substance, the individual's ability to operate the vehicle was
29 visibly impaired, the secretary of state shall suspend the

1 individual's license under this subdivision for 180 days. The
2 secretary of state may issue the individual a restricted license
3 during all or a specified portion of the suspension.

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

8 (d) For 90 days for a violation of section 625(6) if the
9 individual has 1 or more prior convictions for that offense within
10 7 years.

11 (e) For 180 days for a violation of section 625(7) if the
12 individual has no prior convictions within 7 years. The secretary
13 of state may issue the individual a restricted license after the
14 first 90 days of suspension.

15 (f) For 90 days for a violation of section 625m if the
16 individual has no prior convictions within 7 years. The secretary
17 of state may issue the individual a restricted license during all
18 or a specified portion of the suspension.

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

25 (h) Beginning October 31, 2010, the department shall order an
26 individual convicted of violating section 625(1)(c) not to operate
27 a motor vehicle under a restricted license issued under subdivision
28 (g) unless the vehicle is equipped with an ignition interlock
29 device approved, certified, and installed as required under

1 sections 625k and 625l. The ignition interlock device may be removed
2 after the interlock device provider provides the department with
3 verification that the individual has operated the vehicle with no
4 instances of reaching or exceeding a blood alcohol level of 0.025
5 grams per 210 liters of breath. This subdivision does not prohibit
6 the removal of the ignition interlock device for any of the
7 following:

8 (i) A start-up test failure that occurs within the first 2
9 months after installation of the 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 are 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 individual delivers a
18 breath sample that the ignition interlock device analyzes as having
19 an alcohol level of less than 0.025 grams per 210 liters of breath.

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

25 (i) Beginning October 31, 2010, if an individual violates the
26 conditions of the restricted license issued under subdivision (g)
27 or operates or attempts to operate a motor vehicle with a blood
28 alcohol level of 0.025 grams per 210 liters of breath, the
29 secretary of state shall impose an additional like period of

1 suspension and restriction as prescribed under subdivision (g).
2 This subdivision does not require an additional like period of
3 suspension and restriction for any of the following:

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

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

16 (iii) Any retest prompted by the device, if not more than 5
17 minutes after detecting the retest failure the individual delivers
18 a breath sample that the ignition interlock device analyzes as
19 having an alcohol level of less than 0.025 grams per 210 liters of
20 breath.

21 (9) For a violation of section 367c of the Michigan penal
22 code, 1931 PA 328, MCL 750.367c, the secretary of state shall
23 suspend the individual's license as follows:

24 (a) If the individual has no prior conviction for an offense
25 described in this subsection within 7 years, for 6 months.

26 (b) If the individual has 1 or more convictions for an offense
27 described in this subsection within 7 years, for 1 year.

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

1 (11) For 3 or more violations of section 602b within a 3-year
2 period, the secretary of state shall suspend the individual's
3 license for not more than 90 days as provided in a court order, if
4 the court orders the individual's license suspended under section
5 602b.

6 (12) ~~(11)~~ Except as provided in subsection ~~(13)~~, **(14)**, a
7 suspension under this section must be imposed notwithstanding a
8 court order unless the court order complies with section 323.

9 (13) ~~(12)~~ If the secretary of state receives records of more
10 than 1 conviction of an individual that results from the same
11 incident, a suspension must be imposed only for the violation to
12 which the longest period of suspension applies under this section.

13 (14) ~~(13)~~ The secretary of state may waive a restriction,
14 suspension, or revocation of an individual's license imposed under
15 this act if the individual submits proof that a court in another
16 state revoked, suspended, or restricted ~~his or her~~ **the individual's**
17 license for a period equal to or greater than the period of a
18 restriction, suspension, or revocation prescribed under this act
19 for the violation and that the revocation, suspension, or
20 restriction was served for the violation, or may grant a restricted
21 license.

22 (15) ~~(14)~~ The secretary of state shall not issue a restricted
23 license to an individual whose license is suspended under this
24 section unless a restricted license is authorized under this
25 section and the individual is otherwise eligible for a license.

26 (16) ~~(15)~~ The secretary of state shall not issue a restricted
27 license to an individual under subsection (8) that would permit the
28 individual to operate a commercial motor vehicle.

29 (17) ~~(16)~~ Except as provided in subsection ~~(15)~~, **(16)**, a

1 restricted license issued under this section must permit the
2 individual to whom it is issued to take any driving skills test
3 required by the secretary of state and to operate a vehicle under 1
4 or more of the following circumstances:

5 (a) In the course of the individual's employment or
6 occupation.

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

8 (i) The individual's residence.

9 (ii) The individual's work location.

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

12 (iv) The court probation department.

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

14 (vi) An educational institution at which the individual is
15 enrolled as a student.

16 (vii) A place of regularly occurring medical treatment for a
17 serious condition for the individual or a member of the
18 individual's household or immediate family.

19 (viii) An ignition interlock service provider as required.

20 **(18)** ~~(17)~~ While driving with a restricted license, the
21 individual shall carry proof of ~~his or her~~ **the individual's**
22 destination and the hours of any employment, class, or other reason
23 for traveling and shall display that proof on a peace officer's
24 request.

25 **(19)** ~~(18)~~ Subject to subsection ~~(20)~~, **(21)**, as used in
26 subsection (8), "prior conviction" means a conviction for any of
27 the following, whether under a law of this state, a local ordinance
28 that substantially corresponds to a law of this state, or a law of
29 another state that substantially corresponds to a law of this

1 state:

2 (a) Except as provided in subsection ~~(19)~~, **(20)**, a violation
3 or attempted violation of any of the following:

4 (i) Section 625, except a violation of section 625(2), or a
5 violation of any prior enactment of section 625 in which the
6 defendant operated a vehicle while under the influence of
7 intoxicating or alcoholic liquor or a controlled substance, or a
8 combination of intoxicating or alcoholic liquor and a controlled
9 substance, or while visibly impaired, or with an unlawful bodily
10 alcohol content.

11 (ii) Section 625m.

12 (iii) Former section 625b.

13 (b) Negligent homicide, manslaughter, or murder that results
14 from the operation of a vehicle or an attempt to commit any of
15 those crimes.

16 (c) Beginning October 31, 2010, a violation of section 601d or
17 section 626(3) or (4).

18 **(20)** ~~(19)~~—Except for purposes of the suspensions described in
19 subsection (8)(c) and (d), only 1 violation or attempted violation
20 of section 625(6), a local ordinance that substantially corresponds
21 to section 625(6), or a law of another state that substantially
22 corresponds to section 625(6) may be used as a prior conviction.

23 **(21)** ~~(20)~~—If 2 or more convictions described in subsection
24 ~~(18)~~ **(19)** are convictions for violations arising out of the same
25 transaction, only 1 conviction must be used to determine whether
26 the individual has a prior conviction.

27 **(22)** ~~(21)~~—Any period of suspension or restriction required
28 under this section is not subject to appeal to the secretary of
29 state.

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

20 (a) Suspension for 60 days, to run consecutively with any
21 commercial driver license action imposed under this section, if the
22 ~~person~~**individual** is convicted of or found responsible for 1 of the
23 following while operating a commercial motor vehicle:

24 (i) Two serious traffic violations arising from separate
25 incidents within 36 months.

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

27 (iii) A violation of motor carrier safety regulations 49 CFR
28 392.10 or 392.11, as adopted by section 1a of the motor carrier
29 safety act of 1963, 1963 PA 181, MCL 480.11a.

1 (iv) A violation of section 57 of the pupil transportation act,
2 1990 PA 187, MCL 257.1857.

3 ~~(v) A violation of motor carrier safety regulations 49 CFR~~
4 ~~392.10 or 392.11, as adopted by section 31 of the motor bus~~
5 ~~transportation act, 1982 PA 432, MCL 474.131.~~

6 (v) ~~(vi)~~ A violation of motor carrier safety regulations 49 CFR
7 392.10 or 392.11 while operating a commercial motor vehicle other
8 than a vehicle covered under subparagraph (iii) ~~, or (iv). , or (v).~~

9 (vi) ~~(vii)~~ A violation of commercial motor vehicle fraudulent
10 testing law.

11 (b) Suspension for 120 days, to be served consecutively with a
12 60-day suspension imposed under subdivision (a) (i), if the ~~person~~
13 **individual** is convicted of or found responsible for 1 of the
14 following arising from separate incidents within 36 months while
15 operating a commercial motor vehicle:

16 (i) Three serious traffic violations.

17 (ii) Any combination of 2 violations described in subdivision
18 (a) (ii) .

19 (c) Suspension for 1 year, to run consecutively with any
20 commercial driver license action imposed under this section, if the
21 ~~person~~**individual** is convicted of or found responsible for 1 of the
22 following:

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

27 (ii) Leaving the scene of an accident involving a commercial or
28 noncommercial motor vehicle operated by the ~~person~~**individual**.

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

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

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

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

19 (vii) A violation of commercial motor vehicle fraudulent
20 testing law.

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

24 (d) Suspension for 3 years, to run consecutively with any
25 commercial driver license action imposed under this section, if the
26 ~~person~~ **individual** is convicted of or found responsible for an
27 offense enumerated in subdivision (c) (i) to (vi) in which a
28 commercial motor vehicle was used if the vehicle was carrying
29 hazardous material required to have a placard under 49 CFR parts

1 100 to 199.

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

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

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

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

18 (iv) A refusal of a request of a police officer to submit to a
19 chemical test of ~~his or her~~**the individual's** blood, breath, or
20 urine for the purpose of determining the amount of alcohol or
21 presence of a controlled substance or both in ~~his or her~~**the**
22 **individual's** blood while ~~he or she~~**the individual** was operating a
23 commercial or noncommercial motor vehicle in this state or another
24 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 ~~a person~~**an individual** is convicted
5 of or 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 on the operator's or
17 chauffeur's license of ~~a person~~**an individual** with a vehicle group
18 designation upon receiving notice from a federal government agency
19 that the ~~person~~**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 of 2001, Public Law 107-
23 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 ~~person~~
26 **individual** does not pose a security risk in the transportation of
27 hazardous 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 ~~a person's~~ **an individual's** operator's or
 2 chauffeur's license upon receiving notice of a conviction, bond
 3 forfeiture, or civil infraction determination of the ~~person,~~
 4 **individual**, or notice that a court or administrative tribunal has
 5 found the ~~person~~ **individual** responsible, for a violation of section
 6 319d(4) or 319f, a local ordinance substantially corresponding to
 7 section 319d(4) or 319f, or a law or local ordinance of another
 8 state, the United States, Canada, the United Mexican States, or a
 9 local jurisdiction of either of these countries substantially
 10 corresponding to section 319d(4) or 319f, while operating a
 11 commercial motor vehicle. The period of suspension or revocation,
 12 ~~which shall~~ **that must** run consecutively with any commercial driver
 13 license action imposed under this section, is as follows:

14 (a) Suspension for 180 days if the ~~person~~ **individual** is
 15 convicted of or found responsible for a violation of section
 16 319d(4) or 319f while operating a commercial motor vehicle.

17 (b) Suspension for 180 days if the ~~person~~ **individual** is
 18 convicted of or found responsible for a violation of section
 19 319d(4) or 319f while operating a commercial motor vehicle that is
 20 either carrying hazardous material required to have a placard under
 21 49 CFR parts 100 to 199 or designed to carry 16 or more passengers,
 22 including the driver.

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

28 (d) Suspension for 3 years if the ~~person~~ **individual** is
 29 convicted of or found responsible for 3 or more violations, in any

1 combination, of section 319d(4) or 319f while operating a
2 commercial motor vehicle arising from 3 or more separate incidents
3 during a 10-year period.

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

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

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

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

26 (7) A conviction, bond forfeiture, or civil infraction
27 determination, or notice that a court or administrative tribunal
28 has found ~~a person~~**an individual** responsible for a violation
29 described in this subsection while the ~~person~~**individual** was

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

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

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

17 (c) Leaving the scene of an accident.

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

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

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

25 (10) As used in this section:

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

1 circumstances existed:

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

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

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

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

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

8 (i) A traffic violation that occurs in connection with an
9 accident in which ~~a person~~ **an individual** died.

10 (ii) Reckless driving.

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

13 (iv) Improper lane use.

14 (v) Following too closely.

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

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

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

1 transported.

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

5 (x) Any other serious traffic violation as defined in 49 CFR
6 383.5 or as prescribed under this act.

7 Sec. 320a. (1) Within 5 days after receipt of a properly
8 prepared abstract from a court of this state or another state, the
9 secretary of state shall record the date of conviction, civil
10 infraction determination, or probate court disposition, and the
11 number of points for each, based on the following formula, except
12 as otherwise provided in this section and section 629c:

13 (a) Manslaughter, negligent homicide, or a
14 felony resulting from the operation of a motor
15 vehicle, ORV, or snowmobile..... 6 points

16 (b) A violation of section 601b(2) or (3),
17 601c(1) or (2), or 653a(3) or (4) or, beginning
18 October 31, 2010, a violation of section 601d..... 6 points

19 (c) A violation of section 625(1), (4), (5),
20 (7), or (8), section 81134 or 82127(1) of the
21 natural resources and environmental protection act,
22 1994 PA 451, MCL 324.81134 and 324.82127, or a law
23 or ordinance substantially corresponding to section
24 625(1), (4), (5), (7), or (8), or section 81134 or
25 82127(1) of the natural resources and environmental
26 protection act, 1994 PA 451, MCL 324.81134 and
27 324.82127..... 6 points

28 (d) Failing to stop and disclose identity at
29 the scene of an accident when required by law..... 6 points

1 (e) Operating a motor vehicle in violation of
2 section 626..... 6 points

3 (f) Fleeing or eluding an officer..... 6 points

4 (g) A violation of section 627(6) pertaining
5 to speed in a work zone described in that section by
6 exceeding the lawful maximum by more than 15 miles
7 per hour..... 5 points

8 (h) A violation of any law or ordinance
9 pertaining to speed by exceeding the lawful maximum
10 by more than 15 miles per hour..... 4 points

11 (i) A violation of section 625(3) or (6),
12 section ~~81135 or~~ 82127(3) of the natural resources
13 and environmental protection act, 1994 PA 451, MCL
14 ~~324.81135 and~~ 324.82127, or a law or ordinance
15 substantially corresponding to section 625(3) or (6)
16 or section ~~81135 or~~ 82127(3) of the natural
17 resources and environmental protection act, 1994 PA
18 451, MCL ~~324.81135 and~~ 324.82127..... 4 points

19 (j) A violation of section 626a or a law or
20 ordinance substantially corresponding to section
21 626a..... 4 points

22 (k) A violation of section 627(6) pertaining
23 to speed in a work zone described in that section by
24 exceeding the lawful maximum by more than 10 but not
25 more than 15 miles per hour..... 4 points

26 (l) Beginning October 31, 2010, a moving
27 violation resulting in an at-fault collision with
28 another vehicle, ~~a person,~~ **an individual**, or any
29 other object..... 4 points

- 1 (m) Careless driving in violation of section
- 2 626b or a law or ordinance substantially
- 3 corresponding to section 626b..... 3 points
- 4 (n) A violation of any law or ordinance
- 5 pertaining to speed by exceeding the lawful maximum
- 6 by more than 10 miles per hour but not more than 15
- 7 miles per hour..... 3 points
- 8 (o) A violation of section 653a(2)..... 2 points
- 9 (p) A violation of any law or ordinance
- 10 pertaining to speed by exceeding the lawful maximum
- 11 by more than 5 miles per hour but not more than 10
- 12 miles per hour..... 2 points
- 13 (q) A violation of any law or ordinance
- 14 pertaining to speed by exceeding the lawful maximum
- 15 by more than 1 mile per hour but not more than 5
- 16 miles per hour..... 1 point
- 17 (r) Disobeying a traffic signal or stop sign,
- 18 or improper passing..... 3 points
- 19 (s) A violation of section 624a, 624b, or a
- 20 law or ordinance substantially corresponding to
- 21 section 624a or 624b..... 2 points
- 22 (t) A violation of section 310e(4) or (6) or a
- 23 law or ordinance substantially corresponding to
- 24 section 310e(4) or (6)..... 2 points
- 25 (u) All other moving violations pertaining to
- 26 the operation of motor vehicles reported under this
- 27 section..... 2 points

1 (v) A refusal by ~~a person~~**an individual** less
2 than 21 years of age to submit to a preliminary
3 breath test required by a peace officer under
4 section 625a..... 2 points

5 (w) A violation of section 627(6) pertaining
6 to speed in a work zone described in that section by
7 exceeding the lawful maximum by 10 miles per hour or
8 less..... 3 points

9 **(x) A third or subsequent violation of section**
10 **602b..... 2 points**

11 **(y) A second violation of section 602b..... 1 point**

12 (2) Points ~~shall~~**must** not be entered for a violation of
13 section 310e(14), 311, ~~602b(1),~~ 602c, 625m, 658, 710d, 717, 719,
14 719a, or 723.

15 (3) Points ~~shall~~**must** not be entered for bond forfeitures.

16 (4) Points ~~shall~~**must** not be entered for overweight loads or
17 for defective equipment.

18 (5) If more than 1 conviction, civil infraction determination,
19 or probate court disposition results from the same incident, points
20 ~~shall~~**must** be entered only for the violation that receives the
21 highest number of points under this section.

22 (6) If ~~a person~~**an individual** has accumulated 9 points as
23 provided in this section, the secretary of state may call the
24 ~~person~~**individual** in for an interview as to the ~~person's~~
25 **individual's** driving ability and record after due notice as to time
26 and place of the interview. If the ~~person~~**individual** fails to
27 appear as provided in this subsection, the secretary of state shall
28 add 3 points to the ~~person's~~**individual's** record.

29 (7) If ~~a person~~**an individual** violates a speed restriction

1 established by an executive order issued during a state of energy
 2 emergency as provided by 1982 PA 191, MCL 10.81 to 10.89, the
 3 secretary of state shall enter points for the violation under
 4 subsection (1).

5 (8) The secretary of state shall enter 6 points upon the
 6 record of ~~a person~~ **an individual** whose license is suspended or
 7 denied under section 625f. However, if a conviction, civil
 8 infraction determination, or probate court disposition results from
 9 the same incident, additional points for that offense ~~shall~~ **must**
 10 not be entered.

11 (9) If a Michigan driver commits a violation in another state
 12 that would be a civil infraction if committed in ~~Michigan,~~ **this**
 13 **state**, and a conviction results solely because of the failure of
 14 the Michigan driver to appear in that state to contest the
 15 violation, upon receipt of the abstract of conviction by the
 16 secretary of state, the violation ~~shall~~ **must** be noted on the
 17 **Michigan** driver's record, but ~~no~~ points ~~shall~~ **must not** be assessed
 18 against ~~his or her~~ **the Michigan** driver's license.

19 Enacting section 1. This amendatory act takes effect 180 days
 20 after the date it is enacted into law.

21 Enacting section 2. This amendatory act does not take effect
 22 unless all of the following bills of the 102nd Legislature are
 23 enacted into law:

24 (a) Senate Bill No. 239.

25

26 (b) Senate Bill No. 241.

27