

SENATE BILL No. 104

January 30, 2007, Introduced by Senators GARCIA and RICHARDVILLE and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 319, 634, 649, and 650 (MCL 257.319, 257.634, 257.649, and 257.650), section 319 as amended by 2004 PA 362 and section 634 as amended by 1988 PA 346.

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
9 for 1 year for any of the following crimes:

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

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

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

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

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

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

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

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

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

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

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

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

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) if
15 the person has no prior convictions within 7 years. The secretary
16 of state may issue the person a restricted license during a
17 specified portion of the suspension, except that the secretary of
18 state shall not issue a restricted license during the first 30 days
19 of suspension.

20 (b) For 90 days for a violation of section 625(3) if the
21 person has no prior convictions within 7 years. However, if the
22 person is convicted of a violation of section 625(3), for operating
23 a vehicle when, due to the consumption of a controlled substance or
24 a combination of alcoholic liquor and a controlled substance, the
25 person's ability to operate the vehicle was visibly impaired, the
26 secretary of state shall suspend the person's license under this
27 subdivision for 180 days. The secretary of state may issue the

1 person a restricted license during all or a specified portion of
2 the suspension.

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

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

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

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

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

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

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

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

27 (11) For a violation or attempted violation of section 411a(2)

1 of the Michigan penal code, 1931 PA 328, MCL 750.411a, involving a
2 school, the secretary of state shall suspend the license of a
3 person 14 years of age or over but less than 21 years of age until
4 3 years after the date of the conviction or juvenile disposition
5 for the violation. The secretary of state may issue the person a
6 restricted license after the first 365 days of suspension.

7 (12) THE SECRETARY OF STATE SHALL SUSPEND THE PERSON'S LICENSE
8 FOR 30 DAYS FOR A VIOLATION DESCRIBED IN SECTION 634(5), 649(9), OR
9 650(3).

10 (13) THE SECRETARY OF STATE SHALL SUSPEND THE PERSON'S LICENSE
11 FOR 90 DAYS FOR A VIOLATION DESCRIBED IN SECTION 634(6), 649(10),
12 OR 650(4).

13 (14) THE SECRETARY OF STATE SHALL SUSPEND THE PERSON'S LICENSE
14 FOR NOT LESS THAN 180 DAYS OR MORE THAN 1 YEAR FOR A VIOLATION
15 DESCRIBED IN SECTION 634(7), 649(11), OR 650(5).

16 (15) ~~(12)~~—Except as provided in subsection ~~(14)~~—(17), a
17 suspension under this section shall be imposed notwithstanding a
18 court order unless the court order complies with section 323.

19 (16) ~~(13)~~—If the secretary of state receives records of more
20 than 1 conviction of a person resulting from the same incident, a
21 suspension shall be imposed only for the violation to which the
22 longest period of suspension applies under this section.

23 (17) ~~(14)~~—The secretary of state may waive a restriction,
24 suspension, or revocation of a person's license imposed under this
25 act if the person submits proof that a court in another state
26 revoked, suspended, or restricted his or her license for a period
27 equal to or greater than the period of a restriction, suspension,

1 or revocation prescribed under this act for the violation and that
2 the revocation, suspension, or restriction was served for the
3 violation, or may grant a restricted license.

4 (18) ~~(15)~~—The secretary of state shall not issue a restricted
5 license to a person whose license is suspended under this section
6 unless a restricted license is authorized under this section and
7 the person is otherwise eligible for a license.

8 (19) ~~(16)~~—The secretary of state shall not issue a restricted
9 license to a person under subsection (8) that would permit the
10 person to operate a commercial motor vehicle.

11 (20) ~~(17)~~—A restricted license issued under this section shall
12 permit the person to whom it is issued to take any driving skills
13 test required by the secretary of state and to drive under 1 or
14 more of the following circumstances:

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

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

17 (i) The person's residence.

18 (ii) The person's work location.

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

21 (iv) The court probation department.

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

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

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

1 (21) ~~(18)~~ While driving with a restricted license, the person
2 shall carry proof of his or her destination and the hours of any
3 employment, class, or other reason for traveling and shall display
4 that proof upon a peace officer's request.

5 (22) ~~(19)~~ Subject to subsection ~~(21)~~ (24), as used in
6 subsection (8), "prior conviction" means a conviction for any of
7 the following, whether under a law of this state, a local ordinance
8 substantially corresponding to a law of this state, or a law of
9 another state substantially corresponding to a law of this state:

10 (a) Except as provided in subsection ~~(20)~~ (23), a violation or
11 attempted violation of any of the following:

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

19 (ii) Section 625m.

20 (iii) Former section 625b.

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

24 (23) ~~(20)~~ Except for purposes of the suspensions described in
25 subsection (8) (c) and (d), only 1 violation or attempted violation
26 of section 625(6), a local ordinance substantially corresponding to
27 section 625(6), or a law of another state substantially

1 corresponding to section 625(6) may be used as a prior conviction.

2 (24) ~~(21)~~—If 2 or more convictions described in subsection
3 ~~(19)~~—(22) are convictions for violations arising out of the same
4 transaction, only 1 conviction shall be used to determine whether
5 the person has a prior conviction.

6 Sec. 634. (1) Upon each roadway of sufficient width, the
7 driver of a vehicle shall drive the vehicle upon the right half of
8 the roadway, except as follows:

9 (a) When overtaking and passing another vehicle proceeding in
10 the same direction under the rules governing that movement.

11 (b) When the right half of a roadway is closed to traffic
12 while under construction or repair or when an obstruction exists
13 making it necessary to drive to the left of the center of the
14 highway. A driver who is driving on the left half of a roadway
15 under this subdivision shall yield the right-of-way to an oncoming
16 vehicle traveling in the proper direction upon the unobstructed
17 portion of the roadway.

18 (c) When a vehicle operated by a state agency or a local
19 authority or an agent of a state agency or local authority is
20 engaged in work on the roadway.

21 (d) Upon a roadway divided into 3 marked lanes for traffic
22 under the rules applicable on the roadway.

23 (2) Upon a roadway having 2 or more lanes for travel in 1
24 direction, the driver of a vehicle shall drive the vehicle in the
25 extreme right-hand lane available for travel except as otherwise
26 provided in this section. However, the driver of a vehicle may
27 drive the vehicle in any lane lawfully available to traffic moving

1 in the same direction of travel when the lanes are occupied by
2 vehicles moving in substantially continuous lanes of traffic and in
3 any left-hand lane lawfully available to traffic moving in the same
4 direction of travel for a reasonable distance before making a left
5 turn.

6 (3) This section shall not be construed to prohibit a vehicle
7 traveling in the appropriate direction from traveling in any lane
8 of a freeway having 3 or more lanes for travel in the same
9 direction. However, a city, village, township, or county may not
10 enact an ordinance which regulates the same subject matter as any
11 provision of this subsection. The driver of a truck with a gross
12 weight of more than 10,000 pounds, a truck tractor, or a
13 combination of a vehicle and trailer or semitrailer shall drive the
14 vehicle or combination of vehicles only in either of the 2 lanes
15 farthest to the right, except for a reasonable distance when making
16 a left turn or where a special hazard exists that requires the use
17 of an alternative lane for safety reasons.

18 (4) A person who violates this section is responsible for a
19 civil infraction.

20 (5) A PERSON WHO IS FOUND RESPONSIBLE FOR A VIOLATION OF THIS
21 SECTION THAT CAUSED INJURY TO ANOTHER PERSON SHALL BE FINED
22 \$200.00. THE SECRETARY OF STATE SHALL SUSPEND THE PERSON'S DRIVER
23 LICENSE FOR A PERIOD OF 30 DAYS. THE FINE AND PERIOD OF SUSPENSION
24 IMPOSED UNDER THIS SUBSECTION SHALL BE IN ADDITION TO ANY FINE OR
25 PERIOD OF SUSPENSION IMPOSED FOR THE UNDERLYING VIOLATION.

26 (6) A PERSON WHO IS FOUND RESPONSIBLE FOR A VIOLATION OF THIS
27 SECTION THAT CAUSED SERIOUS INJURY TO ANOTHER PERSON SHALL BE FINED

1 \$500.00. THE SECRETARY OF STATE SHALL SUSPEND THE PERSON'S DRIVER
2 LICENSE FOR A PERIOD OF 90 DAYS. THE FINE AND PERIOD OF SUSPENSION
3 IMPOSED UNDER THIS SUBSECTION SHALL BE IN ADDITION TO ANY FINE OR
4 PERIOD OF SUSPENSION IMPOSED FOR THE UNDERLYING VIOLATION. AS USED
5 IN THIS SUBSECTION, "SERIOUS INJURY" MEANS THAT TERM AS DEFINED IN
6 SECTION 602A.

7 (7) A PERSON WHO IS FOUND RESPONSIBLE FOR A VIOLATION OF THIS
8 SECTION THAT CAUSED THE DEATH OF ANOTHER PERSON SHALL BE FINED
9 \$1,000.00. THE SECRETARY OF STATE SHALL SUSPEND THE PERSON'S DRIVER
10 LICENSE FOR A PERIOD OF NOT LESS THAN 180 DAYS OR MORE THAN 1 YEAR.
11 THE FINE AND PERIOD OF SUSPENSION IMPOSED UNDER THIS SUBSECTION
12 SHALL BE IN ADDITION TO ANY FINE OR PERIOD OF SUSPENSION IMPOSED
13 FOR THE UNDERLYING VIOLATION.

14 Sec. 649. (1) The driver of a vehicle approaching an
15 intersection shall yield the right of way to a vehicle which has
16 entered the intersection from a different highway.

17 (2) When 2 vehicles enter an intersection from different
18 highways at approximately the same time, the driver of the vehicle
19 on the left shall yield the right of way to the vehicle on the
20 right.

21 (3) The right of way rules ~~declared~~**SET FORTH** in subsections
22 (1) and (2) are modified at through highways and otherwise as
23 ~~stated~~**PROVIDED** in this chapter.

24 (4) The driver of a vehicle approaching a yield sign, in
25 obedience to the sign, shall slow down to a speed reasonable for
26 the existing conditions and shall yield the right of way to a
27 vehicle in the intersection or approaching on another highway so

1 closely as to constitute an immediate hazard during the time the
2 driver would be moving across or within the intersection. However,
3 if required for safety to stop, the driver shall stop before
4 entering the crosswalk on the near side of the intersection or, if
5 there is not a crosswalk, at a clearly marked stop line; but if
6 there is not a crosswalk or a clearly marked stop line, then at the
7 point nearest the intersecting roadway where the driver has a view
8 of approaching traffic on the intersecting roadway.

9 (5) The driver of a vehicle traveling at an unlawful speed
10 shall forfeit a right of way which the driver might otherwise have
11 under this section.

12 (6) Except when directed to proceed by a police officer, the
13 driver of a vehicle approaching a stop intersection indicated by a
14 stop sign shall stop before entering the crosswalk on the near side
15 of the intersection, or if there is not a crosswalk shall stop at a
16 clearly marked stop line; or if there is not a crosswalk or a
17 clearly marked stop line, then at the point nearest the
18 intersecting roadway where the driver has a view of approaching
19 traffic on the intersecting roadway. After having stopped, the
20 driver shall yield the right of way to a vehicle which has entered
21 the intersection from another highway or which is approaching so
22 closely on the highway as to constitute an immediate hazard during
23 the time when the driver would be moving across or within the
24 intersection.

25 (7) When a vehicle approaches the intersection of a highway
26 from an intersecting highway or street which is intended to be, and
27 is constructed as, a merging highway or street, and is plainly

1 marked at the intersection with appropriate merge signs, the
2 vehicle shall yield right of way to a vehicle so close as to
3 constitute an immediate hazard on the highway about to be entered
4 and shall adjust its speed so as to enable it to merge safely with
5 the through traffic.

6 (8) A person who violates this section is responsible for a
7 civil infraction.

8 (9) A PERSON WHO IS FOUND RESPONSIBLE FOR A VIOLATION OF THIS
9 SECTION THAT CAUSED INJURY TO ANOTHER PERSON SHALL BE FINED
10 \$200.00. THE SECRETARY OF STATE SHALL SUSPEND THE PERSON'S DRIVER
11 LICENSE FOR A PERIOD OF 30 DAYS. THE FINE AND PERIOD OF SUSPENSION
12 IMPOSED UNDER THIS SUBSECTION SHALL BE IN ADDITION TO ANY FINE OR
13 PERIOD OF SUSPENSION IMPOSED FOR THE UNDERLYING VIOLATION.

14 (10) A PERSON WHO IS FOUND RESPONSIBLE FOR A VIOLATION OF THIS
15 SECTION THAT CAUSED SERIOUS INJURY TO ANOTHER PERSON SHALL BE FINED
16 \$500.00. THE SECRETARY OF STATE SHALL SUSPEND THE PERSON'S DRIVER
17 LICENSE FOR A PERIOD OF 90 DAYS. THE FINE AND PERIOD OF SUSPENSION
18 IMPOSED UNDER THIS SUBSECTION SHALL BE IN ADDITION TO ANY FINE OR
19 PERIOD OF SUSPENSION IMPOSED FOR THE UNDERLYING VIOLATION. AS USED
20 IN THIS SUBSECTION, "SERIOUS INJURY" MEANS THAT TERM AS DEFINED IN
21 SECTION 602A.

22 (11) A PERSON WHO IS FOUND RESPONSIBLE FOR A VIOLATION OF THIS
23 SECTION THAT CAUSED THE DEATH OF ANOTHER PERSON SHALL BE FINED
24 \$1,000.00. THE SECRETARY OF STATE SHALL SUSPEND THE PERSON'S DRIVER
25 LICENSE FOR A PERIOD OF NOT LESS THAN 180 DAYS OR MORE THAN 1 YEAR.
26 THE FINE AND PERIOD OF SUSPENSION IMPOSED UNDER THIS SUBSECTION
27 SHALL BE IN ADDITION TO ANY FINE OR PERIOD OF SUSPENSION IMPOSED

1 **FOR THE UNDERLYING VIOLATION.**

2 Sec. 650. (1) The driver of a vehicle within an intersection
3 intending to turn to the left shall yield the right of way to a
4 vehicle approaching from the opposite direction which is within the
5 intersection or so close to the intersection as to constitute an
6 immediate hazard; but the driver, having so yielded and having
7 given a signal when and as required by this chapter, may make the
8 left turn and the drivers of all other vehicles approaching the
9 intersection from the opposite direction shall yield the right of
10 way to the vehicle making the left turn. At an intersection at
11 which a traffic signal is located, a driver intending to make a
12 left turn shall permit vehicles bound straight through in the
13 opposite direction which are waiting a go signal to pass through
14 the intersection before making the turn.

15 (2) A person who violates this section is responsible for a
16 civil infraction.

17 (3) **A PERSON WHO IS FOUND RESPONSIBLE FOR A VIOLATION OF THIS**
18 **SECTION THAT CAUSED INJURY TO ANOTHER PERSON SHALL BE FINED**
19 **\$200.00. THE SECRETARY OF STATE SHALL SUSPEND THE PERSON'S DRIVER**
20 **LICENSE FOR A PERIOD OF 30 DAYS. THE FINE AND PERIOD OF SUSPENSION**
21 **IMPOSED UNDER THIS SUBSECTION SHALL BE IN ADDITION TO ANY FINE OR**
22 **PERIOD OF SUSPENSION IMPOSED FOR THE UNDERLYING VIOLATION.**

23 (4) **A PERSON WHO IS FOUND RESPONSIBLE FOR A VIOLATION OF THIS**
24 **SECTION THAT CAUSED SERIOUS INJURY TO ANOTHER PERSON SHALL BE FINED**
25 **\$500.00. THE SECRETARY OF STATE SHALL SUSPEND THE PERSON'S DRIVER**
26 **LICENSE FOR A PERIOD OF 90 DAYS. THE FINE AND PERIOD OF SUSPENSION**
27 **IMPOSED UNDER THIS SUBSECTION SHALL BE IN ADDITION TO ANY FINE OR**

1 PERIOD OF SUSPENSION IMPOSED FOR THE UNDERLYING VIOLATION. AS USED
2 IN THIS SUBSECTION, "SERIOUS INJURY" MEANS THAT TERM AS DEFINED IN
3 SECTION 602A.

4 (5) A PERSON WHO IS FOUND RESPONSIBLE FOR A VIOLATION OF THIS
5 SECTION THAT CAUSED THE DEATH OF ANOTHER PERSON SHALL BE FINED
6 \$1,000.00. THE SECRETARY OF STATE SHALL SUSPEND THE PERSON'S DRIVER
7 LICENSE FOR A PERIOD OF NOT LESS THAN 180 DAYS OR MORE THAN 1 YEAR.
8 THE FINE AND PERIOD OF SUSPENSION IMPOSED UNDER THIS SUBSECTION
9 SHALL BE IN ADDITION TO ANY FINE OR PERIOD OF SUSPENSION IMPOSED
10 FOR THE UNDERLYING VIOLATION.