

**SUBSTITUTE FOR  
HOUSE BILL NO. 4251**

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  
3 record of **a court order entered under section 602b(8) suspending**  
4 **the individual's license or of** the individual's conviction for a  
5 crime described in this section, whether the conviction is under a  
6 law of this state, a local ordinance that substantially corresponds



1 to a law of this state, a law of another state that substantially  
2 corresponds to a law of this state, or, beginning October 31, 2010,  
3 a law of the United States that substantially corresponds to a law  
4 of this state.

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

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

9 (b) A violation of section 413 of the Michigan penal code,  
10 1931 PA 328, MCL 750.413.

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

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

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

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

20 (iv) The vehicle was necessary for the commission of the  
21 felony.

22 (d) A violation of section 602a(2) or (3) or section 479a(2)  
23 or (3) of the Michigan penal code, 1931 PA 328, MCL 750.479a.

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

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

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

29 (b) A violation of section 601b(2), section 601c(1), section



1 653a(3), section 626 before October 31, 2010, or, beginning October  
2 31, 2010, section 626(2).

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

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

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

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

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

21 (6) For a violation of section 414 of the Michigan penal code,  
22 1931 PA 328, MCL 750.414, the secretary of state shall suspend the  
23 individual's license as follows:

24 (a) If the individual has no prior conviction for that offense  
25 within 7 years, for 90 days.

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

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



1 (a) If the individual has 1 prior conviction for an offense  
2 described in section 624a or 624b, for 90 days. The secretary of  
3 state may issue the individual a restricted license after the first  
4 30 days of suspension.

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

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

11 (a) For 180 days for a violation of section 625(1) or (8)  
12 before October 31, 2010 or, beginning October 31, 2010, section  
13 625(1) (a) or (b) or (8) if the individual has no prior convictions  
14 within 7 years. The secretary of state may issue the individual a  
15 restricted license during a specified portion of the suspension,  
16 except that the secretary of state shall not issue a restricted  
17 license during the first 30 days of suspension.

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

28 (c) For 30 days for a violation of section 625(6) if the  
29 individual has no prior convictions within 7 years. The secretary



1 of state may issue the individual a restricted license during all  
2 or a specified portion of the suspension.

3 (d) For 90 days for a violation of section 625(6) if the  
4 individual has 1 or more prior convictions for that offense within  
5 7 years.

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

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

14 (g) Beginning October 31, 2010, for 1 year for a violation of  
15 section 625(1)(c) if the individual has no prior convictions within  
16 7 years or not more than 2 convictions within 10 years. The  
17 secretary of state may issue the individual a restricted license,  
18 except that the secretary of state shall not issue a restricted  
19 license during the first 45 days of suspension.

20 (h) Beginning October 31, 2010, the department shall order an  
21 individual convicted of violating section 625(1)(c) not to operate  
22 a motor vehicle under a restricted license issued under subdivision  
23 (g) unless the vehicle is equipped with an ignition interlock  
24 device approved, certified, and installed as required under  
25 sections 625k and 625l. The ignition interlock device may be removed  
26 after the interlock device provider provides the department with  
27 verification that the individual has operated the vehicle with no  
28 instances of reaching or exceeding a blood alcohol level of 0.025  
29 grams per 210 liters of breath. This subdivision does not prohibit



1 the removal of the ignition interlock device for any of the  
2 following:

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

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

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

20 (i) Beginning October 31, 2010, if an individual violates the  
21 conditions of the restricted license issued under subdivision (g)  
22 or operates or attempts to operate a motor vehicle with a blood  
23 alcohol level of 0.025 grams per 210 liters of breath, the  
24 secretary of state shall impose an additional like period of  
25 suspension and restriction as prescribed under subdivision (g).  
26 This subdivision does not require an additional like period of  
27 suspension and restriction for any of the following:

28 (i) A start-up test failure within the first 2 months after  
29 installation of the ignition interlock device. As used in this



1 subdivision, "start-up test failure" means that the ignition  
2 interlock device has prevented the motor vehicle from being  
3 started. Multiple unsuccessful attempts at 1 time to start the  
4 vehicle are treated as 1 start-up test failure only under this  
5 subparagraph.

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

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

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

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

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

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

25 **(11) For 3 or more violations of section 602b(1) within a 3-**  
26 **year period, the secretary of state shall suspend the individual's**  
27 **license for not more than 90 days as provided in a court order, if**  
28 **the court orders the individual's license suspended under section**  
29 **602b(8) .**



1           (12) ~~(11)~~—Except as provided in subsection ~~(13)~~, ~~(14)~~, a  
2 suspension under this section must be imposed notwithstanding a  
3 court order unless the court order complies with section 323.

4           (13) ~~(12)~~—If the secretary of state receives records of more  
5 than 1 conviction of an individual that results from the same  
6 incident, a suspension must be imposed only for the violation to  
7 which the longest period of suspension applies under this section.

8           (14) ~~(13)~~—The secretary of state may waive a restriction,  
9 suspension, or revocation of an individual's license imposed under  
10 this act if the individual submits proof that a court in another  
11 state revoked, suspended, or restricted ~~his or her~~ **the individual's**  
12 license for a period equal to or greater than the period of a  
13 restriction, suspension, or revocation prescribed under this act  
14 for the violation and that the revocation, suspension, or  
15 restriction was served for the violation, or may grant a restricted  
16 license.

17           (15) ~~(14)~~—The secretary of state shall not issue a restricted  
18 license to an individual whose license is suspended under this  
19 section unless a restricted license is authorized under this  
20 section and the individual is otherwise eligible for a license.

21           (16) ~~(15)~~—The secretary of state shall not issue a restricted  
22 license to an individual under subsection (8) that would permit the  
23 individual to operate a commercial motor vehicle.

24           (17) ~~(16)~~—Except as provided in subsection ~~(15)~~, ~~(16)~~, a  
25 restricted license issued under this section must permit the  
26 individual to whom it is issued to take any driving skills test  
27 required by the secretary of state and to operate a vehicle under 1  
28 or more of the following circumstances:

29           (a) In the course of the individual's employment or





1 occupation.

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

3 (i) The individual's residence.

4 (ii) The individual's work location.

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

7 (iv) The court probation department.

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

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

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

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

15 **(18)** ~~(17)~~ While driving with a restricted license, the  
16 individual shall carry proof of ~~his or her~~ **the individual's**  
17 destination and the hours of any employment, class, or other reason  
18 for traveling and shall display that proof on a peace officer's  
19 request.

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

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

28 (i) Section 625, except a violation of section 625(2), or a  
29 violation of any prior enactment of section 625 in which the



1 defendant operated a vehicle while under the influence of  
 2 intoxicating or alcoholic liquor or a controlled substance, or a  
 3 combination of intoxicating or alcoholic liquor and a controlled  
 4 substance, or while visibly impaired, or with an unlawful bodily  
 5 alcohol content.

6 (ii) Section 625m.

7 (iii) Former section 625b.

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

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

13 (20) ~~(19)~~—Except for purposes of the suspensions described in  
 14 subsection (8)(c) and (d), only 1 violation or attempted violation  
 15 of section 625(6), a local ordinance that substantially corresponds  
 16 to section 625(6), or a law of another state that substantially  
 17 corresponds to section 625(6) may be used as a prior conviction.

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

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

25 Sec. 319b. (1) The secretary of state shall immediately  
 26 suspend or revoke, as applicable, all commercial learners permits  
 27 or vehicle group designations on the operator's or chauffeur's  
 28 license of ~~a person~~ **an individual** upon receiving notice of a  
 29 conviction, bond forfeiture, or civil infraction determination of



1 the ~~person~~, **individual**, or notice that a court or administrative  
 2 tribunal has found the ~~person~~ **individual** responsible, for a  
 3 violation described in this subsection of a law of this state, a  
 4 local ordinance substantially corresponding to a law of this state  
 5 while the ~~person~~ **individual** was operating a commercial motor  
 6 vehicle, or a law of another state substantially corresponding to a  
 7 law of this state, or notice that the ~~person~~ **individual** has refused  
 8 to submit to a chemical test of ~~his or her~~ **the individual's** blood,  
 9 breath, or urine for the purpose of determining the amount of  
 10 alcohol or presence of a controlled substance or both in the  
 11 ~~person's~~ **individual's** blood, breath, or urine while the ~~person~~  
 12 **individual** was operating a commercial motor vehicle as required by  
 13 a law or local ordinance of this or another state. The period of  
 14 suspension or revocation is as follows:

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

19 (i) Two serious traffic violations arising from separate  
 20 incidents within 36 months.

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

22 (iii) A violation of motor carrier safety regulations 49 CFR  
 23 392.10 or 392.11, as adopted by section 1a of the motor carrier  
 24 safety act of 1963, 1963 PA 181, MCL 480.11a.

25 (iv) A violation of section 57 of the pupil transportation act,  
 26 1990 PA 187, MCL 257.1857.

27 ~~(v) A violation of motor carrier safety regulations 49 CFR~~  
 28 ~~392.10 or 392.11, as adopted by section 31 of the motor bus~~  
 29 ~~transportation act, 1982 PA 432, MCL 474.131.~~



1           (v) ~~(vi)~~—A violation of motor carrier safety regulations 49 CFR  
 2 392.10 or 392.11 while operating a commercial motor vehicle other  
 3 than a vehicle covered under subparagraph (iii) ~~, or (iv)~~. ~~, or (v)~~.

4           (vi) ~~(vii)~~—A violation of commercial motor vehicle fraudulent  
 5 testing law.

6           (b) Suspension for 120 days, to be served consecutively with a  
 7 60-day suspension imposed under subdivision (a) (i), if the ~~person~~  
 8 **individual** is convicted of or found responsible for 1 of the  
 9 following arising from separate incidents within 36 months while  
 10 operating a commercial motor vehicle:

11           (i) Three serious traffic violations.

12           (ii) Any combination of 2 violations described in subdivision  
 13 (a) (ii).

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

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

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

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

27           (iv) A refusal of a peace officer's request to submit to a  
 28 chemical test of ~~his or her~~**the individual's** blood, breath, or  
 29 urine to determine the amount of alcohol or presence of a



1 controlled substance or both in ~~his or her~~ **the individual's** blood,  
 2 breath, or urine while ~~he or she~~ **the individual** was operating a  
 3 commercial or noncommercial motor vehicle as required by a law or  
 4 local ordinance of this state or another state.

5 (v) Operating a commercial motor vehicle in violation of a  
 6 suspension, revocation, denial, or cancellation that was imposed  
 7 for previous violations committed while operating a commercial  
 8 motor vehicle.

9 (vi) Causing a fatality through the negligent or criminal  
 10 operation of a commercial motor vehicle, including, but not limited  
 11 to, the crimes of motor vehicle manslaughter, motor vehicle  
 12 homicide, and negligent homicide.

13 (vii) A violation of commercial motor vehicle fraudulent  
 14 testing law.

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

18 (d) Suspension for 3 years, to run consecutively with any  
 19 commercial driver license action imposed under this section, if the  
 20 ~~person~~ **individual** is convicted of or found responsible for an  
 21 offense enumerated in subdivision (c) (i) to (vi) in which a  
 22 commercial motor vehicle was used if the vehicle was carrying  
 23 hazardous material required to have a placard under 49 CFR parts  
 24 100 to 199.

25 (e) Revocation for life, to run consecutively with any  
 26 commercial driver license action imposed under this section, but  
 27 with eligibility for reissue of a group vehicle designation after  
 28 not less than 10 years and after approval by the secretary of  
 29 state, if the ~~person~~ **individual** is convicted of or found



1 responsible for 2 violations or a combination of any 2 violations  
2 arising from 2 or more separate incidents involving any of the  
3 following:

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

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

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

12 (iv) A refusal of a request of a police officer to submit to a  
13 chemical test of ~~his or her~~ **the individual's** blood, breath, or  
14 urine for the purpose of determining the amount of alcohol or  
15 presence of a controlled substance or both in ~~his or her~~ **the**  
16 **individual's** blood while ~~he or she~~ **the individual** was operating a  
17 commercial or noncommercial motor vehicle in this state or another  
18 state.

19 (v) Operating a commercial motor vehicle in violation of a  
20 suspension, revocation, denial, or cancellation that was imposed  
21 for previous violations committed while operating a commercial  
22 motor vehicle.

23 (vi) Causing a fatality through the negligent or criminal  
24 operation of a commercial motor vehicle, including, but not limited  
25 to, the crimes of motor vehicle manslaughter, motor vehicle  
26 homicide, and negligent homicide.

27 (f) Revocation for life if ~~a person~~ **an individual** is convicted  
28 of or found responsible for any of the following:

29 (i) One violation of a felony in which a commercial motor



1 vehicle was used and that involved the manufacture, distribution,  
 2 or dispensing of a controlled substance or possession with intent  
 3 to manufacture, distribute, or dispense a controlled substance.

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

7 (iii) A conviction of a violation of chapter LXXXIII-A of the  
 8 Michigan penal code, 1931 PA 328, MCL 750.543a to 750.543z.

9 (2) The secretary of state shall immediately deny, cancel, or  
 10 revoke a hazardous material indorsement on the operator's or  
 11 chauffeur's license of ~~a person~~**an individual** with a vehicle group  
 12 designation upon receiving notice from a federal government agency  
 13 that the ~~person~~**individual** poses a security risk warranting denial,  
 14 cancellation, or revocation under the uniting and strengthening  
 15 America by providing appropriate tools required to intercept and  
 16 obstruct terrorism (USA PATRIOT ACT) act of 2001, Public Law 107-  
 17 56. The denial, cancellation, or revocation cannot be appealed  
 18 under section 322 or 323 and remains in effect until the secretary  
 19 of state receives a federal government notice that the ~~person~~  
 20 **individual** does not pose a security risk in the transportation of  
 21 hazardous materials.

22 (3) The secretary of state shall immediately suspend or  
 23 revoke, as applicable, all commercial learners permits or vehicle  
 24 group designations on ~~a person's~~**an individual's** operator's or  
 25 chauffeur's license upon receiving notice of a conviction, bond  
 26 forfeiture, or civil infraction determination of the ~~person,~~  
 27 **individual**, or notice that a court or administrative tribunal has  
 28 found the ~~person~~**individual** responsible, for a violation of section  
 29 319d(4) or 319f, a local ordinance substantially corresponding to



1 section 319d(4) or 319f, or a law or local ordinance of another  
2 state, the United States, Canada, the United Mexican States, or a  
3 local jurisdiction of either of these countries substantially  
4 corresponding to section 319d(4) or 319f, while operating a  
5 commercial motor vehicle. The period of suspension or revocation,  
6 ~~which shall~~ **that must** run consecutively with any commercial driver  
7 license action imposed under this section, is as follows:

8 (a) Suspension for 180 days if the ~~person~~ **individual** is  
9 convicted of or found responsible for a violation of section  
10 319d(4) or 319f while operating a commercial motor vehicle.

11 (b) Suspension for 180 days if the ~~person~~ **individual** is  
12 convicted of or found responsible for a violation of section  
13 319d(4) or 319f while operating a commercial motor vehicle that is  
14 either carrying hazardous material required to have a placard under  
15 49 CFR parts 100 to 199 or designed to carry 16 or more passengers,  
16 including the driver.

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

22 (d) Suspension for 3 years if the ~~person~~ **individual** is  
23 convicted of or found responsible for 3 or more violations, in any  
24 combination, of section 319d(4) or 319f while operating a  
25 commercial motor vehicle arising from 3 or more separate incidents  
26 during a 10-year period.

27 (e) Suspension for 3 years if the ~~person~~ **individual** is  
28 convicted of or found responsible for 2 or more violations, in any  
29 combination, of section 319d(4) or 319f while operating a





1 commercial motor vehicle carrying hazardous material required to  
 2 have a placard under 49 CFR parts 100 to 199, or designed to carry  
 3 16 or more passengers, including the driver, arising from 2 or more  
 4 separate incidents during a 10-year period.

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

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

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

20 (7) A conviction, bond forfeiture, or civil infraction  
 21 determination, or notice that a court or administrative tribunal  
 22 has found ~~a person~~**an individual** responsible for a violation  
 23 described in this subsection while the ~~person~~**individual** was  
 24 operating a noncommercial motor vehicle counts against the ~~person~~  
 25 **individual** who holds a license to operate a commercial motor  
 26 vehicle the same as if the ~~person~~**individual** had been operating a  
 27 commercial motor vehicle at the time of the violation. For the  
 28 purpose of this subsection, a noncommercial motor vehicle does not  
 29 include a recreational vehicle used off-road. This subsection



1 applies to the following state law violations or a local ordinance  
 2 substantially corresponding to any of those violations or a law of  
 3 another state or out-of-state jurisdiction substantially  
 4 corresponding to any of those violations:

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

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

11 (c) Leaving the scene of an accident.

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

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

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

19 (10) As used in this section:

20 (a) "Felony in which a commercial motor vehicle was used"  
 21 means a felony during the commission of which the ~~person~~ **individual**  
 22 convicted operated a commercial motor vehicle and while the ~~person~~  
 23 **individual** was operating the vehicle 1 or more of the following  
 24 circumstances existed:

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

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

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

28 (iv) The vehicle was necessary for the commission of the  
 29 felony.



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

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

4 (ii) Reckless driving.

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

7 (iv) Improper lane use.

8 (v) Following too closely.

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

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

18 (viii) Operating a commercial motor vehicle while in possession  
19 of an operator's or chauffeur's license that has a vehicle group  
20 designation but does not have the appropriate vehicle group  
21 designation or indorsement required for the specific vehicle group  
22 being operated or the passengers or type of cargo being  
23 transported.

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

27 (x) Any other serious traffic violation as defined in 49 CFR  
28 383.5 or as prescribed under this act.

29 Sec. 320a. (1) Within 5 days after receipt of a properly



1 prepared abstract from a court of this state or another state, the  
2 secretary of state shall record the date of conviction, civil  
3 infraction determination, or probate court disposition, and the  
4 number of points for each, based on the following formula, except  
5 as otherwise provided in this section and section 629c:

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

9 (b) A violation of section 601b(2) or (3),  
10 601c(1) or (2), or 653a(3) or (4) or, beginning  
11 October 31, 2010, a violation of section 601d..... 6 points

12 (c) A violation of section 625(1), (4), (5),  
13 (7), or (8), section 81134 or 82127(1) of the  
14 natural resources and environmental protection act,  
15 1994 PA 451, MCL 324.81134 and 324.82127, or a law  
16 or ordinance substantially corresponding to section  
17 625(1), (4), (5), (7), or (8), or section 81134 or  
18 82127(1) of the natural resources and environmental  
19 protection act, 1994 PA 451, MCL 324.81134 and  
20 324.82127..... 6 points

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

23 (e) Operating a motor vehicle in violation of  
24 section 626..... 6 points

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

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



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

4 (i) A violation of section 625(3) or (6),  
5 section ~~81135 or~~ 82127(3) of the natural resources  
6 and environmental protection act, 1994 PA 451, MCL  
7 ~~324.81135 and~~ 324.82127, or a law or ordinance  
8 substantially corresponding to section 625(3) or (6)  
9 or section ~~81135 or~~ 82127(3) of the natural  
10 resources and environmental protection act, 1994 PA  
11 451, MCL ~~324.81135 and~~ 324.82127..... 4 points

12 (j) A violation of section 626a or a law or  
13 ordinance substantially corresponding to section  
14 626a..... 4 points

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

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

23 (m) Careless driving in violation of section  
24 626b or a law or ordinance substantially  
25 corresponding to section 626b..... 3 points

26 (n) A violation of any law or ordinance  
27 pertaining to speed by exceeding the lawful maximum  
28 by more than 10 miles per hour but not more than 15  
29 miles per hour..... 3 points



- 1           (o) A violation of section 653a(2)..... 2 points
- 2           (p) A violation of any law or ordinance
- 3           pertaining to speed by exceeding the lawful maximum
- 4           by more than 5 miles per hour but not more than 10
- 5           miles per hour..... 2 points
- 6           (q) A violation of any law or ordinance
- 7           pertaining to speed by exceeding the lawful maximum
- 8           by more than 1 mile per hour but not more than 5
- 9           miles per hour..... 1 point
- 10          (r) Disobeying a traffic signal or stop sign,
- 11          or improper passing..... 3 points
- 12          (s) A violation of section 624a, 624b, or a
- 13          law or ordinance substantially corresponding to
- 14          section 624a or 624b..... 2 points
- 15          (t) A violation of section 310e(4) or (6) or a
- 16          law or ordinance substantially corresponding to
- 17          section 310e(4) or (6)..... 2 points
- 18          (u) All other moving violations pertaining to
- 19          the operation of motor vehicles reported under this
- 20          section..... 2 points
- 21          (v) A refusal by ~~a person~~ **an individual** less
- 22          than 21 years of age to submit to a preliminary
- 23          breath test required by a peace officer under
- 24          section 625a..... 2 points
- 25          (w) A violation of section 627(6) pertaining
- 26          to speed in a work zone described in that section by
- 27          exceeding the lawful maximum by 10 miles per hour or
- 28          less..... 3 points



1 (x) A third or subsequent violation of section  
2 602b..... 2 points

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

4 (2) Points ~~shall~~**must** not be entered for a violation of  
5 section 310e(14), 311, ~~602b(1)~~, 602c, 625m, 658, 710d, 717, 719,  
6 719a, or 723.

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

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

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

14 (6) If ~~a person~~**an individual** has accumulated 9 points as  
15 provided in this section, the secretary of state may call the  
16 ~~person~~**individual** in for an interview as to the ~~person's~~  
17 **individual's** driving ability and record after due notice as to time  
18 and place of the interview. If the ~~person~~**individual** fails to  
19 appear as provided in this subsection, the secretary of state shall  
20 add 3 points to the ~~person's~~**individual's** record.

21 (7) If ~~a person~~**an individual** violates a speed restriction  
22 established by an executive order issued during a state of energy  
23 emergency as provided by 1982 PA 191, MCL 10.81 to 10.89, the  
24 secretary of state shall enter points for the violation under  
25 subsection (1).

26 (8) The secretary of state shall enter 6 points upon the  
27 record of ~~a person~~**an individual** whose license is suspended or  
28 denied under section 625f. However, if a conviction, civil  
29 infraction determination, or probate court disposition results from



1 the same incident, additional points for that offense ~~shall~~**must**  
2 not be entered.

3 (9) If a Michigan driver commits a violation in another state  
4 that would be a civil infraction if committed in ~~Michigan,~~**this**  
5 **state**, and a conviction results solely because of the failure of  
6 the Michigan driver to appear in that state to contest the  
7 violation, upon receipt of the abstract of conviction by the  
8 secretary of state, the violation ~~shall~~**must** be noted on the  
9 **Michigan** driver's record, but ~~no~~ points ~~shall~~**must not** be assessed  
10 against ~~his or her~~**the Michigan** driver's license.

11 Enacting section 1. This amendatory act does not take effect  
12 unless all of the following bills of the 102nd Legislature are  
13 enacted into law:

14 (a) House Bill No. 4250.

15 (b) House Bill No. 4252.

