

# SENATE BILL No. 1126

March 9, 2006, Introduced by Senators GARCIA and GOSCHKA 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  
5 restricted license to a person whose license is suspended under  
6 this section unless a restricted license is authorized under this  
7 section and the person is otherwise eligible for a license.

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

11 (20) ~~—(17)—~~ A restricted license issued under this section  
12 shall permit the person to whom it is issued to take any driving  
13 skills test required by the secretary of state and to drive under 1  
14 or 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  
2 person shall carry proof of his or her destination and the hours of  
3 any employment, class, or other reason for traveling and shall  
4 display 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  
11 or 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  
25 in subsection (8)(c) and (d), only 1 violation or attempted  
26 violation of section 625(6), a local ordinance substantially  
27 corresponding to section 625(6), or a law of another state



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

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

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

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

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

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

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

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

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

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

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

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

27 (6) A PERSON WHO IS FOUND RESPONSIBLE FOR A VIOLATION OF THIS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **SHALL BE IN ADDITION TO ANY FINE OR PERIOD OF SUSPENSION IMPOSED**  
2 **FOR THE UNDERLYING VIOLATION.**

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

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

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

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

1 IMPOSED UNDER THIS SUBSECTION SHALL BE IN ADDITION TO ANY FINE OR  
2 PERIOD OF SUSPENSION IMPOSED FOR THE UNDERLYING VIOLATION. AS USED  
3 IN THIS SUBSECTION, "SERIOUS INJURY" MEANS THAT TERM AS DEFINED IN  
4 SECTION 602A.

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