

HOUSE BILL No. 5654

January 22, 2008, Introduced by Reps. Dean, Cheeks, Espinoza, Bennett, Rick Jones, LaJoy, Casperson, Garfield, Shaffer, Robert Jones, Meadows, Ebli, Young, Leland, Vagnozzi, Constan, Melton, Coulouris, Hammel, Brown, Valentine, Wojno, Hammon, Bieda, Clemente, Gillard and Scott and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 319 and 319b (MCL 257.319 and 257.319b), section 319 as amended by 2004 PA 362 and section 319b as amended by 2006 PA 298, and by adding section 626d.

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.

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

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

5 (b) A violation of section 413 of the Michigan penal code,
6 1931 PA 328, MCL 750.413.

7 (c) A violation of section 1 of former 1931 PA 214, MCL
8 752.191, or section 626c.

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

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

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

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

18 (iv) The vehicle was necessary for the commission of the
19 felony.

20 (e) A violation of section 602a(2) or (3) of this act or
21 section 479a(2) or (3) of the Michigan penal code, 1931 PA 328, MCL
22 750.479a.

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

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

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

1 626, or section 653a(3).

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

5 (d) A violation of section 703(2) of the Michigan liquor
6 control code of 1998, 1998 PA 58, MCL 436.1703.

7 (4) The secretary of state shall suspend the person's license
8 for 30 days for malicious destruction resulting from the operation
9 of a vehicle under section 382(1)(a) of the Michigan penal code,
10 1931 PA 328, MCL 750.382.

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

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

19 (b) If the person 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 person's license as follows:

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

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

1 (7) For a violation of section 624a or 624b of this act or
2 section 703(1) of the Michigan liquor control code of 1998, 1998 PA
3 58, MCL 436.1703, the secretary of state shall suspend the person's
4 license as follows:

5 (a) If the person has 1 prior conviction for an offense
6 described in this subsection or section 33b(1) of former 1933 (Ex
7 Sess) PA 8, for 90 days. The secretary of state may issue the
8 person a restricted license after the first 30 days of suspension.

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

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

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

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

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

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

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

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

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

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

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

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

27 (10) For a violation of section 315(4), the secretary of state

1 may suspend the person's license for 6 months.

2 (11) FOR A VIOLATION OF SECTION 626D, THE SECRETARY OF STATE
3 SHALL SUSPEND THE PERSON'S LICENSE AS FOLLOWS:

4 (A) FOR 30 DAYS IF THE PERSON HAS NO PRIOR CONVICTIONS UNDER
5 SECTION 626D WITHIN 2 YEARS. THE SECRETARY SHALL NOT ISSUE A
6 RESTRICTED LICENSE TO A PERSON UNDER THIS SUBDIVISION.

7 (B) FOR 1 YEAR IF THE PERSON HAS 1 OR MORE PRIOR CONVICTIONS
8 UNDER SECTION 626D WITHIN 2 YEARS. THE SECRETARY OF STATE MAY ISSUE
9 THE PERSON A RESTRICTED LICENSE AFTER THE FIRST 120 DAYS OF
10 SUSPENSION.

11 (12) ~~(11)~~ For a violation or attempted violation of section
12 411a(2) of the Michigan penal code, 1931 PA 328, MCL 750.411a,
13 involving a school, the secretary of state shall suspend the
14 license of a person 14 years of age or over but less than 21 years
15 of age until 3 years after the date of the conviction or juvenile
16 disposition for the violation. The secretary of state may issue the
17 person a restricted license after the first 365 days of suspension.

18 (13) ~~(12)~~ Except as provided in subsection ~~(14)~~ (15), a
19 suspension under this section shall be imposed notwithstanding a
20 court order unless the court order complies with section 323.

21 (14) ~~(13)~~ If the secretary of state receives records of more
22 than 1 conviction of a person resulting from the same incident, a
23 suspension shall be imposed only for the violation to which the
24 longest period of suspension applies under this section.

25 (15) ~~(14)~~ The secretary of state may waive a restriction,
26 suspension, or revocation of a person's license imposed under this
27 act if the person submits proof that a court in another state

1 revoked, suspended, or restricted his or her license for a period
2 equal to or greater than the period of a restriction, suspension,
3 or revocation prescribed under this act for the violation and that
4 the revocation, suspension, or restriction was served for the
5 violation, or may grant a restricted license.

6 (16) ~~(15)~~—The secretary of state shall not issue a restricted
7 license to a person whose license is suspended under this section
8 unless a restricted license is authorized under this section and
9 the person is otherwise eligible for a license.

10 (17) ~~(16)~~—The secretary of state shall not issue a restricted
11 license to a person under subsection (8) that would permit the
12 person to operate a commercial motor vehicle.

13 (18) ~~(17)~~—A restricted license issued under this section shall
14 permit the person to whom it is issued to take any driving skills
15 test required by the secretary of state and to drive under 1 or
16 more of the following circumstances:

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

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

19 (i) The person's residence.

20 (ii) The person's work location.

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

23 (iv) The court probation department.

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

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

27 (vii) A place of regularly occurring medical treatment for a

1 serious condition for the person or a member of the person's
2 household or immediate family.

3 (19) ~~(18)~~ While driving with a restricted license, the person
4 shall carry proof of his or her destination and the hours of any
5 employment, class, or other reason for traveling and shall display
6 that proof upon a peace officer's request.

7 (20) ~~(19)~~ Subject to subsection ~~(21)~~ (22), as used in
8 subsection (8), "prior conviction" means a conviction for any of
9 the following, whether under a law of this state, a local ordinance
10 substantially corresponding to a law of this state, or a law of
11 another state substantially corresponding to a law of this state:

12 (a) Except as provided in subsection ~~(20)~~ (21), a violation or
13 attempted violation of any of the following:

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

21 (ii) Section 625m.

22 (iii) Former section 625b.

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

26 (21) ~~(20)~~ Except for purposes of the suspensions described in
27 subsection (8)(c) and (d), only 1 violation or attempted violation

1 of section 625(6), a local ordinance substantially corresponding to
2 section 625(6), or a law of another state substantially
3 corresponding to section 625(6) may be used as a prior conviction.

4 (22) ~~(21)~~—If 2 or more convictions described in subsection
5 ~~(19)~~—(20) are convictions for violations arising out of the same
6 transaction, only 1 conviction shall be used to determine whether
7 the person has a prior conviction.

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

25 (a) Suspension for 60 days if the person is convicted of or
26 found responsible for 1 of the following while operating a
27 commercial motor vehicle:

1 (i) Two serious traffic violations arising from separate
2 incidents within 36 months.

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

4 (iii) A violation of motor carrier safety regulations 49 CFR
5 392.10 or 392.11, as adopted by section 1a of the motor carrier
6 safety act of 1963, 1963 PA 181, MCL 480.11a.

7 (iv) A violation of section 57 of the pupil transportation act,
8 1990 PA 187, MCL 257.1857.

9 (v) A violation of motor carrier safety regulations 49 CFR
10 392.10 or 392.11, as adopted by section 31 of the motor bus
11 transportation act, 1982 PA 432, MCL 474.131.

12 (vi) A violation of motor carrier safety regulations 49 CFR
13 392.10 or 392.11 while operating a commercial motor vehicle other
14 than a vehicle covered under subparagraph (iii), (iv), or (v).

15 (b) Suspension for 120 days if the person is convicted of or
16 found responsible for 1 of the following arising from separate
17 incidents within 36 months while operating a commercial motor
18 vehicle:

19 (i) Three serious traffic violations.

20 (ii) Any combination of 2 violations described in subdivision
21 (a) (ii).

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

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

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

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

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

12 (v) Effective October 1, 2005, operating a commercial motor
13 vehicle in violation of a suspension, revocation, denial, or
14 cancellation that was imposed for previous violations committed
15 while operating a commercial motor vehicle.

16 (vi) Effective October 1, 2005, causing a fatality through the
17 negligent or criminal operation of a commercial motor vehicle,
18 including, but not limited to, the crimes of motor vehicle
19 manslaughter, motor vehicle homicide, and negligent homicide.

20 (vii) A 6-point violation as provided in section 320a while
21 operating a commercial motor vehicle.

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

25 (d) Suspension for 3 years if the person is convicted of or
26 found responsible for an offense enumerated in subdivision (c)(i) to
27 (vii) in which a commercial motor vehicle was used if the vehicle was

1 carrying hazardous material required to have a placard under 49 CFR
2 parts 100 to 199.

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

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

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

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

17 (iv) A refusal of a request of a police officer to submit to a
18 chemical test of his or her blood, breath, or urine for the purpose
19 of determining the amount of alcohol or presence of a controlled
20 substance or both in his or her blood while he or she was operating
21 a commercial or noncommercial motor vehicle in this state or
22 another state.

23 (v) Effective October 1, 2005, operating a commercial motor
24 vehicle in violation of a suspension, revocation, denial, or
25 cancellation that was imposed for previous violations committed
26 while operating a commercial motor vehicle.

27 (vi) Effective October 1, 2005, causing a fatality through the

1 negligent or criminal operation of a commercial motor vehicle,
2 including, but not limited to, the crimes of motor vehicle
3 manslaughter, motor vehicle homicide, and negligent homicide.

4 (vii) Six-point violations as provided in section 320a while
5 operating a commercial motor vehicle.

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

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

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

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

17 (2) The secretary of state shall immediately deny, cancel, or
18 revoke a hazardous material indorsement on the operator's or
19 chauffeur's license of a person with a vehicle group designation
20 upon receiving notice from a federal government agency that the
21 person poses a security risk warranting denial, cancellation, or
22 revocation under the uniting and strengthening America by providing
23 appropriate tools required to intercept and obstruct terrorism (USA
24 PATRIOT ACT) act of 2001, Public Law 107-56. The denial,
25 cancellation, or revocation cannot be appealed under section 322 or
26 323 and remains in effect until the secretary of state receives a
27 federal government notice that the person does not pose a security

1 risk in the transportation of hazardous materials.

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

14 (a) Suspension for 90 days if the person is convicted of or
15 found responsible for a violation of section 319d(4) or 319f while
16 operating a commercial motor vehicle.

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

23 (c) Suspension for 1 year if the person is convicted of or
24 found responsible for 2 violations, in any combination, of section
25 319d(4) or 319f while operating a commercial motor vehicle arising
26 from 2 or more separate incidents during a 10-year period.

27 (d) Suspension for 3 years if the person is convicted of or

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

4 (e) Suspension for 3 years if the person is convicted of or
5 found responsible for 2 or more violations, in any combination, of
6 section 319d(4) or 319f while operating a commercial motor vehicle
7 carrying hazardous material required to have a placard under 49 CFR
8 parts 100 to 199, or designed to carry 16 or more passengers,
9 including the driver, arising from 2 or more separate incidents
10 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 has violated the
17 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

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

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

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

18 (c) Leaving the scene of an accident.

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

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

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

26 (10) As used in this section:

27 (a) "Felony in which a commercial motor vehicle was used"

1 means a felony during the commission of which the person convicted
2 operated a commercial motor vehicle and while the person was
3 operating the vehicle 1 or more of the following circumstances
4 existed:

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

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

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

8 (iv) The vehicle was necessary for the commission of the
9 felony.

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

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

13 (ii) Careless driving.

14 (iii) **AGGRESSIVE DRIVING AS PROVIDED IN SECTION 626D.**

15 (iv) ~~(iii)~~—Excessive speeding as defined in regulations
16 promulgated under 49 USC 31301 to 31317.

17 (v) ~~(iv)~~—Improper lane use.

18 (vi) ~~(v)~~—Following too closely.

19 (vii) ~~(vi)~~—Effective October 1, 2005, driving a commercial motor
20 vehicle without obtaining any vehicle group designation on the
21 person's license.

22 (viii) ~~(vii)~~—Effective October 1, 2005, driving a commercial
23 motor vehicle without either having an operator's or chauffeur's
24 license in the person's possession or providing proof to the court,
25 not later than the date by which the person must appear in court or
26 pay a fine for the violation, that the person held a valid vehicle
27 group designation and indorsement on the date that the citation was

1 issued.

2 (ix) ~~(viii)~~—Effective October 1, 2005, driving a commercial motor
3 vehicle while in possession of an operator's or chauffeur's license
4 that has a vehicle group designation but does not have the
5 appropriate vehicle group designation or indorsement required for
6 the specific vehicle group being operated or the passengers or type
7 of cargo being transported.

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

10 SEC. 626D. (1) A PERSON WHO COMMITS 2 OR MORE OF THE FOLLOWING
11 DURING A SINGLE CONTINUOUS PERIOD OF DRIVING IS GUILTY OF
12 AGGRESSIVE DRIVING:

13 (A) FAILURE TO OBEY A TRAFFIC CONTROL DEVICE AS PROVIDED IN
14 SECTION 611.

15 (B) RECKLESS DRIVING UNDER SECTION 626.

16 (C) CARELESS DRIVING UNDER SECTION 626B.

17 (D) VIOLATION OF A SPEED LIMIT ESTABLISHED UNDER SECTION 627,
18 627A, 628, OR 629.

19 (E) OVERTAKING AND PASSING A VEHICLE ON THE RIGHT BY DRIVING
20 OFF THE PAVEMENT OR MAIN-TRAVELED PORTION OF THE ROADWAY AS
21 PROVIDED IN SECTION 637(2).

22 (F) IMPROPER LANE CHANGES IN VIOLATION OF SECTION 642.

23 (G) FOLLOWING ANOTHER VEHICLE TOO CLOSELY AS DESCRIBED IN
24 SECTION 643.

25 (H) FAILURE TO YIELD THE RIGHT-OF-WAY AS DESCRIBED IN SECTION
26 649.

27 (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A

1 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 180 DAYS
2 OR A FINE OF NOT MORE THAN \$2,500.00, OR BOTH.

3 (3) THE COURT SHALL ORDER A PERSON CONVICTED OF A VIOLATION OF
4 THIS SECTION TO ATTEND AND SUCCESSFULLY COMPLETE REVIEW SESSIONS
5 COMPOSED OF BOTH CLASSROOM AND BEHIND-THE-WHEEL TIME PERIODS
6 DESIGNED TO IMPROVE THE SAFETY AND HABITS OF DRIVERS AS DEVELOPED
7 BY THE SECRETARY OF STATE.