

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 306

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending sections 307, 315, and 319 (MCL 257.307, 257.315, and  
257.319), section 307 as amended by 1998 PA 330 and section 319  
as amended by 1998 PA 347, and by adding section 50a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1        SEC. 50A. "RESIDENCE ADDRESS" MEANS THE PLACE THAT IS THE  
2 SETTLED OR PERMANENT HOME OR DOMICILE AT WHICH A PERSON RESIDES  
3 AS DEFINED IN SECTION 11 OF THE MICHIGAN ELECTION LAW, 1954 PA  
4 116, MCL 168.11.

5        Sec. 307. (1) An application for an operator's or  
6 chauffeur's license shall be made in a manner prescribed by the  
7 secretary of state and shall contain all of the following:

8        (a) The applicant's full name, date of birth, RESIDENCE  
9 address, ~~of residence,~~ height, sex, eye color, signature, other

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1 information required or permitted on the license under this  
2 chapter, and, to the extent required to comply with federal law,  
3 the applicant's social security number. [THE APPLICANT MAY PROVIDE A  
MAILING ADDRESS IF THE APPLICANT RECEIVES MAIL AT AN ADDRESS  
DIFFERENT FROM HIS OR HER RESIDENCE ADDRESS.]

4 (B) THE FOLLOWING NOTICE SHALL BE INCLUDED TO INFORM THE  
5 APPLICANT THAT UNDER SECTIONS 509<sup>o</sup> AND 509R OF THE MICHIGAN ELEC-  
6 TION LAW, 1954 PA 116, MCL 168.509<sup>o</sup> AND 168.509R, THE SECRETARY  
7 OF STATE IS REQUIRED TO USE THE RESIDENCE ADDRESS PROVIDED ON  
8 THIS APPLICATION AS THE APPLICANT'S RESIDENCE ADDRESS ON THE  
9 QUALIFIED VOTER FILE FOR VOTER REGISTRATION AND VOTING:  
10 "NOTICE: MICHIGAN LAW REQUIRES THAT THE SAME ADDRESS BE USED FOR  
11 VOTER REGISTRATION AND DRIVER LICENSE PURPOSES. THEREFORE, IF  
12 THE RESIDENCE ADDRESS YOU PROVIDE IN THIS APPLICATION DIFFERS  
13 FROM YOUR VOTER REGISTRATION ADDRESS AS IT APPEARS ON THE QUALI-  
14 FIED VOTER FILE, THE SECRETARY OF STATE WILL AUTOMATICALLY CHANGE  
15 YOUR VOTER REGISTRATION TO MATCH THE RESIDENCE ADDRESS ON THIS  
16 APPLICATION, AFTER WHICH YOUR VOTER REGISTRATION AT YOUR FORMER  
17 ADDRESS WILL NO LONGER BE VALID FOR VOTING PURPOSES. A NEW VOTER  
18 REGISTRATION CARD, CONTAINING THE INFORMATION OF YOUR POLLING  
19 PLACE, WILL BE PROVIDED TO YOU BY THE CLERK OF THE JURISDICTION  
20 WHERE YOUR RESIDENCE ADDRESS IS LOCATED.".

21 (C) ~~(b)~~ For an operator's or chauffeur's license with a  
22 vehicle group designation or indorsement, the following certifi-  
23 cations by the applicant:

24 (i) The applicant meets the applicable federal physical  
25 driver qualification requirements under 49 C.F.R. part 391 if the  
26 applicant operates or intends to operate in interstate commerce  
27 or meets the applicable physical qualifications under the rules

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1 promulgated by the department of state police under the motor  
2 carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.22, if  
3 the applicant operates or intends to operate in intrastate  
4 commerce.

5       (ii) The vehicle in which the applicant will take the driv-  
6 ing skills tests is representative of the type of vehicle the  
7 applicant operates or intends to operate.

8       (iii) The applicant has not been convicted of an offense as  
9 described in section 312f or 319b.

10       (iv) The applicant does not have a driver's license from  
11 more than 1 state.

12       (D) ~~(c)~~ For an operator's or chauffeur's license with a  
13 vehicle group designation or indorsement and for which the appli-  
14 cant claims a waiver of the driving test as provided in  
15 section 312f, the following additional certifications by the  
16 applicant concerning the 2-year period immediately before  
17 application:

18       (i) The applicant has not had more than 1 license.

19       (ii) The applicant has not had any license suspended,  
20 revoked, or canceled.

21       (iii) The applicant has not been convicted of any offense  
22 described in section 319b while operating a motor vehicle.

23       (iv) The applicant has not been convicted of a moving viola-  
24 tion under state or local law relating to motor vehicle traffic  
25 control arising in connection with a traffic accident.

26       (v) The applicant is regularly employed in a job requiring  
27 the operation of a commercial motor vehicle.

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1 (vi) The applicant qualifies under either of the following:

2 (A) He or she has passed a behind-the-wheel driving test  
3 given by a state with a commercial motor vehicle driver licensing  
4 and testing system and taken in a representative vehicle for that  
5 applicant's driver's license vehicle group designation.

6 (B) For at least 2 years immediately preceding application,  
7 the applicant has operated a vehicle representative of the com-  
8 mercial motor vehicle group or passenger vehicle for which he or  
9 she is applying. The applicant's employer or the applicant, if  
10 self-employed, shall provide evidence of this requirement.

11 (2) ~~An~~ EXCEPT AS PROVIDED IN THIS SUBSECTION, AN applicant  
12 for an operator's or chauffeur's license may have his or her  
13 image captured or reproduced when the application for the license  
14 is made. AN APPLICANT REQUIRED UNDER SECTION 5A OF THE SEX  
15 OFFENDERS REGISTRATION ACT, 1994 PA 295, MCL 28.725A, TO MAINTAIN  
16 A VALID OPERATOR'S OR CHAUFFEUR'S LICENSE OR OFFICIAL STATE PER-  
17 SONAL IDENTIFICATION CARD SHALL HAVE HIS OR HER IMAGE CAPTURED OR  
18 REPRODUCED WHEN THE APPLICATION FOR THE LICENSE IS MADE. The sec-  
19 retary of state shall acquire by purchase or lease the equipment  
20 for capturing the images and may furnish the equipment to a local  
21 unit authorized by the secretary of state to license drivers.  
22 The secretary of state shall acquire equipment purchased or  
23 leased pursuant to this section under standard purchasing proce-  
24 dures of the department of management and budget based on stan-  
25 dards and specifications established by the secretary of state.  
26 The secretary of state shall not purchase or lease equipment  
27 until an appropriation for the equipment has been made by the

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1 legislature. An image captured pursuant to this section shall  
2 appear on the applicant's operator's or chauffeur's license.  
3 ~~The~~ EXCEPT AS PROVIDED IN THIS SUBSECTION, THE secretary of  
4 state may retain and use a person's image described in this sub-  
5 section only for programs administered by the secretary of  
6 state. Except as provided in this subsection, the secretary of  
7 state shall not use a person's image unless the person grants  
8 written permission for that purpose to the secretary of state or  
9 specific enabling legislation permitting the use is enacted into  
10 law. A law enforcement agency of this state has access to infor-  
11 mation retained by the secretary of state under this subsection.  
12 The information may be utilized for any law enforcement purpose  
13 unless otherwise prohibited by law. THE DEPARTMENT OF STATE  
14 POLICE SHALL PROVIDE TO THE SECRETARY OF STATE UPDATED LISTS OF  
15 PERSONS REQUIRED TO BE REGISTERED UNDER THE SEX OFFENDERS REGIS-  
16 TRATION ACT, 1994 PA 295, MCL 28.721 TO 28.732, AND THE SECRETARY  
17 OF STATE SHALL MAKE THE IMAGES OF THOSE PERSONS AVAILABLE TO THE  
18 DEPARTMENT OF STATE POLICE AS PROVIDED IN THAT ACT.

19 (3) An application shall contain a signature and certifica-  
20 tion by the applicant and shall be accompanied by the proper  
21 fee. The examiner shall collect the application fee and shall  
22 forward the fee to the secretary of state with the application.  
23 The secretary of state shall refund the application fee to the  
24 applicant if the license applied for is denied, but shall not  
25 refund the fee to an applicant who fails to complete the examina-  
26 tion requirements of the secretary of state within 90 days after  
27 the date of application for a license. Until January 1, 2002, a

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1 service fee of \$1.00 shall be added to each fee collected for an  
2 original, renewal, duplicate, or corrected operator's or  
3 chauffeur's license. The service fee received and collected  
4 under this subsection shall be deposited in the state treasury to  
5 the credit of the general fund. The service fee shall be used to  
6 defray the expenses of the secretary of state. Appropriations  
7 from the Michigan transportation fund shall not be used to com-  
8 pensate the secretary of state for costs incurred and services  
9 performed under this section.

10 (4) In conjunction with the issuance of an operator's or  
11 chauffeur's license, the secretary of state shall do all of the  
12 following:

13 (a) Provide the applicant with all of the following:

14 (i) Written information explaining the applicant's right to  
15 make an anatomical gift in the event of death in accordance with  
16 section 310.

17 (ii) Written information describing the organ donation reg-  
18 istry program maintained by Michigan's federally designated organ  
19 procurement organization or its successor organization. The  
20 written information required under this subparagraph shall  
21 include, in a type size and format that is conspicuous in rela-  
22 tion to the surrounding material, the address and telephone  
23 number of Michigan's federally designated organ procurement  
24 organization or its successor organization, along with an  
25 advisory to call Michigan's federally designated organ procure-  
26 ment organization or its successor organization with questions  
27 about the organ donor registry program.

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1       (iii) Written information giving the applicant the  
2 opportunity to be placed on the organ donation registry described  
3 in subparagraph (ii).

4       (b) Provide the applicant with the opportunity to specify on  
5 his or her operator's or chauffeur's license that he or she is  
6 willing to make an anatomical gift in the event of death in  
7 accordance with section 310.

8       (c) Inform the applicant in writing that, if he or she indi-  
9 cates to the secretary of state under this section a willingness  
10 to have his or her name placed on the organ donor registry  
11 described in subdivision (a)(ii), the secretary of state will  
12 forward the applicant's name and address to the organ donation  
13 registry maintained by Michigan's federally designated organ pro-  
14 curement organization or its successor organization, as required  
15 by subsection (6).

16       (5) The secretary of state may fulfill the requirements of  
17 subsection (4) by 1 or more of the following methods:

18       (a) Providing printed material enclosed with a mailed notice  
19 for an operator's or chauffeur's license renewal or the issuance  
20 of an operator's or chauffeur's license.

21       (b) Providing printed material to an applicant who person-  
22 ally appears at a secretary of state branch office.

23       (c) Through electronic information transmittals for  
24 operator's and chauffeur's licenses processed by electronic  
25 means.

26       (6) If an applicant indicates a willingness under this  
27 section to have his or her name placed on the organ donor

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1 registry described in subsection (4)(a)(ii), the secretary of  
2 state shall within 10 days forward the applicant's name and  
3 address to the organ donor registry maintained by Michigan's fed-  
4 erally designated organ procurement organization or its successor  
5 organization. The secretary of state may forward information  
6 under this subsection by mail or by electronic means. The secre-  
7 tary of state shall not maintain a record of the name or address  
8 of an individual who indicates a willingness to have his or her  
9 name placed on the organ donor registry after forwarding that  
10 information to the organ donor registry under this subsection.  
11 Information about an applicant's indication of a willingness to  
12 have his or her name placed on the organ donor registry that is  
13 obtained by the secretary of state under subsection (4) and for-  
14 warded under this subsection is exempt from disclosure under the  
15 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246,  
16 pursuant to section 13(1)(d) of the freedom of information act,  
17 1976 PA 442, MCL 15.243.

18 (7) If an application is received from a person previously  
19 licensed in another jurisdiction, the secretary of state shall  
20 request a copy of the applicant's driving record and other avail-  
21 able information from the other jurisdiction. When received, the  
22 driving record and other available information from the other  
23 jurisdiction becomes a part of the driver's record in this state  
24 with the same force and effect as if it had been entered on the  
25 driver's record in this state in the original instance. If the  
26 application is for an original, renewal, or change of a vehicle  
27 group designation or indorsement, the secretary of state shall



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1 also check the applicant's driving record with the national  
2 drivers register and the United States department of transporta-  
3 tion before issuing that group designation or indorsement.

4 (8) Except for a vehicle group designation or indorsement OR  
5 AS PROVIDED IN THIS SUBSECTION, the secretary of state may issue  
6 a renewal operator's or chauffeur's license for 1 additional  
7 4-year period by mail or by other methods prescribed by the sec-  
8 retary of state. The secretary of state shall issue a renewal  
9 license only in person if the licensee has a driving record with  
10 a conviction or civil infraction determination obtained in the 48  
11 months preceding renewal OR IF THE PERSON IS A PERSON REQUIRED  
12 UNDER SECTION 5A OF THE SEX OFFENDERS REGISTRATION ACT, 1994 PA  
13 295, MCL 28.725A, TO MAINTAIN A VALID OPERATOR'S OR CHAUFFEUR'S  
14 LICENSE OR OFFICIAL STATE PERSONAL IDENTIFICATION CARD. However,  
15 the secretary of state shall not refuse to issue a renewal  
16 license by mail or by other method because of a conviction or  
17 civil infraction determination for which fines and costs were  
18 waived under section 901a or section 907. If a license is  
19 renewed by mail or by other method, the secretary of state shall  
20 issue evidence of renewal to indicate the date the license  
21 expires in the future. THE DEPARTMENT OF STATE POLICE SHALL PRO-  
22 VIDE TO THE SECRETARY OF STATE UPDATED LISTS OF PERSONS REQUIRED  
23 UNDER SECTION 5A OF THE SEX OFFENDERS REGISTRATION ACT, 1994  
24 PA 295, MCL 28.725A, TO MAINTAIN A VALID OPERATOR'S OR  
25 CHAUFFEUR'S LICENSE OR OFFICIAL STATE PERSONAL IDENTIFICATION  
26 CARD.

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1 (9) Upon request, the secretary of state shall provide an  
2 information manual to an applicant explaining how to obtain a  
3 vehicle group designation or indorsement. The manual shall con-  
4 tain the information required under 49 C.F.R. part 383.

5 (10) The secretary of state shall not disclose a social  
6 security number obtained under subsection (1) to another person  
7 except for use for 1 or more of the following purposes:

8 (a) Compliance with the commercial motor vehicle safety act  
9 of 1986, title XII of Public Law 99-570, 100 Stat. 3207-170, and  
10 regulations and state law and rules related to that act.

11 (b) Through the law enforcement information network, to  
12 carry out the purposes of section 466(a) of part D of title IV of  
13 the social security act, 42 U.S.C. 666, in connection with mat-  
14 ters relating to paternity, child support, or overdue child  
15 support.

16 (c) As otherwise required by law.

17 (11) The secretary of state shall not display a person's  
18 social security number on the person's operator's or chauffeur's  
19 license.

20 (12) A requirement under this section to include a social  
21 security number on an application does not apply to an applicant  
22 who demonstrates he or she is exempt under law from obtaining a  
23 social security number or to an applicant who for religious con-  
24 victions is exempt under law from disclosure of his or her social  
25 security number under these circumstances. The secretary of  
26 state shall inform the applicant of this possible exemption.

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1           Sec. 315. (1) ~~(a) Any~~ AN operator or chauffeur ~~,~~ who  
2 ~~shall change~~ CHANGES his OR HER residence ~~previous to~~ BEFORE  
3 the expiration of a license granted under this chapter shall  
4 immediately ~~return such license to the local examining board or~~  
5 ~~the department, whose duty it shall be to write the new address~~  
6 ~~on the reverse side of the license and the date of change~~ NOTIFY  
7 THE SECRETARY OF STATE OF HIS OR HER NEW RESIDENCE ADDRESS. A  
8 CHANGE OF ADDRESS NOTIFICATION SHALL BE IN A MANNER PRESCRIBED BY  
9 THE SECRETARY OF STATE AND MAY INCLUDE NOTIFICATION BY PERSONALLY  
10 APPEARING AT A BRANCH OFFICE OF THE SECRETARY OF STATE OR OTHER  
11 LOCATION DESIGNATED BY THE SECRETARY OF STATE, OR A NOTIFICATION  
12 BY MAIL, TELEPHONE, ELECTRONICALLY, BY SUBMITTING A VOTER REGIS-  
13 TRATION APPLICATION [UNLESS THE PERSON REGISTERS TO VOTE IN A CITY,  
VILLAGE, OR TOWNSHIP THAT PROHIBITS THE OPERATION OF MOTOR VEHICLES  
BY LAW OR ORDINANCE] , OR BY ANY OTHER MEANS PRESCRIBED BY THE SEC-

14 RETARY OF STATE. THE SECRETARY OF STATE SHALL PROVIDE THE PERSON  
15 CHANGING HIS OR HER RESIDENCE ADDRESS THE NOTICE REQUIRED BY  
16 SECTION 307(1)(B) THAT, UNDER SECTIONS 509<sup>o</sup> AND 509R OF THE  
17 MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.509<sup>o</sup> AND 168.509R,  
18 THE SECRETARY OF STATE IS REQUIRED TO USE THE RESIDENCE ADDRESS  
19 PROVIDED ON THIS CHANGE OF ADDRESS APPLICATION AS THE PERSON'S  
20 RESIDENCE ADDRESS ON THE QUALIFIED VOTER FILE FOR VOTER REGISTRA-  
21 TION AND VOTING. [HOWEVER, A PERSON MAY SUBMIT TO THE SECRETARY OF  
STATE A MAILING ADDRESS THAT IS DIFFERENT THAN HIS OR HER RESIDENCE  
ADDRESS.]

22           (2) UPON RECEIVING A CHANGE OF ADDRESS NOTIFICATION, THE  
23 SECRETARY OF STATE SHALL CHANGE THE PERSON'S DRIVER LICENSE  
24 RECORD TO INDICATE THE NEW RESIDENCE ADDRESS. THE SECRETARY OF  
25 STATE SHALL PROVIDE THE PERSON WITH A NEW LICENSE OR A LABEL OR  
26 SOME OTHER MECHANISM CONTAINING THE NEW RESIDENCE ADDRESS. UPON  
27 RECEIPT OF THE LABEL OR OTHER MECHANISM, THE PERSON SHALL AFFIX

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1 THE LABEL OR MECHANISM TO HIS OR HER OPERATOR'S OR CHAUFFEUR'S  
2 LICENSE AS PRESCRIBED BY THE SECRETARY OF STATE. IF THE SECRE-  
3 TARY OF STATE FURNISHED THE PERSON WITH A NEW LICENSE, THE PERSON  
4 SHALL DESTROY HIS OR HER OLD LICENSE AND REPLACE IT WITH THE NEW  
5 LICENSE.

6       (3) ~~(b) Failure to have such change of address recorded as~~  
7 ~~herein provided may be cause for revocation or suspension of same~~  
8 ~~immediately if there is no response to a notice mailed to his~~  
9 ~~last known address.~~ IF A PERSON FAILS TO REPORT A CHANGE OF HIS  
10 OR HER RESIDENCE ADDRESS AS REQUIRED UNDER THIS SECTION AND SUB-  
11 SEQUENTLY THERE IS NO RESPONSE TO A NOTICE MAILED TO THE RESI-  
12 DENCE ADDRESS SHOWN BY THE RECORD OF THE SECRETARY OF STATE [OR IF  
THE PERSON HAS PROVIDED THE SECRETARY OF STATE A MAILING ADDRESS  
DIFFERENT FROM HIS OR HER RESIDENCE ADDRESS AND THERE IS NO RESPONSE  
TO A NOTICE MAILED TO THAT MAILING ADDRESS] , THE  
13 SECRETARY OF STATE MAY IMMEDIATELY SUSPEND OR REVOKE HIS OR HER  
14 LICENSE. [A PERSON WHO FAILS TO REPORT A CHANGE OF HIS OR HER  
RESIDENCE ADDRESS IS RESPONSIBLE FOR A CIVIL INFRACTION.]

15       (4) A PERSON SHALL NOT [KNOWINGLY] REPORT A CHANGE OF ADDRESS  
TO THE  
16 SECRETARY OF STATE FOR HIMSELF OR HERSELF THAT IS NOT HIS OR HER  
17 RESIDENCE ADDRESS. A PERSON SHALL NOT [KNOWINGLY] REPORT A CHANGE  
OF ADDRESS  
18 TO THE SECRETARY OF STATE FOR ANOTHER PERSON WITHOUT THE CONSENT  
19 OF THE OTHER PERSON. A PERSON WHO IS CONVICTED OF A VIOLATION OF  
20 THIS SUBSECTION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRIS-  
21 ONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF \$1,000.00, OR  
22 BOTH. UPON RECEIVING THE ABSTRACT OF A CONVICTION UNDER THIS  
23 SUBSECTION, THE SECRETARY OF STATE [MAY] SUSPEND THE PERSON'S  
24 OPERATOR'S OR CHAUFFEUR'S LICENSE FOR 6 MONTHS. THE SECRETARY OF  
25 STATE SHALL NOT ISSUE A RESTRICTED LICENSE TO THE PERSON DURING  
26 THE SUSPENSION.

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1 (5) UPON A SECOND OR SUBSEQUENT CONVICTION UNDER SUBSECTION  
2 (4), A PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY  
3 IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF \$5,000.00, OR  
4 BOTH. UPON RECEIVING THE ABSTRACT OF A SECOND OR SUBSEQUENT CON-  
5 VICTION UNDER SUBSECTION (4), THE SECRETARY OF STATE SHALL REVOKE  
6 THE PERSON'S OPERATOR'S OR CHAUFFEUR'S LICENSE.

7 (6) THE SUSPENSION OR REVOCATION OF AN OPERATOR'S OR  
8 CHAUFFEUR'S LICENSE UNDER SUBSECTION (4) OR (5) IS NOT APPEALABLE  
9 UNDER SECTION 323.

10 Sec. 319. (1) The secretary of state shall immediately sus-  
11 pend a person's license as provided in this section upon receiv-  
12 ing a record of the person's conviction for a crime described in  
13 this section, whether the conviction is under a law of this  
14 state, a local ordinance substantially corresponding to a law of  
15 this state, or a law of another state substantially corresponding  
16 to a law of this state.

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

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

21 (b) A violation of section 413 of the Michigan penal code,  
22 1931 PA 328, MCL 750.413.

23 (c) A violation of section 1 of 1931 PA 214, MCL 752.191.

24 (d) Failing to stop and disclose identity at the scene of an  
25 accident resulting in death or serious injury in violation of  
26 section 617.

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1 (e) A felony in which a motor vehicle was used. As used in  
2 this section, "felony in which a motor vehicle was used" means a  
3 felony during the commission of which the person convicted oper-  
4 ated a motor vehicle and while operating the vehicle presented  
5 real or potential harm to persons or property and 1 or more of  
6 the following circumstances existed:

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

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

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

11 (iv) The vehicle was necessary for the commission of the  
12 felony.

13 (f) A violation of section 602a(2) or (3) of this act or  
14 section 479a(2) or (3) of the Michigan penal code, 1931 PA 328,  
15 MCL 750.479a.

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

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

20 (b) Reckless driving in violation of section 626.

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

24 (d) A violation described in section 367c of the Michigan  
25 penal code, 1931 PA 328, MCL 750.367c.

26 (e) A violation of section 703(2) of the Michigan liquor  
27 control code of 1998, 1998 PA 58, MCL 436.1703.

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

5 (5) For perjury or making a false certification to the sec-  
6 retary of state under any law requiring the registration of a  
7 motor vehicle or regulating the operation of a vehicle on a high-  
8 way, the secretary shall suspend the person's license as  
9 follows:

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

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

14 (6) For a violation of section 414 of the Michigan penal  
15 code, 1931 PA 328, MCL 750.414, the secretary of state shall sus-  
16 pend the person's license as follows:

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

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

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

25 (a) If the person has 1 prior conviction for an offense  
26 described in this subsection or section 33b(1) of former 1933 (Ex  
27 Sess) PA 8, for 90 days. The secretary of state may issue the

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1 person a restricted license after the first 30 days of  
2 suspension.

3 (b) If the person has 2 or more prior convictions for an  
4 offense described in this subsection or section 33b(1) of former  
5 1933 (Ex Sess) PA 8, for 1 year. The secretary of state may  
6 issue the person a restricted license after the first 60 days of  
7 suspension.

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

10 (a) For 180 days for a violation of section 625(1) if the  
11 person has no prior convictions within 7 years. The secretary of  
12 state may issue the person a restricted license during all or a  
13 specified portion of the suspension, except that the secretary of  
14 state shall not issue a restricted license during the first 30  
15 days of suspension.

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

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



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

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

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

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

13 (9) FOR A VIOLATION OF SECTION 315(4), THE SECRETARY OF  
14 STATE [MAY ] SUSPEND THE PERSON'S LICENSE FOR 6 MONTHS [AND  
SHALL]  
15 REVOKE THE PERSON'S LICENSE FOR A SECOND OR SUBSEQUENT CONVICTION  
16 AS REQUIRED UNDER SECTION 315(5).

17 (10) ~~-(9)-~~ Except as provided in subsection ~~-(11)-~~ (12), a  
18 suspension under this section shall be imposed notwithstanding a  
19 court order.

20 (11) ~~-(10)-~~ If the secretary of state receives records of  
21 more than 1 conviction of a person resulting from the same inci-  
22 dent, a suspension shall be imposed only for the violation to  
23 which the longest period of suspension applies under this  
24 section.

25 (12) ~~-(11)-~~ The secretary of state may waive a suspension of  
26 a person's license imposed under this act if the person submits  
27 proof that a court in another state revoked, suspended, or

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

5 (13) ~~(12)~~ The secretary of state shall not issue a  
6 restricted license to a person whose license is suspended under  
7 this section unless a restricted license is authorized under this  
8 section and the person is otherwise eligible for a license.

9 (14) ~~(13)~~ The secretary of state shall not issue a  
10 restricted license to a person under subsection (8) that would  
11 permit the person to operate a commercial motor vehicle that  
12 hauls hazardous material.

13 (15) ~~(14)~~ A restricted license issued under this section  
14 shall permit the person to whom it is issued to drive under 1 or  
15 more of the following circumstances:

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

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

18 (i) The person's residence.

19 (ii) The person's work location.

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

22 (iv) The court probation department.

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

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

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

4       (16) ~~(15)~~ While driving, the person shall carry proof of  
5 his or her destination and the hours of any employment, class, or  
6 other reason for traveling and shall display that proof upon a  
7 peace officer's request.

8       (17) ~~(16)~~ Subject to subsection ~~(18)~~ (19), as used in  
9 subsection (8), "prior conviction" means a conviction for any of  
10 the following, whether under a law of this state, a local ordi-  
11 nance substantially corresponding to a law of this state, or a  
12 law of another state substantially corresponding to a law of this  
13 state:

14       (a) Except as provided in subsection ~~(17)~~ (18), a viola-  
15 tion or attempted violation of section 625(1), (3), (4), (5),  
16 (6), or (7), section 625m, former section 625(1) or (2), or  
17 former section 625b.

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

21       (18) ~~(17)~~ Except for purposes of the suspensions described  
22 in subsection (8)(c) and (d), only 1 violation or attempted vio-  
23 lation of section 625(6), a local ordinance substantially corre-  
24 sponding to section 625(6), or a law of another state substan-  
25 tially corresponding to section 625(6) may be used as a prior  
26 conviction.

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1       (19) ~~(18)~~ If 2 or more convictions described in subsection  
2 ~~(16)~~ (17) are convictions for violations arising out of the  
3 same transaction, only 1 conviction shall be used to determine  
4 whether the person has a prior conviction.

5       Enacting section 1. This amendatory act takes effect April  
6 1, 2000.