

# HOUSE BILL No. 4899

June 8, 2005, Introduced by Reps. Lemmons, Jr., Lemmons, III, Miller, Sheltroun,  
Cushingberry and Stahl and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending section 310d (MCL 257.310d), as amended by 2004 PA 62.

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

1           Sec. 310d. (1) A license issued under this act to a person not  
2 previously licensed in this or in another state shall be designated  
3 as probationary for 3 years after the date of issuance. ~~During~~

4           **(2) SUBJECT TO SUBSECTION (9), DURING** the first 12 months of  
5 probation, the license may be suspended or probationary terms and  
6 conditions may be imposed upon failure of the licensee to appear  
7 before a magistrate, as provided in this chapter, or upon  
8 conviction of the licensee or determination of the licensee's

1 responsibility for a moving violation in this state. The period of  
2 suspension or the probationary terms and conditions shall not be  
3 for more than 12 months and shall be determined by the secretary of  
4 state at an examination of the driver by the secretary of state.

5 (3) ~~-(2)-~~ Upon completion of the first 12 months of probation,  
6 the secretary of state may require a licensee to be reexamined by  
7 the secretary of state if the licensee's driving record contains  
8 any of the following:

9 (a) A conviction or civil infraction determination for a  
10 moving violation that was assessed 4 or more points as provided in  
11 section 320a.

12 (b) Three convictions or 3 civil infraction determinations, or  
13 a combination of convictions and civil infraction determinations  
14 that equals 3, for moving violations.

15 (c) A total of 6 or more points as provided in section 320a.

16 (d) A conviction or civil infraction determination for a  
17 moving violation and an accident for which the official police  
18 report indicates the licensee had been drinking alcoholic liquor.

19 (e) A conviction or civil infraction determination for a  
20 moving violation and an accident for which the official police  
21 report indicates a moving violation on the part of the licensee.

22 (f) Three accidents for which the official police report  
23 indicates a moving violation on the part of the licensee.

24 (g) A suspension ~~pursuant to~~ **UNDER** section 625f.

25 (4) ~~-(3)-~~ The probationary period shall be extended beyond 3  
26 years and the secretary of state may reexamine a licensee as  
27 provided in subsection ~~-(2)-~~ (3) if any of the following occur and

1 are recorded on the licensee's driving record during the last 10  
2 months of the probationary period:

3 (a) A moving violation resulting in a conviction or civil  
4 infraction determination.

5 (b) An accident for which the official police report indicates  
6 a moving violation on the part of the licensee.

7 (c) An accident for which the official police report indicates  
8 the licensee had been drinking alcoholic liquor.

9 (d) A license suspension for a reason other than a mental or  
10 physical disability.

11 (5) ~~(4)~~ The probationary period shall be extended ~~pursuant~~  
12 ~~to~~ **UNDER** subsection ~~(3)~~ **(4)** until the licensee completes 10  
13 consecutive months without a moving violation, accident, or  
14 suspension enumerated in subsection ~~(3)~~ **(4)**.

15 (6) ~~(5)~~ Upon completion of a reexamination, the secretary of  
16 state may suspend or impose probationary terms and conditions on  
17 the license of a probationary licensee, except that a reexamination  
18 for **A VIOLATION DESCRIBED IN** subsection ~~(2)(d)~~ **(3)(D)**, (e), or  
19 (f) shall not result in a license suspension or the imposition of  
20 probationary terms or conditions.

21 (7) ~~(6)~~ For 24 months immediately after a licensee's  
22 probationary period, the secretary of state may require the  
23 licensee to be reexamined by the secretary of state if the  
24 licensee's driver record has a total of 9 or more points, as  
25 provided in section 320a, imposed in a period of 2 years and if the  
26 licensee's record contains 1 or more of the following:

27 (a) A conviction for a violation or attempted violation of any

1 of the following:

2 ~~—— (i) Section 625, except a violation of section 625(2), or a~~  
3 ~~violation of any prior enactment of section 625 in which the~~  
4 ~~defendant operated a vehicle while under the influence of~~  
5 ~~intoxicating or alcoholic liquor or a controlled substance, or a~~  
6 ~~combination of intoxicating or alcoholic liquor and a controlled~~  
7 ~~substance, or while visibly impaired, or with an unlawful bodily~~  
8 ~~alcohol content.~~

9 (i) ~~—(ii)—~~ A violation or attempted violation of section 625m.

10 (ii) ~~—(iii)—~~ Former section 625b.

11 (iii) ~~—(iv)—~~ A local ordinance substantially corresponding to a  
12 conviction described in this subdivision.

13 (iv) ~~—(v)—~~ A law of another state substantially corresponding  
14 to a conviction described in this subdivision.

15 (b) A suspension of the licensee's license pursuant to section  
16 625f.

17 (c) An accident for which the official police report indicates  
18 a moving violation on the part of the licensee.

19 (d) An accident for which the official police report indicates  
20 the licensee had been drinking alcoholic liquor.

21 (8) ~~—(7)—~~ Upon completion of a reexamination under subsection  
22 ~~(6)— (7),~~ the secretary of state may suspend the license of the  
23 licensee, except that a reexamination for subsection ~~—(6)(e)~~  
24 (7)(C) or (d) shall not result in a license suspension or  
25 restriction.

26 (9) **IF, DURING THE 3-YEAR PROBATIONARY PERIOD DESCRIBED IN**  
27 **SUBSECTION (1) OR THE EXTENDED PROBATIONARY PERIOD DESCRIBED IN**

1 SUBSECTION (5), THE PERSON IS CONVICTED OF VIOLATING SECTION 625, A  
2 LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 625, OR A  
3 LAW OF ANOTHER STATE OR A POLITICAL SUBDIVISION OF ANOTHER STATE  
4 SUBSTANTIALLY CORRESPONDING TO SECTION 625, THE SECRETARY OF STATE  
5 SHALL SUSPEND THE LICENSE OF THE PERSON FOR THE PERIOD OF TIME  
6 SPECIFIED FOR THE VIOLATION OR UNTIL THE PERSON BECOMES 18 YEARS OF  
7 AGE, WHICHEVER PERIOD IS LONGER. THIS SUBSECTION DOES NOT APPLY TO  
8 A VIOLATION OF SECTION 625(2).

9 (10) ~~-(8)-~~ If a licensee fails to appear for a reexamination  
10 scheduled by the secretary of state ~~pursuant to~~ UNDER this  
11 section, the licensee's license may be suspended immediately and  
12 remain suspended until the licensee appears for a reexamination by  
13 the secretary of state.

14 (11) ~~-(9)-~~ Notice of a reexamination required under this  
15 section shall be given by first-class mail to the last known  
16 address of the licensee.

17 (12) ~~-(10)-~~ For purposes of this section:

18 (a) Upon conviction for a moving violation, the date of the  
19 violation shall be used in determining whether the conviction  
20 occurred within the probationary period.

21 (b) Upon entry of a civil infraction determination for a  
22 moving violation, the date of the violation shall be used in  
23 determining whether the civil infraction determination occurred  
24 within the probationary period.

25 (c) Information of a reexamination shall not be placed on a  
26 driver's record unless the secretary of state suspends a license or  
27 imposes probationary terms and conditions.

1           (d) A suspension shall be considered part of a driving record  
2 from the date the suspension is imposed until the suspension is  
3 terminated.

4           (e) The date of the official police report shall be used in  
5 determining whether a licensee was driving a motor vehicle involved  
6 in an accident for which the official police report indicates a  
7 moving violation on the part of the licensee or indicates the  
8 licensee had been drinking alcoholic liquor.