

SENATE BILL No. 1204

July 18, 2012, Introduced by Senator SCHUITMAKER and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303 and 319 (MCL 257.303 and 257.319), section 303 as amended by 2011 PA 159 and section 319 as amended by 2010 PA 267.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 303. (1) The secretary of state shall not issue a license
2 under this act to any of the following persons:

3 (a) A person, as an operator, who is less than 18 years of
4 age, except as otherwise provided in this act.

5 (b) A person, as a chauffeur, who is less than 18 years of
6 age, except as otherwise provided in this act.

7 (c) A person whose license is suspended, revoked, denied, or
8 canceled in any state. If the suspension, revocation, denial, or

1 cancellation is not from the jurisdiction that issued the last
2 license to the person, the secretary of state may issue a license
3 after the expiration of 5 years from the effective date of the most
4 recent suspension, revocation, denial, or cancellation.

5 (d) A person who in the opinion of the secretary of state is
6 afflicted with or suffering from a physical or mental disability or
7 disease preventing that person from exercising reasonable and
8 ordinary control over a motor vehicle while operating the motor
9 vehicle upon the highways.

10 (e) A person who is unable to understand highway warning or
11 direction signs in the English language.

12 (f) A person who is unable to pass a knowledge, skill, or
13 ability test administered by the secretary of state in connection
14 with the issuance of an original operator's or chauffeur's license,
15 original motorcycle indorsement, or an original or renewal of a
16 vehicle group designation or vehicle indorsement.

17 (g) A person who has been convicted of, has received a
18 juvenile disposition for, or has been determined responsible for 2
19 or more moving violations under a law of this state, a local
20 ordinance substantially corresponding to a law of this state, or a
21 law of another state substantially corresponding to a law of this
22 state within the preceding 3 years, if the violations occurred
23 before issuance of an original license to the person in this state,
24 another state, or another country.

25 (h) A nonresident, including, but not limited to, a foreign
26 exchange student.

27 (i) A person who has failed to answer a citation or notice to

1 appear in court or for any matter pending or fails to comply with
2 an order or judgment of the court, including, but not limited to,
3 paying all fines, costs, fees, and assessments, in violation of
4 section 321a, until that person answers the citation or notice to
5 appear in court or for any matter pending or complies with an order
6 or judgment of the court, including, but not limited to, paying all
7 fines, costs, fees, and assessments, as provided under section
8 321a.

9 (j) A person not licensed under this act who has been
10 convicted of, has received a juvenile disposition for, or has been
11 determined responsible for a crime or civil infraction described in
12 section 319, 324, or 904. A person shall be denied a license under
13 this subdivision for the length of time corresponding to the period
14 of the licensing sanction that would have been imposed under
15 section 319, 324, or 904 if the person had been licensed at the
16 time of the violation.

17 (k) A person not licensed under this act who has been
18 convicted of or received a juvenile disposition for committing a
19 crime described in section 319e. A person shall be denied a license
20 under this subdivision for the length of time that corresponds to
21 the period of the licensing sanction that would have been imposed
22 under section 319e if the person had been licensed at the time of
23 the violation.

24 (l) A person not licensed under this act who is determined to
25 have violated section 33b(1) of former 1933 (Ex Sess) PA 8, section
26 703(1) of the Michigan liquor control code of 1998, 1998 PA 58, MCL
27 436.1703, or section 624a or 624b. The person shall be denied a

1 license under this subdivision for a period of time that
2 corresponds to the period of the licensing sanction that would have
3 been imposed under those sections had the person been licensed at
4 the time of the violation.

5 (m) A person whose commercial driver license application is
6 canceled under section 324(2).

7 (n) Unless otherwise eligible under section 307(1), a person
8 who is not a citizen of the United States.

9 **(O) A PERSON NOT LICENSED UNDER THIS ACT WHO HAS RECEIVED A**
10 **JUVENILE DISPOSITION FOR THE WILLFUL AND REPEATED ABSENCE FROM**
11 **SCHOOL OR OTHER LEARNING PROGRAM. THE PERSON SHALL BE DENIED A**
12 **LICENSE UNDER THIS SUBDIVISION FOR 6 MONTHS FROM THE DATE OF**
13 **DISPOSITION.**

14 (2) Upon receiving the appropriate records of conviction, the
15 secretary of state shall revoke the operator's or chauffeur's
16 license of a person and deny issuance of an operator's or
17 chauffeur's license to a person having any of the following,
18 whether under a law of this state, a local ordinance substantially
19 corresponding to a law of this state, a law of another state
20 substantially corresponding to a law of this state, or, ~~beginning~~
21 ~~October 31, 2010,~~ a law of the United States substantially
22 corresponding to a law of this state:

23 (a) Any combination of 2 convictions within 7 years for
24 reckless driving in violation of section 626 before October 31,
25 2010 or, beginning October 31, 2010, 626(2).

26 (b) Any combination of 2 or more convictions within 7 years
27 for any of the following:

1 (i) A felony in which a motor vehicle was used.

2 (ii) A violation or attempted violation of section 601b(2) or
3 (3), section 601c(1) or (2), section 602a(4) or (5), section 617,
4 section 653a(3) or (4), or section 904(4) or (5).

5 (iii) Negligent homicide, manslaughter, or murder resulting from
6 the operation of a vehicle or an attempt to commit any of those
7 crimes.

8 (iv) A violation or attempted violation of section 479a(4) or
9 (5) of the Michigan penal code, 1931 PA 328, MCL 750.479a.

10 (c) Any combination of 2 convictions within 7 years for any of
11 the following or a combination of 1 conviction for a violation or
12 attempted violation of section 625(6) and 1 conviction for any of
13 the following within 7 years:

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

21 (ii) A violation or attempted violation of section 625m.

22 (iii) A violation or attempted violation of former section 625b.

23 (d) One conviction for a violation or attempted violation of
24 section 315(5), section 601b(3), section 601c(2), section 602a(4)
25 or (5), section 617, section 625(4) or (5), **SECTION 626(3) OR (4)**,
26 section 653a(4), **OR** section 904(4) or (5). ~~, or, beginning October~~
27 ~~31, 2010, section 626(3) or (4).~~

1 (e) One conviction of negligent homicide, manslaughter, or
2 murder resulting from the operation of a vehicle or an attempt to
3 commit any of those crimes.

4 (f) One conviction for a violation or attempted violation of
5 section 479a(4) or (5) of the Michigan penal code, 1931 PA 328, MCL
6 750.479a.

7 (g) Any combination of 3 convictions within 10 years for any
8 of the following or 1 conviction for a violation or attempted
9 violation of section 625(6) and any combination of 2 convictions
10 for any of the following within 10 years, if any of the convictions
11 resulted from an arrest on or after January 1, 1992:

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

19 (ii) A violation or attempted violation of section 625m.

20 (iii) A violation or attempted violation of former section 625b.

21 (3) The secretary of state shall revoke a license under
22 subsection (2) notwithstanding a court order unless the court order
23 complies with section 323.

24 (4) Except as otherwise provided under section 304, the
25 secretary of state shall not issue a license under this act to a
26 person whose license has been revoked under this act or revoked and
27 denied under subsection (2) until all of the following occur, as

1 applicable:

2 (a) The later of the following:

3 (i) The expiration of not less than 1 year after the license
4 was revoked or denied.

5 (ii) The expiration of not less than 5 years after the date of
6 a subsequent revocation or denial occurring within 7 years after
7 the date of any prior revocation or denial.

8 (b) For a denial under subsection (2)(a), (b), (c), and (g),
9 the person rebuts by clear and convincing evidence the presumption
10 resulting from the prima facie evidence that he or she is a
11 habitual offender. The convictions that resulted in the revocation
12 and denial constitute prima facie evidence that he or she is a
13 habitual offender.

14 (c) The person meets the requirements of the department.

15 (5) The secretary of state may deny issuance of an operator's
16 license as follows:

17 (a) Until the age of 17, to a person not licensed under this
18 act who was convicted of or received a juvenile disposition for
19 violating or attempting to violate section 411a(2) of the Michigan
20 penal code, 1931 PA 328, MCL 750.411a, involving a school when he
21 or she was less than 14 years of age. A person not issued a license
22 under this subdivision is not eligible to begin graduated licensing
23 training until he or she attains 16 years of age.

24 (b) To a person less than 21 years of age not licensed under
25 this act who was convicted of or received a juvenile disposition
26 for violating or attempting to violate section 411a(2) of the
27 Michigan penal code, 1931 PA 328, MCL 750.411a, involving a school

1 when he or she was 14 years of age or older, until 3 years after
2 the date of the conviction or juvenile disposition. A person not
3 issued a license under this subdivision is not eligible to begin
4 graduated licensing training or otherwise obtain an original
5 operator's or chauffeur's license until 3 years after the date of
6 the conviction or juvenile disposition.

7 (6) The secretary of state shall deny issuance of a vehicle
8 group designation to a person under either of the following
9 circumstances:

10 (a) The person has been disqualified by the United States
11 secretary of transportation from operating a commercial motor
12 vehicle.

13 (b) ~~Beginning on and after January 30, 2012, the~~ **THE** person
14 does not meet the requirements of the federal regulations under
15 parts 383 and 391 by refusing to certify the type of commercial
16 motor vehicle operation the person intends to perform and, if
17 required, fails to present to the secretary of state a valid
18 medical certification.

19 (7) Multiple convictions or civil infraction determinations
20 resulting from the same incident shall be treated as a single
21 violation for purposes of denial or revocation of a license under
22 this section.

23 (8) As used in this section, "felony in which a motor vehicle
24 was used" means a felony during the commission of which the person
25 operated a motor vehicle and while operating the vehicle presented
26 real or potential harm to persons or property and 1 or more of the
27 following circumstances existed:

1 (a) The vehicle was used as an instrument of the felony.

2 (b) The vehicle was used to transport a victim of the felony.

3 (c) The vehicle was used to flee the scene of the felony.

4 (d) The vehicle was necessary for the commission of the
5 felony.

6 Sec. 319. (1) The secretary of state shall immediately suspend
7 a person's license as provided in this section upon receiving a
8 record of the person's conviction for a crime described in this
9 section, whether the conviction is under a law of this state, a
10 local ordinance substantially corresponding to a law of this state,
11 a law of another state substantially corresponding to a law of this
12 state, or ~~, beginning October 31, 2010,~~ a law of the United States
13 substantially corresponding to a law of this state.

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

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

18 (b) A violation of section 413 of the Michigan penal code,
19 1931 PA 328, MCL 750.413.

20 (c) A violation of section 1 of former 1931 PA 214, MCL
21 752.191, or section 626c.

22 (d) A felony in which a motor vehicle was used. As used in
23 this section, "felony in which a motor vehicle was used" means a
24 felony during the commission of which the person convicted operated
25 a motor vehicle and while operating the vehicle presented real or
26 potential harm to persons or property and 1 or more of the
27 following circumstances existed:

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

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

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

4 (iv) The vehicle was necessary for the commission of the
5 felony.

6 (e) A violation of section 602a(2) or (3) of this act or
7 section 479a(2) or (3) of the Michigan penal code, 1931 PA 328, MCL
8 750.479a.

9 (f) ~~Beginning October 31, 2010, a~~ A violation of section 601d.

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

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

14 (b) A violation of section 601b(2), section 601c(1), **SECTION**
15 **626(2)**, OR section 653a(3). ~~, section 626 before October 31, 2010,~~
16 ~~or, beginning October 31, 2010, section 626(2).~~

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

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

22 (4) The secretary of state shall suspend the person's license
23 for 30 days for malicious destruction resulting from the operation
24 of a vehicle under section 382(1)(a) of the Michigan penal code,
25 1931 PA 328, MCL 750.382.

26 (5) For perjury or making a false certification to the
27 secretary of state under any law requiring the registration of a

1 motor vehicle or regulating the operation of a vehicle on a
2 highway, or for conduct prohibited under section 324(1) or a local
3 ordinance substantially corresponding to section 324(1), the
4 secretary shall suspend the person's license as follows:

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

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

9 (6) For a violation of section 414 of the Michigan penal code,
10 1931 PA 328, MCL 750.414, the secretary of state shall suspend the
11 person's license as follows:

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

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

16 (7) For a violation of section 624a or 624b of this act or
17 section 703(1) of the Michigan liquor control code of 1998, 1998 PA
18 58, MCL 436.1703, the secretary of state shall suspend the person's
19 license as follows:

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

24 (b) If the person has 2 or more prior convictions for an
25 offense described in this subsection or section 33b(1) of former
26 1933 (Ex Sess) PA 8, for 1 year. The secretary of state may issue
27 the person a restricted license after the first 60 days of

1 suspension.

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

4 (a) For 180 days for a violation of ~~section 625(1) or (8)~~
5 ~~before October 31, 2010 or, beginning October 31, 2010,~~ section
6 625(1) (a) or (b) or (8) if the person has no prior convictions
7 within 7 years. The secretary of state may issue the person a
8 restricted license during a specified portion of the suspension,
9 except that the secretary of state shall not issue a restricted
10 license during the first 30 days of suspension.

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

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

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

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

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

9 (g) ~~Beginning October 31, 2010, for~~ **FOR** 1 year for a violation
10 of section 625(1)(c) if the person has no prior convictions within
11 7 years or not more than 2 convictions within 10 years. The
12 secretary of state may issue the person a restricted license,
13 except that the secretary of state shall not issue a restricted
14 license during the first 45 days of suspension.

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

27 (i) A start-up test failure that occurs within the first 2

1 months after installation of the device. As used in this
2 subdivision, "start-up test failure" means that the ignition
3 interlock device has prevented the motor vehicle from being
4 started. Multiple unsuccessful attempts at 1 time to start the
5 vehicle shall be treated as 1 start-up test failure only under this
6 subparagraph.

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

12 (iii) A retest prompted by the device, if not more than 5
13 minutes after detecting the start-up test failure the person
14 delivers a breath sample that the ignition interlock device
15 analyzes as having an alcohol level of less than 0.025 grams per
16 210 liters of breath.

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

25 (i) A start-up test failure within the first 2 months after
26 installation of the ignition interlock device. As used in this
27 subdivision, "start-up test failure" means that the ignition

1 interlock device has prevented the motor vehicle from being
2 started. Multiple unsuccessful attempts at 1 time to start the
3 vehicle shall be treated as 1 start-up test failure only under this
4 subparagraph.

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

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

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

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

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

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

24 (11) For a violation or attempted violation of section 411a(2)
25 of the Michigan penal code, 1931 PA 328, MCL 750.411a, involving a
26 school, the secretary of state shall suspend the license of a
27 person 14 years of age or over but less than 21 years of age until

1 3 years after the date of the conviction or juvenile disposition
2 for the violation. The secretary of state may issue the person a
3 restricted license after the first 365 days of suspension.

4 (12) For a second or subsequent violation of section 701(1) of
5 the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701,
6 by an individual who is not a retail licensee or a retail
7 licensee's clerk, agent, or employee, the secretary of state shall
8 suspend the person's license for 180 days. The secretary of state
9 may issue a person a restricted license during all or a specified
10 portion of the suspension.

11 (13) FOR A JUVENILE WHO IS DETERMINED TO BE WITHIN THE
12 JURISDICTION OF THE FAMILY DIVISION OF CIRCUIT COURT UNDER SECTION
13 2(A)(4) OF CHAPTER XIIA OF THE PROBATE CODE OF 1939, 1939 PA 288,
14 MCL 712A.2, DUE TO WILLFUL AND REPEATED ABSENCE FROM SCHOOL OR
15 ANOTHER LEARNING PROGRAM, THE SECRETARY OF STATE SHALL SUSPEND THE
16 LICENSE OF THE JUVENILE FOR 6 MONTHS BEGINNING ON THE DATE OF
17 DISPOSITION.

18 (14) ~~(13)~~—Except as provided in subsection ~~(15)~~, (16), a
19 suspension under this section shall be imposed notwithstanding a
20 court order unless the court order complies with section 323.

21 (15) ~~(14)~~—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 (16) ~~(15)~~—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 (17) ~~(16)~~—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 (18) ~~(17)~~—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 (19) ~~(18)~~—Except as provided in subsection ~~(17)~~, ~~(18)~~, a
14 restricted license issued under this section shall permit the
15 person to whom it is issued to take any driving skills test
16 required by the secretary of state and to operate a vehicle under 1
17 or more of the following circumstances:

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

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

20 (i) The person's residence.

21 (ii) The person's work location.

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

24 (iv) The court probation department.

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

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

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

8 (21) ~~(20)~~ Subject to subsection ~~(22)~~, ~~(23)~~, 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 ordinance
11 substantially corresponding to a law of this state, or a law of
12 another state substantially corresponding to a law of this state:

13 (a) Except as provided in subsection ~~(21)~~, ~~(22)~~, a violation
14 or attempted violation of any of the following:

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

22 (ii) Section 625m.

23 (iii) Former section 625b.

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

27 (c) ~~Beginning October 31, 2010, a~~ ~~A~~ violation of section 601d

1 or section 626(3) or (4).

2 (22) ~~(21)~~—Except for purposes of the suspensions described in
3 subsection (8)(c) and (d), only 1 violation or attempted violation
4 of section 625(6), a local ordinance substantially corresponding to
5 section 625(6), or a law of another state substantially
6 corresponding to section 625(6) may be used as a prior conviction.

7 (23) ~~(22)~~—If 2 or more convictions described in subsection
8 ~~(20)~~—(21) are convictions for violations arising out of the same
9 transaction, only 1 conviction shall be used to determine whether
10 the person has a prior conviction.

11 Enacting section 1. This amendatory act does not take effect
12 unless Senate Bill No. 1203

13 of the 96th Legislature is enacted into law.