

# HOUSE BILL No. 6293

November 10, 1998, Introduced by Rep. Bodem and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 252e and 319 (MCL 257.252e and 257.319), section 252e as added by 1981 PA 104 and section 319 as amended by 1998 PA 347.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 252e. (1) The following courts ~~shall~~ have jurisdic-  
2 tion to determine if a police agency has acted properly in pro-  
3 cessing a vehicle under section 252a, 252b(6) to (10), 252c, or  
4 252d:

5       (a) The district court.

6       (b) A municipal court.

7       (c) The common pleas court of the city of Detroit.

8       (2) The court specified in the notice prescribed in section  
9 252a(4)(c), 252b(6), 252c(4), or 252d(2)(c) shall be the court

1 which has territorial jurisdiction at the location from where the  
2 vehicle was removed or deemed abandoned. Venue in the district  
3 court shall be governed by section 8312 of ~~Act No. 236 of the~~  
4 ~~Public Acts of 1961, as amended, being section 600.8312 of the~~  
5 ~~Michigan Compiled Laws~~ THE REVISED JUDICATURE ACT OF 1961, 1961  
6 PA 236, MCL 600.8312.

7 (3) If the owner fails to pay the accrued towing and storage  
8 fees, the towing and storage bond posted with the court to secure  
9 release of the vehicle under section 252a, 252b, 252c, or 252d  
10 shall be used to pay the towing and storage fees. IN ADDITION,  
11 THE COURT SHALL ADVISE THE SECRETARY OF STATE IF THE OWNER FAILS  
12 TO PAY THE ACCRUED TOWING AND STORAGE FEES. THE SECRETARY OF  
13 STATE SHALL THEN SUSPEND THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF  
14 THE OWNER AS PROVIDED IN SECTION 319.

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

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

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

26 (b) A violation of section 413 of the Michigan penal code,  
27 1931 PA 328, MCL 750.413.

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

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

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

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

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

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

15 (iv) The vehicle was necessary for the commission of the  
16 felony.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (7) For a violation of section 624a or 624b of this act or  
26 section 703(1) of the Michigan liquor control code of 1998, 1998

1 PA 58, MCL 436.1703, the secretary of state shall suspend the  
2 person's license as follows:

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

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

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

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

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

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

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

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

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

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

18 (9) THE SECRETARY OF STATE SHALL SUSPEND THE PERSON'S  
19 LICENSE FOR NOT LESS THAN 30 DAYS OR MORE THAN 90 DAYS FOR FAIL-  
20 URE TO PAY THE ACCRUED TOWING AND STORAGE FEES ON HIS OR HER  
21 VEHICLE AS PROVIDED IN SECTION 252E.

22 (10) ~~-(9)-~~ Except as provided in subsection ~~-(11)-~~ (12), a  
23 suspension under this section shall be imposed notwithstanding a  
24 court order.

25 (11) ~~-(10)-~~ If the secretary of state receives records of  
26 more than 1 conviction of a person resulting from the same  
27 incident, a suspension shall be imposed only for the violation to

1 which the longest period of suspension applies under this  
2 section.

3       (12) ~~—(11)—~~ The secretary of state may waive a suspension of  
4 a person's license imposed under this act if the person submits  
5 proof that a court in another state revoked, suspended, or  
6 restricted his or her license for a period equal to or greater  
7 than the period of a suspension prescribed under this act for the  
8 violation and that the revocation, suspension, or restriction was  
9 served for the violation, or may grant a restricted license.

10       (13) ~~—(12)—~~ The secretary of state shall not issue a  
11 restricted license to a person whose license is suspended under  
12 this section unless a restricted license is authorized under this  
13 section and the person is otherwise eligible for a license.

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

18       (15) ~~—(14)—~~ A restricted license issued under this section  
19 shall permit the person to whom it is issued to drive under 1 or  
20 more of the following circumstances:

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

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

23       (i) The person's residence.

24       (ii) The person's work location.

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

(iv) The court probation department.

(v) A court-ordered community service program.

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

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

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

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

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

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

(18) ~~(17)~~ Except for purposes of the suspensions described in subsection (8)(c) and (d), only 1 violation or attempted violation of section 625(6), a local ordinance substantially



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

4       (19) ~~—(18)—~~ If 2 or more convictions described in subsection  
5 ~~—(16)—~~ (17) are convictions for violations arising out of the  
6 same transaction, only 1 conviction shall be used to determine  
7 whether the person has a prior conviction.