

HOUSE BILL No. 5209

January 8, 2014, Introduced by Reps. Schor, Lamonte, Driskell, Kivela, Dianda, Zemke, Schmidt, Rogers and Pscholka and referred to the Committee on Transportation and Infrastructure.

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 2012 PA 498 and section 319 as amended by 2012 PA 306.

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

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

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

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

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

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

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

1 (i) A person who has failed to answer a citation or notice to
2 appear in court or for any matter pending or fails to comply with
3 an order or judgment of the court, including, but not limited to,
4 paying all fines, costs, fees, and assessments, in violation of
5 section 321a, until that person answers the citation or notice to
6 appear in court or for any matter pending or complies with an order
7 or judgment of the court, including, but not limited to, paying all
8 fines, costs, fees, and assessments, as provided under section
9 321a.

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

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

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

1 436.1703, or section 624a or 624b. The person shall be denied a
2 license under this subdivision for a period of time that
3 corresponds to the period of the licensing sanction that would have
4 been imposed under those sections had the person been licensed at
5 the time of the violation.

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

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

10 (O) A PERSON NOT LICENSED UNDER THIS ACT WHO HAS RECEIVED A
11 JUVENILE DISPOSITION FOR THE WILLFUL AND REPEATED ABSENCE FROM
12 SCHOOL OR OTHER LEARNING PROGRAM. UPON NOTIFICATION BY THE COURT
13 UNDER SECTION 2F OF CHAPTER XIIIA OF THE PROBATE CODE OF 1939, 1939
14 PA 288, MCL 712A.2F, THE SECRETARY OF STATE SHALL DENY ISSUANCE OF
15 A LICENSE TO THE PERSON FOR 6 MONTHS FROM THE DATE OF DISPOSITION.

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

25 (a) Any combination of 2 convictions within 7 years for
26 reckless driving in violation of section 626 before October 31,
27 2010 or, beginning October 31, 2010, 626(2).

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

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

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

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

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

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

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

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

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

25 (d) One conviction for a violation or attempted violation of
26 section 315(5), section 601b(3), section 601c(2), section 602a(4)
27 or (5), section 617, section 625(4) or (5), **SECTION 626(3) OR (4),**

1 section 653a(4), **OR** section 904(4) or (5). ~~, or, beginning October~~
2 ~~31, 2010, section 626(3) or (4).~~

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

6 (f) One conviction for a violation or attempted violation of
7 section 479a(4) or (5) of the Michigan penal code, 1931 PA 328, MCL
8 750.479a.

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

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

26 (4) Except as otherwise provided under section 304, the
27 secretary of state shall not issue a license under this act to a

1 person whose license has been revoked under this act or revoked and
2 denied under subsection (2) until all of the following occur, as
3 applicable:

4 (a) The later of the following:

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

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

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

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

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

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

26 (b) To a person less than 21 years of age not licensed under
27 this act who was convicted of or received a juvenile disposition

1 for violating or attempting to violate section 411a(2) of the
2 Michigan penal code, 1931 PA 328, MCL 750.411a, involving a school
3 when he or she was 14 years of age or older, until 3 years after
4 the date of the conviction or juvenile disposition. A person not
5 issued a license under this subdivision is not eligible to begin
6 graduated licensing training or otherwise obtain an original
7 operator's or chauffeur's license until 3 years after the date of
8 the conviction or juvenile disposition.

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

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

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

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

25 (8) As used in this section, "felony in which a motor vehicle
26 was used" means a felony during the commission of which the person
27 operated a motor vehicle and while operating the vehicle presented

1 real or potential harm to persons or property and 1 or more of the
2 following circumstances existed:

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

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

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

6 (d) The vehicle was necessary for the commission of the
7 felony.

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

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

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

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

22 (c) A violation of section 1 of former 1931 PA 214 ~~, MCL~~
23 ~~752.191,~~ or **FORMER** section 626c.

24 (d) A felony in which a motor vehicle was used. As used in
25 this section, "felony in which a motor vehicle was used" means a
26 felony during the commission of which the person convicted operated
27 a motor vehicle and while operating the vehicle presented real or

1 potential harm to persons or property and 1 or more of the
2 following circumstances existed:

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

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

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

6 (iv) The vehicle was necessary for the commission of the
7 felony.

8 (e) A violation of section 602a(2) or (3) of this act or
9 section 479a(2) or (3) of the Michigan penal code, 1931 PA 328, MCL
10 750.479a.

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

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

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

16 (b) A violation of section 601b(2), section 601c(1), **SECTION**
17 **626(2), OR** section 653a(3). ~~, section 626 before October 31, 2010,~~
18 ~~or, beginning October 31, 2010, section 626(2).~~

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

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

24 (4) The secretary of state shall suspend the person's license
25 for 30 days for malicious destruction resulting from the operation
26 of a vehicle under section 382(1)(a) of the Michigan penal code,
27 1931 PA 328, MCL 750.382.

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

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

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

11 (6) For a violation of section 414 of the Michigan penal code,
12 1931 PA 328, MCL 750.414, the secretary of state shall suspend the
13 person's license as follows:

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

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

18 (7) For a violation of section 624a or 624b of this act or
19 section 703(1) of the Michigan liquor control code of 1998, 1998 PA
20 58, MCL 436.1703, the secretary of state shall suspend the person's
21 license as follows:

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

26 (b) If the person has 2 or more prior convictions for an
27 offense described in this subsection or section 33b(1) of former

1 1933 (Ex Sess) PA 8, for 1 year. The secretary of state may issue
2 the person a restricted license after the first 60 days of
3 suspension.

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

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

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

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

27 (d) For 90 days for a violation of section 625(6) if the

1 person has 1 or more prior convictions for that offense within 7
2 years.

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

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

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

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

1 following:

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

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

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

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

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

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

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

11 (iii) Any retest prompted by the device, if not more than 5
12 minutes after detecting the retest failure the person delivers a
13 breath sample that the ignition interlock device analyzes as having
14 an alcohol level of less than 0.025 grams per 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, UPON
16 NOTIFICATION BY THE COURT UNDER SECTION 2F OF CHAPTER XIIA OF THE
17 PROBATE CODE OF 1939, 1939 PA 288, MCL 712A.2F, SUSPEND THE LICENSE
18 OF THE JUVENILE FOR 6 MONTHS BEGINNING ON THE DATE OF DISPOSITION.

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

22 (15) ~~(14)~~ If the secretary of state receives records of more
23 than 1 conviction of a person resulting from the same incident, a
24 suspension shall be imposed only for the violation to which the
25 longest period of suspension applies under this section.

26 (16) ~~(15)~~ The secretary of state may waive a restriction,
27 suspension, or revocation of a person's license imposed under this

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

7 (17) ~~(16)~~—The secretary of state shall not issue a restricted
8 license to a person whose license is suspended under this section
9 unless a restricted license is authorized under this section and
10 the person is otherwise eligible for a license.

11 (18) ~~(17)~~—The secretary of state shall not issue a restricted
12 license to a person under subsection (8) that would permit the
13 person to operate a commercial motor vehicle.

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

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

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

21 (i) The person's residence.

22 (ii) The person's work location.

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

25 (iv) The court probation department.

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

27 (vi) An educational institution at which the person is enrolled

1 as a student.

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

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

9 (21) ~~(20)~~ Subject to subsection ~~(22)~~, (23), as used in
10 subsection (8), "prior conviction" means a conviction for any of
11 the following, whether under a law of this state, a local ordinance
12 substantially corresponding to a law of this state, or a law of
13 another state substantially corresponding to a law of this state:

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

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

23 (ii) Section 625m.

24 (iii) Former section 625b.

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

1 (c) ~~Beginning October 31, 2010, a~~ **A** violation of section 601d
2 or section 626(3) or (4).

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

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

12 Enacting section 1. This amendatory act does not take effect
13 unless Senate Bill No. ____ or House Bill No. 5208 (request no.
14 03381'13 a) of the 97th Legislature is enacted into law.