

Act No. 97  
Public Acts of 1996  
Approved by the Governor  
January 17, 1997  
Filed with the Secretary of State  
January 21, 1997

**STATE OF MICHIGAN  
88TH LEGISLATURE  
REGULAR SESSION OF 1996**

Introduced by Reps. London, Ryan, Law, McBryde, Freeman, Weeks, Oxender, Jamian, Goschka, Voorhees, DeMars, Perricone, Willard, Brewer, Galloway and Kukuk  
Rep. Rocca named co-sponsor

# ENROLLED HOUSE BILL No. 4534

AN ACT to amend sections 303, 319, 602a, and 603 of Act No. 300 of the Public Acts of 1949, entitled as amended "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," section 303 as amended by Act No. 387 of the Public Acts of 1996, section 319 as amended by Act No. 449 of the Public Acts of 1994, and section 602a as amended by Act No. 406 of the Public Acts of 1988, being sections 257.303, 257.319, 257.602a, and 257.603 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Sections 303, 319, 602a, and 603 of Act No. 300 of the Public Acts of 1949, section 303 as amended by Act No. 387 of the Public Acts of 1996, section 319 as amended by Act No. 449 of the Public Acts of 1994, and section 602a as amended by Act No. 406 of the Public Acts of 1988, being sections 257.303, 257.319, 257.602a, and 257.603 of the Michigan Compiled Laws, are amended to read as follows:

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

- (a) A person, as an operator, who is less than 18 years of age, except as otherwise provided in this act.
- (b) A person, as a chauffeur, who is less than 18 years of age, except as otherwise provided in this act.
- (c) A person whose license has been suspended during the period for which the license was suspended.
- (d) A person who has been convicted of or received a probate court disposition for a violation of section 625(4) or (5).
- (e) A person who has been convicted of or received a probate court disposition for negligent homicide, manslaughter, or murder resulting from the operation of a motor vehicle.
- (f) A person who is an habitual violator of the criminal laws relating to operating a vehicle while impaired by or under the influence of intoxicating liquor, a controlled substance, or a combination of intoxicating liquor and a controlled substance or with an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine. Convictions of 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, are prima facie evidence that the person is an habitual violator as described in this subdivision:

(i) Any combination of 2 convictions within 7 years for any of the following:

(A) A violation of section 625(1), (4), or (5).

(B) A violation of former section 625(1) or (2).

(ii) Any combination of 3 convictions within 10 years for any of the following if any of the convictions resulted from an arrest on or after January 1, 1992:

(A) A violation of section 625(1), (3), (4), or (5).

(B) A violation of former section 625(1) or (2) or former section 625b.

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

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

(i) A person who is an habitually reckless driver. Two convictions within 7 years of reckless driving under this act or any other law of this state relating to reckless driving or under a local ordinance of this state or a law of another state that defines the term "reckless driving" substantially similarly to the law of this state are prima facie evidence that the person is an habitually reckless driver.

(j) A person who is an habitual criminal. Two convictions of a felony in which a motor vehicle was used in this or another state are prima facie evidence that the person is an habitual criminal.

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

(l) A person who has been convicted of, has received a probate court disposition for, or has been determined responsible for 2 or more moving violations 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 within the preceding 3 years, if the violations occurred before issuance of an original license to the person in this or another state.

(m) A nonresident including a foreign exchange student.

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

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

(p) A person not licensed under this act who is determined to have violated section 33b(1) of the Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being section 436.33b of the Michigan Compiled Laws, or section 624a or 624b. The person shall be denied a license under this subdivision for a period of time that corresponds to the period of the licensing sanction that would have been imposed under those sections had the person been licensed at the time of the violation.

(q) A person who has been convicted of a violation of section 602a(4) or (5) or a violation of section 479a(4) or (5) of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being section 750.479a of the Michigan Compiled Laws.

(2) Upon receiving the appropriate records of conviction, the secretary of state shall revoke the operator's or chauffeur's license of a person having 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) Two convictions of reckless driving in violation of section 626 within 7 years.

(b) Two convictions of a felony in which a motor vehicle was used within 7 years.

(c) Any combination of 2 convictions within 7 years for any of the following:

(i) A violation of section 625(1).

(ii) A violation of former section 625(1) or (2).

(iii) A violation of section 625(4) or (5).

(iv) Negligent homicide, manslaughter, or murder resulting from the operation of a motor vehicle.

(d) One conviction under section 625(4) or (5).

(e) One conviction of negligent homicide, manslaughter, or murder resulting from the operation of a motor vehicle.

(f) Any combination of 3 convictions within 10 years for any of the following if any of the convictions resulted from an arrest on or after January 1, 1992:

(i) A violation of section 625(1), (3), (4), or (5).

(ii) A violation of former section 625(1) or (2) or former section 625b.

(iii) Negligent homicide, manslaughter, or murder resulting from the operation of a motor vehicle.

(g) A violation of section 602a(4) or (5) of this act or section 479a(4) or (5) of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being section 750.479a of the Michigan Compiled Laws.

(3) The secretary of state shall revoke a license under subsection (2) notwithstanding a court order issued under section 625, section 625b, former section 625(1) or (2), or former section 625b or a local ordinance substantially corresponding to section 625, section 625b, former section 625(1) or (2), or former section 625b.

(4) The secretary of state shall not issue a license under this act to a person whose license has been revoked under this act or denied under subsection (1)(d), (e), (f), (i), or (j) until both of the following occur:

(a) The later of the following:

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

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

(b) The person meets the requirements of the department.

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

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

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

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

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

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

Sec. 319. (1) The secretary of state shall immediately suspend a person's license for not less than 90 days or more than 2 years upon receiving a record of the person's conviction for any of the following crimes or attempts to commit any of the following crimes, whether the conviction is 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) Fraudulently altering or forging documents pertaining to motor vehicles, in violation of section 257.

(b) Perjury or making a false certification to the secretary of state under any law requiring the registration of a motor vehicle or regulating the operation of a motor vehicle on a highway.

(c) A violation of section 413 or 414 of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.413 and 750.414 of the Michigan Compiled Laws, or a violation of section 1 of Act No. 214 of the Public Acts of 1931, being section 752.191 of the Michigan Compiled Laws.

(d) A conviction for reckless driving in violation of section 626.

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

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

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

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

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

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

(2) The secretary of state shall suspend the license of a person convicted of malicious destruction resulting from the operation of a motor vehicle under section 382 of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being section 750.382 of the Michigan Compiled Laws, for not more than 1 year as ordered by the court as part of the sentence.

(3) The secretary of state shall immediately suspend a person's license for the period specified in the abstract of conviction upon receiving the person's license and abstract of conviction forwarded to the secretary of state pursuant to section 367c of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being section 750.367c of the Michigan Compiled Laws.

(4) Except as otherwise provided in subsection (9), if a court has not ordered a suspension of a person's license under this act for a violation described in subdivision (a), (b), (c), or (d) for a period equal to or greater than the suspension period prescribed under subdivision (a), (b), (c), or (d) for the violation, the secretary of state shall suspend the license as follows, notwithstanding a court order issued under section 625(1), (3), or (6), section 625b, former section 625(1) or (2), or former section 625b or a local ordinance substantially corresponding to section 625(1), (3), or (6), section 625b, former section 625(1) or (2), or former section 625b:

(a) For not less than 90 days or more than 1 year upon receiving a record of the person's conviction for a violation of section 625(3), a local ordinance substantially corresponding to section 625(3), or a law of another state substantially corresponding to section 625(3) if the person has no prior convictions within 7 years for a violation of section 625(1), (3), (4), or (5), former section 625(1) or (2), or former section 625b, a local ordinance substantially corresponding to section 625(1) or (3), former section 625(1) or (2), or former section 625b, or a law of another state substantially corresponding to section 625(1), (3), (4), or (5), former section 625(1) or (2), or former section 625b. However, if the person is convicted of a violation of section 625(3), a local ordinance substantially corresponding to section 625(3), or a law of another state substantially corresponding to section 625(3) for operating a vehicle when, due to the consumption of a controlled substance or a combination of intoxicating liquor and a controlled substance, the person's ability to operate the vehicle was visibly impaired, the secretary of state shall suspend the person's license under this subdivision for not less than 6 months or more than 1 year.

(b) For not less than 6 months or more than 2 years upon receiving a record of the person's conviction if the person has the following convictions, whether under the 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:

(i) One conviction under section 625(1) or former section 625(1) or (2).

(ii) Any combination of 2 convictions under section 625(3) or former section 625b within a 7-year period.

(iii) One conviction under section 625(1) or former section 625(1) or (2) and 1 conviction under section 625(3) or former section 625b within a 7-year period.

(iv) One conviction under section 625(4) or (5) followed by 1 conviction under section 625(3) within a 7-year period.

(c) For not less than 30 days or more than 90 days upon receiving a record of the person's conviction for a violation of section 625(6), a local ordinance substantially corresponding to section 625(6), or a law of another state substantially corresponding to section 625(6) if the person has no prior convictions within 7 years for a violation of section 625(1), (3), (4), (5), or (6), former section 625(1) or (2), or former section 625b, a local ordinance substantially corresponding to section 625(1), (3), or (6), former section 625(1) or (2), or former section 625b, or a law of another state substantially corresponding to section 625(1), (3), (4), (5), or (6), former section 625(1) or (2), or former section 625b.

(d) For not less than 90 days or more than 1 year upon receiving a record of the person's conviction for a violation of section 625(6), a local ordinance substantially corresponding to section 625(6), or a law of another state substantially corresponding to section 625(6) if the person has 1 or more prior convictions within 7 years for a violation of section 625(1), (3), (4), (5), or (6), former section 625(1) or (2), or former section 625b, a local ordinance substantially corresponding to section 625(1), (3), or (6), former section 625(1) or (2), or former section 625b, or a law of another state substantially corresponding to section 625(1), (3), (4), (5), or (6), former section 625(1) or (2), or former section 625b.

(5) Upon receiving a certificate of conviction under section 33b(2) of the Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being section 436.33b of the Michigan Compiled Laws, or a local ordinance or law of another state substantially corresponding to section 33b(2) of Act No. 8 of the Public Acts of the Extra Session of 1933, the secretary of state shall suspend pursuant to court order the person's operator's or chauffeur's license for 90 days. A suspension under this subsection shall be in addition to any other suspension of the person's license.

(6) Upon receiving the record of a person's conviction for a violation of section 602a(2) or (3) of this act or section 479a(2) or (3) of Act No. 328 of the Public Acts of 1931, being section 750.479a of the Michigan Compiled Laws, the secretary of state immediately shall suspend the person's license for the period ordered by the court as part of the sentence or disposition.

(7) Upon receiving an abstract of conviction for a violation of section 33b(1) of Act No. 8 of the Public Acts of the Extra Session of 1933, being section 436.33b of the Michigan Compiled Laws, or section 624a or 624b or a local ordinance substantially corresponding to those sections, the secretary of state shall suspend the person's operator's or chauffeur's license for the period of time described in section 33b(4) of Act No. 8 of the Public Acts of the Extra Session of 1933 or section 624a or 624b notwithstanding any court order to the contrary and, if applicable, issue a restricted license as ordered by the court in the manner provided for in section 33b of Act No. 8 of the Public Acts of the Extra Session of 1933 or section 624a or 624b. If the person does not possess an operator's or chauffeur's license, the secretary of state shall deny the person's application for an operator's or chauffeur's license for the applicable suspension period.

(8) Except as provided in subsection (10), a suspension under this section shall be imposed notwithstanding a court order issued under section 625(1), (3), (4), (5), or (6) or section 625b or a local ordinance substantially corresponding to section 625(1), (3), or (6) or section 625b.

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

(10) The secretary of state may waive a suspension of a person's license imposed under subsection (4)(a), (b), (c), or (d) if the person submits proof that a court in another state revoked, suspended, or restricted his or her license for a period equal to or greater than the period of a suspension prescribed under subsection (4)(a), (b), (c), or (d) for the violation and that the revocation, suspension, or restriction was served for the violation, or may grant a restricted license.

Sec. 602a. (1) A driver of a motor vehicle who is given by hand, voice, emergency light, or siren a visual or audible signal by a police or conservation officer, acting in the lawful performance of his or her duty, directing the driver to bring his or her motor vehicle to a stop shall not willfully fail to obey that direction by increasing the speed of the motor vehicle, extinguishing the lights of the motor vehicle, or otherwise attempting to flee or elude the officer. This subsection does not apply unless the police or conservation officer giving the signal is in uniform, and the vehicle driven by the police or conservation officer is identified as an official police or department of natural resources vehicle.

(2) Except as provided in subsection (3), (4), or (5), an individual who violates subsection (1) is guilty of fourth-degree fleeing and eluding, a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$500.00, or both.

(3) Except as provided in subsection (4) or (5), an individual who violates subsection (1) is guilty of third-degree fleeing and eluding, a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$1,000.00, or both, if 1 or more of the following circumstances apply:

(a) The violation results in a collision or accident.

(b) A portion of the violation occurred in an area where the speed limit is 35 miles an hour or less, whether that speed limit is posted or imposed as a matter of law.

(c) The individual has a prior conviction for fourth-degree fleeing and eluding, attempted fourth-degree fleeing and eluding, or fleeing and eluding under a current or former law of this state prohibiting substantially similar conduct.

(4) Except as provided in subsection (5), an individual who violates subsection (1) is guilty of second-degree fleeing and eluding, a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$5,000.00, or both, if 1 or more of the following circumstances apply:

(a) The violation results in serious injury to an individual.

(b) The individual has 1 or more prior convictions for first-, second-, or third-degree fleeing and eluding, attempted first-, second-, or third-degree fleeing and eluding, or fleeing and eluding under a current or former law of this state prohibiting substantially similar conduct.

(c) The individual has any combination of 2 or more prior convictions for fourth-degree fleeing and eluding, attempted fourth-degree fleeing and eluding, or fleeing and eluding under a current or former law of this state prohibiting substantially similar conduct.

(5) If the violation results in the death of another individual, an individual who violates subsection (1) is guilty of first-degree fleeing and eluding, a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$10,000.00, or both.

(6) As part of the sentence imposed under subsection (2) or (3), the court shall order the secretary of state to suspend the individual's operator's or chauffeur's license for a period of 1 year. The individual shall not be eligible to receive a restricted license pursuant to section 323 or 323a during the first 6 months of the period of suspension. If a term of imprisonment is served as a part of the sentence, the period of suspension of the individual's license shall begin after the completion of the term of imprisonment.

(7) As part of the sentence imposed under subsection (4) or (5), the court shall order the secretary of state to revoke the individual's operator's or chauffeur's license.

(8) A conviction under this section does not prohibit a conviction and sentence under any other applicable provision, except section 479a(2), (3), (4), or (5) of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being section 750.479a of the Michigan Compiled Laws, for conduct arising out of the same transaction.

(9) As used in this section, "serious injury" means a physical injury that constitutes permanent serious bodily disfigurement or that seriously and irreparably impairs the functioning of a body organ or limb. Serious injury includes, but is not limited to, 1 or more of the following:

(a) Loss of a limb or use of a limb.

(b) Loss of a hand, foot, finger, or thumb or use of a hand, foot, finger, or thumb.

(c) Loss of an eye or ear or use of an eye or ear.

(d) Loss or substantial impairment of a bodily function.

(e) Serious visible disfigurement.

(f) A comatose state that lasts for more than 3 days.

(g) Measurable brain damage or mental impairment.

(h) A skull fracture or other serious bone fracture.

(i) Subdural hemorrhage or hematoma.

Sec. 603. (1) The provisions of this chapter applicable to the drivers of vehicles upon the highway apply to the drivers of all vehicles owned or operated by the United States, this state, or a county, city, township, village, district, or any other political subdivision of the state, subject to the specific exceptions set forth in this chapter with reference to authorized emergency vehicles.

(2) The driver of an authorized emergency vehicle when responding to an emergency call, but not while returning from an emergency call, or when pursuing or apprehending a person who has violated or is violating the law or is charged with or suspected of violating the law may exercise the privileges set forth in this section, subject to the conditions of this section.

(3) The driver of an authorized emergency vehicle may do any of the following:

(a) Park or stand, irrespective of this act.

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.

(c) Exceed the prima facie speed limits so long as he or she does not endanger life or property.

(d) Disregard regulations governing direction of movement or turning in a specified direction.

(4) The exemptions granted in this section to an authorized emergency vehicle apply only when the driver of the vehicle while in motion sounds an audible signal by bell, siren, air horn, or exhaust whistle as may be reasonably necessary, except as provided in subsection (5), and when the vehicle is equipped with at least 1 lighted lamp displaying a flashing, oscillating, or rotating red or blue light visible under normal atmospheric conditions from a distance of 500 feet in a 360 degree arc unless it is not advisable to equip a police vehicle operating as an authorized emergency vehicle with a flashing, oscillating or rotating light visible in a 360 degree arc. In those cases, a police vehicle shall display a flashing, oscillating, or rotating red or blue light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle. Only police vehicles that are publicly owned shall be equipped with a flashing, oscillating, or rotating blue light that when activated is visible under normal atmospheric conditions from a distance of 500 feet in a 360 degree arc.

(5) A police vehicle shall retain the exemptions granted in this section to an authorized emergency vehicle without sounding an audible signal if the police vehicle is engaged in an emergency run in which silence is required.

(6) The exemptions provided for by this section apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway but do not apply to those persons and vehicles when traveling to or from work. The provisions of this chapter governing the size and width of vehicles do not apply to vehicles owned by public highway authorities when the vehicles are proceeding to or from work on public highways.

Section 2. This amendatory act shall take effect June 1, 1997.

Section 3. This amendatory act shall not take effect unless Senate Bill No. 378 of the 88th Legislature is enacted into law.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved \_\_\_\_\_

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Governor.

