

HOUSE BILL No. 4842

May 30, 2001, Introduced by Reps. Hart, Vander Veen, Vear, Julian, Hager, LaSata, Bernero, Jelinek, Jacobs, Bovin, Schauer and Jansen and referred to the Committee on Education.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 303 and 319 (MCL 257.303 and 257.319), as
amended by 2000 PA 460.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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 has been suspended during the
8 period for which the license was suspended.

1 (d) A person who has been convicted of or received a
2 juvenile disposition for a violation of section 625(4) or (5),
3 section 653a(4), or section 904(4) or (5).

4 (e) A person who has been convicted of or received a juve-
5 nile disposition for negligent homicide, manslaughter, or murder
6 resulting from the operation of a vehicle.

7 (f) A person who is an habitual violator of the criminal
8 laws relating to operating a vehicle while impaired by or under
9 the influence of intoxicating liquor, a controlled substance, or
10 a combination of intoxicating liquor and a controlled substance
11 or with an alcohol content of 0.10 grams or more per 100 millili-
12 ters of blood, per 210 liters of breath, or per 67 milliliters of
13 urine. Convictions of any of the following, whether under a law
14 of this state, a local ordinance substantially corresponding to a
15 law of this state, or a law of another state substantially corre-
16 sponding to a law of this state, are prima facie evidence that
17 the person is an habitual violator as described in this
18 subdivision:

19 (i) Any combination of 2 convictions within 7 years for any
20 of the following or a combination of 1 conviction for a violation
21 or attempted violation of section 625(6) and 1 conviction for any
22 of the following within 7 years:

23 (A) A violation or attempted violation of section 625(1),
24 (3), (4), (5), or (7), section 653a(4), or section 904(4) or
25 (5).

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

1 (C) A violation or attempted violation of section 625m.

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

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

10 (A) A violation or attempted violation of section 625(1),
11 (3), (4), (5), or (7), section 653a(4), or section 904(4) or
12 (5).

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

15 (C) A violation or attempted violation of section 625m.

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

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

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

26 (i) A person who is an habitually reckless driver. Two
27 convictions within 7 years for violating any combination of

1 section 626 or section 653a(3) or a local ordinance of this state
2 or a law of another state substantially similar to section 626 or
3 section 653a(3) are prima facie evidence that the person is an
4 habitually reckless driver.

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

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

14 (l) A person who has been convicted of, has received a juve-
15 nile disposition for, or has been determined responsible for 2 or
16 more moving violations under a law of this state, a local ordi-
17 nance substantially corresponding to a law of this state, or a
18 law of another state substantially corresponding to a law of this
19 state within the preceding 3 years, if the violations occurred
20 before issuance of an original license to the person in this or
21 another state.

22 (m) A nonresident including a foreign exchange student.

23 (n) A person who has failed to answer a citation or notice
24 to appear in court or for any matter pending or fails to comply
25 with an order or judgment of the court, including, but not
26 limited to, paying all fines, costs, fees, and assessments, in
27 violation of section 321a, until that person answers the citation

1 or notice to appear in court or for any matter pending or
2 complies with an order or judgment of the court, including, but
3 not limited to, paying all fines, costs, fees, and assessments,
4 as provided under section 321a.

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

13 (p) A person not licensed under this act who has been con-
14 victed of or received a juvenile disposition for committing a
15 crime described in section 319e. A person shall be denied a
16 license under this subdivision for the length of time that corre-
17 sponds to the period of the licensing sanction that would have
18 been imposed under section 319e if the person had been licensed
19 at the time of the violation.

20 (q) A person not licensed under this act who is determined
21 to have violated section 33b(1) of former 1933 (Ex Sess) PA 8,
22 section 703(1) of the Michigan liquor control code of 1998, 1998
23 PA 58, MCL 436.1703, or section 624a or 624b of this act. The
24 person shall be denied a license under this subdivision for a
25 period of time that corresponds to the period of the licensing
26 sanction that would have been imposed under those sections had
27 the person been licensed at the time of the violation.

1 (r) A person who has been convicted of a violation of
2 section 602a(4) or (5) of this act or a violation of section
3 479a(4) or (5) of the Michigan penal code, 1931 PA 328,
4 MCL 750.479a.

5 (S) A PERSON NOT LICENSED UNDER THIS ACT FOR THE PERIOD PRE-
6 SCRIBED IN AN ORDER ENTERED UNDER SECTION 17E(2)(B) OR (4) OF
7 CHAPTER XIIIA OF THE PROBATE CODE OF 1939, 1939 PA 288, MCL
8 712A.17E.

9 (2) Upon receiving the appropriate records of conviction,
10 the secretary of state shall revoke the operator's or chauffeur's
11 license of a person having any of the following, whether under a
12 law of this state, a local ordinance substantially corresponding
13 to a law of this state, or a law of another state substantially
14 corresponding to a law of this state:

15 (a) Any combination of 2 convictions within 7 years for any
16 of the following:

17 (i) Reckless driving in violation of section 626.

18 (ii) A violation or attempted violation of section 653a(3).

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

21 (c) Any combination of 2 convictions within 7 years for any
22 of the following or a combination of 1 conviction for a violation
23 or attempted violation of section 625(6) and 1 conviction for any
24 of the following within 7 years:

25 (i) A violation or attempted violation of section 625(1),
26 (3), (4), (5), or (7), section 653a(4), or section 904(4) or
27 (5).

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

3 (iii) A violation or attempted violation of section 625m.

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

7 (d) One conviction for a violation or attempted violation of
8 section 625(4) or (5), section 653a(4), or section 904(4) or
9 (5).

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

13 (f) Any combination of 3 convictions within 10 years for any
14 of the following or 1 conviction for a violation or attempted
15 violation of section 625(6) and any combination of 2 convictions
16 for any of the following within 10 years, if any of the convic-
17 tions resulted from an arrest on or after January 1, 1992:

18 (i) A violation or attempted violation of section 625(1),
19 (3), (4), (5), or (7), section 653a(4), or section 904(4) or
20 (5).

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

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

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

1 (g) A violation of section 602a(4) or (5) of this act or
2 section 479a(4) or (5) of the Michigan penal code, 1931 PA 328,
3 MCL 750.479a.

4 (3) The secretary of state shall revoke a license under sub-
5 section (2) notwithstanding a court order.

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

10 (a) The later of the following:

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

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

16 (b) For a denial under subsection (1)(f), (i), or (j) based
17 on prima facie evidence, the person rebuts the presumption
18 resulting from the prima facie evidence by clear and convincing
19 evidence.

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

21 (5) 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 (6) As used in this section, "felony in which a motor vehi-
26 cle was used" means a felony during the commission of which the
27 person operated a motor vehicle and while operating the vehicle

1 presented real or potential harm to persons or property and 1 or
2 more of the 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
5 felony.

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

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

9 Sec. 319. (1) The secretary of state shall immediately sus-
10 pend a person's license as provided in this section upon receiv-
11 ing a record of the person's conviction for a crime described in
12 this section, whether the conviction is under a law of this
13 state, a local ordinance substantially corresponding to a law of
14 this state, or a law of another state substantially corresponding
15 to a law of this state.

16 (2) The secretary of state shall suspend the person's
17 license 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 1931 PA 214, MCL 752.191.

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

26 (e) A felony in which a motor vehicle was used. As used in
27 this section, "felony in which a motor vehicle was used" means a

1 felony during the commission of which the person convicted
2 operated a motor vehicle and while operating the vehicle
3 presented real or potential harm to persons or property and 1 or
4 more of the following circumstances existed:

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

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

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

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

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

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

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

18 (b) A violation of section 626 or section 653a(3).

19 (c) Malicious destruction resulting from the operation of a
20 vehicle under section 382(1)(b), (c), or (d) of the Michigan
21 penal 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
25 license for 30 days for malicious destruction resulting from the
26 operation of a vehicle under section 382(1)(a) of the Michigan
27 penal code, 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 high-
4 way, the secretary shall suspend the person's license as
5 follows:

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

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

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

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

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

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

21 (a) If the person has 1 prior conviction for an offense
22 described in this subsection or section 33b(1) of former 1933 (Ex
23 Sess) PA 8, for 90 days. The secretary of state may issue the
24 person a restricted license after the first 30 days of
25 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
2 issue the person a restricted license after the first 60 days of
3 suspension.

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

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

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

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

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

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

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

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

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

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

19 (10) For a violation of section 315(4), the secretary of
20 state may suspend the person's license for 6 months and shall
21 revoke the person's license for a second or subsequent conviction
22 as required under section 315(5).

23 (11) THE SECRETARY OF STATE SHALL IMMEDIATELY SUSPEND A
24 PERSON'S LICENSE FOR THE PERIOD PRESCRIBED IN AN ORDER ENTERED
25 UNDER SECTION 17E(2)(B) OR (4) OF CHAPTER XIIIA OF THE PROBATE
26 CODE OF 1939, 1939 PA 288, MCL 712A.17E.

1 (12) ~~(11)~~ Except as provided in subsection ~~(13)~~ (14), a
2 suspension under this section shall be imposed notwithstanding a
3 court order.

4 (13) ~~(12)~~ If the secretary of state receives records of
5 more than 1 conviction of a person resulting from the same inci-
6 dent, a suspension shall be imposed only for the violation to
7 which the longest period of suspension applies under this
8 section.

9 (14) ~~(13)~~ The secretary of state may waive a suspension of
10 a person's license imposed under this act if the person submits
11 proof that a court in another state revoked, suspended, or
12 restricted his or her license for a period equal to or greater
13 than the period of a suspension prescribed under this act for the
14 violation and that the revocation, suspension, or restriction was
15 served for the violation, or may grant a restricted license.

16 (15) ~~(14)~~ The secretary of state shall not issue a
17 restricted license to a person whose license is suspended under
18 this section unless a restricted license is authorized under this
19 section and the person is otherwise eligible for a license.

20 (16) ~~(15)~~ The secretary of state shall not issue a
21 restricted license to a person under subsection (8) that would
22 permit the person to operate a commercial motor vehicle that
23 hauls hazardous material.

24 (17) ~~(16)~~ A restricted license issued under this section
25 shall permit the person to whom it is issued to drive under 1 or
26 more of the following circumstances:

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

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

3 (i) The person's residence.

4 (ii) The person's work location.

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

7 (iv) The court probation department.

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

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

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

14 (18) ~~(17)~~ While driving with a restricted license, the
15 person shall carry proof of his or her destination and the hours
16 of any employment, class, or other reason for traveling and shall
17 display that proof upon a peace officer's request.

18 (19) ~~(18)~~ Subject to subsection ~~(20)~~ (21), as used in
19 subsection (8), "prior conviction" means a conviction for any of
20 the following, whether under a law of this state, a local ordi-
21 nance substantially corresponding to a law of this state, or a
22 law of another state substantially corresponding to a law of this
23 state:

24 (a) Except as provided in subsection ~~(19)~~ (20), a viola-
25 tion or attempted violation of section 625(1), (3), (4), (5),
26 (6), or (7), section 625m, former section 625(1) or (2), or
27 former section 625b.

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

4 (20) ~~(19)~~ Except for purposes of the suspensions described
5 in subsection (8)(c) and (d), only 1 violation or attempted vio-
6 lation of section 625(6), a local ordinance substantially corre-
7 sponding to section 625(6), or a law of another state substan-
8 tially corresponding to section 625(6) may be used as a prior
9 conviction.

10 (21) ~~(20)~~ If 2 or more convictions described in subsection
11 ~~(18)~~ (19) are convictions for violations arising out of the
12 same transaction, only 1 conviction shall be used to determine
13 whether the person has a prior conviction.

14 Enacting section 1. This amendatory act does not take
15 effect unless all of the following bills of the 91st Legislature
16 are enacted into law:

17 (a) Senate Bill No. _____ or House Bill No. 4844 (request
18 no. 00772'01 **).

19 (b) Senate Bill No. _____ or House Bill No. 4845 (request
20 no. 00772'01 a **).

21 (c) Senate Bill No. _____ or House Bill No. _____ (request
22 no. H02107'01 **).