

**SUBSTITUTE FOR
SENATE BILL NO. 617**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 303, 320a, and 601c (MCL 257.303, 257.320a,
and 257.601c), section 303 as amended by 2024 PA 42, section 320a
as amended by 2023 PA 39, and section 601c as added by 2001 PA 103.

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 individuals:

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

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

7 (c) An individual whose license is suspended, revoked, denied,

1 or 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 individual, the secretary of state may issue a
4 license after the expiration of 5 years from the effective date of
5 the most recent suspension, revocation, denial, or cancellation.

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

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

13 (f) An individual who is unable to pass a knowledge, skill, or
14 ability test administered by the secretary of state in connection
15 with issuing 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 nonresident, including, but not limited to, a foreign
19 exchange student.

20 (h) An individual who has failed to answer a citation or
21 notice to appear in court or for any matter pending or fails to
22 comply with an order or judgment of the court, including, but not
23 limited to, paying all fines, costs, fees, and assessments, in
24 violation of section 321a, until that individual answers the
25 citation or notice to appear in court or for any matter pending or
26 complies with an order or judgment of the court, including, but not
27 limited to, paying all fines, costs, fees, and assessments, as
28 provided under section 321a.

29 (i) An individual not licensed under this act who has been

1 convicted of, has received a juvenile disposition for, or has been
2 determined responsible for a crime or civil infraction described in
3 section 319, 324, or 904. An individual shall be denied a license
4 under this subdivision for the length of time corresponding to the
5 period of the licensing sanction that would have been imposed under
6 section 319, 324, or 904 if the individual had been licensed at the
7 time of the violation.

8 (j) An individual not licensed under this act who is
9 determined to have violated section 624a or 624b. The individual
10 shall be denied a license under this subdivision for a period of
11 time that corresponds to the period of the licensing sanction that
12 would have been imposed under those sections had the individual
13 been licensed at the time of the violation.

14 (k) An individual whose commercial driver license application
15 is canceled under section 324(2).

16 (l) Unless otherwise eligible under section 307(1), an
17 individual who is not a citizen of the United States.

18 (2) On receiving the appropriate records of conviction, the
19 secretary of state shall revoke the operator's or chauffeur's
20 license of an individual and deny issuance of an operator's or
21 chauffeur's license to an individual who has any of the following,
22 whether under a law of this state, a local ordinance that
23 substantially corresponds to a law of this state, a law of another
24 state that substantially corresponds to a law of this state, or,
25 beginning October 31, 2010, a law of the United States that
26 substantially corresponds to a law of this state:

27 (a) Any combination of 2 convictions within 7 years for
28 reckless driving in violation of section 626 before October 31,
29 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), **(2)**, or ~~(2)~~, ~~(3)~~, section 602a(4) or (5),
6 section 617, section 653a(3) or (4), or section 904(4) or (5).

7 (iii) Negligent homicide, manslaughter, or murder that results
8 from the operation of a vehicle or an attempt to commit any of
9 those 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)~~, ~~601c(3)~~, section
27 602a(4) or (5), section 617, section 625(4) or (5), section
28 653a(4), section 904(4) or (5), or, beginning October 31, 2010,
29 section 626(3) or (4).

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

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

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

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

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

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

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

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

29 (a) The later of the following:

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

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

6 (b) For a denial under subsection (2)(a), (b), (c), and (g),
7 the individual rebuts by clear and convincing evidence the
8 presumption that results from the prima facie evidence that the
9 individual is a habitual offender. The convictions that resulted in
10 the revocation and denial constitute prima facie evidence that the
11 individual is a habitual offender.

12 (c) The individual meets the requirements of the department.

13 (5) The secretary of state shall deny issuing a vehicle group
14 designation to an individual under either of the following
15 circumstances:

16 (a) The individual has been disqualified by the United States
17 Secretary of Transportation from operating a commercial motor
18 vehicle.

19 (b) Beginning on and after January 30, 2012, the individual
20 does not meet the requirements of the federal regulations under 49
21 CFR parts 383 and 391 by refusing to certify the type of commercial
22 motor vehicle operation the individual intends to perform and, if
23 required, fails to present to the secretary of state a valid
24 medical certification.

25 (6) Multiple convictions or civil infraction determinations
26 that result from the same incident must be treated as a single
27 violation for purposes of denial or revocation of a license under
28 this section.

29 (7) As used in this section, "felony in which a motor vehicle

1 was used" means a felony during the commission of which the
2 individual operated a motor vehicle and while operating the vehicle
3 presented real or potential harm to individuals or property and 1
4 or more of the following circumstances existed:

- 5 (a) The vehicle was used as an instrument of the felony.
- 6 (b) The vehicle was used to transport a victim of the felony.
- 7 (c) The vehicle was used to flee the scene of the felony.
- 8 (d) The vehicle was necessary for the commission of the
9 felony.

10 Sec. 320a. (1) Within 5 days after receipt of a properly
11 prepared abstract from a court of this state or another state, the
12 secretary of state shall record the date of conviction, civil
13 infraction determination, or probate court disposition, and the
14 number of points for each, based on the following formula, except
15 as otherwise provided in this section and section 629c:

- 16 (a) Manslaughter, negligent homicide, or a felony
17 resulting from the operation of a motor vehicle, ORV, or
18 snowmobile..... 6 points
- 19 (b) A violation of section 601b(2) or (3), 601c(1),
20 **(2)**, or ~~(2)~~, **(3)**, or 653a(3) or (4) or, beginning October
21 31, 2010, a violation of section
22 601d..... 6 points

- 1 (j) A violation of section 626a or a law or ordinance
- 2 substantially corresponding to section
- 3 626a..... 4 points
- 4 (k) A violation of section 627(6) pertaining to speed
- 5 in a work zone described in that section by exceeding the
- 6 lawful maximum by more than 10 but not more than 15 miles
- 7 per hour..... 4 points
- 8 (l) Beginning October 31, 2010, a moving violation
- 9 resulting in an at-fault collision with another vehicle,
- 10 an individual, or any other object..... 4 points
- 11 (m) Careless driving in violation of section 626b or
- 12 a law or ordinance substantially corresponding to section
- 13 626b..... 3 points
- 14 (n) A violation of any law or ordinance pertaining to
- 15 speed by exceeding the lawful maximum by more than 10
- 16 miles per hour but not more than 15 miles per hour..... 3 points
- 17 (o) A violation of section 653a(2)..... 2 points
- 18 (p) A violation of any law or ordinance pertaining to
- 19 speed by exceeding the lawful maximum by more than 5 miles
- 20 per hour but not more than 10 miles per hour..... 2 points
- 21 (q) A violation of any law or ordinance pertaining to
- 22 speed by exceeding the lawful maximum by more than 1 mile
- 23 per hour but not more than 5 miles per hour..... 1 point
- 24 (r) Disobeying a traffic signal or stop sign, or
- 25 improper passing..... 3 points
- 26 (s) A violation of section 624a, 624b, or a law or
- 27 ordinance substantially corresponding to section 624a or
- 28 624b..... 2 points

1 (t) A violation of section 310e(4) or (6) or a law or
2 ordinance substantially corresponding to section 310e(4)
3 or (6)..... 2 points

4 (u) All other moving violations pertaining to the
5 operation of motor vehicles reported under this
6 section..... 2 points

7 (v) A refusal by an individual less than 21 years of
8 age to submit to a preliminary breath test required by a
9 peace officer under section 625a..... 2 points

10 (w) A violation of section 627(6) pertaining to speed
11 in a work zone described in that section by exceeding the
12 lawful maximum by 10 miles per hour or less..... 3 points

13 (x) A third or subsequent violation of section
14 602b..... 2 points

15 (y) A second violation of section 602b..... 1 point

16 (2) Points must not be entered for a violation of section
17 310e(14), 311, 602c, 625m, 658, 710d, 717, 719, 719a, or 723.

18 (3) Points must not be entered for bond forfeitures.

19 (4) Points must not be entered for overweight loads or for
20 defective equipment.

21 (5) If more than 1 conviction, civil infraction determination,
22 or probate court disposition results from the same incident, points
23 must be entered only for the violation that receives the highest
24 number of points under this section.

25 (6) If an individual has accumulated 9 points as provided in
26 this section, the secretary of state may call the individual in for
27 an interview as to the individual's driving ability and record
28 after due notice as to time and place of the interview. If the
29 individual fails to appear as provided in this subsection, the

1 secretary of state shall add 3 points to the individual's record.

2 (7) If an individual violates a speed restriction established
3 by an executive order issued during a state of energy emergency as
4 provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of state
5 shall enter points for the violation under subsection (1).

6 (8) The secretary of state shall enter 6 points upon the
7 record of an individual whose license is suspended or denied under
8 section 625f. However, if a conviction, civil infraction
9 determination, or probate court disposition results from the same
10 incident, additional points for that offense must not be entered.

11 (9) If a Michigan driver commits a violation in another state
12 that would be a civil infraction if committed in this state, and a
13 conviction results solely because of the failure of the Michigan
14 driver to appear in that state to contest the violation, upon
15 receipt of the abstract of conviction by the secretary of state,
16 the violation must be noted on the Michigan driver's record, but
17 points must not be assessed against the Michigan driver license.

18 Sec. 601c. (1) ~~A person~~ **An individual** who commits a moving
19 violation ~~that has criminal penalties~~ and as a result causes injury
20 to a ~~person~~ **vulnerable roadway user or individual** operating an
21 implement of husbandry on a highway in compliance with this act is
22 guilty of a misdemeanor punishable by imprisonment for not more
23 than 1 year or a fine of not more than \$1,000.00, or both.

24 (2) **An individual who commits a moving violation and as a**
25 **result causes a serious injury requiring inpatient treatment at a**
26 **hospital or post-acute rehabilitation facility to a vulnerable**
27 **roadway user or individual operating an implement of husbandry on a**
28 **highway in compliance with this act is guilty of a felony**
29 **punishable by imprisonment for not more than 5 years or a fine of**

1 not more than \$5,000.00, or both.

2 (3) ~~(2) A person~~ **An individual** who commits a moving violation
 3 ~~that has criminal penalties~~ and as a result causes death to a
 4 ~~person~~ **vulnerable roadway user or individual** operating an implement
 5 of husbandry on a highway in compliance with this act is guilty of
 6 a felony punishable by imprisonment for not more than 15 years or a
 7 fine of not more than \$7,500.00, or both.

8 (4) **This section does not prohibit an individual from being**
 9 **charged with, convicted of, or punished for a violation of any**
 10 **other law committed by the individual while violating this section,**
 11 **except for a violation of section 626(4).**

12 (5) ~~(3)~~ As used in this section: ~~,~~ "moving

13 (a) **"Hospital" means that term as defined in section 20106 of**
 14 **the public health code, 1978 PA 368, MCL 333.20106.**

15 (b) **"Moving violation"** means an act or omission prohibited
 16 under this act or a local ordinance substantially corresponding to
 17 this act that occurs while ~~a person~~ **an individual** is operating a
 18 motor vehicle, and for which the ~~person~~ **individual** is subject to a
 19 fine.

20 (c) **"Serious injury" means that term as defined in section**
 21 **602a.**

22 Enacting section 1. This amendatory act takes effect 90 days
 23 after the date it is enacted into law.

24 Enacting section 2. This amendatory act does not take effect
 25 unless all of the following bills of the 102nd Legislature are
 26 enacted into law:

27 (a) Senate Bill No. 618.

28 (b) House Bill No. 5223.

29 (c) House Bill No. 5224.