

# SENATE BILL NO. 617

October 25, 2023, Introduced by Senators MCCANN, KLINEFELT and CHANG and referred to the Committee on Civil Rights, Judiciary, and Public Safety.

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 2020 PA 376, 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

1 of age, except as otherwise provided in this act.

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

4 (c) An individual whose license is suspended, revoked, denied,  
5 or canceled in any state. If the suspension, revocation, denial, or  
6 cancellation is not from the jurisdiction that issued the last  
7 license to the individual, the secretary of state may issue a  
8 license after the expiration of 5 years from the effective date of  
9 the most recent suspension, revocation, denial, or cancellation.

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

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

17 (f) An individual who is unable to pass a knowledge, skill, or  
18 ability test administered by the secretary of state in connection  
19 with issuing an original operator's or chauffeur's license, **an**  
20 original motorcycle ~~indorsement,~~ **endorsement**, or an original or  
21 renewal of a vehicle group designation or vehicle  
22 ~~indorsement.~~ **endorsement.**

23 (g) An individual who has been convicted of, has received a  
24 juvenile disposition for, or has been determined responsible for 2  
25 or more moving violations under a law of this state, a local  
26 ordinance substantially corresponding to a law of this state, or a  
27 law of another state substantially corresponding to a law of this  
28 state within the preceding 3 years, if the violations occurred  
29 before issuance of an original license to the ~~person~~ **individual** in

1 this state, another state, or another country.

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

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

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

21 (k) An individual not licensed under this act who is  
22 determined to have violated section 624a or 624b. The individual  
23 shall be denied a license under this subdivision for a period of  
24 time that corresponds to the period of the licensing sanction that  
25 would have been imposed under those sections had the individual  
26 been licensed at the time of the violation.

27 (l) An individual whose commercial driver license application  
28 is canceled under section 324(2).

29 (m) Unless otherwise eligible under section 307(1), an

1 individual who is not a citizen of the United States.

2 (2) On receiving the appropriate records of conviction, the  
3 secretary of state shall revoke the operator's or chauffeur's  
4 license of an individual and deny issuance of an operator's or  
5 chauffeur's license to an individual who has any of the following,  
6 whether under a law of this state, a local ordinance that  
7 substantially corresponds to a law of this state, a law of another  
8 state that substantially corresponds to a law of this state, or,  
9 beginning October 31, 2010, a law of the United States that  
10 substantially corresponds to a law of this state:

11 (a) Any combination of 2 convictions within 7 years for  
12 reckless driving in violation of section 626 before October 31,  
13 2010 or, beginning October 31, 2010, 626(2).

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

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

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

20 (iii) Negligent homicide, manslaughter, or murder that results  
21 from the operation of a vehicle or an attempt to commit any of  
22 those crimes.

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

25 (c) Any combination of 2 convictions within 7 years for any of  
26 the following or a combination of 1 conviction for a violation or  
27 attempted violation of section 625(6) and 1 conviction for any of  
28 the following within 7 years:

29 (i) A violation or attempted violation of section 625, except a

1 violation of section 625(2), or a violation of any prior enactment  
2 of section 625 in which the defendant operated a vehicle while  
3 under the influence of intoxicating or alcoholic liquor or a  
4 controlled substance, or a combination of intoxicating or alcoholic  
5 liquor and a controlled substance, or while visibly impaired, or  
6 with an unlawful bodily alcohol content.

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

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

9 (d) One conviction for a violation or attempted violation of  
10 section 315(5), section 601b(3), section ~~601e(2)~~, **601c(3)**, section  
11 602a(4) or (5), section 617, section 625(4) or (5), section  
12 653a(4), section 904(4) or (5), or, beginning October 31, 2010,  
13 section 626(3) or (4).

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

17 (f) One conviction for a violation or attempted violation of  
18 section 479a(4) or (5) of the Michigan penal code, 1931 PA 328, MCL  
19 750.479a.

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

25 (i) A violation or attempted violation of section 625, except a  
26 violation of section 625(2), or a violation of any prior enactment  
27 of section 625 in which the defendant operated a vehicle while  
28 under the influence of intoxicating or alcoholic liquor or a  
29 controlled substance, or a combination of intoxicating or alcoholic

1 liquor and a controlled substance, or while visibly impaired, or  
2 with an unlawful bodily alcohol content.

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

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

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

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

13 (a) The later of the following:

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

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

19 (b) For a denial under subsection (2)(a), (b), (c), and (g),  
20 the individual rebuts by clear and convincing evidence the  
21 presumption that results from the prima facie evidence that ~~he or~~  
22 ~~she~~ **the individual** is a habitual offender. The convictions that  
23 resulted in the revocation and denial constitute prima facie  
24 evidence that ~~he or she~~ **the individual** is a habitual offender.

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

26 (5) The secretary of state shall deny issuing a vehicle group  
27 designation to an individual under either of the following  
28 circumstances:

29 (a) The individual has been disqualified by the United States

1 Secretary of Transportation from operating a commercial motor  
2 vehicle.

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

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

13 (7) As used in this section, "felony in which a motor vehicle  
14 was used" means a felony during the commission of which the  
15 individual operated a motor vehicle and while operating the vehicle  
16 presented real or potential harm to individuals or property and 1  
17 or more of the following circumstances existed:

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

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

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

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

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

- 1           (a) Manslaughter, negligent homicide, or a felony
- 2 resulting from the operation of a motor vehicle, ORV, or
- 3 snowmobile..... 6 points
- 4           (b) A violation of section 601b(2) or (3), 601c(1),
- 5 **(2)**, or ~~(2)~~, **(3)**, or 653a(3) or (4) or, beginning October
- 6 31, 2010, a violation of section
- 7 601d..... 6 points
- 8           (c) A violation of section 625(1), (4), (5), (7), or
- 9 (8), section 81134 or 82127(1) of the natural resources
- 10 and environmental protection act, 1994 PA 451, MCL
- 11 324.81134 and 324.82127, or a law or ordinance
- 12 substantially corresponding to section 625(1), (4), (5),
- 13 (7), or (8), or section 81134 or 82127(1) of the natural
- 14 resources and environmental protection act, 1994 PA 451,
- 15 MCL 324.81134 and 324.82127..... 6 points
- 16           (d) Failing to stop and disclose identity at the
- 17 scene of an accident when required by law..... 6 points
- 18           (e) Operating a motor vehicle in violation of section
- 19 626..... 6 points
- 20           (f) Fleeing or eluding an officer..... 6 points
- 21           (g) A violation of section 627(6) pertaining to speed
- 22 in a work zone described in that section by exceeding the
- 23 lawful maximum by more than 15 miles per
- 24 hour..... 5 points
- 25           (h) A violation of any law or ordinance pertaining to
- 26 speed by exceeding the lawful maximum by more than 15
- 27 miles per hour..... 4 points

1 (i) A violation of section 625(3) or (6), section  
 2 82127(3) of the natural resources and environmental  
 3 protection act, 1994 PA 451, MCL 324.82127, or a law or  
 4 ordinance substantially corresponding to section 625(3) or  
 5 (6) or section 82127(3) of the natural resources and  
 6 environmental protection act, 1994 PA 451, MCL  
 7 324.82127..... 4 points

8 (j) A violation of section 626a or a law or ordinance  
 9 substantially corresponding to section  
 10 626a..... 4 points

11 (k) A violation of section 627(6) pertaining to speed  
 12 in a work zone described in that section by exceeding the  
 13 lawful maximum by more than 10 but not more than 15 miles  
 14 per hour..... 4 points

15 (l) Beginning October 31, 2010, a moving violation  
 16 resulting in an at-fault collision with another vehicle,  
 17 an individual, or any other object..... 4 points

18 (m) Careless driving in violation of section 626b or  
 19 a law or ordinance substantially corresponding to section  
 20 626b..... 3 points

21 (n) A violation of any law or ordinance pertaining to  
 22 speed by exceeding the lawful maximum by more than 10  
 23 miles per hour but not more than 15 miles per hour..... 3 points

24 (o) A violation of section 653a(2)..... 2 points

25 (p) A violation of any law or ordinance pertaining to  
 26 speed by exceeding the lawful maximum by more than 5 miles  
 27 per hour but not more than 10 miles per hour..... 2 points

- 1 (q) A violation of any law or ordinance pertaining to
- 2 speed by exceeding the lawful maximum by more than 1 mile
- 3 per hour but not more than 5 miles per hour..... 1 point
- 4 (r) Disobeying a traffic signal or stop sign, or
- 5 improper passing..... 3 points
- 6 (s) A violation of section 624a, 624b, or a law or
- 7 ordinance substantially corresponding to section 624a or
- 8 624b..... 2 points
- 9 (t) A violation of section 310e(4) or (6) or a law or
- 10 ordinance substantially corresponding to section 310e(4)
- 11 or (6)..... 2 points
- 12 (u) All other moving violations pertaining to the
- 13 operation of motor vehicles reported under this
- 14 section..... 2 points
- 15 (v) A refusal by an individual less than 21 years of
- 16 age to submit to a preliminary breath test required by a
- 17 peace officer under section 625a..... 2 points
- 18 (w) A violation of section 627(6) pertaining to speed
- 19 in a work zone described in that section by exceeding the
- 20 lawful maximum by 10 miles per hour or less..... 3 points
- 21 (x) A third or subsequent violation of section
- 22 602b..... 2 points
- 23 (y) A second violation of section 602b..... 1 point
- 24 (2) Points must not be entered for a violation of section
- 25 310e(14), 311, 602c, 625m, 658, 710d, 717, 719, 719a, or 723.
- 26 (3) Points must not be entered for bond forfeitures.
- 27 (4) Points must not be entered for overweight loads or for
- 28 defective equipment.
- 29 (5) If more than 1 conviction, civil infraction determination,

1 or probate court disposition results from the same incident, points  
2 must be entered only for the violation that receives the highest  
3 number of points under this section.

4 (6) If an individual has accumulated 9 points as provided in  
5 this section, the secretary of state may call the individual in for  
6 an interview as to the individual's driving ability and record  
7 after due notice as to time and place of the interview. If the  
8 individual fails to appear as provided in this subsection, the  
9 secretary of state shall add 3 points to the individual's record.

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

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

19 (9) If a Michigan driver commits a violation in another state  
20 that would be a civil infraction if committed in this state, and a  
21 conviction results solely because of the failure of the Michigan  
22 driver to appear in that state to contest the violation, upon  
23 receipt of the abstract of conviction by the secretary of state,  
24 the violation must be noted on the Michigan driver's record, but  
25 points must not be assessed against the Michigan driver license.

26 Sec. 601c. (1) ~~A person~~**An individual** who commits a moving  
27 violation ~~that has criminal penalties~~ and as a result causes injury  
28 to a ~~person~~**vulnerable roadway user or individual** operating an  
29 implement of husbandry on a highway in compliance with this act is

1 guilty of a misdemeanor punishable by imprisonment for not more  
2 than 1 year or a fine of not more than \$1,000.00, or both.

3 (2) **An individual who commits a moving violation and as a**  
4 **result causes a serious injury requiring inpatient treatment at a**  
5 **hospital or post-acute rehabilitation facility to a vulnerable**  
6 **roadway user or individual operating an implement of husbandry on a**  
7 **highway in compliance with this act is guilty of a felony**  
8 **punishable by imprisonment for not more than 5 years or a fine of**  
9 **not more than \$5,000.00, or both.**

10 (3) ~~(2) A person~~ **An individual** who commits a moving violation  
11 ~~that has criminal penalties~~ and as a result causes death to a  
12 ~~person~~ **vulnerable roadway user or individual** operating an implement  
13 of husbandry on a highway in compliance with this act is guilty of  
14 a felony punishable by imprisonment for not more than 15 years or a  
15 fine of not more than \$7,500.00, or both.

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

20 (5) ~~(3)~~ As used in this section: ~~,"moving~~

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

23 (b) **"Moving violation" means an act or omission prohibited**  
24 **under this act or a local ordinance substantially corresponding to**  
25 **this act that occurs while a ~~person~~ **an individual** is operating a**  
26 **motor vehicle, and for which the ~~person~~ **individual** is subject to a**  
27 **fine.**

28 (c) **"Serious injury" means that term as defined in section**  
29 **602a.**

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

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

6           (a) Senate Bill No. 618.

7

8           (b) Senate Bill No.\_\_\_\_ or House Bill No.\_\_\_\_ (request no.  
9 02548'23).

10          (c) Senate Bill No.\_\_\_\_ or House Bill No.\_\_\_\_ (request no.  
11 02549'23).