



# HOUSE BILL No. 4629

March 21, 1995, Introduced by Rep. Clack and referred to the Committee on Judiciary and Civil Rights.

A bill to amend sections 303 and 319 of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," as amended by Act No. 449 of the Public Acts of 1994, being sections 257.303 and 257.319 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 303 and 319 of Act No. 300 of the  
2 Public Acts of 1949, as amended by Act No. 449 of the Public Acts  
3 of 1994, being sections 257.303 and 257.319 of the Michigan  
4 Compiled Laws, are amended to read as follows:

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

7 (a) A person, as an operator, who is less than 18 years of  
8 age, except the secretary of state may issue a license to a

1 person who is not less than 16 years of age and who has  
2 satisfactorily passed a driver education course and examination  
3 given by a public school or nonpublic school of this or another  
4 state offering a course approved by the department of education,  
5 or an equivalent course and examination as prescribed in section  
6 811. The secretary of state may issue a restricted license to a  
7 person not less than 14 years of age as provided in this act.  
8 This subdivision does not apply to a person who has held a valid  
9 driver's license issued by another state, territory, or posses-  
10 sion of the United States or another sovereignty for at least 1  
11 year immediately before application for a driver's license under  
12 this act.

13 (b) A person, as a chauffeur, who is less than 18 years of  
14 age, except the secretary of state may issue a license to a  
15 person who is not less than 16 years of age and who has satisfac-  
16 torily passed a driver education course and examination given by  
17 a public school or nonpublic school of this or another state  
18 offering a course approved by the department of education, or an  
19 equivalent course and examination as prescribed in section 811.

20 (c) A person whose license has been suspended during the  
21 period for which the license was suspended.

22 (d) A person who has been convicted of or received a probate  
23 court disposition for section 625(4) or (5).

24 (e) A person who has been convicted of or received a probate  
25 court disposition for negligent homicide, manslaughter, or murder  
26 resulting from the operation of a motor vehicle.

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

13 (i) Any combination of 2 convictions within 7 years for 1 or  
14 more of the following:

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

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

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

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

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

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

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

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

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

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

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

1 (m) A nonresident.

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

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

17 (p) A person not licensed under this act who is determined  
18 to have violated section 33b(1) of the Michigan Liquor Control  
19 Act, Act No. 8 of the Public Acts of the Extra Session of 1933,  
20 being section 436.33b of the Michigan Compiled Laws, or section  
21 624b. The person shall be denied a license under this subdivi-  
22 sion for a period of time that corresponds to the period of the  
23 licensing sanction that would have been imposed under those sec-  
24 tions had the person been licensed at the time of the violation.

25 (Q) A PERSON WHO HAS BEEN CONVICTED OF OR RECEIVED A PROBATE  
26 DISPOSITION FOR A VIOLATION OF SECTION 234F OF THE MICHIGAN PENAL  
27 CODE, ACT NO. 328 OF THE PUBLIC ACTS OF 1931, BEING SECTION

1 750.234F OF THE MICHIGAN COMPILED LAWS, DURING THE PERIOD FOR  
2 WHICH THE COURT ORDERED THE LICENSE WITHHELD.

3 (2) Upon receipt of the appropriate records of conviction,  
4 the secretary of state shall revoke the operator's or chauffeur's  
5 license of a person having any of the following, whether under a  
6 law of this state, a local ordinance substantially corresponding  
7 to a law of this state, or a law of another state substantially  
8 corresponding to a law of this state:

9 (a) Two convictions of reckless driving in violation of sec-  
10 tion 626 within 7 years.

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

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

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

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

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

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

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

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

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

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

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

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

5 (3) The secretary of state shall revoke a license under sub-  
6 section (2) notwithstanding a court order issued under section  
7 625, section 625b, former section 625(1) or (2), or former sec-  
8 tion 625b or a local ordinance substantially corresponding to  
9 section 625, section 625b, former section 625(1) or (2), or  
10 former section 625b.

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

15 (a) The later of the following:

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

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

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

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

26 (6) As used in this section, "felony in which a motor  
27 vehicle was used" means a felony during the commission of which

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

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

5 (b) The vehicle was used to transport a victim of the  
6 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. 319. (1) The secretary of state shall immediately sus-  
11 pend a person's license for not less than 90 days or more than 2  
12 years upon receiving a record of the person's conviction for any  
13 of the following crimes or attempts to commit any of the follow-  
14 ing crimes, whether the conviction is under a law of this state,  
15 a local ordinance substantially corresponding to a law of this  
16 state, or a law of another state substantially corresponding to a  
17 law of this state:

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

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

24 (c) A violation of section 413 or 414 of the Michigan penal  
25 code, Act No. 328 of the Public Acts of 1931, being sections  
26 750.413 and 750.414 of the Michigan Compiled Laws, or a violation

1 of section 1 of Act No. 214 of the Public Acts of 1931, being  
2 section 752.191 of the Michigan Compiled Laws.

3 (d) A conviction for reckless driving in violation of sec-  
4 tion 626.

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

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

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

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

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

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

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

26 (3) The secretary of state shall immediately suspend a  
27 person's license for the period specified in the abstract of

1 conviction upon receiving the person's license and abstract of  
2 conviction forwarded to the secretary of state pursuant to sec-  
3 tion 367c of the Michigan penal code, Act No. 328 of the Public  
4 Acts of 1931, being section 750.367c of the Michigan Compiled  
5 Laws.

6 (4) Except as otherwise provided in subsection ~~(9)~~ (10),  
7 if a court has not ordered a suspension of a person's license  
8 under this act for a violation described in subdivision (a), (b),  
9 (c), or (d) for a period equal to or greater than the period of a  
10 suspension prescribed under subdivision (a), (b), (c), or (d) for  
11 the violation, the secretary of state shall suspend the license  
12 as follows, notwithstanding a court order issued under  
13 section 625(1), (3), or (6), section 625b, former section 625(1)  
14 or (2), or former section 625b or a local ordinance substantially  
15 corresponding to section 625(1), (3), or (6), section 625b,  
16 former section 625(1) or (2), or former section 625b:

17 (a) For not less than 90 days or more than 1 year upon  
18 receiving a record of the person's conviction for a violation of  
19 section 625(3), a local ordinance substantially corresponding to  
20 section 625(3), or a law of another state substantially corre-  
21 sponding to section 625(3), if the person has no prior convic-  
22 tions within 7 years for a violation of section 625(1), (3), (4),  
23 or (5), former section 625(1) or (2), or former section 625b, a  
24 local ordinance substantially corresponding to section 625(1) or  
25 (3), former section 625(1) or (2), or former section 625b, or a  
26 law of another state substantially corresponding to section  
27 625(1), (3), (4), or (5), former section 625(1) or (2), or former

1 section 625b. However, if the person is convicted of a violation  
2 of section 625(3), a local ordinance substantially corresponding  
3 to section 625(3), or a law of another state substantially corre-  
4 sponding to section 625(3) for operating a vehicle when, due to  
5 the consumption of a controlled substance or a combination of  
6 intoxicating liquor and a controlled substance, the person's  
7 ability to operate the vehicle was visibly impaired, the secre-  
8 tary of state shall suspend the person's license under this sub-  
9 division for a period of not less than 6 months or more than 1  
10 year.

11 (b) For not less than 6 months or more than 2 years upon  
12 receiving a record of the person's conviction if the person has  
13 the following convictions, whether under the law of this state, a  
14 local ordinance substantially corresponding to a law of this  
15 state, or a law of another state substantially corresponding to a  
16 law of this state:

17 (i) One conviction under section 625(1) or former section  
18 625(1) or (2).

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

21 (iii) One conviction under section 625(1) or former section  
22 625(1) or (2) and 1 conviction under section 625(3) or former  
23 section 625b within a 7-year period.

24 (iv) One conviction under section 625(4) or (5) followed by  
25 1 conviction under section 625(3) within a 7-year period.

26 (c) For not less than 30 days or more than 90 days upon  
27 receiving a record of the person's conviction for a violation of

1 section 625(6), a local ordinance substantially corresponding to  
2 section 625(6), or a law of another state substantially corre-  
3 sponding to section 625(6), if the person has no prior convic-  
4 tions within 7 years for a violation of section 625(1), (3), (4),  
5 (5), or (6), former section 625(1) or (2), or former section  
6 625b, a local ordinance substantially corresponding to section  
7 625(1), (3), or (6), former section 625(1) or (2), or former sec-  
8 tion 625b, or a law of another state substantially corresponding  
9 to section 625(1), (3), (4), (5), or (6), former section 625(1)  
10 or (2), or former section 625b.

11 (d) For not less than 90 days or more than 1 year upon  
12 receiving a record of the person's conviction for a violation of  
13 section 625(6), a local ordinance substantially corresponding to  
14 section 625(6), or a law of another state substantially corre-  
15 sponding to section 625(6), if the person has 1 or more prior  
16 convictions within 7 years for a violation of section 625(1),  
17 (3), (4), (5), or (6), former section 625(1) or (2), or former  
18 section 625b, a local ordinance substantially corresponding to  
19 section 625(1), (3), or (6), former section 625(1) or (2), or  
20 former section 625b, or a law of another state substantially cor-  
21 responding to section 625(1), (3), (4), (5), or (6), former sec-  
22 tion 625(1) or (2), or former section 625b.

23 (5) Upon receiving a certificate of conviction pursuant to  
24 section 33b(3) of the Michigan liquor control act, Act No. 8 of  
25 the Public Acts of the Extra Session of 1933, being section  
26 436.33b of the Michigan Compiled Laws, or a local ordinance or  
27 law of another state substantially corresponding to section

1 33b(3) of Act No. 8 of the Public Acts of the Extra Session of  
2 1933, the secretary of state shall suspend pursuant to court  
3 order the person's operator's or chauffeur's license for  
4 90 days. A suspension under this subsection shall be in addition  
5 to any other suspension of the person's license.

6 (6) Upon receiving the record of a person's conviction for a  
7 violation of section 602a of this act or section 479a(1), (4), or  
8 (5) of Act No. 328 of the Public Acts of 1931, being section  
9 750.479a of the Michigan Compiled Laws, the secretary of state  
10 immediately shall suspend the person's license for the period  
11 ordered by the court as part of the sentence or disposition.

12 (7) Upon the receipt of a civil infraction determination or  
13 probate court order of disposition for a violation of section  
14 33b(1) of Act No. 8 of the Public Acts of the Extra Session of  
15 1933, being section 436.33b of the Michigan Compiled Laws, and  
16 section 624b and, notwithstanding any court order to the con-  
17 trary, the secretary of state shall suspend the person's  
18 operator's or chauffeur's license for the period of time  
19 described in section 33b(5) of Act No. 8 of the Public Acts of  
20 the Extra Session of 1933 or section 624b and, if applicable,  
21 issue a restricted license as ordered by the court in the manner  
22 provided for in section 33b(7) or section 624b. In the case of a  
23 person who does not possess an operator or chauffeur license, the  
24 secretary of state shall deny the application for an operator or  
25 chauffeur license for the applicable suspension period.

26 (8) UPON RECEIVING THE RECORD OF A PERSON'S CONVICTION OR  
27 PROBATE COURT DISPOSITION FOR A VIOLATION OF SECTION 234F OF ACT

1 NO. 328 OF THE PUBLIC ACTS OF 1931, BEING SECTION 750.234F OF THE  
2 MICHIGAN COMPILED LAWS, THE SECRETARY OF STATE SHALL IMMEDIATELY  
3 SUSPEND THE PERSON'S LICENSE FOR THE PERIOD ORDERED BY THE COURT  
4 AS PART OF THE SENTENCE OR DISPOSITION.

5 (9) ~~(8)~~ Except as provided in subsection ~~(10)~~ (11), a  
6 suspension pursuant to this section shall be imposed notwith-  
7 standing a court order issued under section 625(1), (3), (4),  
8 (5), or (6) or section 625b or a local ordinance substantially  
9 corresponding to section 625(1), (3), or (6) or section 625b.

10 (10) ~~(9)~~ If the secretary of state receives records of  
11 more than 1 conviction of a person resulting from the same inci-  
12 dent, a suspension shall be imposed only for the violation to  
13 which the longest period of suspension applies under this  
14 section.

15 (11) ~~(10)~~ The secretary of state may waive a suspension of  
16 a person's license imposed under subsection (4)(a), (b), (c), or  
17 (d) if the person submits proof that a court in another state  
18 revoked, suspended, or restricted his or her license for a period  
19 equal to or greater than the period of a suspension prescribed  
20 under subsection (4)(a), (b), (c), or (d) for the violation and  
21 that the revocation, suspension, or restriction was served for  
22 the violation, or may grant a restricted license.

23 Section 2. This amendatory act shall not take effect unless  
24 Senate Bill No. \_\_\_\_\_ or House Bill No. 4013 (request  
25 no. 01383'95) of the 88th Legislature is enacted into law.