

SUBSTITUTE FOR
HOUSE BILL NO. 5497

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 51a, 209, 303, and 314 (MCL 257.51a,
257.209, 257.303, and 257.314), section 303 as amended by 2001
PA 159 and section 314 as amended by 2000 PA 173.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 51a. "Resident" means ~~every~~ A person who resides in
2 a settled or permanent home or domicile with the intention of
3 remaining in this state. A person who obtains employment in this
4 state is presumed to have the intention of remaining in this
5 state. A UNITED STATES CITIZEN OR AN ALIEN LAWFULLY IN THE
6 UNITED STATES IS PRESUMED TO BE A RESIDENT OF THIS STATE IF HE OR
7 SHE HAS RESIDED IN THIS STATE FOR AT LEAST 30 DAYS. This
8 definition ~~shall apply~~ ONLY APPLIES to ~~the provisions of~~ this
9 act. ~~only.~~

HB5497, As Passed House, February 12, 2002

House Bill No. 5497

2

1 Sec. 209. (1) The department shall examine ~~and determine~~
2 ~~the genuineness, regularity, and legality of every~~ EACH applica-
3 tion for A VEHICLE registration, ~~of a vehicle, for~~ a certifi-
4 cate of title, ~~therefor, and for~~ OR an operator's or
5 chauffeur's license and ~~of~~ any other application ~~lawfully~~
6 made to the department, and may ~~in all cases make investigation~~
7 ~~as may be deemed necessary~~ INVESTIGATE or require additional
8 information ~~, and~~ FROM AN APPLICANT. THE DEPARTMENT shall
9 reject ~~any such~~ AN application if not satisfied of the genuine-
10 ness, regularity, ~~or~~ legality, ~~thereof~~ or the truth of any
11 statement contained ~~therein~~ IN AN APPLICATION, or for any other
12 reason ~~, when~~ authorized by law.

13 (2) IF THE DEPARTMENT HAS REASONABLE CAUSE TO BELIEVE THAT
14 AN APPLICATION EXAMINED UNDER SUBSECTION (1) CONTAINS INFORMATION
15 THAT THE APPLICANT IS AN ILLEGAL ALIEN, THE DEPARTMENT MAY REPORT
16 THAT INFORMATION TO AN APPROPRIATE UNITED STATES GOVERNMENT
17 AGENCY.

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

20 (a) A person, as an operator, who is less than 18 years of
21 age, except as otherwise provided in this act.

22 (b) A person, as a chauffeur, who is less than 18 years of
23 age, except as otherwise provided in this act.

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

26 (d) A person who in the opinion of the secretary of state is
27 afflicted with or suffering from a physical or mental disability

1 or disease preventing that person from exercising reasonable and
2 ordinary control over a motor vehicle while operating the motor
3 vehicle upon the highways.

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

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

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

19 (h) A nonresident including a foreign exchange student.

20 (i) A person who has failed to answer a citation or notice
21 to appear in court or for any matter pending or fails to comply
22 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 person answers the citation
25 or notice to appear in court or for any matter pending or com-
26 plies with an order or judgment of the court, including, but not

1 limited to, paying all fines, costs, fees, and assessments, as
2 provided under section 321a.

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

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

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

1 (M) A PERSON WHO IS [ILLEGALLY PRESENT IN THIS STATE UNDER
APPLICABLE FEDERAL IMMIGRATION LAW. FOR PURPOSES OF THIS SUBDIVISION,
"FEDERAL IMMIGRATION LAW" MEANS ALL LAWS, CONVENTIONS, AND TREATIES OF
THE UNITED STATES RELATING TO THE IMMIGRATION, EXCLUSION, DEPORTATION,
EXPULSION, OR REMOVAL OF ALIENS.] THE

2 FOLLOWING PERSONS ARE PRESUMED TO BE LAWFULLY IN THE UNITED
3 STATES IF THEY HAVE RESIDED IN THIS STATE FOR AT LEAST 30 DAYS:

4 (i) ANY PERSON WHO POSSESSES DOCUMENTATION FROM ANY APPLICA-
5 BLE UNITED STATES AGENCY THAT PROVES THEY ARE IN THE PROCESS OF
6 BECOMING LAWFULLY IN THE UNITED STATES.

7 (ii) ANY PERSON WHO POSSESSES DOCUMENTATION FROM ANY APPLI-
8 CABLE UNITED STATES AGENCY THAT PROVES THEY HAVE LAWFULLY CHAL-
9 LENGED A DECISION OF AN ADMINISTRATIVE LAW JUDGE OR APPLICABLE
10 UNITED STATES DEPARTMENT RELATED TO AN IMMIGRATION DETERMINATION
11 DECISION.

12 (2) Upon receiving the appropriate records of conviction,
13 the secretary of state shall revoke the operator's or chauffeur's
14 license of a person and deny issuance of an operator's or
15 chauffeur's license to a person having any of the following,
16 whether under a law of this state, a local ordinance substan-
17 tially corresponding to a law of this state, or a law of another
18 state substantially corresponding to a law of this state:

19 (a) Any combination of 2 convictions within 7 years for
20 reckless driving in violation of section 626.

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

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

24 (ii) A violation or attempted violation of section 601b(2)
25 or (3), section 601c(1) or (2), section 602a(4) or (5), section
26 653a(3) or (4), or section 904(4) or (5).

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

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

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

10 (i) A violation or attempted violation of section 625(1),
11 (3), (4), (5), or (7).

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

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

15 (d) One conviction for a violation or attempted violation of
16 section 601b(3), section 601c(2), section 602a(4) or (5),
17 section 625(4) or (5), section 653a(4), or section 904(4) or
18 (5).

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

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

25 (g) Any combination of 3 convictions within 10 years for any
26 of the following or 1 conviction for a violation or attempted
27 violation of section 625(6) and any combination of 2 convictions

1 for any of the following within 10 years, if any of the
2 convictions resulted from an arrest on or after January 1, 1992:

3 (i) A violation or attempted violation of section 625(1),
4 (3), (4), (5), or (7).

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

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

8 (3) The secretary of state shall revoke a license under
9 subsection (2) notwithstanding a court order.

10 (4) The secretary of state shall not issue a license under
11 this act to a person whose license has been revoked under this
12 act or revoked and denied under subsection (2) until all of the
13 following occur, as applicable:

14 (a) The later of the following:

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

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

20 (b) For a denial under subsection (2)(a), (b), (c), and (g),
21 the person rebuts by clear and convincing evidence the presump-
22 tion resulting from the prima facie evidence that he or she is a
23 habitual offender. The convictions that resulted in the revoca-
24 tion and denial constitute prima facie evidence that he or she is
25 a habitual offender.

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

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

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

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

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

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

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

16 Sec. 314. (1) Except as otherwise provided in this section,
17 an operator's license shall expire on the birthday of the person
18 to whom the license is issued in the fourth year following the
19 date of the issuance of the license unless ~~suspended or revoked~~
20 ~~before that date or~~ issued pursuant to section 314b. A license
21 shall not be issued for a period longer than 4 years. A person
22 holding a license at any time within 45 days before the expira-
23 tion of his or her license may make application for a new license
24 as provided for in this chapter. However, a knowledge test for
25 an original group designation or indorsement may be taken at any
26 time during this period and the results shall be valid for
27 12 months. However, if the licensee will be out of the state

1 during the 45 days immediately preceding expiration of the
2 license or for other good cause shown cannot apply for a license
3 within the 45-day period, application for a new license may be
4 made not more than 6 months before expiration of the license.
5 This new license when granted shall expire as provided for in
6 this chapter.

7 (2) ~~Effective October 1, 1985, the~~ THE first operator's
8 license issued to a person who at the time of application is less
9 than 20-1/2 years of age shall expire on the licensee's
10 twenty-first birthday unless suspended or revoked. The secretary
11 of state shall code the license in a manner which clearly identi-
12 fies the licensee as being less than 21 years of age.

13 (3) The first chauffeur's license issued to a person shall
14 expire on the licensee's birthday in the fourth year following
15 the date of issuance unless the license is suspended or revoked
16 before that date or is issued pursuant to section 314b.

17 ~~Effective October 1, 1985, the~~ THE chauffeur's license of a
18 person who at the time of application is less than 20-1/2 years
19 of age shall expire on the licensee's twenty-first birthday.
20 ~~unless suspended or revoked.~~ The secretary of state shall code
21 the license in a manner which clearly identifies the licensee as
22 being less than 21 years of age. A subsequent chauffeur's
23 license shall expire on the birthday of the person to whom the
24 license is issued in the fourth year following the date of issu-
25 ance of the license unless ~~the license is suspended or revoked~~
26 ~~before that date or is~~ issued pursuant to section 314b.

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1 (4) THE EXPIRATION OF A LEGAL ALIEN'S LICENSE SHALL BE THE
2 EXPIRATION DATE AS PRESCRIBED UNDER THIS SECTION OR THE DATE ON
3 WHICH THAT PERSON'S PRESENCE IN THE UNITED STATES BECOMES [ILLEGALLY
4 PRESENT IN THIS STATE UNDER APPLICABLE FEDERAL IMMIGRATION LAW, WHICHEVER
OCCURS FIRST. FOR PURPOSES OF THIS SUBSECTION, "FEDERAL IMMIGRATION LAW"
MEANS ALL LAWS, CONVENTIONS, AND TREATIES OF THE UNITED STATES RELATING
TO THE IMMIGRATION, EXCLUSION, DEPORTATION, EXPULSION, OR REMOVAL OF
ALIENS.]

5 (5) ~~-(4)-~~ A person may apply for an extension of his or her
6 driving privileges if he or she is out of state on the date that
7 his or her operator's or chauffeur's license expires. The exten-
8 sion may extend the license for 90 days beyond the expiration
9 date or within 2 weeks after the applicant returns to Michigan,
10 whichever occurs first.

11 (6) ~~-(5)-~~ A person who will be out of state for more than 90
12 days beyond the expiration date of his or her operator's license
13 may apply for a 2-year extension of his or her driving
14 privileges. The applicant for this extension shall submit a
15 statement evidencing a vision examination in accordance with the
16 rules promulgated by the secretary of state under section 309.
17 The fee for a 2-year extension shall be the same as provided in
18 section 314b(2).

19 (7) ~~-(6)-~~ A person whose operator's or chauffeur's license
20 is unexpired but whose class 1, class 2, or class 3 indorsement
21 has expired pursuant to section 312e(10) may apply for a vehicle
22 group designation or indorsement. Upon proper application and
23 payment of the fees prescribed in section 314b and section 811,
24 the expiration of the person's operator's or chauffeur's license
25 shall be extended for 4 years beyond the expiration which would
26 have applied except for the operation of section 312e(10).

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1 (8) THE SECRETARY OF STATE SHALL RECOGNIZE A DRIVER'S
2 LICENSE FROM ANY STATE IN THE REPUBLIC OF MEXICO TO THE SAME
3 DEGREE AS IT RECOGNIZES DRIVER'S LICENSES FROM ANY OTHER FOREIGN
4 COUNTRY [, IF THEY MEET AMERICAN ASSOCIATION OF MOTOR VEHICLE
ADMINISTRATORS STANDARDS].