

# HOUSE BILL No. 5497

December 12, 2001, Introduced by Reps. Hager, Koetje, Toy, Julian, Bishop, Caul, Gosselin, Faunce, Meyer, Mead, Van Woerkom, Gilbert, Hummel, Newell, Birkholz, Voorhees, Tabor, Middaugh, Ruth Johnson, Ehardt, Jelinek, Rocca, George, Bisbee, Richardville, Lockwood, Neumann, Bernero, DeVuyst, Schauer, Callahan, Kowall, Pumford, Frank, Jacobs, Allen, Pestka, Basham, Sheltroun, Rivet, Shulman, Kuipers, Zelenko, Phillips, Shackleton, Raczkowski, Pappageorge, McConico, Whitmer and Cassis and referred to the Committee on Transportation.

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.~~

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.

26 (M) A PERSON WHO IS IN THE UNITED STATES UNLAWFULLY.

1           (2) Upon receiving the appropriate records of conviction,  
2 the secretary of state shall revoke the operator's or chauffeur's  
3 license of a person and deny issuance of an operator's or  
4 chauffeur's license to a person having any of the following,  
5 whether under a law of this state, a local ordinance substan-  
6 tially corresponding to a law of this state, or a law of another  
7 state substantially corresponding to a law of this state:

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

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

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

13           (ii) A violation or attempted violation of section 601b(2)  
14 or (3), section 601c(1) or (2), section 602a(4) or (5), section  
15 653a(3) or (4), or section 904(4) or (5).

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

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

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).

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           (d) One conviction for a violation or attempted violation of  
5 section 601b(3), section 601c(2), section 602a(4) or (5),  
6 section 625(4) or (5), section 653a(4), or section 904(4) or  
7 (5).

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

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

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

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

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

26           (4) The secretary of state shall not issue a license under  
27 this act to a person whose license has been revoked under this

1 act or revoked and denied under subsection (2) until all of the  
2 following occur, as applicable:

3 (a) The later of the following:

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

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

9 (b) For a denial under subsection (2)(a), (b), (c), and (g),  
10 the person rebuts by clear and convincing evidence the presump-  
11 tion resulting from the prima facie evidence that he or she is a  
12 habitual offender. The convictions that resulted in the revoca-  
13 tion and denial constitute prima facie evidence that he or she is  
14 a habitual offender.

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

16 (5) Multiple convictions or civil infraction determinations  
17 resulting from the same incident shall be treated as a single  
18 violation for purposes of denial or revocation of a license under  
19 this section.

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

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

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

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

2 (d) The vehicle was necessary for the commission of the  
3 felony.

4 Sec. 314. (1) Except as otherwise provided in this section,  
5 an operator's license shall expire on the birthday of the person  
6 to whom the license is issued in the fourth year following the  
7 date of the issuance of the license unless ~~suspended or revoked~~  
8 ~~before that date or~~ issued pursuant to section 314b. A license  
9 shall not be issued for a period longer than 4 years. A person  
10 holding a license at any time within 45 days before the expira-  
11 tion of his or her license may make application for a new license  
12 as provided for in this chapter. However, a knowledge test for  
13 an original group designation or indorsement may be taken at any  
14 time during this period and the results shall be valid for  
15 12 months. However, if the licensee will be out of the state  
16 during the 45 days immediately preceding expiration of the  
17 license or for other good cause shown cannot apply for a license  
18 within the 45-day period, application for a new license may be  
19 made not more than 6 months before expiration of the license.  
20 This new license when granted shall expire as provided for in  
21 this chapter.

22 (2) ~~Effective October 1, 1985, the~~ THE first operator's  
23 license issued to a person who at the time of application is less  
24 than 20-1/2 years of age shall expire on the licensee's  
25 twenty-first birthday unless suspended or revoked. The secretary  
26 of state shall code the license in a manner which clearly  
27 identifies the licensee as being less than 21 years of age.

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

5 ~~Effective October 1, 1985, the~~ THE chauffeur's license of a  
6 person who at the time of application is less than 20-1/2 years  
7 of age shall expire on the licensee's twenty-first birthday.  
8 ~~unless suspended or revoked.~~ The secretary of state shall code  
9 the license in a manner which clearly identifies the licensee as  
10 being less than 21 years of age. A subsequent chauffeur's  
11 license shall expire on the birthday of the person to whom the  
12 license is issued in the fourth year following the date of issu-  
13 ance of the license unless ~~the license is suspended or revoked~~  
14 ~~before that date or is~~ issued pursuant to section 314b.

15 (4) THE EXPIRATION OF A LEGAL ALIEN'S LICENSE SHALL BE THE  
16 EXPIRATION DATE AS PRESCRIBED UNDER SUBSECTION (1) OR THE DATE ON  
17 WHICH THAT PERSON'S PRESENCE IN THE UNITED STATES BECOMES UNLAW-  
18 FUL, WHICHEVER OCCURS FIRST.

19 (5) ~~(4)~~ A person may apply for an extension of his or her  
20 driving privileges if he or she is out of state on the date that  
21 his or her operator's or chauffeur's license expires. The exten-  
22 sion may extend the license for 90 days beyond the expiration  
23 date or within 2 weeks after the applicant returns to Michigan,  
24 whichever occurs first.

25 (6) ~~(5)~~ A person who will be out of state for more than 90  
26 days beyond the expiration date of his or her operator's license  
27 may apply for a 2-year extension of his or her driving

1 privileges. The applicant for this extension shall submit a  
2 statement evidencing a vision examination in accordance with the  
3 rules promulgated by the secretary of state under section 309.  
4 The fee for a 2-year extension shall be the same as provided in  
5 section 314b(2).

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