

SENATE BILL No. 204

February 13, 2001, Introduced by Senator JAYE and referred to the Committee on Transportation and Tourism.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending the title and section 320 (MCL 257.320), the title as amended by 2000 PA 408 and section 320 as amended by 1982 PA 310.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles;

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1 to provide for the imposition, levy, and collection of specific
2 taxes on vehicles, and the levy and collection of sales and use
3 taxes, license fees, and permit fees; to provide for the regula-
4 tion and use of streets and highways; to create certain funds; to
5 provide penalties and sanctions for a violation of this act; TO
6 PRESCRIBE REMEDIES FOR CERTAIN PERSONS; to provide for civil
7 liability of owners and operators of vehicles and service of pro-
8 cess on residents and nonresidents; to provide for the levy of
9 certain assessments; to provide for the enforcement of this act;
10 to provide for the creation of and to prescribe the powers and
11 duties of certain state and local agencies; to impose liability
12 upon the state or local agencies; to repeal all other acts or
13 parts of acts inconsistent with this act or contrary to this act;
14 and to repeal certain parts of this act on a specific date.

15 Sec. 320. (1) The secretary of state after notice as pro-
16 vided in this section may conduct an investigation and reexamina-
17 tion of a person, based upon 1 or more of the following:

18 (a) The secretary of state has reason to believe that the
19 person is incompetent to drive a motor vehicle or is afflicted
20 with a mental or physical infirmity or disability rendering it
21 unsafe for that person to drive a motor vehicle.

22 (b) The person, as a driver, has in 1 or more instances been
23 involved in an accident resulting in the death of a person.

24 (c) The person, within a 24-month period, has been involved
25 in 3 accidents resulting in personal injury or damage to the
26 property of a person, and the official police report indicates a

1 moving violation on the part of the driver in each of the
2 accidents.

3 (d) The person has charged against him or her a total of 12
4 or more points as provided in section 320a within a period of 2
5 years.

6 (e) The person has been convicted of violating restrictions,
7 terms, or conditions of the person's license.

8 (2) The secretary of state, upon good cause, may restrict,
9 suspend, revoke, or impose other terms and conditions on the
10 license of a person subject to reexamination and require the
11 immediate surrender of the license of that person. The secretary
12 of state shall, in all cases, prescribe the period of restric-
13 tion, suspension, revocation, or other terms and conditions.

14 (3) Service of notice shall be made by regular mail to the
15 last known address of the licensee as shown on the most recent
16 license application or change of address on the license as pro-
17 vided by section 315.

18 (4) A license shall not be suspended under this section for
19 a period of more than 1 year.

20 (5) The reexamination may be held by the secretary of state
21 pursuant to this section notwithstanding any restriction, suspen-
22 sion, revocation, or denial of a license under this section, sec-
23 tion 303 or 319, chapter V, ~~section 625 or 625b,~~ or under any
24 other law of this state. A suspension ordered pursuant to this
25 section shall be in addition to other suspensions.

26 (6) If a licensed operator or chauffeur fails to appear for
27 a reexamination scheduled by the secretary of state pursuant to

1 this section, the licensed operator's or chauffeur's license may
2 be suspended immediately and shall remain suspended until the
3 licensed operator or chauffeur appears for a reexamination by the
4 secretary of state. However, the secretary of state may
5 restrict, suspend, or revoke the license based solely on the
6 licensed operator's or chauffeur's driving record.

7 (7) THE SECRETARY OF STATE SHALL INFORM A PERSON 60 YEARS OF
8 AGE OR OVER WITH AN OPERATOR'S OR CHAUFFEUR'S LICENSE WHO IS
9 SUBJECT TO AN INVESTIGATION AND REEXAMINATION MORE THAN TWICE IN
10 A 24-MONTH PERIOD AS TO THE PERSON OR PERSONS WHO MADE A REPORT
11 WITH THE SECRETARY OF STATE REGARDING THE DRIVING ABILITY OF THAT
12 PERSON IF THE REPORTS WERE MADE BY THE SAME PERSON OR PERSONS.
13 IF THE PERSON WITH THE OPERATOR'S OR CHAUFFEUR'S LICENSE SUCCESS-
14 FULLY COMPLETES EACH REEXAMINATION, INCLUDING A ROAD TEST, THE
15 PERSON OR PERSONS WHO MADE THE COMPLAINTS ARE SUBJECT TO A FINE
16 OF NOT MORE THAN \$500.00. IN ADDITION, THE COURT MAY PROHIBIT
17 THE PERSON OR PERSONS FROM INITIATING ANOTHER COMPLAINT FOR UP TO
18 A 2-YEAR PERIOD.