

HOUSE BILL No. 5239

November 4, 2003, Introduced by Reps. Taub, Pastor, Walker, Garfield, Stahl, Tabor, LaJoy, Voorhees, Ehardt, Stakoe, Gaffney, Pappageorge, Van Regenmorter, Emmons, Brandenburg, Caul, Palsrok, Bieda, Shaffer, Palmer and Howell and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 303 (MCL 257.303), as amended by 2002
PA 422.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 303. (1) The secretary of state shall not issue a
2 license under this act to any of the following persons described
3 in subdivisions (a) through ~~(l)~~ (m):

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

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

8 (c) A person whose license is suspended, revoked, denied, or
9 canceled in any state. If the suspension, revocation, denial, or
10 cancellation is not from the jurisdiction that issued the last

1 license to the person, the secretary of state may issue a license
2 after the expiration of 5 years from the effective date of the
3 most recent suspension, revocation, denial, or cancellation.

4 (d) A person who in the opinion of the secretary of state is
5 afflicted with or suffering from a physical or mental disability
6 or disease preventing that person from exercising reasonable and
7 ordinary control over a motor vehicle while operating the motor
8 vehicle upon the highways.

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

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

16 (g) A person who has been convicted of, has received a
17 juvenile disposition for, or has been determined responsible for
18 2 or more moving violations under a law of this state, a local
19 ordinance substantially corresponding to a law of this state, or
20 a law of another state substantially corresponding to a law of
21 this state within the preceding 3 years, if the violations
22 occurred before issuance of an original license to the person in
23 this or another state.

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

25 (i) A person who has failed to answer a citation or notice to
26 appear in court or for any matter pending or fails to comply with
27 an order or judgment of the court, including, but not limited to,

1 paying all fines, costs, fees, and assessments, in violation of
2 section 321a, until that person answers the citation or notice to
3 appear in court or for any matter pending or complies with an
4 order or judgment of the court, including, but not limited to,
5 paying all fines, costs, fees, and assessments, as provided under
6 section 321a.

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

15 (k) A person not licensed under this act who has been
16 convicted of or received a juvenile disposition for committing a
17 crime described in section 319e. A person shall be denied a
18 license under this subdivision for the length of time that
19 corresponds to the period of the licensing sanction that would
20 have been imposed under section 319e if the person had been
21 licensed at the time of the violation.

22 (l) A person not licensed under this act who is determined to
23 have violated section 33b(1) of former 1933 (Ex Sess) PA 8,
24 section 703(1) of the Michigan liquor control code of 1998, 1998
25 PA 58, MCL 436.1703, or section 624a or 624b of this act. The
26 person shall be denied a license under this subdivision for a
27 period of time that corresponds to the period of the licensing

1 sanction that would have been imposed under those sections had
2 the person been licensed at the time of the violation.

3 **(m) A person who is in the United States unlawfully.**

4 **(2) —(m)—** The secretary of state may deny issuance of an
5 operator's license until the age of 17 to a person not licensed
6 under this act who was convicted of or received a juvenile
7 disposition for violating or attempting to violate
8 section 411a(2) of the Michigan penal code, 1931 PA 328,
9 MCL 750.411a, involving a school when he or she was less than 14
10 years of age. A person not issued a license under this
11 subdivision is not eligible to begin graduated licensing training
12 until he or she attains 16 years of age.

13 **(3) —(n)—** The secretary of state may deny issuance of an
14 operator's license to a person less than 21 years of age not
15 licensed under this act who was convicted of or has received a
16 juvenile disposition for violating or attempting to violate
17 section 411a(2) of the Michigan penal code, 1931 PA 328,
18 MCL 750.411a, involving a school when he or she was 14 years of
19 age or older, until 3 years after the date of the conviction or
20 juvenile disposition. A person not issued a license under this
21 subdivision is not eligible to begin graduated licensing training
22 or otherwise obtain an original operator's or chauffeur's license
23 until 3 years after the date of the conviction or juvenile
24 disposition.

25 **(4) —(2)—** Upon receiving the appropriate records of
26 conviction, the secretary of state shall revoke the operator's or
27 chauffeur's license of a person and deny issuance of an

1 operator's or chauffeur's license to a person having any of the
2 following, whether under a law of this state, a local ordinance
3 substantially corresponding to a law of this state, or a law of
4 another state substantially corresponding to a law of this
5 state:

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

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

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

11 (ii) A violation or attempted violation of section 601b(2) or
12 (3), section 601c(1) or (2), section 602a(4) or (5), section 617,
13 section 653a(3) or (4), or section 904(4) or (5).

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

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

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

23 (i) A violation or attempted violation of section 625(1),
24 (3), (4), (5), or (7).

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

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

1 (d) One conviction for a violation or attempted violation of
2 section 315(5), section 601b(3), section 601c(2), section 602a(4)
3 or (5), section 617, section 625(4) or (5), section 653a(4), or
4 section 904(4) or (5).

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

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

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

16 (i) A violation or attempted violation of section 625(1),
17 (3), (4), (5), or (7).

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

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

21 (5) ~~-(3)-~~ The secretary of state shall revoke a license under
22 subsection ~~-(2)-~~ (4) notwithstanding a court order unless the
23 court order complies with section 323.

24 (6) ~~-(4)-~~ The secretary of state shall not issue a license
25 under this act to a person whose license has been revoked under
26 this act or revoked and denied under subsection ~~-(2)-~~ (4) until
27 all of the following occur, as applicable:

1 (a) The later of the following:

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

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

7 (b) For a denial under subsection ~~-(2)(a)-~~ **(4)(a)**, (b), (c),
8 and (g), the person rebuts by clear and convincing evidence the
9 presumption resulting from the prima facie evidence that he or
10 she is a habitual offender. The convictions that resulted in the
11 revocation and denial constitute prima facie evidence that he or
12 she is a habitual offender.

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

14 **(7)** ~~-(5)-~~ Multiple convictions or civil infraction
15 determinations resulting from the same incident shall be treated
16 as a single violation for purposes of denial or revocation of a
17 license under this section.

18 **(8)** ~~-(6)-~~ As used in this section, "felony in which a motor
19 vehicle was used" means a felony during the commission of which
20 the person operated a motor vehicle and while operating the
21 vehicle presented real or potential harm to persons or property
22 and 1 or more of the following circumstances existed:

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

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

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

27 (d) The vehicle was necessary for the commission of the

1 felony.