

SENATE BILL No. 42

January 22, 2003, Introduced by Senators SANBORN, PATTERSON, JOHNSON, CASSIS, STAMAS, CROPSEY and GOSCHKA and referred to the Committee on Judiciary.

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 2002 PA 422 and section 314 as amended by 2002 PA 554.

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.~~

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1 Sec. 209. (1) The department shall examine ~~and determine~~
2 ~~the genuineness, regularity, and legality of every~~ **each**
3 application for **a vehicle** registration, ~~of a vehicle, for~~ a
4 certificate 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
10 genuineness, regularity, ~~or~~ legality, ~~thereof~~ or the truth of
11 any statement contained ~~therein~~ **in an application**, or for any
12 other reason ~~, when~~ authorized by law.

13 (2) **If the department has reasonable cause to believe that an**
14 **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 persons described
20 in subdivisions (a) through ~~(l)~~ **(m)**:

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

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

25 (c) A person whose license is suspended, revoked, denied, or
26 canceled in any state. If the suspension, revocation, denial, or
27 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, MCL
9 750.411a, 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, MCL
18 750.411a, involving a school when he or she was 14 years of age
19 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.

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

20 (2) The first operator's license issued to a person who at
21 the time of application is less than 20-1/2 years of age shall
22 expire on the licensee's twenty-first birthday unless suspended
23 or revoked. Until July 1, 2003, the secretary of state shall
24 code the license in a manner which clearly identifies the
25 licensee as being less than 21 years of age.

26 (3) The first chauffeur's license issued to a person shall
27 expire on the licensee's birthday in the fourth year following

1 the date of issuance unless ~~the license is suspended or revoked~~
2 ~~before that date or is~~ issued pursuant to section 314b. The
3 chauffeur's license of a person who at the time of application is
4 less than 20-1/2 years of age shall expire on the licensee's
5 twenty-first birthday unless suspended or revoked. Until July 1,
6 2003, the secretary of state shall code the license in a manner
7 which clearly identifies the licensee as being less than 21 years
8 of age. A subsequent chauffeur's license shall expire on the
9 birthday of the person to whom the license is issued in the
10 fourth year following the date of issuance of the license unless
11 the license is suspended or revoked before that date or is issued
12 pursuant to section 314b.

13 **(4) The expiration of a legal alien's license shall be the**
14 **expiration date as prescribed under subsection (1) or the date on**
15 **which that person's presence in the United States becomes**
16 **unlawful, whichever occurs first.**

17 **(5) ~~(4)~~** A person may apply for an extension of his or her
18 driving privileges if he or she is out of state on the date that
19 his or her operator's or chauffeur's license expires. The
20 extension may extend the license for 90 days beyond the
21 expiration date or within 2 weeks after the applicant returns to
22 Michigan, whichever occurs first.

23 **(6) ~~(5)~~** A person who will be out of state for more than 90
24 days beyond the expiration date of his or her operator's license
25 may apply for a 2-year extension of his or her driving
26 privileges. The applicant for this extension shall submit a
27 statement evidencing a vision examination in accordance with the

1 rules promulgated by the secretary of state under section 309.
2 The fee for a 2-year extension shall be the same as provided in
3 section 314b(2).