

SENATE BILL No. 575

October 4, 1989, Introduced by Senators N. SMITH,
GEAKE, GAST and WELBORN and referred to the Committee
on Judiciary.

A bill to amend section 303 of Act No. 300 of the Public
Acts of 1949, entitled as amended

"Michigan vehicle code,"

as amended by Act No. 346 of the Public Acts of 1988, being sec-
tion 257.303 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 303 of Act No. 300 of the Public Acts of
2 1949, as amended by Act No. 346 of the Public Acts of 1988, being
3 section 257.303 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 303. (1) The secretary of state shall not issue a
6 license under this act:

7 (a) To a person, as an operator, who is 17 years of age or
8 less, except that the secretary of state may issue a license to a
9 person who is not less than 16 years of age and who has

1 satisfactorily passed a driver education course and examination
2 given by a public school or nonpublic school of this or another
3 state offering a course approved by the department of education,
4 or an equivalent examination as prescribed in section 811. The
5 secretary of state may issue to a person not less than 14 years
6 of age a restricted license as provided in this act. This subdi-
7 vision shall not apply to a person who has been the holder of a
8 valid driver's license issued by another state, territory, or
9 possession of the United States or another sovereignty for at
10 least 1 year immediately before application for a driver's
11 license under this act.

12 (b) To a person, as a chauffeur, who is 17 years of age or
13 less, except that the secretary of state may issue a license to a
14 person who is not less than 16 years of age and who has satisfac-
15 torily passed a driver education course and examination given by
16 a public school or nonpublic school of this or another state
17 offering a course approved by the department of education, or an
18 equivalent examination as prescribed in section 811.

19 (c) To a person whose license has been suspended during the
20 period for which the license was suspended.

21 (d) To a person whose license has been revoked under this
22 act until the later of the following:

23 (i) The expiration of not less than 1 year after the license
24 was revoked.

25 (ii) The expiration of not less than 5 years after the date
26 of a subsequent revocation occurring within 7 years after the
27 date of any prior revocation.

1 (e) To a person who is an habitual violator of the criminal
2 laws relating to operating a vehicle while impaired by or under
3 the influence of intoxicating liquor or a controlled substance or
4 a combination of intoxicating liquor and a controlled substance,
5 or with a blood alcohol content of 0.10% or more by weight of
6 alcohol. Convictions of any of the following, whether under a
7 law of this state, a local ordinance substantially corresponding
8 to a law of this state, or a law of another state substantially
9 corresponding to a law of this state, shall be prima facie evi-
10 dence that the person is an habitual violator as described in
11 this subdivision:

12 (i) Two convictions under section 625(1) or (2), or 1 con-
13 viction under section 625(1) and 1 conviction under section
14 625(2) within 7 years.

15 (ii) Three convictions under section 625b within 10 years.

16 (f) To a person who in the opinion of the secretary of state
17 is afflicted with or suffering from a physical or mental disabil-
18 ity or disease which prevents that person from exercising reason-
19 able and ordinary control over a motor vehicle while operating
20 the motor vehicle upon the highways.

21 (g) To a person who is unable to understand highway warning
22 or direction signs in the English language.

23 (h) To a person who is an habitually reckless driver. Four
24 convictions of reckless driving under this act or any other law
25 of this state relating to reckless driving or under a local ordi-
26 nance of this state or a law of another state which defines the
27 term "reckless driving" substantially similar to the law of this

1 state shall be prima facie evidence that the person is an
2 habitually reckless driver.

3 (i) To a person who is an habitual criminal. Two convic-
4 tions of a felony involving the use of a motor vehicle in this or
5 another state shall be prima facie evidence that the person is an
6 habitual criminal.

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

12 (k) To a person who has been convicted, received a probate
13 court finding, or been determined responsible for 2 or more
14 moving violations under a law of this state, a local ordinance
15 substantially corresponding to a law of this state, or a law of
16 another state substantially corresponding to a law of this state,
17 within the preceding 3 years, if the violations occurred prior to
18 the issuance of an original license to the person in this or
19 another state.

20 (l) To a nonresident.

21 (M) TO A PERSON WHOSE LICENSE IS ORDERED DENIED FOR A VIOLA-
22 TION OR ATTEMPTED VIOLATION OF SECTION 7401, 7402, 7403, 7404, OR
23 7407 OF THE PUBLIC HEALTH CODE, ACT NO. 368 OF THE PUBLIC ACTS OF
24 1978, BEING SECTIONS 333.7401, 333.7402, 333.7403, 333.7404, AND
25 333.7407 OF THE MICHIGAN COMPILED LAWS, OR A LOCAL ORDINANCE, LAW
26 OF ANOTHER STATE, OR LAW OF THE UNITED STATES SUBSTANTIALLY
27 CORRESPONDING TO SECTION 7401, 7402, 7403, 7404, OR 7407 OF THE

1 PUBLIC HEALTH CODE, ACT NO. 368 OF THE PUBLIC ACTS OF 1978, FOR
2 THE PERIOD SPECIFIED IN THE CERTIFICATE OF CONVICTION OR PROBATE
3 COURT ORDER OF DISPOSITION FORWARDED TO THE SECRETARY OF STATE.

4 (2) Upon receipt of the appropriate records of conviction,
5 the secretary of state shall revoke the operator's or chauffeur's
6 license of a person having any of the following convictions,
7 whether under a law of this state, a local ordinance substan-
8 tially corresponding to a law of this state, or a law of another
9 state substantially corresponding to a law of this state:

10 (a) Four convictions of reckless driving within 7 years.

11 (b) Two convictions of a felony involving the use of a motor
12 vehicle within 7 years.

13 (c) Two convictions under section 625(1) or (2), or 1 con-
14 viction under section 625(1) and 1 conviction under section
15 625(2) within 7 years.

16 (d) Three convictions under section 625b within 10 years.

17 (3) The secretary of state shall revoke a license under sub-
18 section (2) notwithstanding a court order issued under section
19 625 or 625b, or a local ordinance substantially corresponding to
20 section 625(1) or (2) or 625b.