

# SENATE BILL No. 10

January 24, 1991, Introduced by Senator WELBORN and referred to the Committee on Judiciary.

A bill to amend sections 303 and 319 of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," section 303 as amended by Act No. 346 of the Public Acts of 1988 and section 319 as amended by Act No. 406 of the Public Acts of 1988, being sections 257.303 and 257.319 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 303 and 319 of Act No. 300 of the  
2 Public Acts of 1949, section 303 as amended by Act No. 346 of the  
3 Public Acts of 1988 and section 319 as amended by Act No. 406 of  
4 the Public Acts of 1988, being sections 257.303 and 257.319 of  
5 the Michigan Compiled Laws, are amended to read as follows:

6 Sec. 303. (1) The secretary of state shall not issue a  
7 license under this act TO ANY OF THE FOLLOWING:

1       (a) ~~To a~~ A person, as an operator, who is ~~17 years of age~~  
2 ~~or~~ less THAN 18 YEARS OF AGE, except that the secretary of state  
3 may issue a license to a person who is not less than 16 years of  
4 age and who has satisfactorily passed a driver education course  
5 and examination given by a public school or nonpublic school of  
6 this or another state offering a course approved by the depart-  
7 ment of education, or an equivalent COURSE AND examination as  
8 prescribed in section 811. The secretary of state may issue to a  
9 person not less than 14 years of age a restricted license as pro-  
10 vided in this act. This subdivision ~~shall~~ DOES not apply to a  
11 person who has been the holder of a valid driver's license issued  
12 by another state, territory, or possession of the United States  
13 or another sovereignty for at least 1 year immediately before  
14 application for a driver's license under this act.

15       (b) ~~To a~~ A person, as a chauffeur, who is ~~17 years of age~~  
16 ~~or~~ less THAN 18 YEARS OF AGE, except that the secretary of state  
17 may issue a license to a person who is not less than 16 years of  
18 age and who has satisfactorily passed a driver education course  
19 and examination given by a public school or nonpublic school of  
20 this or another state offering a course approved by the depart-  
21 ment of education, or an equivalent COURSE AND examination as  
22 prescribed in section 811.

23       (c) ~~To a~~ A person whose license has been suspended during  
24 the period for which the license was suspended.

25       (d) ~~To a~~ A person whose license has been revoked under  
26 this act until the later of the following:

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

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

6 (e) ~~To a~~ A person who is an habitual violator of the crim-  
7 inal laws relating to operating a vehicle while impaired by or  
8 under the influence of intoxicating liquor or a controlled sub-  
9 stance or a combination of intoxicating liquor and a controlled  
10 substance, or with a blood alcohol content of 0.10% or more by  
11 weight of alcohol. Convictions of any of the following, whether  
12 under a law of this state, a local ordinance substantially corre-  
13 sponding to a law of this state, or a law of another state sub-  
14 stantially corresponding to a law of this state, shall be prima  
15 facie evidence that the person is an habitual violator as  
16 described in this subdivision:

17 (i) Two convictions under section 625(1) or (2), or 1 con-  
18 viction under section 625(1) and 1 conviction under section  
19 625(2) within 7 years.

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

21 (f) ~~To a~~ A person who in the opinion of the secretary of  
22 state is afflicted with or suffering from a physical or mental  
23 disability or disease ~~which~~ THAT prevents that person from  
24 exercising reasonable and ordinary control over a motor vehicle  
25 while operating the motor vehicle upon the highways.

26 (g) ~~To a~~ A person who is unable to understand highway  
27 warning or direction signs in the English language.

1       (h) ~~Te-a~~ A person who is an habitually reckless driver.  
2 Four convictions of reckless driving under this act or any other  
3 law of this state relating to reckless driving or under a local  
4 ordinance of this state or a law of another state which defines  
5 the term "reckless driving" substantially similar to the law of  
6 this state shall be prima facie evidence that the person is an  
7 habitually reckless driver.

8       (i) ~~Te-a~~ A person who is an habitual criminal. Two con-  
9 victions of a felony involving the use of a motor vehicle in this  
10 or another state shall be prima facie evidence that the person is  
11 an habitual criminal.

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

18       (k) ~~Te-a~~ A person who has been convicted, received a pro-  
19 bate court ~~finding~~ DISPOSITION, or been determined responsible  
20 for 2 or more moving violations under a law of this state, a  
21 local ordinance substantially corresponding to a law of this  
22 state, or a law of another state substantially corresponding to a  
23 law of this state, within the preceding 3 years, if the viola-  
24 tions occurred prior to the issuance of an original license to  
25 the person in this or another state.

26       (l) ~~Te-a~~ A nonresident.

1 (M) A PERSON NOT LICENSED UNDER THIS ACT WHO HAS BEEN  
2 CONVICTED OR RECEIVED A PROBATE COURT DISPOSITION FOR COMMITTING  
3 A VIOLATION DESCRIBED IN SECTION 319(8), FOR THE PERIOD OF TIME  
4 THAT CORRESPONDS TO THE PERIOD OF SUSPENSION THAT WOULD HAVE BEEN  
5 IMPOSED UNDER SECTION 319(8) IF THE PERSON HAD BEEN LICENSED AT  
6 THE TIME OF THE VIOLATION.

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

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

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

16 (c) Two convictions under section 625(1) or (2), or 1 con-  
17 viction under section 625(1) and 1 conviction under section  
18 625(2) within 7 years.

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

20 (3) The secretary of state shall revoke a license under sub-  
21 section (2) notwithstanding a court order issued under section  
22 625 or 625b, or a local ordinance substantially corresponding to  
23 section 625(1) or (2) or 625b.

24 (4) AS USED IN THIS SECTION, "PROBATE COURT DISPOSITION"  
25 MEANS THE ENTRY OF A PROBATE COURT ORDER OF DISPOSITION FOR A  
26 CHILD FOUND TO BE WITHIN THE PROVISIONS OF CHAPTER XIIA OF ACT

1 NO. 288 OF THE PUBLIC ACTS OF 1939, BEING SECTIONS 712A.1 TO  
2 712A.28 OF THE MICHIGAN COMPILED LAWS.

3       Sec. 319. (1) The secretary of state shall immediately sus-  
4 pend for a period of not less than 90 days ~~—, nor~~ OR more than 2  
5 years ~~—, the~~ license of a person upon receiving a record of the  
6 conviction ~~of the person or the entry of a~~ probate court  
7 ~~order of~~ disposition ~~for a child found to be within the provi-~~  
8 ~~sions of chapter XIIIA of Act No. 288 of the Public Acts of 1939,~~  
9 ~~being sections 712A.1 to 712A.28 of the Michigan Compiled Laws,~~  
10 OF THE PERSON FOR any of the following crimes or attempts to  
11 commit any of the following crimes, whether the conviction or  
12 probate court disposition is under a law of this state, a local  
13 ordinance substantially corresponding to a law of this state, or  
14 a law of another state substantially corresponding to a law of  
15 this state:

16       (a) Fraudulently altering or forging documents pertaining to  
17 motor vehicles, in violation of section 257.

18       (b) Perjury or the making of a false certification to the  
19 secretary of state under any law requiring the registration of a  
20 motor vehicle or regulating the operation of a motor vehicle on a  
21 highway.

22       (c) A violation of section 324, 413, or 414 of the Michigan  
23 penal code, Act No. 328 of the Public Acts of 1931, being sec-  
24 tions 750.324, 750.413, and 750.414 of the Michigan Compiled  
25 Laws; or a violation of section 1 of Act No. 214 of the Public  
26 Acts of 1931, being section 752.191 of the Michigan Compiled  
27 Laws.

1 (d) Conviction upon 3 charges of reckless driving within the  
2 preceding 12 months.

3 (e) Failing to stop and disclose identity at the scene of an  
4 accident resulting in death or injury to another person, in vio-  
5 lation of section 617.

6 (f) A felony in which a motor vehicle was used. As used in  
7 this section, "felony in which a motor vehicle was used" means a  
8 felony during the commission of which the person convicted oper-  
9 ated a motor vehicle and while operating the vehicle presented  
10 real or potential harm to persons or property and 1 or more of  
11 the following circumstances existed:

12 (i) The vehicle was used as an instrument of the felony.

13 (ii) The vehicle was used to transport a victim of the  
14 felony.

15 (iii) The vehicle was used to flee the scene of the felony.

16 (iv) The vehicle was necessary for the commission of the  
17 felony.

18 (2) The secretary of state shall suspend, for the period  
19 described in subsection (1), the license of a person upon receiv-  
20 ing the record of conviction of the person for a violation of a  
21 law of another state substantially corresponding to section  
22 625(1) or (2).

23 (3) The secretary of state shall suspend the license of a  
24 person convicted of malicious destruction resulting from the  
25 operation of a motor vehicle under section 382 of ~~the Michigan~~  
26 ~~penal code,~~ Act No. 328 of the Public Acts of 1931, as amended,  
27 being section 750.382 of the Michigan Compiled Laws, for a period

1 of not more than 1 year as ordered by the court as part of the  
2 sentence.

3       (4) The secretary of state shall immediately suspend the  
4 license of a person for the period specified in the certificate  
5 of conviction upon receipt of the person's license and certifi-  
6 cate of conviction forwarded to the secretary of state pursuant  
7 to section 367c of ~~the Michigan penal code,~~ Act No. 328 of the  
8 Public Acts of 1931, being section 750.367c of the Michigan  
9 Compiled Laws.

10       (5) The secretary of state shall suspend, for a period of  
11 not less than 6 months ~~nor~~ OR more than 18 months, the license  
12 of a person having the following convictions within a 7-year  
13 period, whether under the law of this state, a local ordinance  
14 substantially corresponding to a law of this state, or a law of  
15 another state substantially corresponding to a law of this  
16 state:

17       (a) Two convictions under section 625b.

18       (b) One conviction under section 625(1) or (2) followed by 1  
19 conviction under section 625b.

20       (6) Upon receipt of a certificate of conviction pursuant to  
21 section 33b(3) of the Michigan liquor control act, Act No. 8 of  
22 the Public Acts of the Extra Session of 1933, being section  
23 436.33b of the Michigan Compiled Laws, or a local ordinance or  
24 law of another state substantially corresponding to section  
25 33b(3) of Act No. 8 of the Public Acts of the Extra Session of  
26 1933, the secretary of state shall suspend the person's  
27 operator's or chauffeur's license for a period of 90 days. A



1 suspension under this subsection shall be in addition to any  
2 other suspension of the person's license.

3 (7) Upon receipt of the record of the conviction ~~of a~~  
4 ~~person,~~ or ~~the entry of a~~ probate court ~~order of~~ disposition  
5 ~~for a child found to be within the provisions of chapter XIIA of~~  
6 ~~Act No. 288 of the Public Acts of 1939,~~ OF A PERSON for a viola-  
7 tion of section 602a of this act or section 479a(1), (4), or (5)  
8 of Act No. 328 of the Public Acts of 1931, being section 750.479a  
9 of the Michigan Compiled Laws, the secretary of state immediately  
10 shall suspend the license of the person for the period ordered by  
11 the court as part of the sentence or disposition.

12 (8) UPON RECEIPT OF THE RECORD OF THE CONVICTION OR PROBATE  
13 COURT DISPOSITION OF A PERSON FOR A VIOLATION OF SECTION 7401,  
14 7402, 7403, 7404, 7405, 7406, 7407, OR 7416 OF THE PUBLIC HEALTH  
15 CODE, ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING  
16 SECTIONS 333.7401, 333.7402, 333.7403, 333.7404, 333.7405,  
17 333.7406, 333.7407, AND 333.7416 OF THE MICHIGAN COMPILED LAWS,  
18 THE SECRETARY OF STATE SHALL SUSPEND THE PERSON'S OPERATOR'S OR  
19 CHAUFFEUR'S LICENSE AS FOLLOWS:

20 (A) IF THE PERSON HAS NO PREVIOUS CONVICTIONS OR PROBATE  
21 COURT DISPOSITIONS FOR A VIOLATION LISTED IN THIS SUBSECTION, FOR  
22 A PERIOD OF 30 DAYS.

23 (B) IF THE PERSON HAS 1 PREVIOUS CONVICTION OR PROBATE COURT  
24 DISPOSITION FOR A VIOLATION LISTED IN THIS SUBSECTION, FOR A  
25 PERIOD OF 90 DAYS.

1 (C) IF THE PERSON HAS 2 OR MORE PREVIOUS CONVICTIONS OR  
2 PROBATE COURT DISPOSITIONS FOR 1 OR MORE OF THE VIOLATIONS LISTED  
3 IN THIS SUBSECTION, FOR A PERIOD OF 6 MONTHS.

4 (9) ~~-(8)-~~ For purposes of this section, the secretary of  
5 state shall treat a conviction or probate court disposition ~~for~~  
6 ~~a child found to be within the provisions of chapter XIIIA of Act~~  
7 ~~No. 288 of the Public Acts of 1939~~ for an attempted offense as  
8 if the offense had been completed.

9 (10) AS USED IN THIS SECTION, "PROBATE COURT DISPOSITION"  
10 MEANS THE ENTRY OF A PROBATE COURT ORDER OF DISPOSITION FOR A  
11 CHILD FOUND TO BE WITHIN THE PROVISIONS OF CHAPTER XIIIA OF ACT  
12 NO. 288 OF THE PUBLIC ACTS OF 1939, BEING SECTIONS 712A.1 TO  
13 712A.28 OF THE MICHIGAN COMPILED LAWS.

14 Section 2. This amendatory act shall not take effect unless  
15 Senate Bill No. 11

16 of the 86th Legislature is enacted into law.