



SENATE BILL No. 1235

September 14, 1994, Introduced by Senators DI NELLO,
HOFFMAN, GAST and GOUGEON and referred to the
Committee on Judiciary

A bill to amend sections 303, 319, and 602a of Act No 300
of the Public Acts of 1949, entitled as amended

"Michigan vehicle code,"

section 303 as amended by Act No 359 of the Public Acts of 1993,
section 319 as amended by Act No 211 of the Public Acts of 1994,
and section 602a as amended by Act No 406 of the Public Acts of
1988, being sections 257 303, 257 319, and 257 602a of the
Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Sections 303, 319, and 602a of Act No 300 of
2 the Public Acts of 1949, section 303 as amended by Act No 359 of
3 the Public Acts of 1993, section 319 as amended by Act No 211 of
4 the Public Acts of 1994, and section 602a as amended by Act
5 No 406 of the Public Acts of 1988, being sections 257 303,

1 257 319, and 257 602a of the Michigan Compiled Laws, are amended
2 to read as follows

3 Sec 303 (1) The secretary of state shall not issue a
4 license under this act to any of the following

5 (a) A person, as an operator, who is less than 18 years of
6 age, except ~~that~~ the secretary of state may issue a license to
7 a person who is not less than 16 years of age and who has satis-
8 factorily passed a driver education course and examination given
9 by a public school or nonpublic school of this or another state
10 offering a course approved by the department of education, or an
11 equivalent course and examination as prescribed in section 811
12 The secretary of state may issue A RESTRICTED LICENSE to a person
13 not less than 14 years of age ~~a restricted license~~ as provided
14 in this act This subdivision ~~shall~~ DOES not apply to a person
15 who has ~~been the holder of~~ HELD a valid ~~driver's~~ DRIVER
16 license issued by another state, territory, or possession of the
17 United States or another sovereignty for at least 1 year immedi-
18 ately before application for a ~~driver's~~ DRIVER license under
19 this act

20 (b) A person, as a chauffeur, who is less than 18 years of
21 age, except ~~that~~ the secretary of state may issue a license to
22 a person who is not less than 16 years of age and who has satis-
23 factorily passed a driver education course and examination given
24 by a public school or nonpublic school of this or another state
25 offering a course approved by the department of education, or an
26 equivalent course and examination as prescribed in section 811

1 (c) A person whose license has been suspended during the
2 period for which the license was suspended

3 (d) A person who has been convicted under section 625(4) or
4 (5)

5 (E) A PERSON WHO HAS BEEN CONVICTED UNDER SECTION 479A(6) OF
6 THE MICHIGAN PENAL CODE, ACT NO 328 OF THE PUBLIC ACTS OF 1931,
7 BEING SECTION 750 479A OF THE MICHIGAN COMPILED LAWS

8 (F) A PERSON WHO HAS BEEN CONVICTED UNDER SECTION 602A(5)

9 (G) ~~-(e)-~~ A person who is ~~-an-~~ A habitual violator of the
10 criminal laws relating to operating a vehicle while impaired by
11 or under the influence of intoxicating liquor or a controlled
12 substance or a combination of intoxicating liquor and a con-
13 trolled substance, or with a blood alcohol content of 0 10% or
14 more by weight of alcohol Convictions of any of the following,
15 whether under a law of this state, a local ordinance substan-
16 tially corresponding to a law of this state, or a law of another
17 state substantially corresponding to a law of this state, ~~-shall~~
18 ~~be-~~ ARE prima facie evidence that the person is ~~-an-~~ A habitual
19 violator as described in this subdivision

20 (1) Any combination of 2 convictions within 7 years for 1 or
21 more of the following

22 (A) A violation of section 625(1), (4), or (5)

23 (B) A violation of former section 625(1) or (2)

24 (11) Any combination of 3 convictions within 10 years for 1
25 or more of the following

26 (A) A violation of section 625(1), (3), (4), or (5)

1 (B) A violation of former section 625(1) or (2) or former
2 section 625b

3 (H) ~~-(f)-~~ A person who in the opinion of the secretary of
4 state is afflicted with or suffering from a physical or mental
5 disability or disease ~~-which prevents-~~ PREVENTING that person
6 from exercising reasonable and ordinary control over a motor
7 vehicle while operating the motor vehicle upon the highways

8 (I) ~~-(g)-~~ A person who is unable to understand highway warn-
9 ing or direction signs in the English language

10 (J) ~~-(h)-~~ A person who is ~~-an-~~ A habitually reckless
11 driver Four convictions of reckless driving under this act or
12 any other law of this state relating to reckless driving or under
13 a local ordinance of this state or a law of another state ~~-which-~~
14 THAT defines the term "reckless driving" substantially ~~-similar-~~
15 SIMILARLY to the law of this state ~~-shall be-~~ ARE prima facie
16 evidence that the person is ~~-an-~~ A habitually reckless driver

17 (K) ~~-(i)-~~ A person who is ~~-an-~~ A habitual criminal Two
18 convictions of a felony ~~-involving the use of-~~ IN WHICH a motor
19 vehicle WAS USED in this or another state shall be prima facie
20 evidence that the person is ~~-an-~~ A habitual criminal

21 (l) ~~-(j)-~~ A person who is unable to pass a knowledge, skill,
22 or ability test administered by the secretary of state in connec-
23 tion with the issuance of an original operator's or chauffeur's
24 license, original motorcycle indorsement, or an original or
25 renewal of a vehicle group designation or vehicle indorsement

26 (M) ~~-(k)-~~ A person who has been convicted OF, received a
27 probate court disposition FOR, or been determined responsible for

1 2 or more moving violations under a law of this state, a local
 2 ordinance substantially corresponding to a law of this state, or
 3 a law of another state substantially corresponding to a law of
 4 this state, within the preceding 3 years ~~—~~ if the violations
 5 occurred ~~prior to the issuance of~~ BEFORE an original license
 6 WAS ISSUED to the person in this STATE or another state

7 (N) ~~(I)~~ A nonresident

8 (O) ~~(M)~~ A person not licensed under this act who has been
 9 convicted of or received a probate court disposition for commit-
 10 ting a crime described in section 319, 324, or 904 A person
 11 shall be denied a license under this subdivision for the length
 12 of time that corresponds to the period of the licensing sanction
 13 that would have been imposed under section 319, 324, or 904 if
 14 the person had been licensed at the time of the violation

15 (P) ~~(N)~~ A person not licensed under this act who has been
 16 convicted of or received a probate court disposition for commit-
 17 ting a crime described in section 319e A person shall be denied
 18 a license under this subdivision for the length of time ~~that~~
 19 ~~corresponds~~ CORRESPONDING to the period of the licensing sanc-
 20 tion that would have been imposed under section 319e if the
 21 person had been licensed at the time of the violation

22 (2) Upon receipt of the appropriate records of conviction,
 23 the secretary of state shall revoke the operator's or chauffeur's
 24 license of a person having any of the following convictions,
 25 whether under a law of this state, a local ordinance substan-
 26 tially corresponding to a law of this state, or a law of another
 27 state substantially corresponding to a law of this state

- 1 (a) Four convictions of reckless driving within 7 years
- 2 (b) Two convictions of a felony ~~involving the use of~~ IN
- 3 WHICH a motor vehicle WAS USED within 7 years
- 4 (c) Any combination of 2 convictions within 7 years for ~~1~~
- 5 ~~or more~~ ANY of the following
- 6 (1) A violation of section 625(1)
- 7 (11) A violation of former section 625(1) or (2)
- 8 (111) A violation of section 625(4) or (5)
- 9 (d) One conviction under section 625(4) or (5)
- 10 (e) Any combination of 3 convictions within 10 years for ~~1~~
- 11 ~~or more~~ ANY of the following
- 12 (1) A violation of section 625(1), (3), (4), or (5)
- 13 (11) A violation of former section 625(1) or (2) or former
- 14 section 625b
- 15 (F) ONE CONVICTION UNDER SECTION 479A(6) OF THE MICHIGAN
- 16 PENAL CODE, ACT NO 328 OF THE PUBLIC ACTS OF 1931, BEING SECTION
- 17 750 479A OF THE MICHIGAN COMPILED LAWS
- 18 (G) ONE CONVICTION UNDER SECTION 602A(5)
- 19 (3) The secretary of state shall revoke a license under sub-
- 20 section (2) notwithstanding a court order issued under section
- 21 625, section 625b, former section 625(1) or (2), or former sec-
- 22 tion 625b, or a local ordinance substantially corresponding to
- 23 section 625, section 625b, former section 625(1) or (2), or
- 24 former section 625b
- 25 (4) The secretary of state shall not issue a license under
- 26 this act to a person whose license has been revoked under this

1 act or denied under subsection (1)(d), (e), (h), or (i) until
2 both of the following occur

3 (a) The later of the following

4 (1) The expiration of not less than 1 year after the license
5 was revoked or denied

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

9 (b) The person meets the requirements of the department

10 (5) Multiple convictions, civil infraction determinations,
11 or probate court dispositions resulting from the same incident
12 shall be treated as a single violation for purposes of denial or
13 revocation of a license under this section

14 Sec 319 (1) The secretary of state shall immediately sus-
15 pend for a period of not less than 90 days or more than 2 years,
16 the license of a person upon receiving a record of the conviction
17 or probate court disposition of the person for any of the follow-
18 ing crimes or attempts to commit any of the following crimes,
19 whether the conviction or probate court disposition is under a
20 law of this state, a local ordinance substantially corresponding
21 to a law of this state, or a law of another state substantially
22 corresponding to a law of this state

23 (a) Fraudulently altering or forging documents pertaining to
24 motor vehicles, in violation of section 257

25 (b) Perjury or the making of a false certification to the
26 secretary of state under any law requiring the registration of a

1 motor vehicle or regulating the operation of a motor vehicle on a
2 highway

3 (c) A violation of section 324, 413, or 414 of the Michigan
4 penal code, Act No 328 of the Public Acts of 1931, being sec-
5 tions 750 324, 750 413, and 750 414 of the Michigan Compiled
6 Laws or a violation of section 1 of Act No 214 of the Public
7 Acts of 1931, being section 752 191 of the Michigan Compiled
8 Laws

9 (d) Conviction upon 3 charges of reckless driving within the
10 preceding 36 months

11 (e) Failing to stop and disclose identity at the scene of an
12 accident resulting in death or injury to another person, in vio-
13 lation of section 617 or 617a

14 (f) A felony in which a motor vehicle was used As used in
15 this section, "felony in which a motor vehicle was used" means a
16 felony during the commission of which the person convicted oper-
17 ated a motor vehicle and while operating the vehicle presented
18 real or potential harm to persons or property and 1 or more of
19 the following circumstances existed

20 (1) The vehicle was used as an instrument of the felony

21 (11) The vehicle was used to transport a victim of the
22 felony

23 (111) The vehicle was used to flee the scene of the felony

24 (iv) The vehicle was necessary for the commission of the
25 felony

26 (2) The secretary of state shall suspend the license of a
27 person convicted of malicious destruction resulting from the

1 operation of a motor vehicle under section 382 of the Michigan
2 penal code, Act No 328 of the Public Acts of 1931, as amended,
3 being section 750 382 of the Michigan Compiled Laws, for a period
4 of not more than 1 year as ordered by the court as part of the
5 sentence

6 (3) The secretary of state shall immediately suspend the
7 license of a person for the period specified in the certificate
8 of conviction upon receipt of the person's license and certifi-
9 cate of conviction forwarded to the secretary of state pursuant
10 to section 367c of the Michigan penal code, Act No 328 of the
11 Public Acts of 1931, being section 750 367c of the Michigan
12 Compiled Laws

13 (4) Except as otherwise provided in subsection (9), if a
14 court has not ordered a suspension of a person's license under
15 this act for a violation described in subdivision (a), (b), (c),
16 or (d) for a period equal to or greater than the period of a sus-
17 pension prescribed under subdivision (a), (b), (c), or (d) for
18 the violation, the secretary of state shall suspend the license
19 as follows, notwithstanding a court order issued under
20 section 625(1), (3), or (6), or section 625b, or former section
21 625(1) or (2), or former section 625b, or a local ordinance sub-
22 stantially corresponding to section 625(1), (3), or (6), or sec-
23 tion 625b, or former section 625(1) or (2), or former section
24 625b

25 (a) For a period of not less than 90 days or more than 1
26 year, upon receiving a record of the conviction of the person for
27 a violation of section 625(3), a local ordinance substantially

1 corresponding to section 625(3), or a law of another state
2 substantially corresponding to section 625(3), if the person has
3 no prior convictions within 7 years for a violation of section
4 625(1), (3), (4), or (5), or former section 625(1) or (2), or
5 former section 625b, a local ordinance substantially correspond-
6 ing to section 625(1) or (3), or former section 625(1) or (2), or
7 former section 625b, or a law of another state substantially cor-
8 responding to section 625(1), (3), (4), or (5), former section
9 625(1) or (2), or former section 625b However, if the person is
10 convicted of a violation of section 625(3), a local ordinance
11 substantially corresponding to section 625(3), or a law of
12 another state substantially corresponding to section 625(3) for
13 operating a vehicle when, due to the consumption of a controlled
14 substance or a combination of intoxicating liquor and a con-
15 trolled substance, the person's ability to operate the vehicle
16 was visibly impaired, the secretary of state shall suspend the
17 person's license under this subdivision for a period of not less
18 than 6 months or more than 1 year

19 (b) For a period of not less than 6 months or more than 2
20 years, if the person has the following convictions within a
21 7-year period, whether under the law of this state, a local ordi-
22 nance substantially corresponding to a law of this state, or a
23 law of another state substantially corresponding to a law of this
24 state

25 (1) One conviction under section 625(1) or former section
26 625(1) or (2)

1 (11) Any combination of 2 convictions under section 625(3)
2 or former section 625b

3 (111) One conviction under section 625(1) or former section
4 625(1) or (2) and 1 conviction under section 625(3) or former
5 section 625b

6 (iv) One conviction under section 625(4) or (5) followed by
7 1 conviction under section 625(3)

8 (c) For a period of not less than 30 or more than 90 days,
9 upon receiving a record of the conviction of the person for a
10 violation of section 625(6), a local ordinance substantially cor-
11 responding to section 625(6), or a law of another state substan-
12 tially corresponding to section 625(6), if the person has no
13 prior convictions within 7 years for a violation of section
14 625(1), (3), (4), (5), or (6), former section 625(1) or (2), or
15 former section 625b, a local ordinance substantially correspond-
16 ing to section 625(1), (3), or (6), former section 625(1) or (2),
17 or former section 625b, or a law of another state substantially
18 corresponding to section 625(1), (3), (4), (5), or (6), former
19 section 625(1) or (2), or former section 625b

20 (d) For a period of not less than 90 days or more than 1
21 year, upon receiving a record of the conviction of the person for
22 a violation of section 625(6), a local ordinance substantially
23 corresponding to section 625(6), or a law of another state sub-
24 stantially corresponding to section 625(6), if the person has 1
25 or more prior convictions within 7 years for a violation of sec-
26 tion 625(1), (3), (4), (5), or (6), former section 625(1) or (2),
27 or former section 625b, a local ordinance substantially

1 corresponding to section 625(1), (3), or (6), former section
2 625(1) or (2), or former section 625b, or a law of another state
3 substantially corresponding to section 625(1), (3), (4), (5), or
4 (6), former section 625(1) or (2), or former section 625b

5 (5) Upon receipt of a certificate of conviction pursuant to
6 section 33b(3) of the Michigan liquor control act, Act No 8 of
7 the Public Acts of the Extra Session of 1933, being section
8 436 33b of the Michigan Compiled Laws, or a local ordinance or
9 law of another state substantially corresponding to section
10 33b(3) of Act No 8 of the Public Acts of the Extra Session of
11 1933, the secretary of state shall suspend the person's
12 operator's or chauffeur's license for a period of 90 days A
13 suspension under this subsection shall be in addition to any
14 other suspension of the person's license

15 (6) Upon receipt of the record of the conviction or probate
16 court disposition of a person for a violation of section ~~602a~~
17 602A(1) (3) OR (4) of this act or section 479a(1) (4) or (5)
18 of Act No 328 of the Public Acts of 1931, being section 750 479a
19 of the Michigan Compiled Laws, the secretary of state immediately
20 shall suspend the license of the person for the period ordered by
21 the court as part of the sentence or disposition

22 (7) Except as provided in subsection (9), a suspension pur-
23 suant to this section shall be imposed notwithstanding a court
24 order issued under section 625(1), (3), (4), (5), or (6), or sec-
25 tion 625b, or a local ordinance substantially corresponding to
26 section 625(1), (3), or (6) or section 625b

1 (8) If the secretary of state receives records of more than
2 1 conviction or probate court disposition of a person resulting
3 from the same incident, a suspension shall be imposed only for
4 the violation to which the longest period of suspension applies
5 under this section

6 (9) The secretary of state may waive a suspension of a
7 person's license imposed under subsection (4)(a), (b), (c), or
8 (d) or grant restrictions if the person submits proof that a
9 court revoked, suspended, or restricted his or her license for a
10 period equal to or greater than the period of a suspension pre-
11 scribed under subsection (4)(a), (b), (c), or (d) for the viola-
12 tion and that the revocation, suspension, or restriction was
13 served for the violation

14 Sec 602a (1) A driver of a motor vehicle who is given by
15 hand, voice, emergency light, or siren a visual or audible signal
16 by a police or conservation officer, acting in the lawful per-
17 formance of his or her duty, directing the driver to bring his or
18 her motor vehicle to a stop, and who willfully fails to obey that
19 direction by increasing the speed of the motor vehicle, extin-
20 guishing the lights of the motor vehicle, or otherwise attempting
21 to flee or elude the officer, is guilty of a misdemeanor, and
22 shall be punished by imprisonment for not less than 30 days nor
23 more than 1 year, and, in addition, may be fined not more than
24 \$1,000 00 and may be ordered to pay the costs of the
25 prosecution The court may depart from the minimum term of
26 imprisonment authorized under this subsection if the court finds
27 on the record that there are substantial and compelling reasons

1 to do so and if the court imposes community service as a part of
2 the sentence

3 (2) Subsection (1) does not apply unless the police or con-
4 servation officer giving the signal is in uniform, and the vehi-
5 cle driven by the police or conservation officer is identified as
6 an official police or department of natural resources vehicle

7 (3) A person who violates subsection (1) within 5 years of a
8 prior conviction of a violation of subsection (1) is guilty of a
9 felony, and shall be punished by imprisonment for ~~a mandatory~~
10 ~~minimum term of~~ not less than 1 year ~~and a maximum term of not~~
11 OR more than 4 years, and by a fine of not more than \$10,000 00,
12 together with the costs of the prosecution

13 (4) The driver of a motor vehicle who attempts to flee or
14 elude a police or conservation officer in violation of subsection
15 (1) and while attempting to so flee or elude causes serious
16 bodily injury to a person, is guilty of a felony, and shall be
17 punished by imprisonment for ~~a minimum term of~~ not less than 1
18 year ~~and a maximum term of not~~ OR more than 4 years, and by a
19 fine of not more than \$10,000 00, together with the costs of the
20 prosecution The court may depart from the minimum term of
21 imprisonment authorized under this subsection if the court finds
22 on the record that there are substantial and compelling reasons
23 to do so and if the court imposes community service as a part of
24 the sentence

25 (5) THE DRIVER OF A MOTOR VEHICLE WHO ATTEMPTS TO FLEE OR
26 ELUDE A POLICE OR CONSERVATION OFFICER IN VIOLATION OF SUBSECTION
27 (1) AND WHILE ATTEMPTING TO SO FLEE OR ELUDE CAUSES DEATH TO A

1 PERSON IS GUILTY OF A FELONY AND SHALL BE PUNISHED BY
2 IMPRISONMENT FOR NOT LESS THAN 4 YEARS OR MORE THAN 15 YEARS AND
3 BY A FINE OF NOT MORE THAN \$15,000 00, TOGETHER WITH THE COSTS OF
4 THE PROSECUTION THE COURT MAY DEPART FROM THE MINIMUM TERM OF
5 IMPRISONMENT AUTHORIZED UNDER THIS SUBSECTION IF THE COURT FINDS
6 ON THE RECORD THAT THERE ARE SUBSTANTIAL AND COMPELLING REASONS
7 TO DO SO AND IF THE COURT IMPOSES COMMUNITY SERVICE AS A PART OF
8 THE SENTENCE

9 (6) ~~-(5)-~~ As part of the sentence for a violation of
10 subsection (1), (3), or (4), the court shall order the secretary
11 of state to suspend the person's operator's or chauffeur's
12 license for a period of 1 year The person shall not be eligible
13 to receive a restricted license pursuant to section 323 or 323a
14 during the first 6 months of the period of suspension If a term
15 of imprisonment is served as a part of the sentence, the period
16 of suspension of the person's license shall begin after the com-
17 pletion of the term of imprisonment

18 (7) AS PART OF THE SENTENCE FOR A VIOLATION OF
19 SUBSECTION (5), THE COURT SHALL ORDER THE SECRETARY OF STATE TO
20 REVOKE THE PERSON'S OPERATOR'S OR CHAUFFEUR'S LICENSE IF A TERM
21 OF IMPRISONMENT IS SERVED AS A PART OF THE SENTENCE, THE PERIOD
22 OF REVOCATION OF THE PERSON'S LICENSE SHALL BEGIN AFTER THE COM-
23 PLETION OF THE TERM OF IMPRISONMENT

24 (8) ~~-(6)-~~ As used in this section, "serious bodily injury"
25 means serious impairment of a body function or permanent serious
26 disfigurement

1 Section 2 This amendatory act shall not take effect unless
2 Senate Bill No 1236
3 of the 87th Legislature is enacted into law