



# HOUSE BILL No. 5024

September 12, 1995, Introduced by Rep. Jamian and referred to the Committee on Judiciary and Civil Rights.

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," sections 303 and 319 as amended by Act No. 449 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, sections 303 and 319 as amended by Act  
3 No. 449 of the Public Acts of 1994 and section 602a as amended by  
4 Act No. 406 of the Public Acts of 1988, being sections 257.303,  
5 257.319, and 257.602a of the Michigan Compiled Laws, are amended  
6 to read as follows:

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

3           (a) A person, as an operator, who is less than 18 years of  
4 age, except the secretary of state may issue a license to a  
5 person who is not less than 16 years of age and who has satisfac-  
6 torily passed a driver education course and examination given by  
7 a public school or nonpublic school of this or another state  
8 offering a course approved by the department of education, or an  
9 equivalent course and examination as prescribed in section 811.  
10 The secretary of state may issue a restricted license to a person  
11 not less than 14 years of age as provided in this act. This sub-  
12 division does not apply to a person who has held a valid driver's  
13 license issued by another state, territory, or possession of the  
14 United States or another sovereignty for at least 1 year immedi-  
15 ately before application for a driver's license under this act.

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

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

25           (d) A person who has been convicted of or received a probate  
26 court disposition for section 625(4) or (5).

1 (e) A person who has been convicted of or received a probate  
2 court disposition for negligent homicide, manslaughter, or murder  
3 resulting from the operation of a motor vehicle.

4 (f) A person who is an habitual violator of the criminal  
5 laws relating to operating a vehicle while impaired by or under  
6 the influence of intoxicating liquor or a controlled substance or  
7 a combination of intoxicating liquor and a controlled substance,  
8 or with an alcohol content of 0.10 grams or more per 100 millili-  
9 ters of blood, per 210 liters of breath, or per 67 milliliters of  
10 urine. Convictions of any of the following, whether under a law  
11 of this state, a local ordinance substantially corresponding to a  
12 law of this state, or a law of another state substantially corre-  
13 sponding to a law of this state, are prima facie evidence that  
14 the person is an habitual violator as described in this  
15 subdivision:

16 (i) Any combination of 2 convictions within 7 years for 1 or  
17 more of the following:

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

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

20 (ii) Any combination of 3 convictions within 10 years for 1  
21 or more of the following if any of the convictions resulted from  
22 an arrest on or after January 1, 1992:

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

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

26 (g) A person who in the opinion of the secretary of state is  
27 afflicted with or suffering from a physical or mental disability

1 or disease preventing that person from exercising reasonable and  
2 ordinary control over a motor vehicle while operating the motor  
3 vehicle upon the highways.

4 (h) A person who is unable to understand highway warning or  
5 direction signs in the English language.

6 (i) A person who is an habitually reckless driver. Two con-  
7 victions within 7 years of reckless driving under this act or any  
8 other law of this state relating to reckless driving or under a  
9 local ordinance of this state or a law of another state that  
10 defines the term "reckless driving" substantially similarly to  
11 the law of this state are prima facie evidence that the person is  
12 an habitually reckless driver.

13 (j) A person who is an habitual criminal. Two convictions  
14 of a felony in which a motor vehicle was used in this or another  
15 state are prima facie evidence that the person is an habitual  
16 criminal.

17 (k) A person who is unable to pass a knowledge, skill, or  
18 ability test administered by the secretary of state in connection  
19 with the issuance of an original operator's or chauffeur's  
20 license, original motorcycle indorsement, or an original or  
21 renewal of a vehicle group designation or vehicle indorsement.

22 (l) A person who has been convicted of, has received a pro-  
23 bate court disposition for, or has been determined responsible  
24 for 2 or more moving violations under a law of this state, a  
25 local ordinance substantially corresponding to a law of this  
26 state, or a law of another state substantially corresponding to a  
27 law of this state, within the preceding 3 years, if the

1 violations occurred before issuance of an original license to the  
2 person in this or another state.

3 (m) A nonresident.

4 (n) A person not licensed under this act who has been con-  
5 victed of, has received a probate court disposition for, or has  
6 been determined responsible for a crime or civil infraction  
7 described in section 319, 324, or 904. A person shall be denied  
8 a license under this subdivision for the length of time corre-  
9 sponding to the period of the licensing sanction that would have  
10 been imposed under section 319, 324, or 904 if the person had  
11 been licensed at the time of the violation.

12 (o) A person not licensed under this act who has been con-  
13 victed of or received a probate court disposition for committing  
14 a crime described in section 319e. A person shall be denied a  
15 license under this subdivision for the length of time that corre-  
16 sponds to the period of the licensing sanction that would have  
17 been imposed under section 319e if the person had been licensed  
18 at the time of the violation.

19 (p) A person not licensed under this act who is determined  
20 to have violated section 33b(1) of the Michigan ~~Liquor Control~~  
21 ~~Act~~ LIQUOR CONTROL ACT, Act No. 8 of the Public Acts of the  
22 Extra Session of 1933, being section 436.33b of the Michigan  
23 Compiled Laws. ~~, or section 624b.~~ The person shall be denied a  
24 license under this subdivision for a period of time that corre-  
25 sponds to the period of the licensing sanction that would have  
26 been imposed under those sections had the person been licensed at  
27 the time of the violation.

1 (Q) A PERSON WHO HAS BEEN CONVICTED OF A VIOLATION OF  
2 SECTION 602A(4) OR (5) OF THIS ACT OR A VIOLATION OF SECTION  
3 479A(4) OR (5) OF THE MICHIGAN PENAL CODE, ACT NO. 328 OF THE  
4 PUBLIC ACTS OF 1931, BEING SECTION 750.479A OF THE MICHIGAN  
5 COMPILED LAWS.

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

12 (a) Two convictions of reckless driving in violation of sec-  
13 tion 626 within 7 years.

14 (b) Two convictions of a felony in which a motor vehicle was  
15 used within 7 years.

16 (c) Any combination of 2 convictions within 7 years for any  
17 of the following:

18 (i) A violation of section 625(1).

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

20 (iii) A violation of section 625(4) or (5).

21 (iv) Negligent homicide, manslaughter, or murder resulting  
22 from the operation of a motor vehicle.

23 (d) One conviction under section 625(4) or (5).

24 (e) One conviction of negligent homicide, manslaughter, or  
25 murder resulting from the operation of a motor vehicle.

1 (f) Any combination of 3 convictions within 10 years for any  
2 of the following if any of the convictions resulted from an  
3 arrest on or after January 1, 1992:

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

5 (ii) A violation of former section 625(1) or (2) or former  
6 section 625b.

7 (iii) Negligent homicide, manslaughter, or murder resulting  
8 from the operation of a motor vehicle.

9 (G) A VIOLATION OF SECTION 602A(4) OR (5) OF THIS ACT OR  
10 SECTION 479A(4) OR (5) OF THE MICHIGAN PENAL CODE, ACT NO. 328 OF  
11 THE PUBLIC ACTS OF 1931, BEING SECTION 750.479A OF THE MICHIGAN  
12 COMPILED LAWS.

13 (3) The secretary of state shall revoke a license under sub-  
14 section (2) notwithstanding a court order issued under section  
15 625, section 625b, former section 625(1) or (2), or former sec-  
16 tion 625b or a local ordinance substantially corresponding to  
17 section 625, section 625b, former section 625(1) or (2), or  
18 former section 625b.

19 (4) The secretary of state shall not issue a license under  
20 this act to a person whose license has been revoked under this  
21 act or denied under subsection (1)(d), (e), (f), (i), or (j)  
22 until both of the following occur:

23 (a) The later of the following:

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

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

4 (b) The person meets the requirements of the department.

5 (5) Multiple convictions or civil infraction determinations  
6 resulting from the same incident shall be treated as a single  
7 violation for purposes of denial or revocation of a license under  
8 this section.

9 (6) As used in this section, "felony in which a motor vehi-  
10 cle was used" means a felony during the commission of which the  
11 person operated a motor vehicle and while operating the vehicle  
12 presented real or potential harm to persons or property and 1 or  
13 more of the following circumstances existed:

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

15 (b) The vehicle was used to transport a victim of the  
16 felony.

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

18 (d) The vehicle was necessary for the commission of the  
19 felony.

20 Sec. 319. (1) The secretary of state shall immediately sus-  
21 pend a person's license for not less than 90 days or more than 2  
22 years upon receiving a record of the person's conviction for any  
23 of the following crimes or attempts to commit any of the follow-  
24 ing crimes, whether the conviction is under a law of this state,  
25 a local ordinance substantially corresponding to a law of this  
26 state, or a law of another state substantially corresponding to a  
27 law of this state:

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

3 (b) Perjury or making a false certification to the secretary  
4 of state under any law requiring the registration of a motor  
5 vehicle or regulating the operation of a motor vehicle on a  
6 highway.

7 (c) A violation of section 413 or 414 of the Michigan penal  
8 code, Act No. 328 of the Public Acts of 1931, being sections  
9 750.413 and 750.414 of the Michigan Compiled Laws, or a violation  
10 of section 1 of Act No. 214 of the Public Acts of 1931, being  
11 section 752.191 of the Michigan Compiled Laws.

12 (d) A conviction for reckless driving in violation of sec-  
13 tion 626.

14 (e) Failing to stop and disclose identity at the scene of an  
15 accident resulting in death or injury in violation of section 617  
16 or 617a.

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

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

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

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

1       (iv) The vehicle was necessary for the commission of the  
2 felony.

3       (2) The secretary of state shall suspend the license of a  
4 person convicted of malicious destruction resulting from the  
5 operation of a motor vehicle under section 382 of the Michigan  
6 penal code, Act No. 328 of the Public Acts of 1931, ~~as amended,~~  
7 being section 750.382 of the Michigan Compiled Laws, for not more  
8 than 1 year as ordered by the court as part of the sentence.

9       (3) The secretary of state shall immediately suspend a  
10 person's license for the period specified in the abstract of con-  
11 viction upon receiving the person's license and abstract of con-  
12 viction forwarded to the secretary of state pursuant to section  
13 367c of the Michigan penal code, Act No. 328 of the Public Acts  
14 of 1931, being section 750.367c of the Michigan Compiled Laws.

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

26       (a) For not less than 90 days or more than 1 year upon  
27 receiving a record of the person's conviction for a violation of

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

20 (b) For not less than 6 months or more than 2 years upon  
21 receiving a record of the person's conviction if the person has  
22 the following convictions, whether under the law of this state, a  
23 local ordinance substantially corresponding to a law of this  
24 state, or a law of another state substantially corresponding to a  
25 law of this state:

26 (i) One conviction under section 625(1) or former section  
27 625(1) or (2).

1           (ii) Any combination of 2 convictions under section 625(3)  
2 or former section 625b within a 7-year period.

3           (iii) 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 within a 7-year period.

6           (iv) One conviction under section 625(4) or (5) followed by  
7 1 conviction under section 625(3) within a 7-year period.

8           (c) For not less than 30 days or more than 90 days upon  
9 receiving a record of the person's conviction for a violation of  
10 section 625(6), a local ordinance substantially corresponding to  
11 section 625(6), or a law of another state substantially corre-  
12 sponding to section 625(6), if the person has no prior convic-  
13 tions within 7 years for a violation of section 625(1), (3), (4),  
14 (5), or (6), former section 625(1) or (2), or former section  
15 625b, a local ordinance substantially corresponding to section  
16 625(1), (3), or (6), former section 625(1) or (2), or former sec-  
17 tion 625b, or a law of another state substantially corresponding  
18 to section 625(1), (3), (4), (5), or (6), former section 625(1)  
19 or (2), or former section 625b.

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

1 section 625(1), (3), or (6), former section 625(1) or (2), or  
2 former section 625b, or a law of another state substantially cor-  
3 responding to section 625(1), (3), (4), (5), or (6), former sec-  
4 tion 625(1) or (2), or former section 625b.

5 (5) Upon receiving 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 pursuant to court  
12 order the person's operator's or chauffeur's license for  
13 90 days. A suspension under this subsection shall be in addition  
14 to any other suspension of the person's license.

15 (6) Upon receiving the record of a person's conviction for a  
16 violation of section ~~602a~~ 602A(2) OR (3) of this act or section  
17 ~~479a(1), (4), or (5)~~ 479A(2) OR (3) of Act No. 328 of the  
18 Public Acts of 1931, being section 750.479a of the Michigan  
19 Compiled Laws, the secretary of state immediately shall suspend  
20 the person's license for the period ordered by the court as part  
21 of the sentence or disposition.

22 (7) Upon the receipt of a civil infraction determination or  
23 probate court order of disposition for a violation of section  
24 33b(1) of Act No. 8 of the Public Acts of the Extra Session of  
25 1933, being section 436.33b of the Michigan Compiled Laws, and  
26 section 624b and, notwithstanding any court order to the  
27 contrary, the secretary of state shall suspend the person's

1 operator's or chauffeur's license for the period of time  
2 described in section ~~33b(5)~~ 33B(3) of Act No. 8 of the Public  
3 Acts of the Extra Session of 1933. ~~or section 624b and, if~~  
4 ~~applicable, issue a restricted license as ordered by the court in~~  
5 ~~the manner provided for in section 33b(7) or section 624b.~~ In  
6 the case of a person who does not possess an operator or chauffeur  
7 license, the secretary of state shall deny the application  
8 for an operator or chauffeur license for the applicable suspension  
9 period.

10 (8) Except as provided in subsection (10), a suspension pursuant  
11 to this section shall be imposed notwithstanding a court  
12 order issued under section 625(1), (3), (4), (5), or (6) or section  
13 625b or a local ordinance substantially corresponding to  
14 section 625(1), (3), or (6) or section 625b.

15 (9) If the secretary of state receives records of more than  
16 1 conviction of a person resulting from the same incident, a suspension  
17 shall be imposed only for the violation to which the  
18 longest period of suspension applies under this section.

19 (10) The secretary of state may waive a suspension of a  
20 person's license imposed under subsection (4)(a), (b), (c), or  
21 (d) if the person submits proof that a court in another state  
22 revoked, suspended, or restricted his or her license for a period  
23 equal to or greater than the period of a suspension prescribed  
24 under subsection (4)(a), (b), (c), or (d) for the violation and  
25 that the revocation, suspension, or restriction was served for  
26 the violation, or may grant a restricted license.

1       Sec. 602a. (1) A driver of a motor vehicle who is given by  
2 hand, voice, emergency light, or siren a visual or audible signal  
3 by a police or conservation officer, acting in the lawful per-  
4 formance of his or her duty, directing the driver to bring his or  
5 her motor vehicle to a stop ~~, and who~~ SHALL NOT willfully  
6 ~~fails~~ FAIL to obey that direction by increasing the speed of  
7 the motor vehicle, extinguishing the lights of the motor vehicle,  
8 or otherwise attempting to flee or elude the officer. ~~, is~~  
9 ~~guilty of a misdemeanor, and shall be punished by imprisonment~~  
10 ~~for not less than 30 days nor more than 1 year, and, in addition,~~  
11 ~~may be fined not more than \$1,000.00 and may be ordered to pay~~  
12 ~~the costs of the prosecution. The court may depart from the min-~~  
13 ~~imum term of imprisonment authorized under this subsection if the~~  
14 ~~court finds on the record that there are substantial and compel-~~  
15 ~~ling reasons to do so and if the court imposes community service~~  
16 ~~as a part of the sentence. (2) Subsection (1) THIS SUBSECTION~~  
17 does not apply unless the police or conservation officer giving  
18 the signal is in uniform, and the vehicle driven by the police or  
19 conservation officer is identified as an official police or  
20 department of natural resources vehicle.

21       ~~(3) A person who violates subsection (1) within 5 years of~~  
22 ~~a prior conviction of a violation of subsection (1) is guilty of~~  
23 ~~a felony, and shall be punished by imprisonment for a mandatory~~  
24 ~~minimum term of not less than 1 year and a maximum term of not~~  
25 ~~more than 4 years, and by a fine of not more than \$10,000.00,~~  
26 ~~together with the costs of the prosecution.~~

1       ~~(4) The driver of a motor vehicle who attempts to flee or~~  
2 ~~elude a police or conservation officer in violation of subsection~~  
3 ~~(1) and while attempting to so flee or elude causes serious~~  
4 ~~bodily injury to a person, is guilty of a felony, and shall be~~  
5 ~~punished by imprisonment for a minimum term of not less than 1~~  
6 ~~year and a maximum term of not more than 4 years, and by a fine~~  
7 ~~of not more than \$10,000.00, together with the costs of the~~  
8 ~~prosecution. The court may depart from the minimum term of~~  
9 ~~imprisonment authorized under this subsection if the court finds~~  
10 ~~on the record that there are substantial and compelling reasons~~  
11 ~~to do so and if the court imposes community service as a part of~~  
12 ~~the sentence.~~

13       (2) EXCEPT AS PROVIDED IN SUBSECTION (3), (4), OR (5), AN  
14 INDIVIDUAL WHO VIOLATES SUBSECTION (1) IS GUILTY OF FOURTH-DEGREE  
15 FLEEING AND ELUDING, A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT  
16 MORE THAN 2 YEARS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

17       (3) EXCEPT AS PROVIDED IN SUBSECTION (4) OR (5), AN INDIVID-  
18 UAL WHO VIOLATES SUBSECTION (1) IS GUILTY OF THIRD-DEGREE FLEEING  
19 AND ELUDING, A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE  
20 THAN 5 YEARS OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH, IF 1  
21 OR MORE OF THE FOLLOWING CIRCUMSTANCES APPLY:

22       (A) THE VIOLATION RESULTS IN A COLLISION OR ACCIDENT.

23       (B) A PORTION OF THE VIOLATION OCCURRED IN AN AREA WHERE THE  
24 SPEED LIMIT IS 35 MILES AN HOUR OR LESS, WHETHER THAT SPEED LIMIT  
25 IS POSTED OR IMPOSED AS A MATTER OF LAW.

26       (C) THE INDIVIDUAL HAS A PRIOR CONVICTION FOR FOURTH-DEGREE  
27 FLEEING AND ELUDING, ATTEMPTED FOURTH-DEGREE FLEEING AND ELUDING,

1 OR FLEEING AND ELUDING UNDER A CURRENT OR FORMER LAW OF THIS  
2 STATE PROHIBITING SUBSTANTIALLY SIMILAR CONDUCT.

3 (4) EXCEPT AS PROVIDED IN SUBSECTION (5), AN INDIVIDUAL WHO  
4 VIOLATES SUBSECTION (1) IS GUILTY OF SECOND-DEGREE FLEEING AND  
5 ELUDING, A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 10  
6 YEARS OR A FINE OF NOT MORE THAN \$5,000.00, OR BOTH, IF 1 OR MORE  
7 OF THE FOLLOWING CIRCUMSTANCES APPLY:

8 (A) THE VIOLATION RESULTS IN SERIOUS INJURY TO AN  
9 INDIVIDUAL.

10 (B) THE INDIVIDUAL HAS 1 OR MORE PRIOR CONVICTIONS FOR  
11 FIRST-, SECOND-, OR THIRD-DEGREE FLEEING AND ELUDING, ATTEMPTED  
12 FIRST-, SECOND-, OR THIRD-DEGREE FLEEING AND ELUDING, OR FLEEING  
13 AND ELUDING UNDER A CURRENT OR FORMER LAW OF THIS STATE PROHIBIT-  
14 ING SUBSTANTIALLY SIMILAR CONDUCT.

15 (C) THE INDIVIDUAL HAS ANY COMBINATION OF 2 OR MORE PRIOR  
16 CONVICTIONS FOR FOURTH-DEGREE FLEEING AND ELUDING, ATTEMPTED  
17 FOURTH-DEGREE FLEEING AND ELUDING, OR FLEEING AND ELUDING UNDER A  
18 CURRENT OR FORMER LAW OF THIS STATE PROHIBITING SUBSTANTIALLY  
19 SIMILAR CONDUCT.

20 (5) IF THE VIOLATION RESULTS IN THE DEATH OF ANOTHER INDI-  
21 VIDUAL, AN INDIVIDUAL WHO VIOLATES SUBSECTION (1) IS GUILTY OF  
22 FIRST-DEGREE FLEEING AND ELUDING, A FELONY PUNISHABLE BY IMPRIS-  
23 ONMENT FOR NOT MORE THAN 15 YEARS OR A FINE OF NOT MORE THAN  
24 \$10,000.00, OR BOTH.

25 (6) ~~(5)~~ As part of the sentence ~~for a violation of~~  
26 IMPOSED UNDER subsection ~~(1)~~ (2) OR (3), ~~or (4)~~, the court  
27 shall order the secretary of state to suspend the ~~person's~~

1 INDIVIDUAL'S operator's or chauffeur's license for a period of 1  
 2 year. The ~~person~~ INDIVIDUAL shall not be eligible to receive a  
 3 restricted license pursuant to section 323 or 323a during the  
 4 first 6 months of the period of suspension. If a term of impris-  
 5 onment is served as a part of the sentence, the period of suspen-  
 6 sion of the ~~person's~~ INDIVIDUAL'S license shall begin after the  
 7 completion of the term of imprisonment.

8 (7) AS PART OF THE SENTENCE IMPOSED UNDER SUBSECTION (4) OR  
 9 (5), THE COURT SHALL ORDER THE SECRETARY OF STATE TO REVOKE THE  
 10 INDIVIDUAL'S OPERATOR'S OR CHAUFFEUR'S LICENSE.

11 (8) A CONVICTION UNDER THIS SECTION DOES NOT PROHIBIT A CON-  
 12 VICTION AND SENTENCE UNDER ANY OTHER APPLICABLE PROVISION, EXCEPT  
 13 SECTION 479A OF THE MICHIGAN PENAL CODE, ACT NO. 328 OF THE  
 14 PUBLIC ACTS OF 1931, BEING SECTION 750.479A OF THE MICHIGAN  
 15 COMPILED LAWS, FOR CONDUCT ARISING OUT OF THE SAME TRANSACTION.

16 (9) ~~(6)~~ As used in this section, "serious ~~bodily~~ injury"  
 17 means ~~serious impairment of a body function or permanent serious~~  
 18 ~~disfigurement~~ A PHYSICAL INJURY THAT CONSTITUTES PERMANENT SERI-  
 19 OUS BODILY DISFIGUREMENT OR THAT SERIOUSLY AND IRREPARABLY  
 20 IMPAIRS THE FUNCTIONING OF A BODY ORGAN OR LIMB. SERIOUS INJURY  
 21 INCLUDES, BUT IS NOT LIMITED TO, 1 OR MORE OF THE FOLLOWING:

22 (i) LOSS OF A LIMB OR USE OF A LIMB.

23 (ii) LOSS OF A HAND, FOOT, FINGER, OR THUMB OR USE OF A  
 24 HAND, FOOT, FINGER, OR THUMB.

25 (iii) LOSS OF AN EYE OR EAR OR USE OF AN EYE OR EAR.

26 (iv) LOSS OR SUBSTANTIAL IMPAIRMENT OF A BODILY FUNCTION.

1 (v) SERIOUS VISIBLE DISFIGUREMENT.

2 (vi) A COMATOSE STATE THAT LASTS FOR MORE THAN 3 DAYS.

3 (vii) MEASURABLE BRAIN DAMAGE OR MENTAL IMPAIRMENT.

4 (viii) A SKULL FRACTURE OR OTHER SERIOUS BONE FRACTURE.

5 (ix) SUBDURAL HEMORRHAGE OR HEMATOMA.

6 Section 2. This amendatory act shall not take effect unless

7 Senate Bill No. \_\_\_\_\_ or House Bill No. 5025 (request

8 no. 02189'95 c) of the 88th Legislature is enacted into law.