



SENATE BILL No. 1167

September 19, 1996, Introduced by Senators STEIL and SHUGARS and referred to the Committee on Transportation and Tourism.

A bill to amend sections 303 and 306 of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," section 303 as amended by Act No. 449 of the Public Acts of 1994 and section 306 as amended by Act No. 346 of the Public Acts of 1988, being sections 257.303 and 257.306 of the Michigan Compiled Laws; and to add section 330.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 303 and 306 of Act No. 300 of the
2 Public Acts of 1949, section 303 as amended by Act No. 449 of the
3 Public Acts of 1994 and section 306 as amended by Act No. 346 of
4 the Public Acts of 1988, being sections 257.303 and 257.306 of
5 the Michigan Compiled Laws, are amended and section 330 is added
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 satis-
6 factorily passed a driver education course and examination given
7 by 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 AND WHO HAS OBTAINED A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT OR
11 IS A STUDENT ENROLLED IN A PUBLIC OR PRIVATE SCHOOL WHO IS REGU-
12 LARLY ATTENDING, AS DETERMINED BY SCHOOL OFFICIALS, A PUBLIC
13 SCHOOL OR A NONPUBLIC SCHOOL AS DESCRIBED IN SECTION 1561(3)(A)
14 OF THE REVISED SCHOOL CODE, ACT NO. 451 OF THE PUBLIC ACTS OF
15 1976, BEING SECTION 380.1561 OF THE MICHIGAN COMPILED LAWS, OR,
16 AS DETERMINED BY THE PARENTS, A HOME SCHOOL AS DESCRIBED IN
17 SECTION 1561(3)(F) OF ACT NO. 451 OF THE PUBLIC ACTS OF 1976. The
18 secretary of state may issue a restricted license to a person not
19 less than 14 years of age as provided in this act. This subdivi-
20 sion does not apply to a person who has held a valid driver's
21 license issued by another state, territory, or possession of the
22 United States or another sovereignty for at least 1 year immedi-
23 ately before application for a driver's license under this act.
24 (b) A person, as a chauffeur, who is less than 18 years of
25 age, except the secretary of state may issue a license to a
26 person who is not less than 16 years of age, ~~and~~ who has
27 satisfactorily passed a driver education course and examination

1 given by a public school or nonpublic school of this or another
2 state offering a course approved by the department of education,
3 or an equivalent course and examination as prescribed in section
4 811, AND WHO HAS OBTAINED A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT
5 OR IS A STUDENT ENROLLED IN A PUBLIC OR PRIVATE SCHOOL WHO IS
6 REGULARLY ATTENDING, AS DETERMINED BY SCHOOL OFFICIALS, A PUBLIC
7 SCHOOL OR A NONPUBLIC SCHOOL AS DESCRIBED IN SECTION 1561(3)(A)
8 OF THE REVISED SCHOOL CODE, ACT NO. 451 OF THE PUBLIC ACTS OF
9 1976, BEING SECTION 380.1561 OF THE MICHIGAN COMPILED LAWS, OR,
10 AS DETERMINED BY THE PARENTS, A HOME SCHOOL AS DESCRIBED IN
11 SECTION 1561(3)(F) OF ACT NO. 451 OF THE PUBLIC ACTS OF 1976.

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

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

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

19 (f) A person who is an habitual violator of the criminal
20 laws relating to operating a vehicle while impaired by or under
21 the influence of intoxicating liquor or a controlled substance or
22 a combination of intoxicating liquor and a controlled substance,
23 or with an alcohol content of 0.10 grams or more per 100 millili-
24 ters of blood, per 210 liters of breath, or per 67 milliliters of
25 urine. Convictions of any of the following, whether under a law
26 of this state, a local ordinance substantially corresponding to a
27 law of this state, or a law of another state substantially

1 corresponding to a law of this state, are prima facie evidence
2 that the person is an habitual violator as described in this
3 subdivision:

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

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

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

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

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

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

14 (g) A person who in the opinion of the secretary of state is
15 afflicted with or suffering from a physical or mental disability
16 or disease preventing that person from exercising reasonable and
17 ordinary control over a motor vehicle while operating the motor
18 vehicle upon the highways.

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

21 (i) A person who is an habitually reckless driver. Two con-
22 viction within 7 years of reckless driving under this act or any
23 other law of this state relating to reckless driving or under a
24 local ordinance of this state or a law of another state that
25 defines the term "reckless driving" substantially similarly to
26 the law of this state are prima facie evidence that the person is
27 an habitually reckless driver.

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

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

10 (l) A person who has been convicted of, has received a pro-
11 bate court disposition for, or has been determined responsible
12 for 2 or more moving violations under a law of this state, a
13 local ordinance substantially corresponding to a law of this
14 state, or a law of another state substantially corresponding to a
15 law of this state, within the preceding 3 years, if the viola-
16 tions occurred before issuance of an original license to the
17 person in this or another state.

18 (m) A nonresident.

19 (n) A person not licensed under this act who has been con-
20 victed of, has received a probate court disposition for, or has
21 been determined responsible for a crime or civil infraction
22 described in section 319, 324, or 904. A person shall be denied
23 a license under this subdivision for the length of time corre-
24 sponding to the period of the licensing sanction that would have
25 been imposed under section 319, 324, or 904 if the person had
26 been licensed at the time of the violation.

1 (o) A person not licensed under this act who has been
2 convicted of or received a probate court disposition for
3 committing a crime described in section 319e. A person shall be
4 denied a license under this subdivision for the length of time
5 that corresponds to the period of the licensing sanction that
6 would have been imposed under section 319e if the person had been
7 licensed at the time of the violation.

8 (p) A person not licensed under this act who is determined
9 to have violated section 33b(1) of the Michigan Liquor Control
10 Act, Act No. 8 of the Public Acts of the Extra Session of 1933,
11 being section 436.33b of the Michigan Compiled Laws, or section
12 624b. The person shall be denied a license under this subdivi-
13 sion for a period of time that corresponds to the period of the
14 licensing sanction that would have been imposed under those sec-
15 tions had the person been licensed at the time of the violation.

16 (2) Upon receipt of the appropriate records of conviction,
17 the secretary of state shall revoke the operator's or chauffeur's
18 license of a person having any of the following, whether under a
19 law of this state, a local ordinance substantially corresponding
20 to a law of this state, or a law of another state substantially
21 corresponding to a law of this state:

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

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

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

- 1 (i) A violation of section 625(1).
- 2 (ii) A violation of former section 625(1) or (2).
- 3 (iii) A violation of section 625(4) or (5).
- 4 (iv) Negligent homicide, manslaughter, or murder resulting
5 from the operation of a motor vehicle.
- 6 (d) One conviction under section 625(4) or (5).
- 7 (e) One conviction of negligent homicide, manslaughter, or
8 murder resulting from the operation of a motor vehicle.
- 9 (f) Any combination of 3 convictions within 10 years for any
10 of the following if any of the convictions resulted from an
11 arrest on or after January 1, 1992:
- 12 (i) A violation of section 625(1), (3), (4), or (5).
- 13 (ii) A violation of former section 625(1) or (2) or former
14 section 625b.
- 15 (iii) Negligent homicide, manslaughter, or murder resulting
16 from the operation of a motor vehicle.
- 17 (3) The secretary of state shall revoke a license under sub-
18 section (2) notwithstanding a court order issued under section
19 625, section 625b, former section 625(1) or (2), or former sec-
20 tion 625b or a local ordinance substantially corresponding to
21 section 625, section 625b, former section 625(1) or (2), or
22 former section 625b.
- 23 (4) The secretary of state shall not issue a license under
24 this act to a person whose license has been revoked under this
25 act or denied under subsection (1)(d), (e), (f), (i), or (j)
26 until both of the following occur:

(a) The later of the following:

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

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

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

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

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

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

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

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

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

Sec. 306. (1) The secretary of state upon receiving from a person 16 or 17 years of age who has successfully completed a driver education course and examination offered pursuant to section 811 AND WHO HAS OBTAINED A HIGH SCHOOL DIPLOMA OR ITS

EQUIVALENT OR IS A STUDENT ENROLLED IN A PUBLIC OR PRIVATE SCHOOL

1 WHO IS REGULARLY ATTENDING, AS DETERMINED BY SCHOOL OFFICIALS, A
2 PUBLIC SCHOOL OR A NONPUBLIC SCHOOL AS DESCRIBED IN
3 SECTION 1561(3)(A) OF THE REVISED SCHOOL CODE, ACT NO. 451 OF THE
4 PUBLIC ACTS OF 1976, BEING SECTION 380.1561 OF THE MICHIGAN
5 COMPILED LAWS, OR, AS DETERMINED BY THE PARENTS, A HOME SCHOOL AS
6 DESCRIBED IN SECTION 1561(3)(F) OF ACT NO. 451 OF THE PUBLIC ACTS
7 OF 1976; who has been licensed in another state or country for at
8 least 1 year and is less than 18 years of age; or who is 18 years
9 of age or older, an application for a temporary instruction
10 permit may issue that permit entitling the applicant, while car-
11 rying the permit, to drive a motor vehicle other than a motor
12 vehicle requiring an indorsement under section 312a or a vehicle
13 group designation under section 312e upon the highways for a
14 period of 150 days when accompanied by a licensed adult operator
15 or chauffeur who is actually occupying a seat beside the driver.

16 (2) A student enrolled in a driver education program or a
17 motorcycle safety course approved by the department of education
18 may operate a motor vehicle without holding an operator's license
19 or permit while under the direct supervision of the program
20 instructor.

21 (3) A student enrolled in an approved driver education pro-
22 gram and who has successfully completed 10 hours of classroom
23 instruction and the equivalent of 2 hours of behind-the-wheel
24 training may be issued a temporary driver education certificate
25 furnished by the department of education which authorizes a stu-
26 dent to drive a motor vehicle, other than a motor vehicle
27 requiring an indorsement pursuant to section 312a or a vehicle

1 group designation pursuant to section 312e, when accompanied by a
2 licensed parent or guardian, or when accompanied by a nonlicensed
3 parent or guardian and a licensed adult for the purpose of
4 receiving additional instruction until the end of the student's
5 driver education course.

6 (4) Upon successful completion of an approved driver educa-
7 tion course the secretary of state may validate a driver educa-
8 tion certificate issued to an applicant. The driver education
9 certificate authorizes the holder to drive a motor vehicle,
10 except a motor vehicle requiring an indorsement under section
11 312a or a vehicle group designation under section 312e, when
12 accompanied by a licensed parent or guardian, or when accompanied
13 by a nonlicensed parent or guardian and a licensed adult for the
14 purpose of additional instruction until reaching 18 years of
15 age.

16 (5) The secretary of state, upon receiving proper applica-
17 tion from a person 16 or 17 years of age who is enrolled in or
18 has successfully completed an approved motorcycle safety course
19 under section 811a, or a person who is 18 years of age or older
20 and who holds a valid operator's or chauffeur's license, may
21 issue a motorcycle temporary instruction permit, entitling the
22 applicant, while carrying the permit, to operate a motorcycle
23 upon the public streets and highways for a period of 150 days,
24 but only when under the constant visual supervision of a licensed
25 motorcycle operator at least 18 years of age. The applicant
26 shall not operate the motorcycle at night or with a passenger.

1 (6) The secretary of state, upon receiving proper
2 application from a person who is 18 years of age or older, who
3 holds a valid operator's or chauffeur's license, may issue a tem-
4 porary instruction permit entitling the person while carrying the
5 permit to drive a vehicle requiring a vehicle group designation
6 or vehicle group indorsement under section 312e upon the streets
7 and highways, for a period of 150 days, but only when accompanied
8 by a licensed adult operator or chauffeur who is licensed with
9 the appropriate vehicle group designation and indorsement for the
10 vehicle group being driven and who is actually occupying a seat
11 beside the driver, or behind the driver if the permittee is driv-
12 ing a bus or school bus. In addition, if a permittee is enrolled
13 in a driver training program for drivers of motor vehicles
14 requiring a vehicle group designation or vehicle group indorse-
15 ment under section 312e, which program is conducted by a college;
16 university; commercial driver training school licensed by the
17 department pursuant to Act No. 369 of the Public Acts of 1974, as
18 amended, being sections 256.601 to 256.609 of the Michigan
19 Compiled Laws; or a local or intermediate school district, the
20 permittee may drive a vehicle requiring a vehicle group designa-
21 tion or vehicle group indorsement on the streets and highways of
22 this state for a period of 150 days when accompanied by an
23 instructor licensed with the appropriate vehicle group designa-
24 tion and indorsement for the vehicle being driven who is either
25 occupying the seat beside the driver or in direct visual and
26 audio communication with the permittee.

1 SEC. 330. (1) A PERSON, AS AN OPERATOR OF A VEHICLE, WHO IS
2 LESS THAN 18 YEARS OF AGE AND WHO IS ISSUED A CITATION FOR A
3 VIOLATION OF A TRAFFIC LAW OF THIS STATE OR A LOCAL ORDINANCE
4 SUBSTANTIALLY CORRESPONDING TO A TRAFFIC LAW OF THIS STATE, AT
5 THE TIME OF PAYING THE FINE AND COSTS FOR THE VIOLATION, SHALL
6 PRODUCE WRITTEN EVIDENCE THAT HE OR SHE HAS GRADUATED FROM HIGH
7 SCHOOL OR IS REGULARLY ATTENDING SCHOOL AS DETERMINED IN THE
8 MANNER PROVIDED IN SECTION 303(1)(A).

9 (2) IF THE PERSON FAILS TO PRODUCE THE WRITTEN EVIDENCE
10 REQUIRED BY SUBSECTION (1), THE COURT SHALL REQUIRE THE PERSON'S
11 LICENSE TO BE SURRENDERED. THE COURT SHALL IMMEDIATELY DESTROY
12 THE LICENSE AND SHALL FORWARD TO THE SECRETARY OF STATE AN
13 ABSTRACT OF THE COURT RECORD AS REQUIRED BY SECTION 732. UPON
14 RECEIPT OF THE ABSTRACT, THE SECRETARY OF STATE SHALL SUSPEND THE
15 PERSON'S LICENSE BEGINNING WITH THE DATE OF REFUSAL TO PRODUCE
16 THE WRITTEN EVIDENCE UNTIL THE DATE THE WRITTEN EVIDENCE IS
17 PRODUCED OR UNTIL THE PERSON ATTAINS 18 YEARS OF AGE.