



HOUSE BILL No. 6071

October 4, 2000, Introduced by Rep. DeHart and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 303 (MCL 257.303), as amended by 1999 PA 73.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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 as otherwise provided in this act.

5 (b) A person, as a chauffeur, who is less than 18 years of
6 age, except as otherwise provided in this act.

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

9 (d) A person who has been convicted of or received a
10 juvenile disposition for a violation of section 625(4) or (5) or
11 section 904(4) or (5).

1 (e) A person who has been convicted of or received a
2 juvenile disposition for negligent homicide, manslaughter, or
3 murder resulting from the operation of a 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, 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 any
17 of the following or a combination of 1 conviction for a violation
18 or attempted violation of section 625(6) and 1 conviction for any
19 of the following within 7 years:

20 (A) A violation or attempted violation of section 625(1),
21 (3), (4), (5), or (7) or section 904(4) or (5).

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

24 (C) A violation or attempted violation of section 625m.

25 (D) Negligent homicide, manslaughter, or murder resulting
26 from the operation of a vehicle or an attempt to commit any of
27 those crimes.

1 (ii) Any combination of 3 convictions within 10 years for
2 any of the following or 1 conviction for a violation or attempted
3 violation of section 625(6) and any combination of 2 convictions
4 for any of the following within 10 years, if any of the convic-
5 tions resulted from an arrest on or after January 1, 1992:

6 (A) A violation or attempted violation of section 625(1),
7 (3), (4), (5), or (7) or section 904(4) or (5).

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

10 (C) A violation or attempted violation of section 625m.

11 (D) Negligent homicide, manslaughter, or murder resulting
12 from the operation of a vehicle or an attempt to commit any of
13 those crimes.

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 victions 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 juve-
11 nile disposition for, or has been determined responsible for 2 or
12 more moving violations under a law of this state, a local ordi-
13 nance substantially corresponding to a law of this state, or a
14 law of another state substantially corresponding to a law of this
15 state within the preceding 3 years, if the violations occurred
16 before issuance of an original license to the person in this or
17 another state.

18 (m) A nonresident including a foreign exchange student.

19 (n) A person who has failed to answer a citation or notice
20 to appear in court or for any matter pending or fails to comply
21 with an order or judgment of the court, including, but not
22 limited to, paying all fines, costs, fees, and assessments, in
23 violation of section 321a, until that person answers the citation
24 or notice to appear in court or for any matter pending or com-
25 plies with an order or judgment of the court, including, but not
26 limited to, paying all fines, costs, fees, and assessments, as
27 provided under section 321a.

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

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

16 (q) A person not licensed under this act who is determined
17 to have violated section 33b(1) of former 1933 (Ex Sess) PA 8,
18 section 703(1) of the Michigan liquor control code of 1998, 1998
19 PA 58, MCL 436.1703, or section 624a or 624b of this act. The
20 person shall be denied a license under this subdivision for a
21 period of time that corresponds to the period of the licensing
22 sanction that would have been imposed under those sections had
23 the person been licensed at the time of the violation.

24 (r) A person who has been convicted of a violation of sec-
25 tion 602a(4) or (5) of this act or a violation of section 479a(4)
26 or (5) of the Michigan penal code, 1931 PA 328, MCL 750.479a.

1 (2) Upon receiving the appropriate records of conviction,
2 the secretary of state shall revoke the operator's or chauffeur's
3 license of a person having any of the following, whether under a
4 law of this state, a local ordinance substantially corresponding
5 to a law of this state, or a law of another state substantially
6 corresponding to a law of this state:

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

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

11 (c) Any combination of 2 convictions within 7 years for any
12 of the following or a combination of 1 conviction for a violation
13 or attempted violation of section 625(6) and 1 conviction for any
14 of the following within 7 years:

15 (i) A violation or attempted violation of section 625(1),
16 (3), (4), (5), or (7) or section 904(4) or (5).

17 (ii) A violation of former section 625(1) or (2) or former
18 section 625b.

19 (iii) A violation or attempted violation of section 625m.

20 (iv) Negligent homicide, manslaughter, or murder resulting
21 from the operation of a vehicle or an attempt to commit any of
22 those crimes.

23 (d) One conviction for a violation or attempted violation of
24 section 625(4) or (5) or section 904(4) or (5).

25 (e) One conviction of negligent homicide, manslaughter, or
26 murder resulting from the operation of a vehicle or an attempt to
27 commit any of those crimes.

1 (F) ONE CONVICTION OF A FELONY IN WHICH A MOTOR VEHICLE WAS
2 USED IF THAT FELONY IN WHICH A MOTOR VEHICLE WAS USED RESULTS IN
3 THE INJURY OR DEATH OF A POLICE OFFICER.

4 (G) ~~-(f)-~~ Any combination of 3 convictions within 10 years
5 for any of the following or 1 conviction for a violation or
6 attempted violation of section 625(6) and any combination of 2
7 convictions for any of the following within 10 years, if any of
8 the convictions resulted from an arrest on or after January 1,
9 1992:

10 (i) A violation or attempted violation of section 625(1),
11 (3), (4), (5), or (7) or section 904(4) or (5).

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

14 (iii) A violation or attempted violation of section 625m.

15 (iv) Negligent homicide, manslaughter, or murder resulting
16 from the operation of a vehicle or an attempt to commit any of
17 those crimes.

18 (H) ~~-(g)-~~ A violation of section 602a(4) or (5) of this act
19 or section 479a(4) or (5) of the Michigan penal code, 1931
20 PA 328, MCL 750.479a.

21 (3) The secretary of state shall revoke a license under sub-
22 section (2) notwithstanding a court order.

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), (j), or (r)
26 until all of the following occur, as applicable:

1 (a) The later of the following:

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

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

7 (b) For a denial under subsection (1)(f), (i), or (j) based
8 on prima facie evidence, the person rebuts the presumption
9 resulting from the prima facie evidence by clear and convincing
10 evidence.

11 (c) The person meets the requirements of the department.

12 (5) THE SECRETARY OF STATE SHALL NOT ISSUE A LICENSE UNDER
13 THIS ACT TO A PERSON WHOSE LICENSE HAS BEEN REVOKED UNDER SUBSEC-
14 TION (2)(F).

15 (6) ~~-(5)-~~ Multiple convictions or civil infraction determi-
16 nations resulting from the same incident shall be treated as a
17 single violation for purposes of denial or revocation of a
18 license under this section.

19 (7) ~~-(6)-~~ As used in this section, "felony in which a motor
20 vehicle was used" means a felony during the commission of which
21 the person operated a motor vehicle and while operating the vehi-
22 cle presented real or potential harm to persons or property and 1
23 or more of the following circumstances existed:

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

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

- 1 (c) The vehicle was used to flee the scene of the felony.
- 2 (d) The vehicle was necessary for the commission of the
- 3 felony.