

SENATE BILL NO. 759

September 28, 1999, Introduced by Senators PETERS, JOHNSON and
HAMMERSTROM and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 303 and 319 (MCL 257.303 and 257.319), sec-
tion 303 as amended by 1999 PA 73 and section 319 as amended by
1999 PA 118.

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.

1 (d) A person who has been convicted of or received a
2 juvenile disposition for a violation of section 625(4) or (5) or
3 section 904(4) or (5).

4 (e) A person who has been convicted of or received a juve-
5 nile disposition for negligent homicide, manslaughter, or murder
6 resulting from the operation of a vehicle.

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

19 (i) Any combination of 2 convictions within 7 years for any
20 of the following or a combination of 1 conviction for a violation
21 or attempted violation of section 625(6) and 1 conviction for any
22 of the following within 7 years:

23 (A) A violation or attempted violation of section 625(1),
24 (3), (4), (5), or (7) or section 904(4) or (5).

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

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

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

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

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

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

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

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

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

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

25 (i) A person who is an habitually reckless driver. Two con-
26 victions within 7 years of reckless driving under this act or any
27 other law of this state relating to reckless driving or under a

1 local ordinance of this state or a law of another state that
2 defines the term "reckless driving" substantially similarly to
3 the law of this state are prima facie evidence that the person is
4 an habitually reckless driver.

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

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

14 (l) A person who has been convicted of, has received a juve-
15 nile disposition for, or has been determined responsible for 2 or
16 more moving violations under a law of this state, a local ordi-
17 nance substantially corresponding to a law of this state, or a
18 law of another state substantially corresponding to a law of this
19 state within the preceding 3 years, if the violations occurred
20 before issuance of an original license to the person in this or
21 another state.

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

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

1 or notice to appear in court or for any matter pending or
2 complies with an order or judgment of the court, including, but
3 not limited to, paying all fines, costs, fees, and assessments,
4 as provided under section 321a.

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

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

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

1 (r) 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, 1931 PA 328,
4 MCL 750.479a.

5 (S) A PERSON NOT LICENSED UNDER THIS ACT FOR THE PERIOD PRE-
6 SCRIBED IN AN ORDER ENTERED UNDER SECTION 17E(2)(B) OR (4) OF
7 CHAPTER XIIIA OF THE PROBATE CODE OF 1939, 1939 PA 288, MCL
8 712A.17E.

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

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

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

19 (c) Any combination of 2 convictions within 7 years for any
20 of the following or a combination of 1 conviction for a violation
21 or attempted violation of section 625(6) and 1 conviction for any
22 of the following within 7 years:

23 (i) A violation or attempted violation of section 625(1),
24 (3), (4), (5), or (7) or section 904(4) or (5).

25 (ii) A violation of former section 625(1) or (2) or former
26 section 625b.

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

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

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

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

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

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 (g) A violation of section 602a(4) or (5) of this act or
24 section 479a(4) or (5) of the Michigan penal code, 1931 PA 328,
25 MCL 750.479a.

26 (3) The secretary of state shall revoke a license under
27 subsection (2) notwithstanding a court order.

1 (4) The secretary of state shall not issue a license under
2 this act to a person whose license has been revoked under this
3 act or denied under subsection (1)(d), (e), (f), (i), (j), or (r)
4 until all of the following occur, as applicable:

5 (a) The later of the following:

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

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

11 (b) For a denial under subsection (1)(f), (i), or (j) based
12 on prima facie evidence, the person rebuts the presumption
13 resulting from the prima facie evidence by clear and convincing
14 evidence.

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

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

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

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

26 (b) The vehicle was used to transport a victim of the
27 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.

4 Sec. 319. (1) The secretary of state shall immediately sus-
5 pend a person's license as provided in this section upon receiv-
6 ing a record of the person's conviction for a crime described in
7 this section, whether the conviction is under a law of this
8 state, a local ordinance substantially corresponding to a law of
9 this state, or a law of another state substantially corresponding
10 to a law of this state.

11 (2) The secretary of state shall suspend the person's
12 license for 1 year for any of the following crimes:

13 (a) Fraudulently altering or forging documents pertaining to
14 motor vehicles in violation of section 257.

15 (b) A violation of section 413 of the Michigan penal code,
16 1931 PA 328, MCL 750.413.

17 (c) A violation of section 1 of 1931 PA 214, MCL 752.191.

18 (d) Failing to stop and disclose identity at the scene of an
19 accident resulting in death or serious injury in violation of
20 section 617.

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

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

2 (ii) The vehicle was used to transport a victim of the
3 felony.

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

5 (iv) The vehicle was necessary for the commission of the
6 felony.

7 (f) A violation of section 602a(2) or (3) of this act or
8 section 479a(2) or (3) of the Michigan penal code, 1931 PA 328,
9 MCL 750.479a.

10 (3) The secretary of state shall suspend the person's
11 license for 90 days for any of the following crimes:

12 (a) Failing to stop and disclose identity at the scene of an
13 accident resulting in injury in violation of section 617a.

14 (b) Reckless driving in violation of section 626.

15 (c) Malicious destruction resulting from the operation of a
16 vehicle under section 382(1)(b), (c), or (d) of the Michigan
17 penal code, 1931 PA 328, MCL 750.382.

18 (d) A violation described in section 367c of the Michigan
19 penal code, 1931 PA 328, MCL 750.367c.

20 (e) A violation of section 703(2) of the Michigan liquor
21 control code of 1998, 1998 PA 58, MCL 436.1703.

22 (4) The secretary of state shall suspend the person's
23 license for 30 days for malicious destruction resulting from the
24 operation of a vehicle under section 382(1)(a) of the Michigan
25 penal code, 1931 PA 328, MCL 750.382.

26 (5) For perjury or making a false certification to the
27 secretary of state under any law requiring the registration of a

1 motor vehicle or regulating the operation of a vehicle on a
2 highway, the secretary shall suspend the person's license as
3 follows:

4 (a) If the person has no prior conviction for an offense
5 described in this subsection within 7 years, for 90 days.

6 (b) If the person has 1 or more prior convictions for an
7 offense described in this subsection within 7 years, for 1 year.

8 (6) For a violation of section 414 of the Michigan penal
9 code, 1931 PA 328, MCL 750.414, the secretary of state shall sus-
10 pend the person's license as follows:

11 (a) If the person has no prior conviction for that offense
12 within 7 years, for 90 days.

13 (b) If the person has 1 or more prior convictions for that
14 offense within 7 years, for 1 year.

15 (7) For a violation of section 624a or 624b of this act or
16 section 703(1) of the Michigan liquor control code of 1998, 1998
17 PA 58, MCL 436.1703, the secretary of state shall suspend the
18 person's license as follows:

19 (a) If the person has 1 prior conviction for an offense
20 described in this subsection or section 33b(1) of former 1933 (Ex
21 Sess) PA 8, for 90 days. The secretary of state may issue the
22 person a restricted license after the first 30 days of
23 suspension.

24 (b) If the person has 2 or more prior convictions for an
25 offense described in this subsection or section 33b(1) of former
26 1933 (Ex Sess) PA 8, for 1 year. The secretary of state may

1 issue the person a restricted license after the first 60 days of
2 suspension.

3 (8) The secretary of state shall suspend the person's
4 license for a violation of section 625 or 625m as follows:

5 (a) For 180 days for a violation of section 625(1) if the
6 person has no prior convictions within 7 years. The secretary of
7 state may issue the person a restricted license during all or a
8 specified portion of the suspension, except that the secretary of
9 state shall not issue a restricted license during the first 30
10 days of suspension.

11 (b) For 90 days for a violation of section 625(3) if the
12 person has no prior convictions within 7 years. However, if the
13 person is convicted of a violation of section 625(3), for operat-
14 ing a vehicle when, due to the consumption of a controlled sub-
15 stance or a combination of intoxicating liquor and a controlled
16 substance, the person's ability to operate the vehicle was visi-
17 bly impaired, the secretary of state shall suspend the person's
18 license under this subdivision for 180 days. The secretary of
19 state may issue the person a restricted license during all or a
20 specified portion of the suspension.

21 (c) For 30 days for a violation of section 625(6) if the
22 person has no prior convictions within 7 years. The secretary of
23 state may issue the person a restricted license during all or a
24 specified portion of the suspension.

25 (d) For 90 days for a violation of section 625(6) if the
26 person has 1 or more prior convictions within 7 years.

1 (e) For 180 days for a violation of section 625(7) if the
2 person has no prior convictions within 7 years. The secretary of
3 state may issue the person a restricted license after the first
4 90 days of suspension.

5 (f) For 90 days for a violation of section 625m if the
6 person has no prior convictions within 7 years. The secretary of
7 state may issue the person a restricted license during all or a
8 specified portion of the suspension.

9 (9) For a violation of section 315(4), the secretary of
10 state may suspend the person's license for 6 months and shall
11 revoke the person's license for a second or subsequent conviction
12 as required under section 315(5).

13 (10) THE SECRETARY OF STATE SHALL IMMEDIATELY SUSPEND A
14 PERSON'S LICENSE FOR THE PERIOD PRESCRIBED IN AN ORDER ENTERED
15 UNDER SECTION 17E(2)(B) OR (4) OF CHAPTER XIIA OF THE PROBATE
16 CODE OF 1939, 1939 PA 288, MCL 712A.17E.

17 (11) ~~-(10)-~~ Except as provided in subsection ~~-(12)-~~ (13), a
18 suspension under this section shall be imposed notwithstanding a
19 court order.

20 (12) ~~-(11)-~~ If the secretary of state receives records of
21 more than 1 conviction of a person resulting from the same inci-
22 dent, a suspension shall be imposed only for the violation to
23 which the longest period of suspension applies under this
24 section.

25 (13) ~~-(12)-~~ The secretary of state may waive a suspension of
26 a person's license imposed under this act if the person submits
27 proof that a court in another state revoked, suspended, or

1 restricted his or her license for a period equal to or greater
2 than the period of a suspension prescribed under this act for the
3 violation and that the revocation, suspension, or restriction was
4 served for the violation, or may grant a restricted license.

5 (14) ~~-(13)-~~ The secretary of state shall not issue a
6 restricted license to a person whose license is suspended under
7 this section unless a restricted license is authorized under this
8 section and the person is otherwise eligible for a license.

9 (15) ~~-(14)-~~ The secretary of state shall not issue a
10 restricted license to a person under subsection (8) that would
11 permit the person to operate a commercial motor vehicle that
12 hauls hazardous material.

13 (16) ~~-(15)-~~ A restricted license issued under this section
14 shall permit the person to whom it is issued to drive under 1 or
15 more of the following circumstances:

16 (a) In the course of the person's employment or occupation.

17 (b) To and from any combination of the following:

18 (i) The person's residence.

19 (ii) The person's work location.

20 (iii) An alcohol or drug education or treatment program as
21 ordered by the court.

22 (iv) The court probation department.

23 (v) A court-ordered community service program.

24 (vi) An educational institution at which the person is
25 enrolled as a student.

1 (vii) A place of regularly occurring medical treatment for a
2 serious condition for the person or a member of the person's
3 household or immediate family.

4 (17) ~~-(16)-~~ While driving, the person shall carry proof of
5 his or her destination and the hours of any employment, class, or
6 other reason for traveling and shall display that proof upon a
7 peace officer's request.

8 (18) ~~-(17)-~~ Subject to subsection ~~-(19)-~~ (20), as used in
9 subsection (8), "prior conviction" means a conviction for any of
10 the following, whether under a law of this state, a local ordi-
11 nance substantially corresponding to a law of this state, or a
12 law of another state substantially corresponding to a law of this
13 state:

14 (a) Except as provided in subsection ~~-(18)-~~ (19), a viola-
15 tion or attempted violation of section 625(1), (3), (4), (5),
16 (6), or (7), section 625m, former section 625(1) or (2), or
17 former section 625b.

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

21 (19) ~~-(18)-~~ Except for purposes of the suspensions described
22 in subsection (8)(c) and (d), only 1 violation or attempted vio-
23 lation of section 625(6), a local ordinance substantially corre-
24 sponding to section 625(6), or a law of another state substan-
25 tially corresponding to section 625(6) may be used as a prior
26 conviction.

1 (20) ~~—(19)—~~ If 2 or more convictions described in subsection
2 ~~—(17)—~~ (18) are convictions for violations arising out of the
3 same transaction, only 1 conviction shall be used to determine
4 whether the person has a prior conviction.

5 Enacting section 1. This amendatory act does not take
6 effect unless all of the following bills of the 90th Legislature
7 are enacted into law:

8 (a) Senate Bill No. 758.

9

10 (b) Senate Bill No. 760.

11