

SENATE BILL No. 935

January 25, 2000, Introduced by Senator JAYE and referred to the Committee on Transportation and Tourism.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending the title and section 320 (MCL 257.320), the title as amended by 1991 PA 98 and section 320 as amended by 1982 PA 310.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

1
2 An act to provide for the registration, titling, sale,
3 transfer, and regulation of certain vehicles operated upon the
4 public highways of this state or any other place open to the gen-
5 eral public or generally accessible to motor vehicles and dis-
6 tressed vehicles; to provide for the licensing of dealers; to
7 provide for the examination, licensing, and control of operators
8 and chauffeurs; to provide for the giving of proof of financial
9 responsibility and security by owners and operators of vehicles;
10 to provide for the imposition, levy, and collection of specific

1 taxes on vehicles, and the levy and collection of sales and use
2 taxes, license fees, and permit fees; to provide for the regula-
3 tion and use of streets and highways; to create certain funds; to
4 provide penalties and sanctions for a violation of this act; TO
5 PRESCRIBE REMEDIES FOR CERTAIN PERSONS; to provide for civil
6 liability of owners and operators of vehicles and service of pro-
7 cess on residents and nonresidents; to provide for the levy of
8 certain assessments; to provide for the enforcement of this act;
9 to provide for the creation of and to prescribe the powers and
10 duties of certain state and local agencies; to repeal all other
11 acts or parts of acts inconsistent with this act or contrary to
12 this act; and to repeal certain parts of this act on a specific
13 date.

14 Sec. 320. (1) The secretary of state after notice as pro-
15 vided in this section may conduct an investigation and reexamina-
16 tion of a person, based upon 1 or more of the following:

17 (a) The secretary of state has reason to believe that the
18 person is incompetent to drive a motor vehicle or is afflicted
19 with a mental or physical infirmity or disability rendering it
20 unsafe for that person to drive a motor vehicle.

21 (b) The person, as a driver, has in 1 or more instances been
22 involved in an accident resulting in the death of a person.

23 (c) The person, within a 24-month period, has been involved
24 in 3 accidents resulting in personal injury or damage to the
25 property of a person, and the official police report indicates a
26 moving violation on the part of the driver in each of the
27 accidents.

1 (d) The person has charged against him or her a total of 12
2 or more points as provided in section 320a within a period of 2
3 years.

4 (e) The person has been convicted of violating restrictions,
5 terms, or conditions of the person's license.

6 (2) The secretary of state, upon good cause, may restrict,
7 suspend, revoke, or impose other terms and conditions on the
8 license of a person subject to reexamination and require the
9 immediate surrender of the license of that person. The secretary
10 of state shall, in all cases, prescribe the period of restric-
11 tion, suspension, revocation, or other terms and conditions.

12 (3) Service of notice shall be made by regular mail to the
13 last known address of the licensee as shown on the most recent
14 license application or change of address on the license as pro-
15 vided by section 315.

16 (4) A license shall not be suspended under this section for
17 a period of more than 1 year.

18 (5) The reexamination may be held by the secretary of state
19 pursuant to this section notwithstanding any restriction, suspen-
20 sion, revocation, or denial of a license under this section, sec-
21 tion 303 or 319, chapter V, section 625 or 625b, or under any
22 other law of this state. A suspension ordered pursuant to this
23 section shall be in addition to other suspensions.

24 (6) If a licensed operator or chauffeur fails to appear for
25 a reexamination scheduled by the secretary of state pursuant to
26 this section, the licensed operator's or chauffeur's license may
27 be suspended immediately and shall remain suspended until the

1 licensed operator or chauffeur appears for a reexamination by the
2 secretary of state. However, the secretary of state may
3 restrict, suspend, or revoke the license based solely on the
4 licensed operator's or chauffeur's driving record.

5 (7) THE SECRETARY OF STATE SHALL INFORM A PERSON 60 YEARS OF
6 AGE OR OVER WITH AN OPERATOR'S OR CHAUFFEUR'S LICENSE WHO IS
7 SUBJECT TO AN INVESTIGATION AND REEXAMINATION MORE THAN TWICE IN
8 A 24-MONTH PERIOD AS TO THE PERSON OR PERSONS WHO MADE A REPORT
9 WITH THE SECRETARY OF STATE REGARDING THE DRIVING ABILITY OF THAT
10 PERSON IF THE REPORTS WERE MADE BY THE SAME PERSON OR PERSONS.
11 IF THE PERSON WITH THE OPERATOR'S OR CHAUFFEUR'S LICENSE SUCCESS-
12 FULLY COMPLETES EACH REEXAMINATION, INCLUDING A ROAD TEST, THE
13 PERSON OR PERSONS WHO MADE THE COMPLAINTS ARE SUBJECT TO A FINE
14 OF NOT MORE THAN \$500.00. IN ADDITION, THE COURT MAY PROHIBIT
15 THE PERSON OR PERSONS FROM INITIATING ANOTHER COMPLAINT FOR UP TO
16 A 2-YEAR PERIOD.