

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 469

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303, 307, 319, 322, 323, 324, 617, and 904d (MCL 257.303, 257.307, 257.319, 257.322, 257.323, 257.324, 257.617, and 257.904d), sections 303 and 319 as amended by 2001 PA 103, section 307 as amended by 1999 PA 118, section 322 as amended by 1998 PA 340, section 323 as amended by 1999 PA 73, section 324 as amended by 1985 PA 79, section 617 as amended by 1989 PA 267, and section 904d as amended by 2000 PA 460.

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.

SB0469, As Passed House, October 25, 2001

Senate Bill No. 469

2

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

3 (c) A person whose license ~~has been~~ IS suspended, ~~during~~
4 ~~the period for which the license was suspended~~ REVOKED, DENIED,
5 OR CANCELED IN ANY STATE. IF THE SUSPENSION, REVOCATION, DENIAL,
6 OR CANCELLATION IS NOT FROM THE JURISDICTION THAT ISSUED THE LAST
7 LICENSE TO THE PERSON, THE SECRETARY OF STATE MAY ISSUE A LICENSE
8 AFTER THE EXPIRATION OF 5 YEARS FROM THE EFFECTIVE DATE OF THE
9 MOST RECENT SUSPENSION, REVOCATION, DENIAL, OR CANCELLATION.

10 (d) A person who in the opinion of the secretary of state is
11 afflicted with or suffering from a physical or mental disability
12 or disease preventing that person from exercising reasonable and
13 ordinary control over a motor vehicle while operating the motor
14 vehicle upon the highways.

15 (e) A person who is unable to understand highway warning or
16 direction signs in the English language.

17 (f) 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 (g) A person who has been convicted of, has received a juve-
23 nile disposition for, or has been determined responsible for 2 or
24 more moving violations under a law of this state, a local ordi-
25 nance substantially corresponding to a law of this state, or a
26 law of another state substantially corresponding to a law of this
27 state within the preceding 3 years, if the violations occurred

SB0469, As Passed House, October 25, 2001

Senate Bill No. 469

3

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

3 (h) A nonresident including a foreign exchange student.

4 (i) A person who has failed to answer a citation or notice
5 to appear in court or for any matter pending or fails to comply
6 with an order or judgment of the court, including, but not
7 limited to, paying all fines, costs, fees, and assessments, in
8 violation of section 321a, until that person answers the citation
9 or notice to appear in court or for any matter pending or com-
10 plies with an order or judgment of the court, including, but not
11 limited to, paying all fines, costs, fees, and assessments, as
12 provided under section 321a.

13 (j) A person not licensed under this act who has been con-
14 victed of, has received a juvenile disposition for, or has been
15 determined responsible for a crime or civil infraction described
16 in section 319, 324, or 904. A person shall be denied a license
17 under this subdivision for the length of time corresponding to
18 the period of the licensing sanction that would have been imposed
19 under section 319, 324, or 904 if the person had been licensed at
20 the time of the violation.

21 (k) A person not licensed under this act who has been con-
22 victed of or received a juvenile disposition for committing a
23 crime described in section 319e. A person shall be denied a
24 license under this subdivision for the length of time that corre-
25 sponds to the period of the licensing sanction that would have
26 been imposed under section 319e if the person had been licensed
27 at the time of the violation.

SB0469, As Passed House, October 25, 2001

Senate Bill No. 469

4

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

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 and deny issuance of an operator's or
12 chauffeur's license to a person having any of the following,
13 whether under a law of this state, a local ordinance substan-
14 tially corresponding to a law of this state, or a law of another
15 state substantially corresponding to a law of this state:

16 (a) Any combination of 2 convictions within 7 years for
17 reckless driving in violation of section 626.

18 (b) Any combination of 2 or more convictions within 7 years
19 for any of the following:

20 (i) A felony in which a motor vehicle was used.

21 (ii) A violation or attempted violation of section 601b(2)
22 or (3), section 601c(1) or (2), section 602a(4) or (5), SECTION
23 617, section 653a(3) or (4), or section 904(4) or (5).

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

SB0469, As Passed House, October 25, 2001

Senate Bill No. 469

5

1 (iv) A violation or attempted violation of section 479a(4)
2 or (5) of the Michigan penal code, 1931 PA 328, MCL 750.479a.

3 (c) Any combination of 2 convictions within 7 years for any
4 of the following or a combination of 1 conviction for a violation
5 or attempted violation of section 625(6) and 1 conviction for any
6 of the following within 7 years:

7 (i) A violation or attempted violation of section 625(1),
8 (3), (4), (5), or (7).

9 (ii) A violation of former section 625(1) or (2) or former
10 section 625b.

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

12 (d) One conviction for a violation or attempted violation of
13 SECTION 315(5), section 601b(3), section 601c(2), section 602a(4)
14 or (5), SECTION 617, section 625(4) or (5), section 653a(4), or
15 section 904(4) or (5).

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

19 (f) One conviction for a violation or attempted violation of
20 section 479a(4) or (5) of the Michigan penal code, 1931 PA 328,
21 MCL 750.479a.

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

1 (i) A violation or attempted violation of section 625(1),
2 (3), (4), (5), or (7).

3 (ii) A violation of former section 625(1) or (2) or former
4 section 625b.

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

6 (3) The secretary of state shall revoke a license under sub-
7 section (2) notwithstanding a court order UNLESS THE COURT ORDER
8 COMPLIES WITH SECTION 323.

9 (4) The secretary of state shall not issue a license under
10 this act to a person whose license has been revoked under this
11 act or revoked and denied under subsection (2) until all of the
12 following occur, as applicable:

13 (a) The later of the following:

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

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

19 (b) For a denial under subsection (2)(a), (b), (c), and (g),
20 the person rebuts by clear and convincing evidence the presump-
21 tion resulting from the prima facie evidence that he or she is a
22 habitual offender. The convictions that resulted in the revoca-
23 tion and denial constitute prima facie evidence that he or she is
24 a habitual offender.

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

26 (5) Multiple convictions or civil infraction determinations
27 resulting from the same incident shall be treated as a single

SB0469, As Passed House, October 25, 2001

Senate Bill No. 469

7

1 violation for purposes of denial or revocation of a license under
2 this section.

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

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

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

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

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

14 Sec. 307. (1) An application for an operator's or
15 chauffeur's license shall be made in a manner prescribed by the
16 secretary of state and shall contain all of the following:

17 (a) The applicant's full name, date of birth, residence
18 address, height, sex, eye color, signature, other information
19 required or permitted on the license under this chapter, and, to
20 the extent required to comply with federal law, the applicant's
21 social security number. The applicant may provide a mailing
22 address if the applicant receives mail at an address different
23 from his or her residence address.

24 (b) The following notice shall be included to inform the
25 applicant that under sections 509o and 509r of the Michigan elec-
26 tion law, 1954 PA 116, MCL 168.509o and 168.509r, the secretary
27 of state is required to use the residence address provided on

1 this application as the applicant's residence address on the
2 qualified voter file for voter registration and voting:

3 "NOTICE: Michigan law requires that the same address be used
4 for voter registration and driver license purposes.

5 Therefore, if the residence address you provide in this
6 application differs from your voter registration address as
7 it appears on the qualified voter file, the secretary of
8 state will automatically change your voter registration to
9 match the residence address on this application, after which
10 your voter registration at your former address will no longer
11 be valid for voting purposes. A new voter registration card,
12 containing the information of your polling place, will be
13 provided to you by the clerk of the jurisdiction where your
14 residence address is located."

15 (c) For an operator's or chauffeur's license with a vehicle
16 group designation or indorsement, the following certifications by
17 the applicant:

18 (i) The applicant meets the applicable federal physical
19 driver qualification requirements under 49 C.F.R. part 391 if the
20 applicant operates or intends to operate in interstate commerce
21 or meets the applicable physical qualifications under the rules
22 promulgated by the department of state police under the motor
23 carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.22, if
24 the applicant operates or intends to operate in intrastate
25 commerce.

1 (ii) The vehicle in which the applicant will take the
2 driving skills tests is representative of the type of vehicle the
3 applicant operates or intends to operate.

4 (iii) The applicant has not been convicted of an offense as
5 described in section 312f or 319b.

6 (iv) The applicant does not have a driver's license from
7 more than 1 state.

8 (d) For an operator's or chauffeur's license with a vehicle
9 group designation or indorsement and for which the applicant
10 claims a waiver of the driving test as provided in section 312f,
11 the following additional certifications by the applicant concern-
12 ing the 2-year period immediately before application:

13 (i) The applicant has not had more than 1 license.

14 (ii) The applicant has not had any license suspended,
15 revoked, or canceled.

16 (iii) The applicant has not been convicted of any offense
17 described in section 319b while operating a motor vehicle.

18 (iv) The applicant has not been convicted of a moving viola-
19 tion under state or local law relating to motor vehicle traffic
20 control arising in connection with a traffic accident.

21 (v) The applicant is regularly employed in a job requiring
22 the operation of a commercial motor vehicle.

23 (vi) The applicant qualifies under either of the following:

24 (A) He or she has passed a behind-the-wheel driving test
25 given by a state with a commercial motor vehicle driver licensing
26 and testing system and taken in a representative vehicle for that
27 applicant's driver's license vehicle group designation.

SB0469, As Passed House, October 25, 2001

Senate Bill No. 469

10

1 (B) For at least 2 years immediately preceding application,
2 the applicant has operated a vehicle representative of the com-
3 mercial motor vehicle group or passenger vehicle for which he or
4 she is applying. The applicant's employer or the applicant, if
5 self-employed, shall provide evidence of this requirement.

6 (2) Except as provided in this subsection, an applicant for
7 an operator's or chauffeur's license may have his or her image
8 captured or reproduced when the application for the license is
9 made. An applicant required under section 5a of the sex offend-
10 ers registration act, 1994 PA 295, MCL 28.725a, to maintain a
11 valid operator's or chauffeur's license or official state per-
12 sonal identification card shall have his or her image captured or
13 reproduced when the application for the license is made. The
14 secretary of state shall acquire by purchase or lease the equip-
15 ment for capturing the images and may furnish the equipment to a
16 local unit authorized by the secretary of state to license
17 drivers. The secretary of state shall acquire equipment pur-
18 chased or leased pursuant to this section under standard purchas-
19 ing procedures of the department of management and budget based
20 on standards and specifications established by the secretary of
21 state. The secretary of state shall not purchase or lease equip-
22 ment until an appropriation for the equipment has been made by
23 the legislature. An image captured pursuant to this section
24 shall appear on the applicant's operator's or chauffeur's
25 license. Except as provided in this subsection, the secretary of
26 state may retain and use a person's image described in this
27 subsection only for programs administered by the secretary of

SB0469, As Passed House, October 25, 2001

Senate Bill No. 469

11

1 state. Except as provided in this subsection, the secretary of
2 state shall not use a person's image unless the person grants
3 written permission for that purpose to the secretary of state or
4 specific enabling legislation permitting the use is enacted into
5 law. A law enforcement agency of this state has access to infor-
6 mation retained by the secretary of state under this subsection.
7 The information may be utilized for any law enforcement purpose
8 unless otherwise prohibited by law. The department of state
9 police shall provide to the secretary of state updated lists of
10 persons required to be registered under the sex offenders regis-
11 tration act, 1994 PA 295, MCL 28.721 to 28.732, and the secretary
12 of state shall make the images of those persons available to the
13 department of state police as provided in that act.

14 (3) An application shall contain a signature and certifica-
15 tion by the applicant and shall be accompanied by the proper
16 fee. The examiner shall collect the application fee and shall
17 forward the fee to the secretary of state with the application.
18 The secretary of state shall refund the application fee to the
19 applicant if the license applied for is denied, but shall not
20 refund the fee to an applicant who fails to complete the examina-
21 tion requirements of the secretary of state within 90 days after
22 the date of application for a license. ~~Until January 1, 2002,~~
23 ~~a~~ A service fee of \$1.00 shall be added to each fee collected
24 for an original, renewal, duplicate, or corrected operator's or
25 chauffeur's license. The service fee received and collected
26 under this subsection shall be deposited in the state treasury to
27 the credit of the general fund. The service fee shall be used to

SB0469, As Passed House, October 25, 2001

Senate Bill No. 469

12

1 defray the expenses of the secretary of state. Appropriations
2 from the Michigan transportation fund shall not be used to com-
3 pensate the secretary of state for costs incurred and services
4 performed under this section.

5 (4) In conjunction with the issuance of an operator's or
6 chauffeur's license, the secretary of state shall do all of the
7 following:

8 (a) Provide the applicant with all of the following:

9 (i) Written information explaining the applicant's right to
10 make an anatomical gift in the event of death in accordance with
11 section 310.

12 (ii) Written information describing the organ donation reg-
13 istry program maintained by Michigan's federally designated organ
14 procurement organization or its successor organization. The
15 written information required under this subparagraph shall
16 include, in a type size and format that is conspicuous in rela-
17 tion to the surrounding material, the address and telephone
18 number of Michigan's federally designated organ procurement
19 organization or its successor organization, along with an
20 advisory to call Michigan's federally designated organ procure-
21 ment organization or its successor organization with questions
22 about the organ donor registry program.

23 (iii) Written information giving the applicant the opportu-
24 nity to be placed on the organ donation registry described in
25 subparagraph (ii).

26 (b) Provide the applicant with the opportunity to specify on
27 his or her operator's or chauffeur's license that he or she is

SB0469, As Passed House, October 25, 2001

Senate Bill No. 469

13

1 willing to make an anatomical gift in the event of death in
2 accordance with section 310.

3 (c) Inform the applicant in writing that, if he or she indi-
4 cates to the secretary of state under this section a willingness
5 to have his or her name placed on the organ donor registry
6 described in subdivision (a)(ii), the secretary of state will
7 forward the applicant's name and address to the organ donation
8 registry maintained by Michigan's federally designated organ pro-
9 curement organization or its successor organization, as required
10 by subsection (6).

11 (5) The secretary of state may fulfill the requirements of
12 subsection (4) by 1 or more of the following methods:

13 (a) Providing printed material enclosed with a mailed notice
14 for an operator's or chauffeur's license renewal or the issuance
15 of an operator's or chauffeur's license.

16 (b) Providing printed material to an applicant who person-
17 ally appears at a secretary of state branch office.

18 (c) Through electronic information transmittals for
19 operator's and chauffeur's licenses processed by electronic
20 means.

21 (6) If an applicant indicates a willingness under this sec-
22 tion to have his or her name placed on the organ donor registry
23 described in subsection (4)(a)(ii), the secretary of state shall
24 within 10 days forward the applicant's name and address to the
25 organ donor registry maintained by Michigan's federally desig-
26 nated organ procurement organization or its successor
27 organization. The secretary of state may forward information

SB0469, As Passed House, October 25, 2001

Senate Bill No. 469

14

1 under this subsection by mail or by electronic means. The
2 secretary of state shall not maintain a record of the name or
3 address of an individual who indicates a willingness to have his
4 or her name placed on the organ donor registry after forwarding
5 that information to the organ donor registry under this
6 subsection. Information about an applicant's indication of a
7 willingness to have his or her name placed on the organ donor
8 registry that is obtained by the secretary of state under subsec-
9 tion (4) and forwarded under this subsection is exempt from dis-
10 closure under the freedom of information act, 1976 PA 442, MCL
11 15.231 to 15.246, pursuant to section 13(1)(d) of the freedom of
12 information act, 1976 PA 442, MCL 15.243.

13 (7) If an application is received from a person previously
14 licensed in another jurisdiction, the secretary of state shall
15 request a copy of the applicant's driving record and other avail-
16 able information from the ~~other jurisdiction~~ NATIONAL DRIVER
17 REGISTER. When received, the driving record and other available
18 information ~~from the other jurisdiction becomes~~ BECOME a part
19 of the driver's record in this state. ~~with the same force and~~
20 ~~effect as if it had been entered on the driver's record in this~~
21 ~~state in the original instance.~~ If the application is for an
22 original, renewal, or ~~change~~ UPGRADE of a vehicle group desig-
23 nation or indorsement, the secretary of state shall also check
24 the applicant's driving record with the ~~national drivers regis-~~
25 ~~ter and the United States department of transportation~~ FEDERAL
26 COMMERCIAL DRIVER LICENSE INFORMATION SYSTEM before issuing that
27 group designation or indorsement.

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SB0469, As Passed House, October 25, 2001

Senate Bill No. 469

15

1 (8) Except for a vehicle group designation or indorsement or
2 as provided in this subsection, the secretary of state may issue
3 a renewal operator's or chauffeur's license for 1 additional
4 4-year period by mail or by other methods prescribed by the sec-
5 retary of state. The secretary of state shall issue a renewal
6 license only in person if the licensee has a driving record with
7 a conviction or civil infraction determination obtained in the 48
8 months preceding renewal or if the person is a person required
9 under section 5a of the sex offenders registration act, 1994 PA
10 295, MCL 28.725a, to maintain a valid operator's or chauffeur's
11 license or official state personal identification card. However,
12 the secretary of state shall not refuse to issue a renewal
13 license by mail or by other method because of a conviction or
14 civil infraction determination for which fines and costs were
15 waived under section 901a or section 907. If a license is
16 renewed by mail or by other method, the secretary of state shall
17 issue evidence of renewal to indicate the date the license
18 expires in the future. The department of state police shall pro-
19 vide to the secretary of state updated lists of persons required
20 under section 5a of the sex offenders registration act, 1994
21 PA 295, MCL 28.725a, to maintain a valid operator's or
22 chauffeur's license or official state personal identification
23 card.

24 (9) Upon request, the secretary of state shall provide an
25 information manual to an applicant explaining how to obtain a
26 vehicle group designation or indorsement. The manual shall
27 contain the information required under 49 C.F.R. part 383.

SB0469, As Passed House, October 25, 2001

Senate Bill No. 469

16

1 (10) The secretary of state shall not disclose a social
2 security number obtained under subsection (1) to another person
3 except for use for 1 or more of the following purposes:

4 (a) Compliance with ~~the commercial motor vehicle safety act~~
5 ~~of 1986, title XII of Public Law 99-570, 100 Stat. 3207-170-~~
6 CHAPTER 313 OF TITLE 49 OF THE UNITED STATES CODE, 49
7 U.S.C. 31301 TO 31317, and regulations and state law and rules
8 related to ~~that act~~ THIS CHAPTER.

9 (b) Through the law enforcement information network, to
10 carry out the purposes of section 466(a) of part D of title IV of
11 the social security act, 42 U.S.C. 666, in connection with mat-
12 ters relating to paternity, child support, or overdue child
13 support.

14 (c) As otherwise required by law.

15 (11) The secretary of state shall not display a person's
16 social security number on the person's operator's or chauffeur's
17 license.

18 (12) A requirement under this section to include a social
19 security number on an application does not apply to an applicant
20 who demonstrates he or she is exempt under law from obtaining a
21 social security number or to an applicant who for religious con-
22 victions is exempt under law from disclosure of his or her social
23 security number under these circumstances. The secretary of
24 state shall inform the applicant of this possible exemption.

25 Sec. 319. (1) The secretary of state shall immediately sus-
26 pend a person's license as provided in this section upon
27 receiving a record of the person's conviction for a crime

SB0469, As Passed House, October 25, 2001

Senate Bill No. 469

17

1 described in this section, whether the conviction is under a law
2 of this state, a local ordinance substantially corresponding to a
3 law of this state, or a law of another state substantially corre-
4 sponding to a law of this state.

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

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

9 (b) A violation of section 413 of the Michigan penal code,
10 1931 PA 328, MCL 750.413.

11 (c) A violation of section 1 of FORMER 1931 PA 214,
12 MCL 752.191, OR SECTION 626C.

13 ~~(d) Failing to stop and disclose identity at the scene of~~
14 ~~an accident resulting in death or serious injury in violation of~~
15 ~~section 617.~~

16 (D) ~~(e)~~ A felony in which a motor vehicle was used. As
17 used in this section, "felony in which a motor vehicle was used"
18 means a felony during the commission of which the person con-
19 victed operated a motor vehicle and while operating the vehicle
20 presented real or potential harm to persons or property and 1 or
21 more of the following circumstances existed:

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

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

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

26 (iv) The vehicle was necessary for the commission of the
27 felony.

SB0469, As Passed House, October 25, 2001

Senate Bill No. 469

18

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

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

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

8 (b) A violation of section 601b(2), section 601c(1), section
9 626, or section 653a(3).

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

13 (d) A violation of section 703(2) of the Michigan liquor
14 control code of 1998, 1998 PA 58, MCL 436.1703.

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

19 (5) For perjury or making a false certification to the sec-
20 retary of state under any law requiring the registration of a
21 motor vehicle or regulating the operation of a vehicle on a high-
22 way, OR FOR CONDUCT PROHIBITED UNDER SECTION 324(1) OR A LOCAL
23 ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 324(1), the sec-
24 retary shall suspend the person's license as follows:

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

SB0469, As Passed House, October 25, 2001

Senate Bill No. 469

19

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

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

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

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

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

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

19 (b) If the person has 2 or more prior convictions for an
20 offense described in this subsection or section 33b(1) of former
21 1933 (Ex Sess) PA 8, for 1 year. The secretary of state may
22 issue the person a restricted license after the first 60 days of
23 suspension.

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

26 (a) For 180 days for a violation of section 625(1) if the
27 person has no prior convictions within 7 years. The secretary of

SB0469, As Passed House, October 25, 2001

Senate Bill No. 469

20

1 state may issue the person a restricted license during all or a
2 specified portion of the suspension, except that the secretary of
3 state shall not issue a restricted license during the first 30
4 days of suspension.

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

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

19 (d) For 90 days for a violation of section 625(6) if the
20 person has 1 or more prior convictions for that offense within 7
21 years.

22 (e) For 180 days for a violation of section 625(7) if the
23 person has no prior convictions within 7 years. The secretary of
24 state may issue the person a restricted license after the first
25 90 days of suspension.

26 (f) For 90 days for a violation of section 625m if the
27 person has no prior convictions within 7 years. The secretary of

SB0469, As Passed House, October 25, 2001

Senate Bill No. 469

21

1 state may issue the person a restricted license during all or a
2 specified portion of the suspension.

3 (9) For a violation of section 367c of the Michigan penal
4 code, 1931 PA 328, MCL 750.367c, the secretary of state shall
5 suspend the person's license as follows:

6 (a) If the person has no prior conviction for an offense
7 described in this subsection within 7 years, for 6 months.

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

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

14 (11) Except as provided in subsection (13), a suspension
15 under this section shall be imposed notwithstanding a court order
16 UNLESS THE COURT ORDER COMPLIES WITH SECTION 323.

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

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

1 (14) The secretary of state shall not issue a restricted
2 license to a person whose license is suspended under this section
3 unless a restricted license is authorized under this section and
4 the person is otherwise eligible for a license.

5 (15) The secretary of state shall not issue a restricted
6 license to a person under subsection (8) that would permit the
7 person to operate a commercial motor vehicle that hauls hazardous
8 material.

9 (16) A restricted license issued under this section shall
10 permit the person to whom it is issued to drive under 1 or more
11 of the following circumstances:

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

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

14 (i) The person's residence.

15 (ii) The person's work location.

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

18 (iv) The court probation department.

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

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

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

25 (17) While driving with a restricted license, the person
26 shall carry proof of his or her destination and the hours of any

1 employment, class, or other reason for traveling and shall
2 display that proof upon a peace officer's request.

3 (18) Subject to subsection (20), as used in subsection (8),
4 "prior conviction" means a conviction for any of the following,
5 whether under a law of this state, a local ordinance substan-
6 tially corresponding to a law of this state, or a law of another
7 state substantially corresponding to a law of this state:

8 (a) Except as provided in subsection (19), a violation or
9 attempted violation of section 625(1), (3), (4), (5), (6), or
10 (7), section 625m, former section 625(1) or (2), or former sec-
11 tion 625b.

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

15 (19) Except for purposes of the suspensions described in
16 subsection (8)(c) and (d), only 1 violation or attempted viola-
17 tion of section 625(6), a local ordinance substantially corre-
18 sponding to section 625(6), or a law of another state substan-
19 tially corresponding to section 625(6) may be used as a prior
20 conviction.

21 (20) If 2 or more convictions described in subsection (18)
22 are convictions for violations arising out of the same transac-
23 tion, only 1 conviction shall be used to determine whether the
24 person has a prior conviction.

25 Sec. 322. (1) The secretary of state shall appoint a hear-
26 ing officer to hear appeals from persons aggrieved by a final
27 determination of the secretary of state denying an application

1 for an operator's or chauffeur's license, suspending,
2 restricting, or revoking an operator's or chauffeur's license, or
3 other license action.

4 (2) The appeal shall be in writing and filed with the secre-
5 tary of state within 14 days after the final determination. Upon
6 notice of the appeal, the hearing officer shall require produc-
7 tion of all documents filed in the matter, together with a tran-
8 script of any testimony taken.

9 (3) In a hearing or matter properly before the hearing offi-
10 cer, he or she may do any of the following:

11 (a) Issue subpoenas to compel attendance of witnesses.

12 (b) Issue process to compel attendance.

13 (c) Punish for contempt any witness failing to appear or
14 testify in the same manner as provided by the rules and practice
15 in the circuit court.

16 (d) Swear witnesses, administer oaths, and exemplify records
17 in any matter before the officer.

18 (e) Take additional testimony he or she considers
19 appropriate.

20 (4) A verbatim record shall be made of the hearing.

21 (5) After a hearing, the hearing officer may affirm, modify,
22 or set aside a final determination of the secretary of state
23 denying an application for an operator's or chauffeur's license,
24 suspending, restricting, or revoking an operator's or chauffeur's
25 license, or any other license action. The hearing officer shall
26 include his or her findings of fact and conclusions of law in the
27 record.

SB0469, As Passed House, October 25, 2001

Senate Bill No. 469

25

1 (6) Except as provided in subsection (7), if a person whose
2 license has been denied or revoked under ~~section 303(1)(f) or~~
3 section 303(2)(c), (d), or ~~(f)~~ (G) applies for a license or
4 reinstatement of a license after the time period specified in
5 section 303(4) has elapsed, the hearing officer may issue a
6 restricted license to that person, setting restrictions upon
7 operating a vehicle as the hearing officer determines are
8 appropriate. If the hearing officer issues a restricted license
9 following a hearing held after October 1, 1999, he or she shall
10 do both of the following:

11 (a) Require installation of a functioning ignition interlock
12 device that meets or exceeds the model specifications of the
13 national highway traffic safety administration set forth in 57
14 F.R. p.11772, April 7, 1992, on each motor vehicle the person
15 owns or intends to operate, the costs of which shall be borne by
16 the person whose license is restricted.

17 (b) Condition issuance of a restricted license upon verifi-
18 cation by the secretary of state that an ignition interlock
19 device has been installed.

20 (7) The hearing officer shall not issue a restricted license
21 under subsection (6) that would permit the person to operate a
22 commercial motor vehicle that hauls hazardous material.

23 (8) If the hearing officer issues a restricted license to a
24 person who intends to operate a vehicle owned by his or her
25 employer, the secretary of state shall notify the employer of the
26 employee's license restriction that requires the installation of
27 an ignition interlock device. An employer who receives notice

1 under this subsection is not required to install an ignition
2 interlock device on the employer-owned vehicle. This subsection
3 does not apply to a vehicle that is operated by a self-employed
4 individual who uses the vehicle for both business and personal
5 use.

6 (9) If the hearing officer issues a restricted license
7 requiring an ignition interlock device, the initial period for
8 requiring the device shall be 1 year. After that time, the hear-
9 ing officer may continue the ignition interlock device require-
10 ment for any length of time.

11 Sec. 323. (1) A person aggrieved by a final determination
12 of the secretary of state denying the person an operator's or
13 chauffeur's license, a vehicle group designation, or an indorse-
14 ment on a license or revoking, suspending, or restricting an
15 operator's or chauffeur's license, vehicle group designation, or
16 an indorsement may petition for a review of the determination in
17 the circuit court in the county where the person was arrested if
18 the denial or suspension was imposed pursuant to section 625f or
19 pursuant to the order of a trial court under section 328 or, in
20 all other cases, in the circuit court in the person's county of
21 residence. The person shall file the petition within 63 days
22 after the determination is made except that for good cause shown
23 the court may allow the person to file petition within 182 days
24 after the determination is made. As provided in section 625f, a
25 peace officer aggrieved by a determination of a hearing officer
26 in favor of a person who requested a hearing under section 625f
27 may, with the prosecuting attorney's consent, petition for review

SB0469, As Passed House, October 25, 2001

Senate Bill No. 469

27

1 of the determination in the circuit court in the county where the
2 arrest was made. The peace officer shall file the petition
3 within 63 days after the determination is made except that for
4 good cause shown the court may allow the peace officer to file
5 the petition within 182 days after the determination is made.

6 (2) Except as otherwise provided in this section, the cir-
7 cuit court shall enter an order setting the cause for hearing for
8 a day certain not more than 63 days after the order's date. The
9 order, a copy of the petition that includes the person's full
10 name, current address, birth date, and driver's license number,
11 and all supporting affidavits shall be served on the secretary of
12 state's office in Lansing not less than 20 days before the date
13 set for the hearing. If the person is seeking a review of the
14 record prepared pursuant to section 322 or section 625f, the
15 service upon the secretary of state shall be made not less than
16 50 days before the date set for the hearing.

17 (3) The court may take testimony and examine all the facts
18 and circumstances relating to the denial, suspension, or restric-
19 tion of the person's license under sections ~~303(1)(g)~~
20 303(1)(D), 320, or 904(10) or (11), a licensing action under sec-
21 tion 310d, or a suspension for a first violation under section
22 625f. The court may affirm, modify, or set aside the restric-
23 tion, suspension, or denial, except the court shall not order the
24 secretary of state to issue a restricted or unrestricted
25 chauffeur's license that would permit the person to drive a com-
26 mercial motor vehicle that hauls a hazardous material. The court
27 shall ~~duly~~ enter the order and the petitioner shall file a

1 certified copy of the order with the secretary of state's office
2 in Lansing within 7 days after entry of the order.

3 (4) Except as otherwise provided in this section, in review-
4 ing a determination resulting in a denial, suspension, restric-
5 tion, or revocation under this act, the court shall confine its
6 consideration to a review of the record prepared pursuant to sec-
7 tion 322 or 625f or the driving record created under section 204a
8 for a statutory legal issue, and shall not grant restricted driv-
9 ing privileges. The court shall set aside the secretary of
10 state's determination only if the petitioner's substantial rights
11 have been prejudiced because the determination is any of the
12 following:

13 (a) In violation of the Constitution of the United States,
14 the state constitution of 1963, or a statute.

15 (b) In excess of the secretary of state's statutory author-
16 ity or jurisdiction.

17 (c) Made upon unlawful procedure resulting in material prej-
18 udice to the petitioner.

19 (d) Not supported by competent, material, and substantial
20 evidence on the whole record.

21 (e) Arbitrary, capricious, or clearly an abuse or unwar-
22 ranted exercise of discretion.

23 (f) Affected by other substantial and material error of
24 law.

25 Sec. 324. (1) A person shall not do any of the following:

26 (a) Display, or cause or permit to be displayed, or have in
27 possession ~~any~~ AN operator's or chauffeur's license knowing the

SB0469, As Passed House, October 25, 2001

Senate Bill No. 469

29

1 operator's or chauffeur's license to be fictitious or to have
2 been canceled, revoked, suspended, or altered.

3 (b) Lend to or knowingly permit use of, by one not entitled
4 to its use, the operator's or chauffeur's license issued to the
5 person lending or permitting the use of the operator's or
6 chauffeur's license.

7 (c) Display or to represent as one's own any operator's or
8 chauffeur's license not issued to the person displaying the
9 operator's or chauffeur's license.

10 (d) Fail or refuse to surrender to the department upon
11 demand, any operator's or chauffeur's license which has been sus-
12 pended, canceled, or revoked as provided by law.

13 (e) Use a false or fictitious name or give a false or ficti-
14 tious address in an application for an operator's or chauffeur's
15 license, or any renewal or duplicate of an operator's or
16 chauffeur's license, or knowingly make a false statement or know-
17 ingly conceal a material fact or otherwise commit a fraud in
18 making an application.

19 (f) Alter or otherwise cause to be altered any operator's or
20 chauffeur's license so as to knowingly make a false statement or
21 knowingly conceal a material fact in order to misrepresent as
22 one's own the operator's or chauffeur's license.

23 (g) Use or have in possession in committing a crime an
24 operator's or chauffeur's license that has been altered or that
25 is used to knowingly make a false statement or to knowingly con-
26 ceal a material fact in order to misrepresent as one's own the
27 operator's or chauffeur's license.

SB0469, As Passed House, October 25, 2001

Senate Bill No. 469

30

1 (h) Furnish to a peace officer false, forged, fictitious, or
2 misleading verbal or written information identifying the person
3 as another person, if the person is detained for a violation of
4 this act or of a local ordinance substantially corresponding to a
5 provision of this act.

6 (2) ~~Any~~ A license for an operator or chauffeur issued
7 under ~~the provisions of~~ this chapter upon an application
8 ~~which~~ THAT is untrue, or ~~which~~ THAT contains false statements
9 as to any material matters, ~~shall be~~ IS absolutely void from
10 the date of issuance. The operator or chauffeur who was issued
11 the license ~~shall be deemed~~ IS CONSIDERED unlicensed and the
12 license issued shall be ~~at once taken~~ RETURNED upon request or
13 order of the department.

14 ~~(3) The secretary of state shall suspend the license of an~~
15 ~~operator or chauffeur upon conviction of 1 of the prohibited~~
16 ~~practices described in this section, or of a local ordinance sub-~~
17 ~~stantially corresponding to a provision of this act, for 90~~
18 ~~days. A second violation within a period of 7 years shall result~~
19 ~~in a suspension for 1 year.~~

20 Sec. 617. (1) The driver of a vehicle who knows or who has
21 reason to believe that he or she has been involved in an accident
22 upon either public or private property, when the property is open
23 to travel by the public, resulting in serious ~~or aggravated~~
24 ~~injury to~~ IMPAIRMENT OF A BODY FUNCTION or death of a person
25 shall immediately stop his or her vehicle at the scene of the
26 accident and shall remain there until the requirements of section

SB0469, As Passed House, October 25, 2001

Senate Bill No. 469

31

1 619 are fulfilled. The stop shall be made without obstructing
2 traffic more than is necessary.

3 (2) ~~A~~ EXCEPT AS PROVIDED IN SUBSECTION (3), A person who
4 violates subsection (1) is guilty of a felony punishable by
5 imprisonment for not more than 5 years or by a fine of not more
6 than \$5,000.00, or both.

7 (3) ~~The secretary of state shall suspend the operator's or~~
8 ~~chauffeur's license of the person convicted under this section~~
9 ~~as provided in section 319.~~ A PERSON WHO VIOLATES SUBSECTION (1)
10 FOLLOWING AN ACCIDENT CAUSED BY THAT PERSON THAT RESULTS IN THE
11 DEATH OF ANOTHER PERSON IS GUILTY OF A FELONY PUNISHABLE BY
12 IMPRISONMENT FOR NOT MORE THAN 15 YEARS OR A FINE OF NOT MORE
13 THAN \$10,000.00, OR BOTH.

14 Sec. 904d. (1) Vehicle immobilization applies as follows:

15 (a) For a conviction under section 625(1), (3), or (7) or a
16 local ordinance substantially corresponding to section 625(1) or
17 (3) with no prior convictions, the court may order vehicle immo-
18 bilization for not more than 180 days.

19 (b) For a conviction under section 625(4) or (5) with no
20 prior convictions, the court shall order vehicle immobilization
21 for not more than 180 days.

22 (c) For a conviction under section 625(1), (3), (4), (5), or
23 (7) within 7 years after a prior conviction, the court shall
24 order vehicle immobilization for not less than 90 days or more
25 than 180 days.

26 (d) For a conviction under section 625(1), (3), (4), (5), or
27 (7) within 10 years after 2 or more prior convictions, the court

SB0469, As Passed House, October 25, 2001

Senate Bill No. 469

32

1 shall order vehicle immobilization for not less than 1 year or
2 more than 3 years.

3 (2) For a conviction or civil infraction determination
4 resulting from a violation that occurred during a period of sus-
5 pension, revocation, or denial, the following apply:

6 (a) Except as provided in subdivision (b), for 1 prior sus-
7 pension, revocation, or denial under section 904(10), (11), or
8 (12) or former section 904(2) or (4) within the past 7 years, the
9 court may order vehicle immobilization for not more than 180
10 days.

11 (b) Except as provided in subdivisions (c) and (d), if the
12 person is convicted under section 904(4) or (5), the court shall
13 order vehicle immobilization for not more than 180 days.

14 (c) For any combination of 2 or 3 prior suspensions, revoca-
15 tions, or denials under section 904(10), (11), or (12) or former
16 section 904(2) or (4) within the past 7 years, the court shall
17 order vehicle immobilization for not less than 90 days or more
18 than 180 days.

19 (d) For any combination of 4 or more prior suspensions,
20 revocations, or denials under section 904(10), (11), or (12) or
21 former section 904(2) or (4) within the past 7 years, the court
22 shall order vehicle immobilization for not less than 1 year or
23 more than 3 years.

24 (3) The defendant shall provide to the court the vehicle
25 identification number and registration plate number of the vehi-
26 cle involved in the violation.

1 (4) The court may order vehicle immobilization under this
2 section under either of the following circumstances:

3 (a) The defendant is the owner, co-owner, lessee, or
4 co-lessee of the vehicle operated during the violation.

5 (b) The owner, co-owner, lessee, or co-lessee knowingly per-
6 mitted the vehicle to be operated in violation of section 625(2)
7 or section 904(2) regardless of whether a conviction resulted.

8 (5) An order required to be issued under this section shall
9 not be suspended.

10 (6) If a defendant is ordered imprisoned for the violation
11 for which immobilization is ordered, the period of immobilization
12 shall begin at the end of the period of imprisonment.

13 (7) This section does not apply to any of the following:

14 (a) A suspension, revocation, or denial based on a violation
15 of the support and parenting time enforcement act, 1982 PA 295,
16 MCL 552.601 to 552.650.

17 (b) A vehicle that is registered in another state or that is
18 a rental vehicle.

19 (c) A vehicle owned by the federal government, this state,
20 or a local unit of government of this state.

21 (d) A vehicle not subject to registration under
22 section 216.

23 (e) Any of the following:

24 (i) A violation of chapter II.

25 (ii) A violation of chapter V.

26 (iii) A violation for failure to change address.

- 1 (iv) A parking violation.
- 2 (v) A bad check violation.
- 3 (vi) An equipment violation.
- 4 (vii) A pedestrian, passenger, or bicycle violation, other
5 than a violation of section 703(1) or (2) of the Michigan liquor
6 control code of 1998, 1998 PA 58, MCL 436.1703, or a local ordi-
7 nance substantially corresponding to section 703(1) or (2) of the
8 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703,
9 or section 624a or 624b or a local ordinance substantially corre-
10 sponding to section 624a or 624b.
- 11 (viii) A violation of a local ordinance substantially corre-
12 sponding to a violation described in subparagraphs (i) to (vii).
- 13 (8) As used in this section:
- 14 (a) Subject to subsection (9), "prior conviction" means a
15 conviction for any of the following, whether under a law of this
16 state, a local ordinance substantially corresponding to a law of
17 this state, or a law of another state substantially corresponding
18 to a law of this state:
- 19 (i) Except as otherwise provided in this subparagraph, a
20 violation or attempted violation of section 625(1), (3), (4),
21 (5), (6), or (7), section 625m, former section 625(1) or (2), or
22 former section 625b. However, 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.

SB0469, As Passed House, October 25, 2001

Senate Bill No. 469

35

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

4 ~~(iii) A violation of section 653a(3).~~

5 (b) "Vehicle immobilization" means requiring the motor vehi-
6 cle involved in the violation immobilized in a manner provided in
7 section 904e.

8 (9) If 2 or more convictions described in subsection (8)(a)
9 are convictions for violations arising out of the same incident,
10 only 1 conviction shall be used to determine whether the person
11 has a prior conviction.

12 Enacting section 1. Sections 303, 319, 324, and 617 as
13 amended by this amendatory act take effect February 1, 2002.