

**SUBSTITUTE FOR**  
**SENATE BILL NO. 469**  
(As amended May 30, 2001)

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303, 307, 319, 617, and 904d (MCL 257.303, 257.307, 257.319, 257.617, and 257.904d), sections 303, 319, and 904d as amended by 2000 PA 460, section 307 as amended by 1999 PA 118, and section 617 as amended by 1989 PA 267, and by adding section 58c.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

SEC. 58C. "SERIOUS IMPAIRMENT OF A BODY FUNCTION" INCLUDES, BUT IS NOT LIMITED TO, 1 OR MORE OF THE FOLLOWING:

- (A) LOSS OF A LIMB OR LOSS OF USE OF A LIMB.
- (B) LOSS OF A FOOT, HAND, FINGER, OR THUMB OR LOSS OF USE OF A FOOT, HAND, FINGER, OR THUMB.
- (C) LOSS OF AN EYE OR EAR OR LOSS OF USE OF AN EYE OR EAR.
- (D) LOSS OR SUBSTANTIAL IMPAIRMENT OF A BODILY FUNCTION.
- (E) SERIOUS VISIBLE DISFIGUREMENT.
- (F) A COMATOSE STATE THAT LASTS FOR MORE THAN 3 DAYS.
- (G) MEASURABLE BRAIN OR MENTAL IMPAIRMENT.
- (H) A SKULL FRACTURE OR OTHER SERIOUS BONE FRACTURE.
- (I) SUBDURAL HEMORRHAGE OR SUBDURAL HEMATOMA.
- (J) LOSS OF AN ORGAN.

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.

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1       ~~(d) A person who has been convicted of or received a~~  
2 ~~juvenile disposition for a violation of section 625(4) or (5),~~  
3 ~~section 653a(4), or 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), section 653a(4), or section 904(4) or~~  
25 ~~(5).~~

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

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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), section 653a(4), or section 904(4) or~~  
12 ~~(5).~~

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

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

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

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

24 ~~(E) (h)~~ A person who is unable to understand highway warn-  
25 ing or direction signs in the English language.

26 ~~(i) A person who is an habitually reckless driver. Two~~  
27 ~~convictions within 7 years for violating any combination of~~

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1 ~~section 626 or section 653a(3) or a local ordinance of this state~~  
2 ~~or a law of another state substantially similar to section 626 or~~  
3 ~~section 653a(3) are prima facie evidence that the person is an~~  
4 ~~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 ~~(F) —(k)— A person who is unable to pass a knowledge, skill,~~  
10 ~~or ability test administered by the secretary of state in connec-~~  
11 ~~tion 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 ~~(G) —(l)— A person who has been convicted of, has received a~~  
15 ~~juvenile disposition for, or has been determined responsible for~~  
16 ~~2 or more moving violations under a law of this state, a local~~  
17 ~~ordinance substantially corresponding to a law of this state, or~~  
18 ~~a law of another state substantially corresponding to a law of~~  
19 ~~this state within the preceding 3 years, if the violations~~  
20 ~~occurred before issuance of an original license to the person in~~  
21 ~~this or another state.~~

22 ~~(H) —(m)— A nonresident including a foreign exchange~~  
23 ~~student.~~

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

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1 violation of section 321a, until that person answers the citation  
2 or notice to appear in court or for any matter pending or com-  
3 plies with an order or judgment of the court, including, but not  
4 limited to, paying all fines, costs, fees, and assessments, as  
5 provided under section 321a.

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

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

21       (l) ~~(q)~~ A person not licensed under this act who is deter-  
22 mined to have violated section 33b(1) of former 1933 (Ex Sess)  
23 PA 8, section 703(1) of the Michigan liquor control code of 1998,  
24 1998 PA 58, MCL 436.1703, or section 624a or 624b of this act.  
25 The person shall be denied a license under this subdivision for a  
26 period of time that corresponds to the period of the licensing

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1 sanction that would have been imposed under those sections had  
2 the person been licensed at the time of the violation.

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

6 (2) Upon receiving the appropriate records of conviction,  
7 the secretary of state shall revoke ~~the~~ AND DENY ISSUANCE OF AN  
8 operator's or chauffeur's license ~~of~~ TO a person having any of  
9 the following, whether under a law of this state, a local ordi-  
10 nance substantially corresponding to a law of this state, or a  
11 law of another state substantially corresponding to a law of this  
12 state:

13 (a) Any combination of 2 convictions within 7 years for ~~any~~  
14 ~~of the following:~~ (i) ~~Reckless~~ RECKLESS driving in violation of  
15 section 626.

16 ~~(ii) A violation or attempted violation of section~~  
17 ~~653a(3).~~

18 (b) ~~Two convictions of a felony in which a motor vehicle~~  
19 ~~was used within 7 years.~~ ANY COMBINATION OF 2 OR MORE CONVIC-  
20 TIONS WITHIN 7 YEARS FOR ANY OF THE FOLLOWING FELONIES:

21 (i) A FELONY IN WHICH A MOTOR VEHICLE WAS USED.

22 (ii) A VIOLATION OR ATTEMPTED VIOLATION OF SECTION 602A(4)  
23 OR (5), SECTION 617(2) OR (3), SECTION 653A (3) OR (4), OR SEC-  
24 TION 904(4) OR (5).

25 (iii) NEGLIGENCE HOMICIDE, MANSLAUGHTER, OR MURDER RESULTING  
26 FROM THE OPERATION OF A VEHICLE OR AN ATTEMPT TO COMMIT ANY OF  
27 THOSE CRIMES.

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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). ~~, section 653a(4), or section 904(4) or~~  
9 ~~(5).~~

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

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

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

16 (d) One conviction for a violation or attempted violation of  
17 SECTION 602A(4) OR (5), SECTION 617(2) OR (3), section 625(4) or  
18 (5), section ~~653a(4)~~ 653A(3) OR (4), or section 904(4) or (5).

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

22 (F) ONE CONVICTION FOR A VIOLATION OR ATTEMPTED VIOLATION OF  
23 SECTION 479A(4) OR (5) OF THE MICHIGAN PENAL CODE, 1931 PA 328,  
24 MCL 750.479A.

25 (G) ~~(f)~~ Any combination of 3 convictions within 10 years  
26 for any of the following or 1 conviction for a violation or  
27 attempted violation of section 625(6) and any combination of 2

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1 convictions for any of the following within 10 years, if any of  
2 the convictions resulted from an arrest on or after January 1,  
3 1992:

4 (i) A violation or attempted violation of section 625(1),  
5 (3), (4), (5), or (7). ~~, section 653a(4), or section 904(4) or~~  
6 ~~(5).~~

7 (ii) A violation of former section 625(1) or (2) or former  
8 section 625b.

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

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

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

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

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

23 (a) The later of the following:

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

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

4       (b) For a denial under subsection ~~(1)(f), (i), or (j) based~~  
5 ~~on prima facie evidence,~~ (2)(A), (B), (C), AND (G), the person  
6 rebuts BY CLEAR AND CONVINCING EVIDENCE the presumption resulting  
7 from the prima facie evidence ~~by clear and convincing evidence~~  
8 THAT HE OR SHE IS A HABITUAL OFFENDER. THE CONVICTIONS THAT  
9 RESULTED IN THE REVOCATION AND DENIAL CONSTITUTE PRIMA FACIE EVI-  
10 DENCE THAT HE OR SHE IS A HABITUAL OFFENDER.

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

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

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

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

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

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

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

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

4       (a) The applicant's full name, date of birth, residence  
5 address, height, sex, eye color, signature, other information  
6 required or permitted on the license under this chapter, and, to  
7 the extent required to comply with federal law, the applicant's  
8 social security number. The applicant may provide a mailing  
9 address if the applicant receives mail at an address different  
10 from his or her residence address.

11       (b) The following notice shall be included to inform the  
12 applicant that under sections 509o and 509r of the Michigan elec-  
13 tion law, 1954 PA 116, MCL 168.509o and 168.509r, the secretary  
14 of state is required to use the residence address provided on  
15 this application as the applicant's residence address on the  
16 qualified voter file for voter registration and voting:

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

19       Therefore, if the residence address you provide in this  
20 application differs from your voter registration address as  
21 it appears on the qualified voter file, the secretary of  
22 state will automatically change your voter registration to  
23 match the residence address on this application, after which  
24 your voter registration at your former address will no longer  
25 be valid for voting purposes. A new voter registration card,  
26 containing the information of your polling place, will be

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1 provided to you by the clerk of the jurisdiction where your  
2 residence address is located.".

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

6 (i) The applicant meets the applicable federal physical  
7 driver qualification requirements under 49 C.F.R. part 391 if the  
8 applicant operates or intends to operate in interstate commerce  
9 or meets the applicable physical qualifications under the rules  
10 promulgated by the department of state police under the motor  
11 carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.22, if  
12 the applicant operates or intends to operate in intrastate  
13 commerce.

14 (ii) The vehicle in which the applicant will take the driv-  
15 ing skills tests is representative of the type of vehicle the  
16 applicant operates or intends to operate.

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

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

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

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

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

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

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

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

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

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

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

20       (2) Except as provided in this subsection, an applicant for  
21 an operator's or chauffeur's license may have his or her image  
22 captured or reproduced when the application for the license is  
23 made. An applicant required under section 5a of the sex offend-  
24 ers registration act, 1994 PA 295, MCL 28.725a, to maintain a  
25 valid operator's or chauffeur's license or official state per-  
26 sonal identification card shall have his or her image captured or  
27 reproduced when the application for the license is made. The

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1 secretary of state shall acquire by purchase or lease the  
2 equipment for capturing the images and may furnish the equipment  
3 to a local unit authorized by the secretary of state to license  
4 drivers. The secretary of state shall acquire equipment pur-  
5 chased or leased pursuant to this section under standard purchas-  
6 ing procedures of the department of management and budget based  
7 on standards and specifications established by the secretary of  
8 state. The secretary of state shall not purchase or lease equip-  
9 ment until an appropriation for the equipment has been made by  
10 the legislature. An image captured pursuant to this section  
11 shall appear on the applicant's operator's or chauffeur's  
12 license. Except as provided in this subsection, the secretary of  
13 state may retain and use a person's image described in this sub-  
14 section only for programs administered by the secretary of  
15 state. Except as provided in this subsection, the secretary of  
16 state shall not use a person's image unless the person grants  
17 written permission for that purpose to the secretary of state or  
18 specific enabling legislation permitting the use is enacted into  
19 law. A law enforcement agency of this state has access to infor-  
20 mation retained by the secretary of state under this subsection.  
21 The information may be utilized for any law enforcement purpose  
22 unless otherwise prohibited by law. The department of state  
23 police shall provide to the secretary of state updated lists of  
24 persons required to be registered under the sex offenders regis-  
25 tration act, 1994 PA 295, MCL 28.721 to 28.732, and the secretary  
26 of state shall make the images of those persons available to the  
27 department of state police as provided in that act.

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1       (3) An application shall contain a signature and  
2 certification by the applicant and shall be accompanied by the  
3 proper fee. The examiner shall collect the application fee and  
4 shall forward the fee to the secretary of state with the  
5 application. The secretary of state shall refund the application  
6 fee to the applicant if the license applied for is denied, but  
7 shall not refund the fee to an applicant who fails to complete  
8 the examination requirements of the secretary of state within 90  
9 days after the date of application for a license. ~~Until January~~  
10 ~~1, 2002, a~~ A service fee of \$1.00 shall be added to each fee  
11 collected for an original, renewal, duplicate, or corrected  
12 operator's or chauffeur's license. The service fee received and  
13 collected under this subsection shall be deposited in the state  
14 treasury to the credit of the general fund. The service fee  
15 shall be used to defray the expenses of the secretary of state.  
16 Appropriations from the Michigan transportation fund shall not be  
17 used to compensate the secretary of state for costs incurred and  
18 services performed under this section.

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

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

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

26       (ii) Written information describing the organ donation  
27 registry program maintained by Michigan's federally designated

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1 organ procurement organization or its successor organization.  
2 The written information required under this subparagraph shall  
3 include, in a type size and format that is conspicuous in rela-  
4 tion to the surrounding material, the address and telephone  
5 number of Michigan's federally designated organ procurement  
6 organization or its successor organization, along with an  
7 advisory to call Michigan's federally designated organ procure-  
8 ment organization or its successor organization with questions  
9 about the organ donor registry program.

10       (iii) Written information giving the applicant the opportu-  
11 nity to be placed on the organ donation registry described in  
12 subparagraph (ii).

13       (b) Provide the applicant with the opportunity to specify on  
14 his or her operator's or chauffeur's license that he or she is  
15 willing to make an anatomical gift in the event of death in  
16 accordance with section 310.

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

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

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1 (a) Providing printed material enclosed with a mailed notice  
2 for an operator's or chauffeur's license renewal or the issuance  
3 of an operator's or chauffeur's license.

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

6 (c) Through electronic information transmittals for  
7 operator's and chauffeur's licenses processed by electronic  
8 means.

9 (6) If an applicant indicates a willingness under this sec-  
10 tion to have his or her name placed on the organ donor registry  
11 described in subsection (4)(a)(ii), the secretary of state shall  
12 within 10 days forward the applicant's name and address to the  
13 organ donor registry maintained by Michigan's federally desig-  
14 nated organ procurement organization or its successor  
15 organization. The secretary of state may forward information  
16 under this subsection by mail or by electronic means. The secre-  
17 tary of state shall not maintain a record of the name or address  
18 of an individual who indicates a willingness to have his or her  
19 name placed on the organ donor registry after forwarding that  
20 information to the organ donor registry under this subsection.  
21 Information about an applicant's indication of a willingness to  
22 have his or her name placed on the organ donor registry that is  
23 obtained by the secretary of state under subsection (4) and for-  
24 warded under this subsection is exempt from disclosure under the  
25 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246,  
26 pursuant to section 13(1)(d) of the freedom of information act,  
27 1976 PA 442, MCL 15.243.

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1 (7) If an application is received from a person previously  
2 licensed in another jurisdiction, the secretary of state shall  
3 request a copy of the applicant's driving record and other avail-  
4 able information from the other jurisdiction. When received, the  
5 driving record and other available information from the other  
6 jurisdiction becomes a part of the driver's record in this state  
7 with the same force and effect as if it had been entered on the  
8 driver's record in this state in the original instance. If the  
9 application is for an original, renewal, or change of a vehicle  
10 group designation or indorsement, the secretary of state shall  
11 also check the applicant's driving record with the national driv-  
12 ers register and the United States department of transportation  
13 before issuing that group designation or indorsement.

14 (8) Except for a vehicle group designation or indorsement or  
15 as provided in this subsection, the secretary of state may issue  
16 a renewal operator's or chauffeur's license for 1 additional  
17 4-year period by mail or by other methods prescribed by the sec-  
18 retary of state. The secretary of state shall issue a renewal  
19 license only in person if the licensee has a driving record with  
20 a conviction or civil infraction determination obtained in the 48  
21 months preceding renewal or if the person is a person required  
22 under section 5a of the sex offenders registration act, 1994 PA  
23 295, MCL 28.725a, to maintain a valid operator's or chauffeur's  
24 license or official state personal identification card. However,  
25 the secretary of state shall not refuse to issue a renewal  
26 license by mail or by other method because of a conviction or  
27 civil infraction determination for which fines and costs were

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1 waived under section 901a or section 907. If a license is  
2 renewed by mail or by other method, the secretary of state shall  
3 issue evidence of renewal to indicate the date the license  
4 expires in the future. The department of state police shall pro-  
5 vide to the secretary of state updated lists of persons required  
6 under section 5a of the sex offenders registration act, 1994  
7 PA 295, MCL 28.725a, to maintain a valid operator's or  
8 chauffeur's license or official state personal identification  
9 card.

10 (9) Upon request, the secretary of state shall provide an  
11 information manual to an applicant explaining how to obtain a  
12 vehicle group designation or indorsement. The manual shall con-  
13 tain the information required under 49 C.F.R. part 383.

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

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

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

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1 (c) As otherwise required by law.

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

5 (12) A requirement under this section to include a social  
6 security number on an application does not apply to an applicant  
7 who demonstrates he or she is exempt under law from obtaining a  
8 social security number or to an applicant who for religious con-  
9 victions is exempt under law from disclosure of his or her social  
10 security number under these circumstances. The secretary of  
11 state shall inform the applicant of this possible exemption.

12 Sec. 319. (1) The secretary of state shall immediately sus-  
13 pend a person's license as provided in this section upon receiv-  
14 ing a record of the person's conviction for a crime described in  
15 this section, whether the conviction is 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 (2) The secretary of state shall suspend the person's  
20 license for 1 year for any of the following crimes:

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

23 (b) A violation of section 413 of the Michigan penal code,  
24 1931 PA 328, MCL 750.413.

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

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

4       (D) ~~(e)~~ A felony in which a motor vehicle was used. As  
5 used in this section, "felony in which a motor vehicle was used"  
6 means a felony during the commission of which the person con-  
7 victed operated a motor vehicle and while operating the vehicle  
8 presented real or potential harm to persons or property and 1 or  
9 more of the following circumstances existed:

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

11       (ii) The vehicle was used to transport a victim of the  
12 felony.

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

14       (iv) The vehicle was necessary for the commission of the  
15 felony.

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

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

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

23       (b) A violation of section 626 or section 653a(3).

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

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

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

7 (5) For perjury or making a false certification to the sec-  
8 retary of state under any law requiring the registration of a  
9 motor vehicle or regulating the operation of a vehicle on a high-  
10 way, the secretary shall suspend the person's license as  
11 follows:

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

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

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

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

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

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

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

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

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

13 (a) For 180 days for a violation of section 625(1) if the  
14 person has no prior convictions within 7 years. The secretary of  
15 state may issue the person a restricted license during all or a  
16 specified portion of the suspension, except that the secretary of  
17 state shall not issue a restricted license during the first 30  
18 days of suspension.

19 (b) For 90 days for a violation of section 625(3) if the  
20 person has no prior convictions within 7 years. However, if the  
21 person is convicted of a violation of section 625(3), for operat-  
22 ing a vehicle when, due to the consumption of a controlled sub-  
23 stance or a combination of intoxicating liquor and a controlled  
24 substance, the person's ability to operate the vehicle was visi-  
25 bly impaired, the secretary of state shall suspend the person's  
26 license under this subdivision for 180 days. The secretary of

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

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

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

10 (e) For 180 days for a violation of section 625(7) if the  
11 person has no prior convictions within 7 years. The secretary of  
12 state may issue the person a restricted license after the first  
13 90 days of suspension.

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

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

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

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

25 (10) For a violation of section 315(4), the secretary of  
26 state may suspend the person's license for 6 months and shall

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1 revoke the person's license for a second or subsequent conviction  
2 as required under section 315(5).

3 (11) Except as provided in subsection (13), a suspension  
4 under this section shall be imposed notwithstanding a court  
5 order.

6 (12) If the secretary of state receives records of more than  
7 1 conviction of a person resulting from the same incident, a sus-  
8 pension shall be imposed only for the violation to which the  
9 longest period of suspension applies under this section.

10 (13) The secretary of state may waive a suspension of a  
11 person's license imposed under this act if the person submits  
12 proof that a court in another state revoked, suspended, or  
13 restricted his or her license for a period equal to or greater  
14 than the period of a suspension prescribed under this act for the  
15 violation and that the revocation, suspension, or restriction was  
16 served for the violation, or may grant a restricted license.

17 (14) The secretary of state shall not issue a restricted  
18 license to a person whose license is suspended under this section  
19 unless a restricted license is authorized under this section and  
20 the person is otherwise eligible for a license.

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

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

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- 1 (a) In the course of the person's employment or occupation.  
2 (b) To and from any combination of the following:  
3 (i) The person's residence.  
4 (ii) The person's work location.  
5 (iii) An alcohol or drug education or treatment program as  
6 ordered by the court.  
7 (iv) The court probation department.  
8 (v) A court-ordered community service program.  
9 (vi) An educational institution at which the person is  
10 enrolled as a student.  
11 (vii) A place of regularly occurring medical treatment for a  
12 serious condition for the person or a member of the person's  
13 household or immediate family.  
14 (17) While driving with a restricted license, the person  
15 shall carry proof of his or her destination and the hours of any  
16 employment, class, or other reason for traveling and shall dis-  
17 play that proof upon a peace officer's request.  
18 (18) Subject to subsection (20), as used in subsection (8),  
19 "prior conviction" means a conviction for any of the following,  
20 whether under a law of this state, a local ordinance substan-  
21 tially corresponding to a law of this state, or a law of another  
22 state substantially corresponding to a law of this state:  
23 (a) Except as provided in subsection (19), a violation or  
24 attempted violation of section 625(1), (3), (4), (5), (6), or  
25 (7), section 625m, former section 625(1) or (2), or former sec-  
26 tion 625b.

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

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

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

14 Sec. 617. (1) The driver of a vehicle who knows or who has  
15 reason to believe that he or she has been involved in an accident  
16 upon either public or private property, when the property is open  
17 to travel by the public, resulting in serious ~~or aggravated~~  
18 ~~injury to~~ IMPAIRMENT OF A BODY FUNCTION or death of a person  
19 shall immediately stop his or her vehicle at the scene of the  
20 accident and shall remain there until the requirements of section  
21 619 are fulfilled. The stop shall be made without obstructing  
22 traffic more than is necessary.

23 (2) A PERSON WHO VIOLATES SUBSECTION (1) FOLLOWING AN ACCI-  
24 DENT THAT RESULTS IN THE DEATH OF A PERSON IS GUILTY OF A FELONY  
25 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 15 YEARS OR A FINE  
26 OF NOT LESS THAN \$2,500.00 OR MORE THAN \$10,000.00, OR BOTH.

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1       (3) ~~(2)~~ A person who violates subsection (1) FOLLOWING AN  
2 ACCIDENT THAT RESULTS IN SERIOUS IMPAIRMENT OF A BODY FUNCTION OF  
3 A PERSON is guilty of a felony punishable by imprisonment for not  
4 more than 5 years or by a fine of not LESS THAN \$1,000.00 OR more  
5 than \$5,000.00, or both.

6       ~~(3) The secretary of state shall suspend the operator's or~~  
7 ~~chauffeur's license of the person convicted under this section~~  
8 ~~as provided in section 319.~~

9       [REDACTED]

10       [REDACTED]

11       [REDACTED]

12       [REDACTED]

13       [REDACTED]

14       [REDACTED]

15       [REDACTED]

16       [REDACTED]

17       [REDACTED]

18       [REDACTED]

19       [REDACTED]

20       [REDACTED]

21       [REDACTED]

22       [REDACTED]

23       [REDACTED]

24       [REDACTED]

25       [REDACTED]

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

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

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

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

12 (d) For a conviction under section 625(1), (3), (4), (5), or  
13 (7) within 10 years after 2 or more prior convictions, the court  
14 shall order vehicle immobilization for not less than 1 year or  
15 more than 3 years.

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

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

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

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1 (c) For any combination of 2 or 3 prior suspensions,  
2 revocations, or denials under section 904(10), (11), or (12) or  
3 former section 904(2) or (4) within the past 7 years, the court  
4 shall order vehicle immobilization for not less than 90 days or  
5 more than 180 days.

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

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

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

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

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

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

23 (6) If a defendant is ordered imprisoned for the violation  
24 for which immobilization is ordered, the period of immobilization  
25 shall begin at the end of the period of imprisonment.

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

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

4 (b) A vehicle that is registered in another state or that is  
5 a rental vehicle.

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

8 (d) A vehicle not subject to registration under  
9 section 216.

10 (e) Any of the following:

11 (i) A violation of chapter II.

12 (ii) A violation of chapter V.

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

14 (iv) A parking violation.

15 (v) A bad check violation.

16 (vi) An equipment violation.

17 (vii) A pedestrian, passenger, or bicycle violation, other  
18 than a violation of section 703(1) or (2) of the Michigan liquor  
19 control code of 1998, 1998 PA 58, MCL 436.1703, or a local ordi-  
20 nance substantially corresponding to section 703(1) or (2) of the  
21 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703,  
22 or section 624a or 624b or a local ordinance substantially corre-  
23 sponding to section 624a or 624b.

24 (viii) A violation of a local ordinance substantially corre-  
25 sponding to a violation described in subparagraphs (i) to (vii).

26 (8) As used in this section:

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1 (a) Subject to subsection (9), "prior conviction" means a  
2 conviction for any of the following, whether under a law of this  
3 state, a local ordinance substantially corresponding to a law of  
4 this state, or a law of another state substantially corresponding  
5 to a law of this state:

6 (i) Except as otherwise provided in this subparagraph, a  
7 violation or attempted violation of section 625(1), (3), (4),  
8 (5), (6), or (7), section 625m, former section 625(1) or (2), or  
9 former section 625b. However, only 1 violation or attempted vio-  
10 lation of section 625(6), a local ordinance substantially corre-  
11 sponding to section 625(6), or a law of another state substan-  
12 tially corresponding to section 625(6) may be used as a prior  
13 conviction.

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

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

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

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