

HOUSE BILL No. 5533

December 6, 2007, Introduced by Rep. Condino and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 303 (MCL 257.303), as amended by 2006 PA 298.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 303. (1) The secretary of state shall not issue a license
2 under this act to any of the following persons:

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 is suspended, revoked, denied, or
8 canceled in any state. If the suspension, revocation, denial, or
9 cancellation is not from the jurisdiction that issued the last

1 license to the person, the secretary of state may issue a license
2 after the expiration of 5 years from the effective date of the most
3 recent suspension, revocation, denial, or cancellation.

4 (d) A person who in the opinion of the secretary of state is
5 afflicted with or suffering from a physical or mental disability or
6 disease preventing that person from exercising reasonable and
7 ordinary control over a motor vehicle while operating the motor
8 vehicle upon the highways.

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

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

16 (g) A person who has been convicted of, has received a
17 juvenile disposition for, or has been determined responsible for 2
18 or more moving violations under a law of this state, a local
19 ordinance substantially corresponding to a law of this state, or a
20 law of another state substantially corresponding to a law of this
21 state within the preceding 3 years, if the violations occurred
22 before issuance of an original license to the person in this state,
23 another state, or another country.

24 (h) A nonresident, including, but not limited to, a foreign
25 exchange student.

26 (i) A person who has failed to answer a citation or notice to
27 appear in court or for any matter pending or fails to comply with

1 an order or judgment of the court, including, but not limited to,
2 paying all fines, costs, fees, and assessments, in violation of
3 section 321a, until that person answers the citation or notice to
4 appear in court or for any matter pending or complies with an order
5 or judgment of the court, including, but not limited to, paying all
6 fines, costs, fees, and assessments, as provided under section
7 321a.

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

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

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

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

4 (m) A person whose commercial driver license application is
5 canceled under section 324(2).

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

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

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

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

18 (ii) A violation or attempted violation of section 601b(2) or
19 (3), section 601c(1) or (2), section 602a(4) or (5), section 617,
20 section 653a(3) or (4), or section 904(4) or (5).

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

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

26 (c) Any combination of 2 convictions within 7 years for any of
27 the following or a combination of 1 conviction for a violation or

1 attempted violation of section 625(6) and 1 conviction for any of
2 the following within 7 years:

3 (i) A violation or attempted violation of section 625, except a
4 violation of section 625(2), or a violation of any prior enactment
5 of section 625 in which the defendant operated a vehicle while
6 under the influence of intoxicating or alcoholic liquor or a
7 controlled substance, or a combination of intoxicating or alcoholic
8 liquor and a controlled substance, or while visibly impaired, or
9 with an unlawful bodily alcohol content.

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

11 (iii) Former section 625b.

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, MCL
21 750.479a.

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
26 convictions resulted from an arrest on or after January 1, 1992:

27 (i) A violation or attempted violation of section 625, except a

1 violation of section 625(2), or a violation of any prior enactment
2 of section 625 in which the defendant operated a vehicle while
3 under the influence of intoxicating or alcoholic liquor or a
4 controlled substance, or a combination of intoxicating or alcoholic
5 liquor and a controlled substance, or while visibly impaired, or
6 with an unlawful bodily alcohol content.

7 (ii) A violation or attempted violation of section 625m.

8 (iii) Former section 625b.

9 (3) The secretary of state shall revoke a license under
10 subsection (2) notwithstanding a court order unless the court order
11 complies with section 323.

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

16 (a) The later of the following:

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

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

22 (b) For a denial under subsection (2)(a), (b), (c), and (g),
23 the person rebuts by clear and convincing evidence the presumption
24 resulting from the prima facie evidence that he or she is a
25 habitual offender. The convictions that resulted in the revocation
26 and denial constitute prima facie evidence that he or she is a
27 habitual offender.

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

2 (5) The secretary of state may deny issuance of an operator's
3 license as follows:

4 (a) Until the age of 17, to a person not licensed under this
5 act who was convicted of or received a juvenile disposition for
6 violating or attempting to violate section 411a(2) of the Michigan
7 penal code, 1931 PA 328, MCL 750.411a, involving a school when he
8 or she was less than 14 years of age. A person not issued a license
9 under this subdivision is not eligible to begin graduated licensing
10 training until he or she attains 16 years of age.

11 (b) To a person less than 21 years of age not licensed under
12 this act who was convicted of or received a juvenile disposition
13 for violating or attempting to violate section 411a(2) of the
14 Michigan penal code, 1931 PA 328, MCL 750.411a, involving a school
15 when he or she was less than 14 years of age or older, until 3
16 years after the date of the conviction or juvenile disposition. A
17 person not issued a license under this subdivision is not eligible
18 to begin graduated licensing training or otherwise obtain an
19 original operator's or chauffeur's license until 3 years after the
20 date of the conviction or juvenile disposition.

21 (6) The secretary of state shall deny issuance of a vehicle
22 group designation to a person if the person has been disqualified
23 by the United States secretary of transportation from operating a
24 commercial motor vehicle.

25 (7) Multiple convictions or civil infraction determinations
26 resulting from the same incident shall be treated as a single
27 violation for purposes of denial or revocation of a license under

1 this section.

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

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

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

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

10 (d) The vehicle was necessary for the commission of the
11 felony.