

HOUSE BILL No. 4608

April 18, 2001, Introduced by Reps. Jansen, Julian and Gosselin 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 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.

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

7 (c) A person whose license has been suspended, during the
8 period for which the license was suspended.

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

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

24 (h) A person who is unable to understand highway warning or
25 direction signs OR WHO IS UNABLE TO EFFECTIVELY COMMUNICATE OR
26 UNDERSTAND VERBAL COMMANDS in the English language.

1 (i) A person who is ~~an~~ A habitually reckless driver. Two
2 convictions within 7 years for violating any combination of
3 section 626 or section 653a(3) or a local ordinance of this state
4 or a law of another state substantially similar to section 626 or
5 section 653a(3) are prima facie evidence that the person is ~~an~~
6 A habitually reckless driver.

7 (j) A person who is ~~an~~ A habitual criminal. Two convic-
8 tions of a felony in which a motor vehicle was used in this or
9 another state are prima facie evidence that the person is ~~an~~ A
10 habitual criminal.

11 (k) 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
14 license, original motorcycle indorsement, or an original or
15 renewal of a vehicle group designation or vehicle indorsement.

16 (l) A person who has been convicted of, has received a juve-
17 nile disposition for, or has been determined responsible for 2 or
18 more moving violations under a law of this state, a local ordi-
19 nance 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 or
23 another state.

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

25 (n) A person who has failed to answer a citation or notice
26 to appear in court or for any matter pending or fails to comply
27 with an order or judgment of the court, including, but not

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

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

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

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

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 operator's or chauffeur's
8 license of a person having any of the following, whether under a
9 law of this state, a local ordinance substantially corresponding
10 to a law of this state, or a law of another state substantially
11 corresponding to a law of this state:

12 (a) Any combination of 2 convictions within 7 years for any
13 of the following:

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

15 (ii) A violation or attempted violation of section 653a(3).

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

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

22 (i) A violation or attempted violation of section 625(1),
23 (3), (4), (5), or (7), section 653a(4), or section 904(4) or
24 (5).

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

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

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

5 (d) One conviction for a violation or attempted violation of
6 section 625(4) or (5), section 653a(4), or section 904(4) or
7 (5).

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

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

16 (i) A violation or attempted violation of section 625(1),
17 (3), (4), (5), or (7), section 653a(4), or section 904(4) or
18 (5).

19 (ii) A violation of former section 625(1) or (2) or former
20 section 625b.

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

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

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

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

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

7 (a) The later of the following:

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

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

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

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

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

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

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

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

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

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