

HOUSE BILL No. 5326

October 23, 2001, Introduced by Reps. Kowall, Raczkowski, Sanborn, Patterson, Howell, George, Shackleton, Meyer, Faunce, Tabor, Vander Veen, Voorhees, Ehardt, Basham, Jelinek, Pumford, Stewart, Switalski, Mortimer, Richardville, Birkholz, Stamas, DeVuyst, Toy and O'Neil and referred to the Committee on Criminal Justice.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 303 (MCL 257.303), as amended by 2001 PA
103.

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.

9 (d) A person who in the opinion of the secretary of state is
10 afflicted with or suffering from a physical or mental disability

1 or disease preventing that person from exercising reasonable and
2 ordinary control over a motor vehicle while operating the motor
3 vehicle upon the highways.

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

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

11 (g) A person who has been convicted of, has received a juve-
12 nile disposition for, or has been determined responsible for 2 or
13 more moving violations under a law of this state, a local ordi-
14 nance substantially corresponding to a law of this state, or a
15 law of another state substantially corresponding to a law of this
16 state within the preceding 3 years, if the violations occurred
17 before issuance of an original license to the person in this or
18 another state.

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

20 (i) A person who has failed to answer a citation or notice
21 to appear in court or for any matter pending or fails to comply
22 with an order or judgment of the court, including, but not
23 limited to, paying all fines, costs, fees, and assessments, in
24 violation of section 321a, until that person answers the citation
25 or notice to appear in court or for any matter pending or com-
26 plies with an order or judgment of the court, including, but not

1 limited to, paying all fines, costs, fees, and assessments, as
2 provided under section 321a.

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

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

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

26 (2) Upon receiving the appropriate records of conviction,
27 the secretary of state shall revoke the operator's or chauffeur's

1 license of a person and deny issuance of an operator's or
2 chauffeur's license to a person having any of the following,
3 whether under a law of this state, a local ordinance substan-
4 tially corresponding to a law of this state, or a law of another
5 state substantially corresponding to a law of this state:

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

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

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

11 (ii) A violation or attempted violation of section 601b(2)
12 or (3), section 601c(1) or (2), section 602a(4) or (5), section
13 653a(3) or (4), or section 904(4) or (5).

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

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

19 (c) 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 (i) A violation or attempted violation of section 625(1),
24 (3), (4), (5), or (7).

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 (d) One conviction for a violation or attempted violation of
3 section 601b(3), section 601c(2), section 602a(4) or (5),
4 section 625(4) or (5), section 653a(4), or section 904(4) or
5 (5).

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

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

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

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

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 (H) A CONVICTION FOR A VIOLATION OF 1 OR MORE OF THE LISTED
23 OFFENSES CONTAINED IN SECTION 2(D)(i), (ix) IF THE VICTIM WAS
24 LESS THAN 16 YEARS OF AGE, (x), OR (xi) OF THE SEX OFFENDERS REG-
25 ISTRATION ACT, 1994 PA 295, MCL 28.722, AND THE VIOLATION WAS
26 COMMITTED IN OR UPON A MOTOR VEHICLE.

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 revoked and denied under subsection (2) until all of the
6 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 (2)(a), (b), (c), and (g),
14 the person rebuts by clear and convincing evidence the presump-
15 tion resulting from the prima facie evidence that he or she is a
16 habitual offender. The convictions that resulted in the revoca-
17 tion and denial constitute prima facie evidence that he or she is
18 a habitual offender.

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

20 (5) THE SECRETARY OF STATE SHALL NOT ISSUE ANOTHER LICENSE
21 UNDER THIS ACT TO A PERSON WHOSE LICENSE WAS REVOKED UNDER SUB-
22 SECTION (2)(H).

23 (6) ~~—(5)—~~ Multiple convictions or civil infraction determi-
24 nations resulting from the same incident shall be treated as a
25 single violation for purposes of denial or revocation of a
26 license under this section.

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

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

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