

HOUSE BILL No. 5112

August 31, 2005, Introduced by Rep. Shaffer and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 303 (MCL 257.303), as amended by 2004 PA 362.

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

1 cancellation is not from the jurisdiction that issued the last
2 license to the person, the secretary of state may issue a license
3 after the expiration of 5 years from the effective date of the most
4 recent suspension, revocation, denial, or cancellation.

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

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

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

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

25 (h) A nonresident including a foreign 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 (2) The secretary of state may deny issuance of an operator's
5 license until the age of 17 to a person not licensed under this act
6 who was convicted of or received a juvenile disposition for
7 violating or attempting to violate section 411a(2) of the Michigan
8 penal code, 1931 PA 328, MCL 750.411a, involving a school when he
9 or she was less than 14 years of age. A person not issued a license
10 under this subdivision is not eligible to begin graduated licensing
11 training until he or she attains 16 years of age.

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

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

27 (5) Upon receiving the appropriate records of conviction, the

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

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

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

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

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

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

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

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

24 (i) A violation or attempted violation of section 625, except a
25 violation of section 625(2), or a violation of any prior enactment
26 of section 625 in which the defendant operated a vehicle while
27 under the influence of intoxicating or alcoholic liquor or a

1 controlled substance, or a combination of intoxicating or alcoholic
2 liquor and a controlled substance, or while visibly impaired, or
3 with an unlawful bodily alcohol content.

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

5 (iii) Former section 625b.

6 (d) One conviction for a violation or attempted violation of
7 section 315(5), section 601b(3), section 601c(2), section 602a(4)
8 or (5), section 617, section 625(4) or (5), section 653a(4), or
9 section 904(4) or (5).

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

13 (f) One conviction for a violation or attempted violation of
14 section 479a(4) or (5) of the Michigan penal code, 1931 PA 328, MCL
15 750.479a.

16 (g) Any combination of 3 convictions within 10 years for any
17 of the following or 1 conviction for a violation or attempted
18 violation of section 625(6) and any combination of 2 convictions
19 for any of the following within 10 years, if any of the convictions
20 resulted from an arrest on or after January 1, 1992:

21 (i) A violation or attempted violation of section 625, except a
22 violation of section 625(2), or a violation of any prior enactment
23 of section 625 in which the defendant operated a vehicle while
24 under the influence of intoxicating or alcoholic liquor or a
25 controlled substance, or a combination of intoxicating or alcoholic
26 liquor and a controlled substance, or while visibly impaired, or
27 with an unlawful bodily alcohol content.

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

2 (iii) Former section 625b.

3 (H) A VIOLATION OR ATTEMPTED VIOLATION OF SECTION 7401(2)(B)(i)
4 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7401, INVOLVING A
5 SUBSTANCE DESCRIBED IN SECTION 7214(C)(ii) OF THAT ACT.

6 (6) The secretary of state shall revoke a license under
7 subsection (5) notwithstanding a court order unless the court order
8 complies with section 323.

9 (7) The secretary of state shall not issue a license under
10 this act to a person whose license has been revoked under this act
11 or revoked and denied under subsection (5) 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 of
17 a subsequent revocation or denial occurring within 7 years after
18 the date of any prior revocation or denial.

19 (b) For a denial under subsection (5)(a), (b), (c), and (g),
20 the person rebuts by clear and convincing evidence the presumption
21 resulting from the prima facie evidence that he or she is a
22 habitual offender. The convictions that resulted in the revocation
23 and denial constitute prima facie evidence that he or she is a
24 habitual offender.

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

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

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

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

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

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

13 Enacting section 1. This amendatory act does not take effect
14 unless Senate Bill No.____ or House Bill No. 5113(request no.
15 03654'05 a) of the 93rd Legislature is enacted into law.