

HOUSE BILL No. 4036

February 1, 1989, Introduced by Rep. Middaugh and referred to the Committee on Judiciary.

A bill to amend sections 303 and 319 of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," section 303 as amended by Act No. 346 of the Public Acts of 1988 and section 319 as amended by Act No. 406 of the Public Acts of 1988, being sections 257.303 and 257.319 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 303 and 319 of Act No. 300 of the
2 Public Acts of 1949, section 303 as amended by Act No. 346 of the
3 Public Acts of 1988 and section 319 as amended by Act No. 406 of
4 the Public Acts of 1988, being sections 257.303 and 257.319 of
5 the Michigan Compiled Laws, are amended to read as follows:

6 Sec. 303. (1) The secretary of state shall not issue a
7 license under this act TO ANY OF THE FOLLOWING:

1 (a) ~~To a~~ A person, as an operator, who is ~~17 years of age~~
2 ~~or~~ less THAN 18 YEARS OF AGE, except that the secretary of state
3 may issue a license to a person who is not less than 16 years of
4 age and who has satisfactorily passed a driver education course
5 and examination given by a public school or nonpublic school of
6 this or another state offering a course approved by the depart-
7 ment of education, or an equivalent COURSE AND examination as
8 prescribed in section 811. The secretary of state may issue to a
9 person not less than 14 years of age a restricted license as pro-
10 vided in this act. This subdivision shall not apply to a person
11 who has been the holder of a valid driver's license issued by
12 another state, territory, or possession of the United States or
13 another sovereignty for at least 1 year immediately before appli-
14 cation for a driver's license under this act.

15 (b) ~~To a~~ A person, as a chauffeur, who is ~~17 years of age~~
16 ~~or~~ less THAN 18 YEARS OF AGE, except that the secretary of state
17 may issue a license to a person who is not less than 16 years of
18 age and who has satisfactorily passed a driver education course
19 and examination given by a public school or nonpublic school of
20 this or another state offering a course approved by the depart-
21 ment of education, or an equivalent COURSE AND examination as
22 prescribed in section 811.

23 (c) ~~To a~~ A person whose license has been suspended during
24 the period for which the license was suspended.

25 (d) ~~To a~~ A person whose license has been revoked under
26 this act until the later of the following:

1 (i) The expiration of not less than 1 year after the license
2 was revoked.

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

6 (e) ~~To a~~ A person who is an habitual violator of the crim-
7 inal laws relating to operating a vehicle while impaired by or
8 under the influence of intoxicating liquor or a controlled sub-
9 stance or a combination of intoxicating liquor and a controlled
10 substance, or with a blood alcohol content of 0.10% or more by
11 weight of alcohol. Convictions of any of the following, whether
12 under a law of this state, a local ordinance substantially corre-
13 sponding to a law of this state, or a law of another state sub-
14 stantially corresponding to a law of this state, shall be prima
15 facie evidence that the person is an habitual violator as
16 described in this subdivision:

17 (i) Two convictions under section 625(1) or (2), or 1 con-
18 viction under section 625(1) and 1 conviction under section
19 625(2) within 7 years.

20 (ii) Three convictions under section 625b within 10 years.

21 (f) ~~To a~~ A person who in the opinion of the secretary of
22 state is afflicted with or suffering from a physical or mental
23 disability or disease which prevents that person from exercising
24 reasonable and ordinary control over a motor vehicle while oper-
25 ating the motor vehicle upon the highways.

26 (g) ~~To a~~ A person who is unable to understand highway
27 warning or direction signs in the English language.

1 (h) ~~To a~~ A person who is an habitually reckless driver.
2 Four convictions of reckless driving under this act or any other
3 law of this state relating to reckless driving or under a local
4 ordinance of this state or a law of another state which defines
5 the term "reckless driving" substantially similar to the law of
6 this state shall be prima facie evidence that the person is an
7 habitually reckless driver.

8 (i) ~~To a~~ A person who is an habitual criminal. Two con-
9 victions of a felony involving the use of a motor vehicle in this
10 or another state shall be prima facie evidence that the person is
11 an habitual criminal.

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

18 (k) ~~To a~~ A person who has been convicted, received a pro-
19 bate court finding, or been determined responsible for 2 or more
20 moving violations under a law of this state, a local ordinance
21 substantially corresponding to a law of this state, or a law of
22 another state substantially corresponding to a law of this state,
23 within the preceding 3 years, if the violations occurred prior to
24 the issuance of an original license to the person in this or
25 another state.

26 (l) ~~To a~~ A nonresident.

1 (M) A PERSON WHO HAS BEEN CONVICTED OR RECEIVED A PROBATE
2 COURT DISPOSITION DESCRIBED IN SECTION 319(8) AND, IF HE OR SHE
3 HAD BEEN LICENSED AT THE TIME OF THE CONVICTION OR ENTRY OF THE
4 PROBATE COURT ORDER OF DISPOSITION, WOULD HAVE BEEN SUBJECT TO
5 SUSPENSION UNDER SECTION 319(8), UNTIL THE EXPIRATION OF THE FOL-
6 LOWING PERIOD:

7 (i) EXCEPT AS PROVIDED IN SUBPARAGRAPH (ii), 1 YEAR AFTER
8 THE DATE OF THE CONVICTION OR THE ENTRY OF THE PROBATE COURT
9 ORDER OF DISPOSITION.

10 (ii) IF THE PERSON HAS HAD MORE THAN 1 CONVICTION OR PROBATE
11 COURT DISPOSITION DESCRIBED IN SECTION 319(8), 1 YEAR AFTER THE
12 LATEST SUCH CONVICTION OR PROBATE COURT DISPOSITION, OR UNTIL THE
13 PERSON IS 19 YEARS OF AGE, WHICHEVER PERIOD IS LONGER.

14 (2) Upon receipt of the appropriate records of conviction,
15 the secretary of state shall revoke the operator's or chauffeur's
16 license of a person having any of the following convictions,
17 whether under a law of this state, a local ordinance substan-
18 tially corresponding to a law of this state, or a law of another
19 state substantially corresponding to a law of this state:

20 (a) Four convictions of reckless driving within 7 years.

21 (b) Two convictions of a felony involving the use of a motor
22 vehicle within 7 years.

23 (c) Two convictions under section 625(1) or (2), or 1 con-
24 viction under section 625(1) and 1 conviction under section
25 625(2) within 7 years.

26 (d) Three convictions under section 625b within 10 years.

1 (3) The secretary of state shall revoke a license under
2 subsection (2) notwithstanding a court order issued under section
3 625 or 625b, or a local ordinance substantially corresponding to
4 section 625(1) or (2) or 625b.

5 Sec. 319. (1) The secretary of state shall immediately sus-
6 pend for a period of not less than 90 days, nor more than 2
7 years, the license of a person upon receiving a record of the
8 conviction of the person or the entry of a probate court order of
9 disposition for a child found to be within the provisions of
10 chapter XIIIA of Act No. 288 of the Public Acts of 1939, being
11 sections 712A.1 to 712A.28 of the Michigan Compiled Laws, for any
12 of the following crimes or attempts to commit any of the follow-
13 ing crimes, whether the conviction or probate court disposition
14 is under a law of this state, a local ordinance substantially
15 corresponding to a law of this state, or a law of another state
16 substantially corresponding to a law of this state:

17 (a) Fraudulently altering or forging documents pertaining to
18 motor vehicles, in violation of section 257.

19 (b) Perjury or the making of a false certification to the
20 secretary of state under any law requiring the registration of a
21 motor vehicle or regulating the operation of a motor vehicle on a
22 highway.

23 (c) A violation of section 324, 413, or 414 of the Michigan
24 penal code, Act No. 328 of the Public Acts of 1931, being sec-
25 tions 750.324, 750.413, and 750.414 of the Michigan Compiled
26 Laws; or a violation of section 1 of Act No. 214 of the Public

1 Acts of 1931, being section 752.191 of the Michigan Compiled
2 Laws.

3 (d) Conviction upon 3 charges of reckless driving within the
4 preceding 12 months.

5 (e) Failing to stop and disclose identity at the scene of an
6 accident resulting in death or injury to another person, in vio-
7 lation of section 617.

8 (f) A felony in which a motor vehicle was used. As used in
9 this section, "felony in which a motor vehicle was used" means a
10 felony during the commission of which the person convicted oper-
11 ated a motor vehicle and while operating the vehicle presented
12 real or potential harm to persons or property and 1 or more of
13 the following circumstances existed:

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

15 (ii) The vehicle was used to transport a victim of the
16 felony.

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

18 (iv) The vehicle was necessary for the commission of the
19 felony.

20 (2) The secretary of state shall suspend, for the period
21 described in subsection (1), the license of a person upon receiv-
22 ing the record of conviction of the person for a violation of a
23 law of another state substantially corresponding to section
24 625(1) or (2).

25 (3) The secretary of state shall suspend the license of a
26 person convicted of malicious destruction resulting from the
27 operation of a motor vehicle under section 382 of the Michigan

1 penal code, Act No. 328 of the Public Acts of 1931, as amended,
2 being section 750.382 of the Michigan Compiled Laws, for a period
3 of not more than 1 year as ordered by the court as part of the
4 sentence.

5 (4) The secretary of state shall immediately suspend the
6 license of a person for the period specified in the certificate
7 of conviction upon receipt of the person's license and certifi-
8 cate of conviction forwarded to the secretary of state pursuant
9 to section 367c of the Michigan penal code, Act No. 328 of the
10 Public Acts of 1931, being section 750.367c of the Michigan
11 Compiled Laws.

12 (5) The secretary of state shall suspend, for a period of
13 not less than 6 months nor more than 18 months, the license of a
14 person having the following convictions within a 7-year period,
15 whether under the law of this state, a local ordinance substan-
16 tially corresponding to a law of this state, or a law of another
17 state substantially corresponding to a law of this state:

18 (a) Two convictions under section 625b.

19 (b) One conviction under section 625(1) or (2) followed by 1
20 conviction under section 625b.

21 (6) ~~Upon~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (8),
22 UPON receipt of a certificate of conviction pursuant to section
23 33b(3) of the Michigan liquor control act, Act No. 8 of the
24 Public Acts of the Extra Session of 1933, being section 436.33b
25 of the Michigan Compiled Laws, or a local ordinance or law of
26 another state substantially corresponding to section 33b(3) of
27 Act No. 8 of the Public Acts of the Extra Session of 1933, the

1 secretary of state shall suspend the person's operator's or
2 chauffeur's license for a period of 90 days. A suspension under
3 this subsection shall be in addition to any other suspension of
4 the person's license.

5 (7) Upon receipt of the record of the conviction of a
6 person, or the entry of a probate court order of disposition for
7 a child found to be within the provisions of chapter XIIA of Act
8 No. 288 of the Public Acts of 1939, for a violation of section
9 602a of this act or section 479a(1), (4), or (5) of Act No. 328
10 of the Public Acts of 1931, being section 750.479a of the
11 Michigan Compiled Laws, the secretary of state immediately shall
12 suspend the license of the person for the period ordered by the
13 court as part of the sentence or disposition.

14 (8) UPON RECEIPT OF THE RECORD OF THE CONVICTION OF A
15 PERSON, OR THE ENTRY OF A PROBATE COURT ORDER OF DISPOSITION FOR
16 A CHILD FOUND TO BE WITHIN THE PROVISIONS OF CHAPTER XIIA OF ACT
17 NO. 288 OF THE PUBLIC ACTS OF 1939, FOR A VIOLATION OF
18 SECTION 33A, 33B, 34, OR 34A OF THE MICHIGAN LIQUOR CONTROL ACT,
19 ACT NO. 8 OF THE PUBLIC ACTS OF THE EXTRA SESSION OF 1933, BEING
20 SECTIONS 436.33A, 436.33B, 436.34, AND 436.34A OF THE MICHIGAN
21 COMPILED LAWS; SECTION 7403 OR 7404 OF THE PUBLIC HEALTH CODE,
22 ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SECTIONS 333.7403
23 AND 333.7404 OF THE MICHIGAN COMPILED LAWS; OR OF A LOCAL ORDI-
24 NANCE OR LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO 1 OF
25 THOSE SECTIONS, WHICH VIOLATION OCCURRED WHEN THE PERSON WAS LESS
26 THAN 19 YEARS OF AGE, THE SECRETARY OF STATE SHALL SUSPEND THE

1 OPERATOR'S OR CHAUFFEUR'S LICENSE OF THE PERSON FOR THE FOLLOWING
2 PERIOD:

3 (A) EXCEPT AS PROVIDED IN SUBDIVISION (B), FOR 1 YEAR.

4 (B) IF THE PERSON HAS HAD A PREVIOUS CONVICTION OR PROBATE
5 COURT DISPOSITION DESCRIBED IN THIS SUBSECTION, FOR 1 YEAR OR
6 UNTIL THE PERSON IS 19 YEARS OF AGE, WHICHEVER PERIOD IS LONGER.

7 (9) ~~-(8)-~~ For purposes of this section, the secretary of
8 state shall treat a conviction or probate court disposition for a
9 child found to be within the provisions of chapter XIIIA of Act
10 No. 288 of the Public Acts of 1939 for an attempted offense as if
11 the offense had been completed.