

HOUSE BILL No. 4039

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

A bill to amend Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," as amended, being sections 257.1 to 257.923 of the Michigan Compiled Laws, by adding section 319e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 300 of the Public Acts of 1949, as
2 amended, being sections 257.1 to 257.923 of the Michigan Compiled
3 Laws, is amended by adding section 319e to read as follows:

4 SEC. 319E. (1) A PERSON 13 TO 17 YEARS OF AGE WITHIN THE
5 JURISDICTION OF THE JUVENILE DIVISION OF THE PROBATE COURT PURSU-
6 ANT TO SECTION 2 OF CHAPTER XIIIA OF THE PROBATE CODE, ACT NO. 288
7 OF THE PUBLIC ACTS OF 1939, BEING SECTION 712A.2 OF THE MICHIGAN
8 COMPILED LAWS, OR OF ANOTHER STATE'S JUVENILE COURT, FOR ANY ACT
9 THAT CONSTITUTES A VIOLATION OF A LAW OF THIS STATE, OR A LOCAL

1 ORDINANCE OR LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING
2 WITH A LAW OF THIS STATE, INVOLVING THE USE, CONSUMPTION, POSSES-
3 SION, OR DISTRIBUTION OF ALCOHOL OR A CONTROLLED SUBSTANCE SHALL
4 BE DENIED HIS OR HER MOTOR VEHICLE DRIVING PRIVILEGES AS PROVIDED
5 IN SUBSECTION (4).

6 (2) A PERSON 15 TO 17 YEARS OF AGE CONVICTED OF VIOLATING A
7 LAW OF THIS STATE, OR A LOCAL ORDINANCE OR LAW OF ANOTHER STATE
8 SUBSTANTIALLY CORRESPONDING TO A LAW OF THIS STATE, INVOLVING THE
9 USE, CONSUMPTION, POSSESSION, OR DISTRIBUTION OF ALCOHOL OR A
10 CONTROLLED SUBSTANCE SHALL BE DENIED MOTOR VEHICLE DRIVING PRIVI-
11 LEGES AS PROVIDED IN SUBSECTION (4).

12 (3) THE COURT OR JUVENILE DIVISION OF THE PROBATE COURT
13 SHALL IMMEDIATELY SEND NOTICE OF THE ORDER OF DISPOSITION OR AN
14 ORDER OF CONVICTION OF A PERSON DESCRIBED IN THIS SECTION TO THE
15 SECRETARY OF STATE AND SHALL ORDER THE SECRETARY OF STATE TO
16 IMMEDIATELY DENY THAT PERSON'S DRIVING PRIVILEGES AS PROVIDED IN
17 SUBSECTION (4).

18 (4) UPON RECEIPT OF AN ORDER FROM A COURT OR JUVENILE DIVI-
19 SION OF A PROBATE COURT, THE SECRETARY OF STATE SHALL IMMEDIATELY
20 DENY THE DRIVING PRIVILEGES OF THE PERSON DESCRIBED IN THE ORDER
21 IN THE FOLLOWING MANNER:

22 (A) UPON RECEIPT OF A FIRST ORDER DENYING DRIVING PRIVILEGES
23 TO A PERSON DESCRIBED IN THIS SECTION, THE SECRETARY OF STATE
24 SHALL DENY THE PERSON'S DRIVING PRIVILEGES FOR 1 YEAR OR UNTIL
25 THE PERSON REACHES 17 YEARS OF AGE, WHICHEVER IS LONGER.

26 (B) UPON RECEIPT OF A SECOND OR SUBSEQUENT ORDER DENYING
27 DRIVING PRIVILEGES TO A PERSON DESCRIBED IN THIS SECTION, THE

1 SECRETARY OF STATE SHALL DENY THE PERSON'S DRIVING PRIVILEGES FOR
2 1 YEAR OR UNTIL THE PERSON REACHES 18 YEARS OF AGE, WHICHEVER IS
3 LONGER.

4 (5) A COURT OR A JUVENILE DIVISION OF A PROBATE COURT THAT
5 ISSUES AN ORDER DENYING THE DRIVING PRIVILEGES OF A PERSON UNDER
6 THIS SECTION MAY, UPON PETITION OF THE PERSON, REVIEW THE ORDER
7 AND WITHDRAW THE ORDER AT ANY TIME THE COURT CONSIDERS APPROPRI-
8 ATE EXCEPT AS FOLLOWS:

9 (A) A COURT OR A JUVENILE DIVISION OF A PROBATE COURT SHALL
10 NOT WITHDRAW AN ORDER ISSUED UNDER THIS SECTION FOR A PERIOD OF
11 90 DAYS FOLLOWING THE DATE THE ORDER IS ISSUED IF THE ORDER IS
12 THE FIRST ORDER ISSUED FOR THAT PERSON.

13 (B) A COURT OR A JUVENILE DIVISION OF A PROBATE COURT SHALL
14 NOT WITHDRAW AN ORDER FOR 1 YEAR FOLLOWING THE DATE THE ORDER IS
15 ISSUED IF THE ORDER IS THE SECOND OR SUBSEQUENT ORDER ISSUED FOR
16 THAT PERSON.

17 (6) AN ORDER DENYING DRIVING PRIVILEGES ISSUED TO A PERSON
18 UNDER THIS SECTION SHALL BE IN ADDITION TO ANY OTHER SUSPENSION
19 OF AN OPERATOR'S OR CHAUFFEUR'S LICENSE RECEIVED UNDER THIS ACT.

20 (7) AS USED IN THIS SECTION, "DRIVING PRIVILEGES" MEANS THE
21 RIGHT TO OPERATE A MOTOR VEHICLE WITH AN OPERATOR'S OR
22 CHAUFFEUR'S LICENSE OR THE RIGHT TO BE ISSUED A TEMPORARY
23 DRIVER'S PERMIT OR AN OPERATOR'S OR CHAUFFEUR'S LICENSE UNDER
24 THIS ACT.