

# HOUSE BILL No. 5041

September 20, 1989, Introduced by Rep. Hoffman 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 FOUND RESPONSIBLE OR  
2 RECEIVED A PROBATE COURT DISPOSITION FOR A VIOLATION DESCRIBED IN  
3 SECTION 319(8) AND, IF HE OR SHE HAD BEEN LICENSED AT THE TIME OF  
4 THE CONVICTION OR ENTRY OF THE FINDING OF RESPONSIBILITY OR PRO-  
5 BATE COURT DISPOSITION, WOULD HAVE BEEN SUBJECT TO SUSPENSION  
6 UNDER SECTION 319(8), UNTIL THE EXPIRATION OF THE LONGER OF THE  
7 FOLLOWING PERIODS:

8 (i) NINETY DAYS.

9 (ii) THE PERIOD EQUAL TO ANY PERIOD OF SUSPENSION OTHERWISE  
10 PROVIDED BY LAW FOR THE VIOLATION.

11 (iii) UNTIL THE PERSON IS 18 YEARS OF AGE.

12 (2) Upon receipt of the appropriate records of conviction,  
13 the secretary of state shall revoke the operator's or chauffeur's  
14 license of a person having any of the following convictions,  
15 whether under a 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) Four convictions of reckless driving within 7 years.

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

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

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

25 (3) The secretary of state shall revoke a license under sub-  
26 section (2) notwithstanding a court order issued under section

1 625 or 625b, or a local ordinance substantially corresponding to  
2 section 625(1) or (2) or 625b.

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

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

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

22       (c) A violation of section 324, 413, or 414 of the Michigan  
23 penal code, Act No. 328 of the Public Acts of 1931, being sec-  
24 tions 750.324, 750.413, and 750.414 of the Michigan Compiled  
25 Laws; or a violation of section 1 of Act No. 214 of the Public  
26 Acts of 1931, being section 752.191 of the Michigan Compiled  
27 Laws.

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

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

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

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

13 (ii) The vehicle was used to transport a victim of the  
14 felony.

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

16 (iv) The vehicle was necessary for the commission of the  
17 felony.

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

23 (3) The secretary of state shall suspend the license of a  
24 person convicted of malicious destruction resulting from the  
25 operation of a motor vehicle under section 382 of the Michigan  
26 penal code, Act No. 328 of the Public Acts of 1931, as amended,  
27 being section 750.382 of the Michigan Compiled Laws, for a period

1 of not more than 1 year as ordered by the court as part of the  
2 sentence.

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

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

17 (a) Two convictions under section 625b.

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

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



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

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

14 (8) THE SECRETARY OF STATE SHALL SUSPEND THE LICENSE OF A  
15 PERSON FOR THE PERIOD SPECIFIED IN SUBSECTION (9) UPON RECEIPT OF  
16 THE RECORD OF THE CONVICTION, FINDING OF RESPONSIBILITY, OR PRO-  
17 BATE COURT DISPOSITION OF THE PERSON FOR 1 OF THE FOLLOWING VIO-  
18 LATIONS, IF THE VIOLATION OCCURRED WHEN THE PERSON WAS LESS THAN  
19 18 YEARS OF AGE:

20 (A) A VIOLATION OF SECTION 625 OR 625B.

21 (B) A VIOLATION OF ARTICLE 7 OF THE PUBLIC HEALTH CODE, ACT  
22 NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SECTIONS 333.7101 TO  
23 333.7545 OF THE MICHIGAN COMPILED LAWS.

24 (C) A VIOLATION OF SECTION 33A, 33B, 34, OR 34A OF THE  
25 MICHIGAN LIQUOR CONTROL ACT, ACT NO. 8 OF THE PUBLIC ACTS OF THE  
26 EXTRA SESSION OF 1933, BEING SECTIONS 436.33A, 436.33B, 436.34,  
27 AND 436.34A OF THE MICHIGAN COMPILED LAWS.

1 (D) A VIOLATION OF A LOCAL ORDINANCE, OR OF A LAW OR LOCAL  
2 ORDINANCE OF ANOTHER STATE, SUBSTANTIALLY CORRESPONDING TO A LAW  
3 LISTED IN SUBDIVISIONS (A) TO (C).

4 (9) THE SUSPENSION OF A PERSON'S LICENSE UNDER  
5 SUBSECTION (8) SHALL BE FOR THE LONGER OF THE FOLLOWING PERIODS:

6 (A) NINETY DAYS.

7 (B) THE PERIOD OF SUSPENSION OTHERWISE PROVIDED BY LAW FOR  
8 THE VIOLATION, IF ANY.

9 (C) UNTIL THE PERSON IS 18 YEARS OF AGE.

10 (10) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, A  
11 PERSON WHOSE LICENSE IS SUSPENDED PURSUANT TO SUBSECTIONS (8) AND  
12 (9) SHALL NOT BE ELIGIBLE TO RECEIVE A RESTRICTED LICENSE DURING  
13 THE PERIOD OF SUSPENSION.

14 (11) ~~-(8)-~~ For purposes of this section, the secretary of  
15 state shall treat a conviction or probate court 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 an attempted offense as  
18 if the offense had been completed.

19 (12) AS USED IN THIS SECTION, "PROBATE COURT DISPOSITION"  
20 MEANS THE ENTRY OF A PROBATE COURT ORDER OF DISPOSITION FOR A  
21 CHILD FOUND TO BE WITHIN THE PROVISIONS OF CHAPTER XIIA OF ACT  
22 NO. 288 OF THE PUBLIC ACTS OF 1939, BEING SECTIONS 712A.1 TO  
23 712A.28 OF THE MICHIGAN COMPILED LAWS.