

# HOUSE BILL No. 5046

September 20, 1989, Introduced by Rep. Bryant and referred to the Committee on Judiciary.

A bill to amend section 303 of Act No. 300 of the Public Acts of 1949, entitled as amended  
"Michigan vehicle code,"

as amended by Act No. 346 of the Public Acts of 1988, being section 257.303 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 303 of Act No. 300 of the Public Acts of  
2 1949, as amended by Act No. 346 of the Public Acts of 1988, being  
3 section 257.303 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5       Sec. 303. (1) The secretary of state shall not issue a  
6 license under this act:

7       (a) To a person, as an operator, who is 17 years of age or  
8 less, except that the secretary of state may issue a license to a  
9 person who is not less than 16 years of age and who has

1 satisfactorily passed a driver education course and examination  
2 given by a public school or nonpublic school of this or another  
3 state offering a course approved by the department of education,  
4 or an equivalent examination as prescribed in section 811. The  
5 secretary of state may issue to a person not less than 14 years  
6 of age a restricted license as provided in this act. This subdi-  
7 vision shall not apply to a person who has been the holder of a  
8 valid driver's license issued by another state, territory, or  
9 possession of the United States or another sovereignty for at  
10 least 1 year immediately before application for a driver's  
11 license under this act.

12 (b) To a person, as a chauffeur, who is 17 years of age or  
13 less, except that the secretary of state may issue a license to a  
14 person who is not less than 16 years of age and who has satisfac-  
15 torily passed a driver education course and examination given by  
16 a public school or nonpublic school of this or another state  
17 offering a course approved by the department of education, or an  
18 equivalent examination as prescribed in section 811.

19 (c) To a person whose license has been suspended during the  
20 period for which the license was suspended.

21 (d) To a person whose license has been revoked under this  
22 act until the later of the following:

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24 was revoked.

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

1 (e) To a person who is an habitual violator of the criminal  
2 laws relating to operating a vehicle while impaired by or under  
3 the influence of intoxicating liquor or a controlled substance or  
4 a combination of intoxicating liquor and a controlled substance,  
5 or with a blood alcohol content of 0.10% or more by weight of  
6 alcohol. Convictions of any of the following, whether under a  
7 law of this state, a local ordinance substantially corresponding  
8 to a law of this state, or a law of another state substantially  
9 corresponding to a law of this state, shall be prima facie evi-  
10 dence that the person is an habitual violator as described in  
11 this subdivision:

12 (i) Two convictions under section 625(1) or (2), or 1 con-  
13 viction under section 625(1) and 1 conviction under section  
14 625(2) within 7 years.

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

16 (f) To a person who in the opinion of the secretary of state  
17 is afflicted with or suffering from a physical or mental disabil-  
18 ity or disease which prevents that person from exercising reason-  
19 able and ordinary control over a motor vehicle while operating  
20 the motor vehicle upon the highways.

21 (g) To a person who is unable to understand highway warning  
22 or direction signs in the English language.

23 (h) To a person who is an habitually reckless driver. Four  
24 convictions of reckless driving under this act or any other law  
25 of this state relating to reckless driving or under a local ordi-  
26 nance of this state or a law of another state which defines the  
27 term "reckless driving" substantially similar to the law of this

1 state shall be prima facie evidence that the person is an  
2 habitually reckless driver.

3 (i) To a person who is an habitual criminal. Two convic-  
4 tions of a felony involving the use of a motor vehicle in this or  
5 another state shall be prima facie evidence that the person is an  
6 habitual criminal.

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

12 (k) To a person who has been convicted, received a probate  
13 court finding, or been determined responsible for 2 or more  
14 moving violations under a law of this state, a local ordinance  
15 substantially corresponding to a law of this state, or a law of  
16 another state substantially corresponding to a law of this state,  
17 within the preceding 3 years, if the violations occurred prior to  
18 the issuance of an original license to the person in this or  
19 another state.

20 (l) To a nonresident.

21 (M) TO A PERSON WHO HAS BEEN CONVICTED OF, OR RECEIVED A  
22 PROBATE COURT FINDING FOR, VIOLATING SECTION 7401 OF THE PUBLIC  
23 HEALTH CODE, ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SEC-  
24 TION 333.7401 OF THE MICHIGAN COMPILED LAWS, OR A SUBSTANTIALLY  
25 SIMILAR LAW OF ANOTHER STATE OR OF THE UNITED STATES, IF THE VIO-  
26 LATION INVOLVED THE MANUFACTURING OF, DELIVERY OF, OR POSSESSION

1 OF WITH INTENT TO MANUFACTURE OR DELIVER, COCAINE OR HEROIN, OR A  
2 MIXTURE CONTAINING COCAINE OR HEROIN.

3 (2) Upon receipt of the appropriate records of conviction,  
4 the secretary of state shall revoke the operator's or chauffeur's  
5 license of a person having any of the following convictions,  
6 whether under a law of this state, a local ordinance substan-  
7 tially corresponding to a law of this state, or a law of another  
8 state substantially corresponding to a law of this state:

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

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

12 (c) Two convictions under section 625(1) or (2), or 1 con-  
13 viction under section 625(1) and 1 conviction under section  
14 625(2) within 7 years.

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

16 (3) The secretary of state shall revoke a license under sub-  
17 section (2) notwithstanding a court order issued under section  
18 625 or 625b, or a local ordinance substantially corresponding to  
19 section 625(1) or (2) or 625b.

20 (4) UPON RECEIPT OF THE APPROPRIATE RECORDS OF CONVICTION OR  
21 PROBATE COURT ORDERS OF DISPOSITION, THE SECRETARY OF STATE SHALL  
22 REVOKE THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF A PERSON CON-  
23 VICTED OF, OR FOUND RESPONSIBLE FOR, VIOLATING SECTION 7401 OF  
24 THE PUBLIC HEALTH CODE, ACT NO. 368 OF THE PUBLIC ACTS OF 1978,  
25 BEING SECTION 333.7401 OF THE MICHIGAN COMPILED LAWS, OR A SUB-  
26 STANTIALLY SIMILAR LAW OF ANOTHER STATE OR OF THE UNITED STATES,  
27 IF THE VIOLATION INVOLVED THE MANUFACTURING OF, DELIVERY OF, OR

1 POSSESSION WITH INTENT TO MANUFACTURE OR DELIVER, COCAINE OR  
2 HEROIN, OR A MIXTURE CONTAINING COCAINE OR HEROIN.

3 (5) THE SECRETARY OF STATE SHALL REVOKE A LICENSE UNDER  
4 SUBSECTION (4) WHETHER OR NOT A COURT ORDER IS ISSUED UNDER  
5 SECTION 7401 OF ACT NO. 368 OF THE PUBLIC ACTS OF 1978, OR UNDER  
6 A SUBSTANTIALLY SIMILAR LAW OF ANOTHER STATE OR THE UNITED  
7 STATES, IF THE VIOLATION INVOLVED THE MANUFACTURING OF, DELIVERY  
8 OF, OR POSSESSION WITH INTENT TO MANUFACTURE OR DELIVER, COCAINE  
9 OR HEROIN, OR A MIXTURE CONTAINING COCAINE OR HEROIN.

10 Section 2. This amendatory act shall not take effect unless  
11 Senate Bill No. \_\_\_\_\_ or House Bill No. 5047 (request  
12 no. 02035'89) of the 85th Legislature is enacted into law.