

HOUSE BILL No. 5351

October 29, 2001, Introduced by Rep. Scranton and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 303 (MCL 257.303), as amended by 2001 PA
103.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 303. (1) The secretary of state shall not issue a
2 license under this act to any of the following:

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 has been suspended during the
8 period for which the license was suspended.

9 (d) A person who in the opinion of the secretary of state is
10 afflicted with or suffering from a physical or mental disability

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1 or disease preventing that person from exercising reasonable and
2 ordinary control over a motor vehicle while operating the motor
3 vehicle upon the highways.

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

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

11 (g) A person who has been convicted of, has received a juve-
12 nile disposition for, or has been determined responsible for 2 or
13 more moving violations under a law of this state, a local ordi-
14 nance substantially corresponding to a law of this state, or a
15 law of another state substantially corresponding to a law of this
16 state within the preceding 3 years, if the violations occurred
17 before issuance of an original license to the person in this or
18 another state.

19 (h) A nonresident including a foreign exchange student.

20 (i) A person who has failed to answer a citation or notice
21 to appear in court or for any matter pending or fails to comply
22 with an order or judgment of the court, including, but not
23 limited to, paying all fines, costs, fees, and assessments, in
24 violation of section 321a, until that person answers the citation
25 or notice to appear in court or for any matter pending or com-
26 plies with an order or judgment of the court, including, but not

1 limited to, paying all fines, costs, fees, and assessments, as
2 provided under section 321a.

3 (j) A person not licensed under this act who has been con-
4 victed of, has received a juvenile disposition for, or has been
5 determined responsible for a crime or civil infraction described
6 in section 319, 324, or 904. A person shall be denied a license
7 under this subdivision for the length of time corresponding to
8 the period of the licensing sanction that would have been imposed
9 under section 319, 324, or 904 if the person had been licensed at
10 the time of the violation.

11 (k) A person not licensed under this act who has been con-
12 victed of or received a juvenile disposition for committing a
13 crime described in section 319e. A person shall be denied a
14 license under this subdivision for the length of time that corre-
15 sponds to the period of the licensing sanction that would have
16 been imposed under section 319e if the person had been licensed
17 at the time of the violation.

18 (l) A person not licensed under this act who is determined
19 to have violated section 33b(1) of former 1933 (Ex Sess) PA 8,
20 section 703(1) of the Michigan liquor control code of 1998, 1998
21 PA 58, MCL 436.1703, or section 624a or 624b of this act. The
22 person shall be denied a license under this subdivision for a
23 period of time that corresponds to the period of the licensing
24 sanction that would have been imposed under those sections had
25 the person been licensed at the time of the violation.

26 (M) A PERSON LESS THAN 16 YEARS OF AGE NOT LICENSED UNDER
27 THIS ACT WHO HAS BEEN CONVICTED OF OR HAS RECEIVED A JUVENILE

1 DISPOSITION FOR A CRIME DESCRIBED IN SECTION 411A(2)(A) OR (B) OF
2 THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.411A, FOR KNOWINGLY
3 MAKING A FALSE REPORT OF A VIOLATION OR ATTEMPTED VIOLATION OF
4 CHAPTER XXXIII OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
5 750.200 TO 750.212A, TO A SCHOOL, UNTIL HE OR SHE ATTAINS 21
6 YEARS OF AGE.

7 (2) Upon receiving the appropriate records of conviction,
8 the secretary of state shall revoke the operator's or chauffeur's
9 license of a person and deny issuance of an operator's or
10 chauffeur's license to a person having any of the following,
11 whether under a law of this state, a local ordinance substan-
12 tially corresponding to a law of this state, or a law of another
13 state substantially corresponding to a law of this state:

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

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

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

19 (ii) A violation or attempted violation of section 601b(2)
20 or (3), section 601c(1) or (2), section 602a(4) or (5), section
21 653a(3) or (4), or section 904(4) or (5).

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

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

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

5 (i) A violation or attempted violation of section 625(1),
6 (3), (4), (5), or (7).

7 (ii) A violation of former section 625(1) or (2) or former
8 section 625b.

9 (iii) A violation or attempted violation of section 625m.

10 (d) One conviction for a violation or attempted violation of
11 section 601b(3), section 601c(2), section 602a(4) or (5),
12 section 625(4) or (5), section 653a(4), or section 904(4) or
13 (5).

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

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

20 (g) Any combination of 3 convictions within 10 years for any
21 of the following or 1 conviction for a violation or attempted
22 violation of section 625(6) and any combination of 2 convictions
23 for any of the following within 10 years, if any of the convic-
24 tions resulted from an arrest on or after January 1, 1992:

25 (i) A violation or attempted violation of section 625(1),
26 (3), (4), (5), or (7).

1 (ii) A violation of former section 625(1) or (2) or former
2 section 625b.

3 (iii) A violation or attempted violation of section 625m.

4 (3) The secretary of state shall revoke a license under sub-
5 section (2) notwithstanding a court order.

6 (4) The secretary of state shall not issue a license under
7 this act to a person whose license has been revoked under this
8 act or revoked and denied under subsection (2) until all of the
9 following occur, as applicable:

10 (a) The later of the following:

11 (i) The expiration of not less than 1 year after the license
12 was revoked or denied.

13 (ii) The expiration of not less than 5 years after the date
14 of a subsequent revocation or denial occurring within 7 years
15 after the date of any prior revocation or denial.

16 (b) For a denial under subsection (2)(a), (b), (c), and (g),
17 the person rebuts by clear and convincing evidence the presump-
18 tion resulting from the prima facie evidence that he or she is a
19 habitual offender. The convictions that resulted in the revoca-
20 tion and denial constitute prima facie evidence that he or she is
21 a habitual offender.

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

23 (5) Multiple convictions or civil infraction determinations
24 resulting from the same incident shall be treated as a single
25 violation for purposes of denial or revocation of a license under
26 this section.

1 (6) As used in this section, "felony in which a motor
2 vehicle was used" means a felony during the commission of which
3 the person operated a motor vehicle and while operating the vehi-
4 cle presented real or potential harm to persons or property and 1
5 or more of the following circumstances existed:

6 (a) The vehicle was used as an instrument of the felony.

7 (b) The vehicle was used to transport a victim of the
8 felony.

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

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