



HOUSE BILL No. 5263

February 2, 2000, Introduced by Rep. Jansen 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 1998 PA 351.

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.

1 (d) A person who has been convicted of or received a
2 juvenile disposition for a violation of section 625(4), (5), or
3 (7).

4 (e) A person who has been convicted of or received a juve-
5 nile disposition for negligent homicide, manslaughter, or murder
6 resulting from the operation of a vehicle.

7 (f) A person who is an habitual violator of the criminal
8 laws relating to operating a vehicle while impaired by or under
9 the influence of intoxicating liquor, a controlled substance, or
10 a combination of intoxicating liquor and a controlled substance
11 or with an alcohol content of 0.10 grams or more per 100 millili-
12 ters of blood, per 210 liters of breath, or per 67 milliliters of
13 urine. Convictions of any of the following, whether under a law
14 of this state, a local ordinance substantially corresponding to a
15 law of this state, or a law of another state substantially corre-
16 sponding to a law of this state, are prima facie evidence that
17 the person is an habitual violator as described in this
18 subdivision:

19 (i) Any combination of 2 convictions within 7 years for any
20 of the following or a combination of 1 conviction for a violation
21 or attempted violation of section 625(6) and 1 conviction for any
22 of the following within 7 years:

23 (A) A violation or attempted violation of section 625(1),
24 (3), (4), (5), or (7).

25 (B) A violation of former section 625(1) or (2) or former
26 section 625b.

1 (C) A violation or attempted violation of section 625m.

2 (D) Negligent homicide, manslaughter, or murder resulting
3 from the operation of a vehicle or an attempt to commit any of
4 those crimes.

5 (ii) Any combination of 3 convictions within 10 years for
6 any of the following or 1 conviction for a violation or attempted
7 violation of section 625(6) and any combination of 2 convictions
8 for any of the following within 10 years, if any of the convic-
9 tions resulted from an arrest on or after January 1, 1992:

10 (A) A violation or attempted violation of section 625(1),
11 (3), (4), (5), or (7).

12 (B) A violation of former section 625(1) or (2) or former
13 section 625b.

14 (C) A violation or attempted violation of section 625m.

15 (D) Negligent homicide, manslaughter, or murder resulting
16 from the operation of a vehicle or an attempt to commit any of
17 those crimes.

18 (g) A person who in the opinion of the secretary of state is
19 afflicted with or suffering from a physical or mental disability
20 or disease preventing that person from exercising reasonable and
21 ordinary control over a motor vehicle while operating the motor
22 vehicle upon the highways.

23 (h) A person who is unable to understand highway warning or
24 direction signs OR WHO IS UNABLE TO EFFECTIVELY COMMUNICATE OR
25 UNDERSTAND VERBAL COMMANDS in the English language.

26 (i) A person who is an habitually reckless driver. Two
27 convictions within 7 years of reckless driving under this act or

1 any other law of this state relating to reckless driving or under
2 a local ordinance of this state or a law of another state that
3 defines the term "reckless driving" substantially similarly to
4 the law of this state are prima facie evidence that the person is
5 an habitually reckless driver.

6 (j) A person who is an habitual criminal. Two convictions
7 of a felony in which a motor vehicle was used in this or another
8 state are prima facie evidence that the person is an habitual
9 criminal.

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

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

23 (m) A nonresident including a foreign exchange student.

24 (n) A person who has failed to answer a citation or notice
25 to appear in court or for any matter pending or fails to comply
26 with an order or judgment of the court, including, but not
27 limited to, paying all fines, costs, fees, and assessments, in

1 violation of section 321a, until that person answers the citation
2 or notice to appear in court or for any matter pending or com-
3 plies with an order or judgment of the court, including, but not
4 limited to, paying all fines, costs, fees, and assessments, as
5 provided under section 321a.

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

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

21 (q) A person not licensed under this act who is determined
22 to have violated section 33b(1) of former 1933 (Ex Sess) PA 8,
23 section 703(1) of the Michigan liquor control code of 1998, 1998
24 PA 58, MCL 436.1703, or section 624a or 624b of this act. The
25 person shall be denied a license under this subdivision for a
26 period of time that corresponds to the period of the licensing

1 sanction that would have been imposed under those sections had
2 the person been licensed at the time of the violation.

3 (r) A person who has been convicted of a violation of sec-
4 tion 602a(4) or (5) ~~of this act~~ or a violation of section
5 479a(4) or (5) of the Michigan penal code, 1931 PA 328,
6 MCL 750.479a.

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 having any of the following, whether under a
10 law of this state, a local ordinance substantially corresponding
11 to a law of this state, or a law of another state substantially
12 corresponding to a law of this state:

13 (a) Two convictions of reckless driving in violation of sec-
14 tion 626 within 7 years.

15 (b) Two convictions of a felony in which a motor vehicle was
16 used within 7 years.

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

21 (i) A violation or attempted violation of section 625(1),
22 (3), (4), (5), or (7).

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

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

1 (iv) Negligent homicide, manslaughter, or murder resulting
2 from the operation of a vehicle or an attempt to commit any of
3 those crimes.

4 (d) One conviction for a violation or attempted violation of
5 section 625(4) or (5).

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

9 (f) Any combination of 3 convictions within 10 years for any
10 of the following or 1 conviction for a violation or attempted
11 violation of section 625(6) and any combination of 2 convictions
12 for any of the following within 10 years, if any of the convic-
13 tions resulted from an arrest on or after January 1, 1992:

14 (i) A violation or attempted violation of section 625(1),
15 (3), (4), (5), or (7).

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

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

19 (iv) Negligent homicide, manslaughter, or murder resulting
20 from the operation of a vehicle or an attempt to commit any of
21 those crimes.

22 (g) A violation of section 602a(4) or (5) of this act or
23 section 479a(4) or (5) of the Michigan penal code, 1931 PA 328,
24 MCL 750.479a.

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

1 (4) The secretary of state shall not issue a license under
2 this act to a person whose license has been revoked under this
3 act or denied under subsection (1)(d), (e), (f), (i), (j), or (r)
4 until all of the following occur, as applicable:

5 (a) The later of the following:

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

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

11 (b) For a denial under subsection (1)(f), (i), or (j) based
12 on prima facie evidence, the person rebuts the presumption
13 resulting from the prima facie evidence by clear and convincing
14 evidence.

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

16 (5) Multiple convictions or civil infraction determinations
17 resulting from the same incident shall be treated as a single
18 violation for purposes of denial or revocation of a license under
19 this section.

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

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

26 (b) The vehicle was used to transport a victim of the
27 felony.

- 1 (c) The vehicle was used to flee the scene of the felony.
- 2 (d) The vehicle was necessary for the commission of the
- 3 felony.