

Act No. 387  
Public Acts of 1996  
Approved by the Governor  
September 30, 1996  
Filed with the Secretary of State  
September 30, 1996

**STATE OF MICHIGAN**  
**88TH LEGISLATURE**  
**REGULAR SESSION OF 1996**

Introduced by Reps. Gustafson, McBryde, Jersevic, Voorhees, Dalman and Byl

# **ENROLLED HOUSE BILL No. 4763**

AN ACT to amend sections 303, 306, 308, 309, 310c, 320a, and 811 of Act No. 300 of the Public Acts of 1949, entitled as amended "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," section 303 as amended by Act No. 449 of the Public Acts of 1994, section 306 as amended by Act No. 346 of the Public Acts of 1988, section 308 as amended by Act No. 404 of the Public Acts of 1988, section 309 as amended by Act No. 280 of the Public Acts of 1989, section 320a as amended by Act No. 211 of the Public Acts of 1994, and section 811 as amended by Act No. 235 of the Public Acts of 1992, being sections 257.303, 257.306, 257.308, 257.309, 257.310c, 257.320a, and 257.811 of the Michigan Compiled Laws; to add section 310e; and to repeal acts and parts of acts.

*The People of the State of Michigan enact:*

Section 1. Sections 303, 306, 308, 309, 310c, 320a, and 811 of Act No. 300 of the Public Acts of 1949, section 303 as amended by Act No. 449 of the Public Acts of 1994, section 306 as amended by Act No. 346 of the Public Acts of 1988, section 308 as amended by Act No. 404 of the Public Acts of 1988, section 309 as amended by Act No. 280 of the Public Acts of 1989, section 320a as amended by Act No. 211 of the Public Acts of 1994, and section 811 as amended by Act No. 235 of the Public Acts of 1992, being sections 257.303, 257.306, 257.308, 257.309, 257.310c, 257.320a, and 257.811 of the Michigan Compiled Laws, are amended and section 310e is added to read as follows:

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

- (a) A person, as an operator, who is less than 18 years of age, except as otherwise provided in this act.
- (b) A person, as a chauffeur, who is less than 18 years of age, except as otherwise provided in this act.
- (c) A person whose license has been suspended during the period for which the license was suspended.
- (d) A person who has been convicted of or received a probate court disposition for section 625(4) or (5).
- (e) A person who has been convicted of or received a probate court disposition for negligent homicide, manslaughter, or murder resulting from the operation of a motor vehicle.
- (f) A person who is an habitual violator of the criminal laws relating to operating a vehicle while impaired by or under the influence of intoxicating liquor or a controlled substance or a combination of intoxicating liquor and a controlled substance, or with an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine. Convictions of any of the following, whether under a law of this state, a local

ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state, are prima facie evidence that the person is an habitual violator as described in this subdivision:

- (i) Any combination of 2 convictions within 7 years for 1 or more of the following:
  - (A) A violation of section 625(1), (4), or (5).
  - (B) A violation of former section 625(1) or (2).
- (ii) Any combination of 3 convictions within 10 years for 1 or more of the following if any of the convictions resulted from an arrest on or after January 1, 1992:
  - (A) A violation of section 625(1), (3), (4), or (5).
  - (B) A violation of former section 625(1) or (2) or former section 625b.
- (g) A person who in the opinion of the secretary of state is afflicted with or suffering from a physical or mental disability or disease preventing that person from exercising reasonable and ordinary control over a motor vehicle while operating the motor vehicle upon the highways.
- (h) A person who is unable to understand highway warning or direction signs in the English language.
- (i) A person who is an habitually reckless driver. Two convictions within 7 years of reckless driving under this act or any other law of this state relating to reckless driving or under a local ordinance of this state or a law of another state that defines the term "reckless driving" substantially similarly to the law of this state are prima facie evidence that the person is an habitually reckless driver.
- (j) A person who is an habitual criminal. Two convictions of a felony in which a motor vehicle was used in this or another state are prima facie evidence that the person is an habitual criminal.
- (k) A person who is unable to pass a knowledge, skill, or ability test administered by the secretary of state in connection with the issuance of an original operator's or chauffeur's license, original motorcycle indorsement, or an original or renewal of a vehicle group designation or vehicle indorsement.
- (l) A person who has been convicted of, has received a probate court disposition for, or has been determined responsible for 2 or more moving violations under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state, within the preceding 3 years, if the violations occurred before issuance of an original license to the person in this or another state.
- (m) A nonresident including a foreign exchange student.
- (n) A person not licensed under this act who has been convicted of, has received a probate court disposition for, or has been determined responsible for a crime or civil infraction described in section 319, 324, or 904. A person shall be denied a license under this subdivision for the length of time corresponding to the period of the licensing sanction that would have been imposed under section 319, 324, or 904 if the person had been licensed at the time of the violation.
- (o) A person not licensed under this act who has been convicted of or received a probate court disposition for committing a crime described in section 319e. A person shall be denied a license under this subdivision for the length of time that corresponds to the period of the licensing sanction that would have been imposed under section 319e if the person had been licensed at the time of the violation.
- (p) A person not licensed under this act who is determined to have violated section 33b(1) of the Michigan Liquor Control Act, Act No. 8 of the Public Acts of the Extra Session of 1933, being section 436.33b of the Michigan Compiled Laws, or section 624b. The person shall be denied a license under this subdivision for a period of time that corresponds to the period of the licensing sanction that would have been imposed under those sections had the person been licensed at the time of the violation.

(2) Upon receipt of the appropriate records of conviction, the secretary of state shall revoke the operator's or chauffeur's license of a person having any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

- (a) Two convictions of reckless driving in violation of section 626 within 7 years.
- (b) Two convictions of a felony in which a motor vehicle was used within 7 years.
- (c) Any combination of 2 convictions within 7 years for any of the following:
  - (i) A violation of section 625(1).
  - (ii) A violation of former section 625(1) or (2).
  - (iii) A violation of section 625(4) or (5).
  - (iv) Negligent homicide, manslaughter, or murder resulting from the operation of a motor vehicle.
- (d) One conviction under section 625(4) or (5).
- (e) One conviction of negligent homicide, manslaughter, or murder resulting from the operation of a motor vehicle.
- (f) Any combination of 3 convictions within 10 years for any of the following if any of the convictions resulted from an arrest on or after January 1, 1992:
  - (i) A violation of section 625(1), (3), (4), or (5).
  - (ii) A violation of former section 625(1) or (2) or former section 625b.
  - (iii) Negligent homicide, manslaughter, or murder resulting from the operation of a motor vehicle.

(3) The secretary of state shall revoke a license under subsection (2) notwithstanding a court order issued under section 625, section 625b, former section 625(1) or (2), or former section 625b or a local ordinance substantially corresponding to section 625, section 625b, former section 625(1) or (2), or former section 625b.

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

(a) The later of the following:

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

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

(b) The person meets the requirements of the department.

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

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

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

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

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

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

Sec. 306. (1) The secretary of state upon receiving from a person who is 18 years of age or older, an application for a temporary instruction permit may issue that permit entitling the applicant, while carrying the permit, to drive a motor vehicle other than a motor vehicle requiring an indorsement under section 312a or a vehicle group designation under section 312e upon the highways for a period of 180 days when accompanied by a licensed adult operator or chauffeur who is actually occupying a seat beside the driver.

(2) Until April 1, 2002, the secretary of state may issue an original operator's license and designate level 1, 2, or 3 graduated licensing provisions to a person who is less than 18 years of age, has been licensed in another state or country, and has satisfied the applicable requirements of section 310e.

(3) A student enrolled in a driver education program or a motorcycle safety course approved by the department of education may operate a motor vehicle without holding an operator's license or permit while under the direct supervision of the program instructor.

(4) A student enrolled in an approved driver education program and who has successfully completed 10 hours of classroom instruction and the equivalent of 2 hours of behind-the-wheel training may be issued a temporary driver education certificate furnished by the department of education which authorizes a student to drive a motor vehicle, other than a motor vehicle requiring an indorsement pursuant to section 312a or a vehicle group designation pursuant to section 312e, when accompanied by a licensed parent or guardian, or when accompanied by a nonlicensed parent or guardian and a licensed adult for the purpose of receiving additional instruction until the end of the student's driver education course.

(5) The secretary of state, upon receiving proper application from a person 16 or 17 years of age who is enrolled in or has successfully completed an approved motorcycle safety course under section 811a, or a person who is 18 years of age or older and who holds a valid operator's or chauffeur's license, may issue a motorcycle temporary instruction permit, entitling the applicant, while carrying the permit, to operate a motorcycle upon the public streets and highways for a period of 150 days, but only when under the constant visual supervision of a licensed motorcycle operator at least 18 years of age. The applicant shall not operate the motorcycle at night or with a passenger.

(6) The secretary of state, upon receiving proper application from a person who is 18 years of age or older, who holds a valid operator's or chauffeur's license, may issue a temporary instruction permit entitling the person while carrying the permit to drive a vehicle requiring a vehicle group designation or vehicle group indorsement under section 312e upon the streets and highways, for a period of 150 days, but only when accompanied by a licensed adult operator or chauffeur who is licensed with the appropriate vehicle group designation and indorsement for the vehicle group being driven and who is actually occupying a seat beside the driver, or behind the driver if the permittee is driving a bus or school bus. In addition, if a permittee is enrolled in a driver training program for drivers of motor vehicles requiring a vehicle group designation or vehicle group indorsement under section 312e, which program is conducted by a college; university; commercial driver training school licensed by the department pursuant to Act No. 369 of the Public Acts of 1974, as amended, being sections 256.601 to 256.609 of the Michigan Compiled Laws; or a local or intermediate school district, the permittee may drive a vehicle requiring a vehicle group designation or vehicle group indorsement on the streets and highways of this state for a period of 150 days when accompanied by an instructor licensed with the appropriate vehicle group designation and indorsement for the vehicle being driven who is either occupying the seat beside the driver or in direct visual and audio communication with the permittee.

Sec. 308. (1) The secretary of state shall not approve the application of a person who is 17 years of age or less for an operator's license unless the application is signed by the parent or guardian of the applicant and until April 1, 2002, the

person has satisfied the appropriate requirements of section 310e, or if the person does not have a parent or guardian, then a license shall not be granted to the person unless the application is signed by another responsible adult and until April 1, 2002, the person has satisfied the appropriate requirements of section 310e.

(2) This section shall not apply to minors emancipated pursuant to Act No. 293 of the Public Acts of 1968, being sections 722.1 to 722.6 of the Michigan Compiled Laws.

Sec. 309. (1) Before issuing a license, the secretary of state shall examine each applicant for an operator's or chauffeur's license who at the time of the application is not the holder of a valid, unrevoked operator's or chauffeur's license under a law of this state providing for the licensing of drivers. In all other cases, the secretary of state may waive the examination, except that an examination shall not be waived if it appears from the application, from the apparent physical or mental condition of the applicant, or from any other information which has come to the secretary of state from another source, that the applicant does not possess the physical, mental, or other qualifications necessary to operate a motor vehicle in a manner as not to jeopardize the safety of persons or property; or that the applicant is not entitled to a license under section 303. A licensee who applies for the renewal of his or her license by mail pursuant to section 307 shall be required to certify to his or her physical capability to operate a motor vehicle.

(2) Sheriffs, their deputies and the chiefs of police of cities and villages having organized police departments within this state and their duly authorized representatives, and employees of the secretary of state may be appointed examining officers for the purpose of examining applicants for operator's and chauffeur's licenses by the secretary of state. An examining officer shall conduct examinations of applicants for operator's and chauffeur's licenses, under this chapter, and in accordance with the rules promulgated by the secretary of state under subsection (3). After conducting an examination an examining officer shall make a written report of his or her findings and recommendations to the secretary of state.

(3) The secretary of state shall promulgate rules pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws, for the examination of the applicant's physical and mental qualifications to operate a motor vehicle in a manner as not to jeopardize the safety of persons or property, and shall ascertain whether facts exist which would bar the issuance of a license under section 303. The secretary of state shall also ascertain whether the applicant has sufficient knowledge of the English language to understand highway warnings or direction signs written in that language. The examination shall not include investigation of facts other than those facts directly pertaining to the ability of the applicant to operate a motor vehicle with safety or facts declared to be prerequisite to the issuance of a license under this act.

(4) An original operator's or chauffeur's license without a vehicle group designation or indorsement shall not be issued by the secretary of state without an examination which shall include a behind-the-wheel road test conducted by the secretary of state or by a designated examining officer under subsection (2) or section 310e. The secretary of state may enter into an agreement with another public or private person or agency to conduct a behind-the-wheel road test conducted under this section. The fee for a behind-the-wheel road test for an operator's or a chauffeur's license conducted by the secretary of state shall be \$11.00. An original vehicle group designation or indorsement shall not be issued by the secretary of state without a knowledge test conducted by the secretary of state. Except as provided in section 312f(1), an original vehicle group designation or passenger indorsement shall not be issued by the secretary of state without a behind-the-wheel road test conducted by an examiner appointed or authorized by the secretary of state. While in the course of taking a behind-the-wheel road test conducted by the examiner who shall occupy a seat beside the applicant, an applicant for an original vehicle group designation or passenger indorsement who has been issued a temporary instruction permit to operate a commercial motor vehicle shall be permitted to operate a vehicle requiring a vehicle group designation or passenger indorsement without a person licensed to operate a commercial motor vehicle occupying a seat beside him or her. The fee for a behind-the-wheel road test for a vehicle group designation or indorsement shall be \$60.00. A refund shall not be given to an applicant who fails a behind-the-wheel road test.

Sec. 310c. (1) The secretary of state shall not issue an operator's or chauffeur's license to a person who is 18 years of age or older and has not been previously licensed in this or any other state or country until 30 days after he or she has obtained a temporary instruction permit.

(2) This section does not apply to a person who is on active duty in the armed forces of the United States if he or she is on furlough and possesses a valid United States government motor vehicle operator's identification card and furlough papers.

Sec. 310e. (1) Except as otherwise provided in this act, an operator's or chauffeur's license issued to a person who is 17 years of age or less is valid only upon the issuance of a special provisional card.

(2) The secretary of state shall designate graduated licensing provisions in a manner which clearly indicates that the person is subject to the appropriate provisions described in this section.

(3) A person who is not less than 14 years and 9 months of age may be issued a level 1 graduated licensing status to operate a motor vehicle if the person has satisfied all of the following conditions:

(a) Passed a vision test and met health standards as prescribed by the secretary of state.

(b) Successfully completed segment 1 of a driver education course approved by the department of education including a minimum of 6 hours of on-the-road driving time with the instructor.

(c) Received written approval of a parent or legal guardian.

(4) A person issued a level 1 graduated licensing status may operate a motor vehicle only when accompanied either by a licensed parent or legal guardian or, with the permission of the parent or legal guardian, a licensed driver 21 years of age or older. Except as otherwise provided in this section, a person is restricted to operating a motor vehicle with a level 1 graduated licensing status for not less than 6 months.

(5) A person may be issued a level 2 graduated licensing status to operate a motor vehicle if the person has satisfied all of the following conditions:

(a) Had a level 1 graduated licensing status for not less than 6 months.

(b) Successfully completed segment 2 of a driver education course approved by the department of education.

(c) Not incurred a moving violation resulting in a conviction or civil infraction determination or been involved in an accident for which the official police report indicates a moving violation on the part of the person during the 90-day period immediately preceding application.

(d) Presented a certification by the parent or guardian that he or she, accompanied by his or her licensed parent or legal guardian or, with the permission of the parent or legal guardian, any licensed driver 21 years of age or older, has accumulated a total of not less than 50 hours of behind-the-wheel experience of which not less than 10 hours shall be at night.

(e) Successfully completed a secretary of state approved performance road test. The secretary of state may enter into an agreement with another public or private person or agency, including a city, village, or township, to conduct this performance road test. This subdivision applies to a person 16 years of age or over only if the person has satisfied subdivisions (a), (b), (c), and (d).

(6) A person issued a level 2 graduated licensing status under subsection (5) shall remain at level 2 for not less than 6 months and shall not operate a motor vehicle within this state from 12 midnight to 5 a.m. unless accompanied by a parent or legal guardian or a licensed driver over the age of 21 designated by the parent or legal guardian, or except when going to or from employment.

(7) The provisions and provisional period described in subsection (4) or (6) shall be expanded or extended, or both, beyond the periods described in subsection (4) or (6) if any of the following occur and are recorded on the licensee's driving record during the provisional periods described in subsection (4) or (6) or any additional periods imposed under this subsection:

(a) A moving violation resulting in a conviction, civil infraction determination, or probate court disposition.

(b) An accident for which the official police report indicates a moving violation on the part of the licensee.

(c) A license suspension for a reason other than a mental or physical disability.

(d) A violation of subsection (4) or (6).

(8) The provisional period described in subsection (4) shall be extended under subsection (7) until the licensee completes 90 consecutive days without a moving violation, an accident in which a moving violation resulted, accident, suspension, or provisional period violation listed in subsection (7) or until age 18, whichever occurs first. The provisional period described in subsection (6) shall be extended under subsection (7) until the licensee completes 12 consecutive months without a moving violation, accident, suspension, or restricted period violation listed in subsection (7) or until age 18, whichever occurs first.

(9) A person who is not less than 17 years of age may be issued a level 3 graduated licensing status under this subsection if the person has completed 12 consecutive months without a moving violation, an accident in which a moving violation resulted, accident, suspension, or restricted period violation listed in subsection (7) during the time in which the person was issued a level 2 graduated licensing status under subsection (5).

(10) Notice shall be given by first-class mail to the last known address of a licensee if the provisions are expanded or extended as described in subsection (7).

(11) A person who violates subsection (4) or (6) is responsible for a civil infraction.

(12) If a person is determined responsible for a violation of subsection (4) or (6), the secretary of state shall send written notification of any conviction or moving violation to a designated parent or guardian of the person.

(13) For purposes of this section:

(a) Upon conviction for a moving violation, the date of the arrest for the violation shall be used in determining whether the conviction occurred within a provisional licensure period under this section.

(b) Upon entry of a civil infraction determination for a moving violation, the date of issuance of a citation for a civil infraction shall be used in determining whether the civil infraction determination occurred within a provisional licensure period under this section.

(c) The date of the official police report shall be used in determining whether a licensee was driving a motor vehicle involved in an accident for which the official police report indicates a moving violation on the part of the licensee or indicates the licensee had been drinking intoxicating liquor.

(14) A person shall have his or her graduated licensing status in his or her immediate possession at all times when operating a motor vehicle, and shall display the card upon demand of a police officer. A person who violates this subsection is responsible for a civil infraction.

(15) This section does not apply to a person 15 years of age or older who is currently enrolled but has not completed a driver education course on April 1, 1997 or who has completed a driver education course but has not acquired his or her driver license on April 1, 1997.

(16) This section is repealed April 1, 2002.

Sec. 320a. (1) The secretary of state, within 10 days after the receipt of a properly prepared abstract from this or another state, shall record the date of conviction, civil infraction determination, or probate court disposition, and the number of points for each, based on the following formula, except as otherwise provided in this section and section 629c:

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|--|----------|
| (a) Manslaughter, negligent homicide, or a felony resulting from the operation of a motor vehicle .....  | 6 points |
| (b) A violation of section 625(1) or a law or ordinance substantially corresponding to section 625(1) .....  | 6 points |
| (c) A violation or attempted violation of section 625(4) or (5) .....  | 6 points |
| (d) Failing to stop and disclose identity at the scene of an accident when required by law .....   | 6 points |
| (e) Operating a motor vehicle in a reckless manner.....  | 6 points |
| (f) Violation of any law or ordinance pertaining to speed by exceeding the lawful maximum by more than 15 miles per hour .....   | 4 points |
| (g) Violation of section 625(3) or (6) or a law or ordinance substantially corresponding to section 625(3) or (6) .....  | 4 points |
| (h) Fleeing or eluding an officer .....  | 6 points |
| (i) Violation of section 626a or a law or ordinance substantially corresponding to section 626a.....   | 4 points |
| (j) Violation of any law or ordinance pertaining to speed by exceeding the lawful maximum by more than 10 but not more than 15 miles per hour or careless driving in violation of section 626b or a law or ordinance substantially corresponding to section 626b .....   | 3 points |
| (k) Violation of any law or ordinance pertaining to speed by exceeding the lawful maximum by 10 miles per hour or less .....   | 2 points |
| (l) Disobeying a traffic signal or stop sign, or improper passing.....   | 3 points |
| (m) Violation of section 624a or a law or ordinance substantially corresponding to section 624a.....   | 2 points |
| (n) Until April 1, 2002, violation of section 310e(4) or (6) or a law or ordinance substantially corresponding to section 310e(4) or (6) .....   | 2 points |
| (o) All other moving violations pertaining to the operation of motor vehicles reported under this section .....  | 2 points |
| (p) A refusal by a person less than 21 years of age to submit to a preliminary breath test required by a peace officer under section 625a .....  | 2 points |
| (2) Points shall not be entered for a violation of section 310e(15), 311, 625m, 658, 717, 719, 719a, or 723.   |          |
| (3) Points shall not be entered for bond forfeitures.  |          |
| (4) Points shall not be entered for overweight loads or for defective equipment.   |          |
| (5) If more than 1 conviction, civil infraction determination, or probate court disposition results from the same incident, points shall be entered only for the violation that receives the highest number of points under this section.  |          |
| (6) If a person has accumulated 9 points as provided in this section, the secretary of state may call the person in for an interview as to the person's driving ability and record after due notice as to time and place of the interview. If the person fails to appear as provided in this subsection, the secretary of state shall add 3 points to the person's record. |          |
| (7) If a person is determined to be responsible for a civil infraction for a violation of a law or ordinance pertaining to speed by exceeding the lawful maximum on a street or highway as that maximum was reduced by Act No. 28 of the Public Acts of 1974, then points shall be entered as follows:   |          |
| (a) Sixty miles per hour to the lawful maximum in effect before being reduced by Act No. 28 of the Public Acts of 1974 .....   | 1 point  |
| (b) Exceeding the lawful maximum in effect before being reduced by Act No. 28 of the Public Acts of 1974, by 10 miles per hour or less .....   | 2 points |
| (c) Exceeding the lawful maximum in effect before being reduced by Act No. 28 of the Public Acts of 1974, by more than 10 but not more than 15 miles per hour .....  | 3 points |
| (d) Exceeding the lawful maximum in effect before being reduced by Act No. 28 of the Public Acts of 1974, by more than 15 miles per hour.....  | 4 points |
| (8) Notwithstanding subsection (7), if a person violates a speed restriction established by an executive order issued during a state of energy emergency as provided by Act No. 191 of the Public Acts of 1982, being sections 10.81 to 10.89 of the Michigan Compiled Laws, the secretary of state shall enter points for the violation pursuant to subsection (1).       |          |
| (9) The secretary of state shall enter 6 points upon the record of a person whose license is suspended or denied pursuant to section 625f. However, if a conviction, civil infraction determination, or probate court disposition results from the same incident, additional points for that offense shall not be entered.   |          |

(10) If a Michigan driver commits a violation in another state that would be a civil infraction if committed in Michigan, and a conviction results solely because of the failure of the Michigan driver to appear in that state to contest the violation, upon receipt of the abstract of conviction by the secretary of state, the violation shall be noted on the driver's record, but no points shall be assessed against his or her driver's license.

Sec. 811. (1) An application for an operator's or chauffeur's license as provided in sections 307 and 312 and an application for a minor's restricted license as provided in section 312 shall be accompanied by the following fees:

Operator's license .....	\$ 12.00
Chauffeur's license.....	20.00
Minor's restricted license .....	5.00

(2) The secretary of state shall deposit the money received and collected under subsection (1) in the state treasury to the credit of the general fund. The secretary of state shall refund out of the fees collected to each county or municipality acting as an examining officer or examining bureau \$2.50 for each applicant examined for an original license, \$1.00 for each applicant examined for an original chauffeur's license, and \$1.00 for every other applicant examined, if the application is not denied and the money refunded is paid to the county or local treasurer and is appropriated to the county, municipality, or officer or bureau receiving the money for the purpose of carrying out this act. The state treasurer shall deposit the sum of \$4.00 in a driver education fund for each person examined for an original license, a renewal operator's license, an original chauffeur's license, or a renewal chauffeur's license, except that the sum deposited for each 2-year operator's or 2-year chauffeur's license shall be \$2.00. The department of education shall use the money in the driver education fund for administration of a driver education program and for distribution to local school districts to be used for driver education programs. Any unexpended and unencumbered balance remaining in the driver education fund at the end of the fiscal year in excess of \$150,000.00 shall revert to the general fund.

(3) From the money credited to the driver education fund, the legislature shall appropriate annually funds to the department of education for state administration of the program. In addition, the department of education shall distribute to local public school districts from the driver education fund a pro rata amount equal to the number of students that completed an approved driver education course through the local public school districts whether directly from the student's own local school district or by certificate issued from the student's own local school district in the previous fiscal year, or the actual cost per student, whichever is less. Beginning April 1, 1998, a local school district that offers an approved driver education course shall provide an amount equal to the pro rata amount from the driver education fund for each student residing in the district that completes an approved driver education course within that district. The local school district shall provide each student participating in an approved driver education course with a certificate in a form provided by the local school district and approved by the department of education that the student shall use toward the payment of any fee charged for the approved driver education course under the following conditions:

- (a) If the student participates in an approved driver education course at a local school district of his or her choice other than his or her local school district.
- (b) If the student participates in a driver education course at a licensed driver training school, but only if the following conditions exist:
  - (i) The student's local school district does not offer an approved driver education course either itself or through a consortium of local school districts of which the student's local school district is a member.
  - (ii) The student's local school district does not offer an approved driver education course with openings available either itself or through a consortium of local school districts of which the student's local school district is a member at the time the student attains 15 years, 6 months of age.

From the amount distributed, the local school district shall reimburse each licensed driver training school or other local school district the determined pro rata amount from the driver education fund for each student from that district completing an approved driver education course with the licensed driver training school or other local school district during the fiscal year.

(4) Until April 1, 1998, the driver education courses shall be conducted by the local public school district or may be conducted for the local school district by the intermediate district at the request of the local district. Beginning April 1, 1998, the approved driver education courses may be conducted by the local public school district or a consortium of school districts, by a licensed driver training school either itself or through a contract with a local school district, or by the intermediate district at the request of the local district. If a local school district contracts with a licensed driver training school to conduct an approved driver education course, the contract shall require that the driver education course be conducted in accordance with the requirements set forth in department of education rules under subsection (6) that are applicable to an approved driver education course conducted by a local school district. Enrollment in approved driver education courses shall be open to children enrolled in the high school grades of public, parochial, and private schools as well as resident out-of-school youth. Reimbursement to local school districts shall be made on the basis of an application made by the local school district superintendent to the department of education. If money appropriated from the driver education fund is not sufficient to provide for state administration of the driver education program and to reimburse local school districts for each student completing an approved driver education course, then payments made to local school districts shall be prorated to the amount that is appropriated and available in the fund.

A local school district or licensed driver training school may use videotapes, computers, telecourses, or other similar technology as part of the classroom instruction portion of its driver education courses. A student may receive and use any of these materials at home.

(5) As used in this section, "driver education courses" include classroom instruction, behind-the-wheel instruction, and observation in an automobile under the supervision of a qualified teacher or licensed instructor. The department of education shall not require that licensed driver training school teachers or instructors be certificated under Act No. 451 of the Public Acts of 1976, being sections 380.1 to 380.1852 of the Michigan Compiled Laws.

(6) The department of education may promulgate rules pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws, to implement this section. The rules shall include, at a minimum, instructional standards, teacher qualifications, and reimbursement procedures.

(7) Notwithstanding sections 301, 303, 306, and 308, an operator's license shall not be issued to a person under 18 years of age unless that person successfully passes a driver education course and examination given by a public school, nonpublic school, or an equivalent course approved by the department of education given by a licensed driver training school. A person who has been a holder of a motor vehicle operator's license issued by any other state, territory, or possession of the United States, or any other sovereignty for 1 year immediately before application for an operator's license under this act is not required to comply with this subsection. Restricted licenses may be issued pursuant to section 312 without compliance with this subsection. Subject to eligibility requirements established under section 1302 of Act No. 451 of the Public Acts of 1976, a driver education course shall be made available for a person under 18 years of age within a time that will enable that person to qualify for a license before the time that the person is permitted by law to have a license.

(8) Until April 1, 1998, a public school system shall not impose a charge or enrollment fee for a driver education course upon a student desiring to take the course as a duly enrolled student for the course in a school of the public school system. Beginning April 1, 1998, a public school system may impose a charge or enrollment fee for a driver education course upon a student desiring to take the course as a duly enrolled student for the course in a school of the public school system.

(9) Not later than December 30, 1996, the secretary of state shall prepare and submit to the legislature a report comparing aggregate driver record information for drivers trained in driver education programs for which eligibility requirements have been established under section 1302 of Act No. 451 of the Public Acts of 1976 to aggregate driver record information for drivers trained in driver education programs for which such eligibility requirements have not been established.

Section 2. (1) Except as provided in subsection (2), this amendatory act shall take effect April 1, 1997.

(2) Section 309 of Act No. 300 of the Public Acts of 1949, as amended by this amendatory act, being section 257.309 of the Michigan Compiled Laws, shall take effect upon the date of enactment of this amendatory act.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved \_\_\_\_\_

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Governor.