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SFA

BILL ANALYSIS

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House Bill 4778 (Substitute H-2 as passed by the House)
Sponsor: Representative Paul DeWeese
House Committee: Transportation
Senate Committee: Transportation and Tourism

Date Completed: 11-28-00

CONTENT

The bill would amend driver education provisions of the Michigan Vehicle Code to do the following:

- Allow the Secretary of State to prescribe the method and examination criteria to be used by a person conducting a road test under an agreement with the Secretary of State.
- Make it a felony for a person to bribe an examining officer or alter a road test certification, or for an examining officer to vary from the prescribed method or criteria.
- Provide that one hour of driving on a driving range, or three hours in a driving simulator, would equal one hour on the road, for the purpose of accumulating the minimum required driving time.
- Require at least three hours of on-the-road driving to be on public streets.
- Allow the Secretary of State to reduce a person's graduated driver license level or delay advancement to the next level at a parent's request.
- Revise the expiration date of a license issued to someone under 16.
- Allow reimbursement to the parent of a student who completed a driving education course.
- Provide that a public school system's driver education enrollment fee would have to be the same for all residents of the school system.

Road Test

Under the Code, the Secretary of State may not issue an original driver's license without an examination, which must include a behind-the-wheel road test conducted by the Secretary of State or a designated examining officer. The Secretary of State also is responsible for establishing and conducting a motorcycle operator driving test. The Secretary of State may enter into an agreement with another public or private person or agency to conduct a road test or a motorcycle driving test.

The bill provides that, in such an agreement, the Secretary of State could prescribe the method and examination criteria to be followed by the person or agency when conducting the road test or driving test, and the form of the certification to be issued to a person who satisfactorily completed a road test or driving test.

The bill would delete a requirement that the fee for a road test conducted by the Secretary of State be \$11.

Criminal Penalties

The bill would make it a felony to corrupt or attempt to corrupt an examining officer appointed or designated by the Secretary of State to conduct a road test, or a person or agency that conducted a motorcycle driving test, by giving, offering, or promising any gift or gratuity with the intent to influence the opinion or decision of the examining officer or the person or agency.

It also would be a felony for a designated examining officer to vary from, shorten, or in any other way change the method or examination criteria prescribed under an agreement with the Secretary of State in conducting

a behind-the-wheel road test or a motorcycle driving test.

In addition, it would be a felony for a person to forge, counterfeit, or alter a satisfactorily completed road test or driving test certification issued by an examining officer appointed or designated by the Secretary of State.

Graduated Driver License; Road Time

Under the Code, except as otherwise provided, an operator's or chauffeur's license issued to a person who is 17 years old or less is valid only upon the issuance of a "special provisional card". The bill would refer, instead, to a "graduated driver license".

The Code requires the Secretary of State to designate graduated licensing provisions in a manner that clearly indicates that a person is subject to the appropriate provisions, which prescribe three successive levels of licensing status. A person must meet specific criteria for each level and is subject to certain conditions when driving, such as being accompanied by a parent or guardian or a licensed driver at least 21 years old.

The criteria for a level 1 graduated licensing statute (which may be issued to a person who is at least 14 years and nine months of age) include successful completion of segment 1 of a driver education course approved by the Department of Education, including a minimum of six hours of on-the-road driving time with the instructor. The bill specifies that, for purposes of accumulating the minimum number of hours of on-the-road driving time, one hour of driving time on a driving range would be equal to one hour on the road, and three hours of behind-the-wheel time in a device that simulated actual driving conditions would equal one hour on the road. At least three class hours of on-the-road driving experience would have to be provided on the public streets and highways.

Currently, an operator's license issued to a person who is at least and under 16 expires one year after issuance. Under the bill, the license would expire on the birthday after the license was issued or, if that birthday were within six months after the date of issuance, then one year after the date of that birthday.

Under the Code, the license of a minor must be canceled upon the written request of the person who signed the minor's application for a license, if that person would presently be a proper person to sign the application on the minor's behalf. Otherwise, the minor's license must be canceled upon the written request of the person presently having custody of the minor. The bill would delete these provisions, and would require the Secretary of State to cancel the license of a minor upon the written request of the custodial parent or parents or legal guardian of the minor. The Secretary of State also could reduce the graduated driver license level or delay advancement to the next level of a minor, upon the written request of the minor's custodial parent or parents or legal guardian.

Course Fee Reimbursement

The Code requires the Department of Education to distribute to local public school districts from the Driver Education Fund a pro rata amount equal to the number of students who completed in the previous fiscal year an approved driver education course through the school districts, or the actual cost per student, whichever is less. A local school district that offers an approved driver education course must provide an amount equal to the pro rata amount from the Fund for each student living in the district who completes an approved driver education course within the district. The local school district must give each participating student a certificate that he or she is to use toward the payment of any fee charged for an approved driver education course if the student participates at a district other than his or her local district or, under certain circumstances, if the student participates in a course at a licensed driver training school.

In addition, from the amount distributed, the local school district must reimburse each licensed driver training school or other local school district the determined pro rata amount for each student completing an approved driver education course with the licensed school or other local district. The bill would require a local school district to give the pro rata reimbursement to a licensed driver training school, other local school district, or the parent of the student.

In these provisions, the bill would refer to a student who completed "segment 1" of a driver education course.

Course Enrollment

Under the Code, enrollment in approved driver education courses must be open to children enrolled in the high school grades of public, parochial, and private schools, as well as resident out-of-school youths. The bill provides, instead, that enrollment would have to be open to residents not less than 14 years eight months of age enrolled in public, nonpublic, and home schools, as well as resident out-of-school youths not less than 14 years eight months of age.

Enrollment Fee

The Code allows a public school system to impose a charge or enrollment fee for a driver education course upon a student wanting to take the course. The bill provides that, if a charge or enrollment fee were imposed, it would have to be the same for all students residing within the territory of the public school system.

MCL 257.309 et al.

Legislative Analyst: S. Lowe

FISCAL IMPACT

There would be an indeterminate fiscal impact on local school districts associated with this bill. In current law, a public school system may charge an enrollment fee for a driver education course. The proposed change would mandate that the school system charge the same enrollment fee for all resident pupils enrolled in the course. This could affect a local school district if that district currently uses some type of graduated fee. For example, if a local school district waived or reduced the fee based on a pupil's income or at-risk status, then the bill would require the district to discontinue this procedure and charge all students enrolled in a driver's education course at the same rate.

The bill also would have an indeterminate fiscal impact on State and local government for criminal penalties. There are no data available to indicate how many offenders could be convicted of the crimes related to corrupting an examining officer, falsifying a road test examination or certification, or varying examination criteria. Local governments would incur the costs of incarceration for offenders sentenced to terms of incarceration less than 18 months and the State would incur costs for offenders with terms longer than 18 months and/or for probation supervision.

The Department of State does not conduct driver road tests; thus elimination of the \$11 fee for tests conducted by the Secretary of State would have no fiscal impact.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.