

**SUBSTITUTE FOR
HOUSE BILL NO. 4778**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 309, 310e, 312, 312b, 323b, and 811 (MCL
257.309, 257.310e, 257.312, 257.312b, 257.323b, and 257.811),
section 309 as amended by 1996 PA 551, section 310e as amended by
1999 PA 40, section 312b as amended by 1996 PA 345, and section
811 as amended by 1996 PA 387.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 309. (1) Before issuing a license, the secretary of
2 state shall examine each applicant for an operator's or
3 chauffeur's license who at the time of the application is not the
4 holder of a valid, unrevoked operator's or chauffeur's license
5 under a law of this state providing for the licensing of
6 drivers. In all other cases, the secretary of state may waive
7 the examination, except that an examination shall not be waived

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1 if it appears from the application, from the apparent physical or
2 mental condition of the applicant, or from any other information
3 which has come to the secretary of state from another source,
4 that the applicant does not possess the physical, mental or other
5 qualifications necessary to operate a motor vehicle in a manner
6 as not to jeopardize the safety of persons or property; or that
7 the applicant is not entitled to a license under section 303. A
8 licensee who applies for the renewal of his or her license by
9 mail pursuant to section 307 shall be required to certify to his
10 or her physical capability to operate a motor vehicle.

11 (2) Sheriffs, their deputies and the chiefs of police of
12 cities and villages having organized police departments within
13 this state and their duly authorized representatives, and employ-
14 ees of the secretary of state may be appointed examining officers
15 for the purpose of examining applicants for operator's and
16 chauffeur's licenses by the secretary of state. An examining
17 officer shall conduct examinations of applicants for operator's
18 and chauffeur's licenses, under this chapter, and in accordance
19 with the rules promulgated by the secretary of state under sub-
20 section (3). After conducting an examination an examining offi-
21 cer shall make a written report of his or her findings and recom-
22 mendations to the secretary of state.

23 (3) The secretary of state shall promulgate rules pursuant
24 to the administrative procedures act of 1969, ~~Act No. 306 of the~~
25 ~~Public Acts of 1969, being sections 24.201 to 24.328 of the~~
26 ~~Michigan Compiled Laws~~ 1969 PA 306, MCL 24.201 TO 24.328, for
27 the examination of the applicant's physical and mental

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1 qualifications to operate a motor vehicle in a manner as not to
2 jeopardize the safety of persons or property, and shall ascertain
3 whether facts exist ~~which~~ THAT would bar the issuance of a
4 license under section 303. The secretary of state shall also
5 ascertain whether the applicant has sufficient knowledge of the
6 English language to understand highway warnings or direction
7 signs written in that language. The examination shall not
8 include investigation of facts other than those facts directly
9 pertaining to the ability of the applicant to operate a motor
10 vehicle with safety or facts declared to be prerequisite to the
11 issuance of a license under this act.

12 (4) An original operator's or chauffeur's license without a
13 vehicle group designation or indorsement shall not be issued by
14 the secretary of state without an examination which shall include
15 a behind-the-wheel road test conducted by the secretary of state
16 or by a designated examining officer under subsection (2) or
17 section 310e. The secretary of state may enter into an agreement
18 with another public or private person or agency to conduct a
19 behind-the-wheel road test conducted under this section. ~~The~~
20 ~~fee for a behind-the-wheel road test for an operator's or a~~
21 ~~chauffeur's license conducted by the secretary of state shall be~~
22 ~~\$11.00.~~ IN AN AGREEMENT WITH ANOTHER PERSON OR AGENCY TO CONDUCT
23 A BEHIND-THE-WHEEL ROAD TEST, THE SECRETARY OF STATE MAY PRE-
24 SCRIBE THE METHOD AND EXAMINATION CRITERIA TO BE FOLLOWED BY THE
25 PERSON OR AGENCY WHEN CONDUCTING THE BEHIND-THE-WHEEL ROAD TEST
26 AND THE FORM OF THE CERTIFICATION TO BE ISSUED TO A PERSON WHO
27 SATISFACTORILY COMPLETES A BEHIND-THE-WHEEL ROAD TEST. An

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1 original vehicle group designation or indorsement shall not be
2 issued by the secretary of state without a knowledge test con-
3 ducted by the secretary of state. Except as provided in
4 section 312f(1), an original vehicle group designation or passen-
5 ger indorsement shall not be issued by the secretary of state
6 without a behind-the-wheel road test conducted by an examiner
7 appointed or authorized by the secretary of state. While in the
8 course of taking a behind-the-wheel road test conducted by the
9 examiner who shall occupy a seat beside the applicant, an appli-
10 cant for an original vehicle group designation or passenger
11 indorsement who has been issued a temporary instruction permit to
12 operate a commercial motor vehicle shall be permitted to operate
13 a vehicle requiring a vehicle group designation or passenger
14 indorsement without a person licensed to operate a commercial
15 motor vehicle occupying a seat beside him or her. The fee for a
16 behind-the-wheel road test for a vehicle group designation or
17 indorsement shall be \$60.00. A refund shall not be given to an
18 applicant who fails a behind-the-wheel road test.

19 (5) Except as otherwise provided in this act, the secretary
20 of state may waive the requirement of a behind-the-wheel road
21 test, knowledge test, or road sign test of an applicant for an
22 original operator's or chauffeur's license without a vehicle
23 group designation or indorsement who at the time of the applica-
24 tion is the holder of a valid, unrevoked operator's or
25 chauffeur's license issued by another state or country.

26 (6) A PERSON WHO CORRUPTS OR ATTEMPTS TO CORRUPT A
27 DESIGNATED EXAMINING OFFICER APPOINTED OR DESIGNATED BY THE

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1 SECRETARY OF STATE UNDER THIS SECTION OR SECTION 310E BY GIVING,
2 OFFERING, OR PROMISING ANY GIFT OR GRATUITY WITH THE INTENT TO
3 INFLUENCE THE OPINION OR DECISION OF THE EXAMINING OFFICER CON-
4 DUCTING THE TEST IS GUILTY OF A FELONY.

5 (7) A DESIGNATED EXAMINING OFFICER APPOINTED OR DESIGNATED
6 BY THE SECRETARY OF STATE WHO CONDUCTS A BEHIND-THE-WHEEL ROAD
7 TEST UNDER AN AGREEMENT ENTERED INTO UNDER THIS SECTION OR SEC-
8 TION 310E AND WHO VARIES FROM, SHORTENS, OR IN ANY OTHER WAY
9 CHANGES THE METHOD OR EXAMINATION CRITERIA PRESCRIBED TO BE FOL-
10 LOWED UNDER THAT AGREEMENT IN CONDUCTING A BEHIND-THE-WHEEL ROAD
11 TEST IS GUILTY OF A FELONY.

12 (8) A PERSON WHO FORGES, COUNTERFEITS, OR ALTERS A SATISFAC-
13 TORILY COMPLETED BEHIND-THE-WHEEL ROAD TEST CERTIFICATION ISSUED
14 BY A DESIGNATED EXAMINING OFFICER APPOINTED OR DESIGNATED BY THE
15 SECRETARY OF STATE UNDER THIS SECTION OR SECTION 310E IS GUILTY
16 OF A FELONY.

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

21 (2) The secretary of state shall designate graduated licens-
22 ing provisions in a manner that clearly indicates that the person
23 is subject to the appropriate provisions described in this
24 section.

25 (3) A person who is not less than 14 years and 9 months of
26 age may be issued a level 1 graduated licensing status to operate

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1 a motor vehicle if the person has satisfied all of the following
2 conditions:

3 (a) Passed a vision test and met health standards as pre-
4 scribed by the secretary of state.

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

8 FOR PURPOSES OF ACCUMULATING THE MINIMUM NUMBER OF HOURS OF
9 ON-THE-ROAD DRIVING TIME REQUIRED BY THIS SUBDIVISION, 1 HOUR OF
10 DRIVING TIME ON A DRIVING RANGE IS EQUAL TO 1 HOUR ON THE ROAD
11 AND 3 HOURS OF BEHIND-THE-WHEEL TIME IN A DEVICE THAT SIMULATES
12 ACTUAL DRIVING CONDITIONS ARE EQUAL TO 1 HOUR ON THE ROAD. A
13 MINIMUM OF 3 CLASS HOURS OF ON-THE-ROAD DRIVING EXPERIENCE SHALL
14 BE PROVIDED ON THE PUBLIC STREETS AND HIGHWAYS.

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

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

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

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

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

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

10 (d) Presented a certification by the parent or guardian that
11 he or she, accompanied by his or her licensed parent or legal
12 guardian or, with the permission of the parent or legal guardian,
13 any licensed driver 21 years of age or older, has accumulated a
14 total of not less than 50 hours of behind-the-wheel experience
15 including not less than 10 nighttime hours.

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

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

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1 by the parent or legal guardian, or except when going to or from
2 employment.

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

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

11 (b) An accident for which the official police report indi-
12 cates a moving violation on the part of the licensee.

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

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

16 (8) The provisional period described in subsection (4) shall
17 be extended under subsection (7) until the licensee completes 90
18 consecutive days without a moving violation, an accident in which
19 a moving violation resulted, accident, suspension, or provisional
20 period violation listed in subsection (7) or until age 18, which-
21 ever occurs first. The provisional period described in
22 subsection (6) shall be extended under subsection (7) until the
23 licensee completes 12 consecutive months without a moving viola-
24 tion, accident, suspension, or restricted period violation listed
25 in subsection (7) or until age 18, whichever occurs first.

26 (9) A person who is not less than 17 years of age may be
27 issued a level 3 graduated licensing status under this subsection

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1 if the person has completed 12 consecutive months without a
2 moving violation, an accident in which a moving violation
3 resulted, accident, suspension, or restricted period violation
4 listed in subsection (7) while the person was issued a level 2
5 graduated licensing status under subsection (5).

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

9 (11) A person who violates subsection (4) or (6) is respon-
10 sible for a civil infraction.

11 (12) If a person is determined responsible for a violation
12 of subsection (4) or (6), the secretary of state shall send writ-
13 ten notification of any conviction or moving violation to a des-
14 igned parent or guardian of the person.

15 (13) For purposes of this section:

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

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

25 (c) The date of the official police report shall be used in
26 determining whether a licensee was driving a motor vehicle
27 involved in an accident for which the official police report

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1 indicates a moving violation on the part of the licensee or
2 indicates the licensee had been drinking intoxicating liquor.

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

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

13 Sec. 312. (1) Upon proper showing of extenuating circum-
14 stances and special reasons, or need by an applicant who meets
15 the age qualifications and when accompanied by the fee as pro-
16 vided in this act, the secretary of state may recommend a
17 restricted operator's or chauffeur's license containing condi-
18 tions and restrictions applicable to the licensee, the type of
19 special mechanical control devices required in a motor vehicle
20 operated by the licensee, and the area, time, or other condition
21 ~~which~~ THAT the secretary of state considers necessary to assure
22 the safe operation of a vehicle by the licensee and under which
23 the licensee may operate a motor vehicle. A license issued to a
24 person who is at least 14 years of age and under 16 years of age
25 shall contain only the conditions determining the hours during
26 which the licensee may drive a motor vehicle and the purpose for
27 which it is to be driven. A license issued to a minor who is at

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1 least 14 years of age and under 16 years of age shall be revoked
2 by the secretary of state on the written request of a parent,
3 guardian, or person standing in loco parentis.

4 (2) An operator's license issued to a person who is at least
5 14 years of age and under 16 years of age ~~shall expire 1 year~~
6 ~~after issuance of the license~~ EXPIRES ON THE BIRTHDAY FOLLOWING
7 ISSUANCE OF THE LICENSE OR IF THAT BIRTHDAY IS WITHIN 6 MONTHS
8 AFTER THE DATE OF ISSUANCE OF THE LICENSE, THEN 1 YEAR AFTER THE
9 DATE OF THAT BIRTHDAY.

10 (3) ~~The secretary of state, upon~~ UPON receiving satisfac-
11 tory evidence of a violation of the restrictions of the license,
12 THE SECRETARY OF STATE may suspend or revoke the license.

13 (4) A person who violates a restriction imposed in a
14 restricted license issued to that person is guilty of a
15 misdemeanor. This subsection ~~shall~~ DOES not apply to a person
16 who is at least 14 years of age and under 16 years of age.

17 (5) If a motor vehicle is being driven by a person who is at
18 least 14 years of age and under 16 years of age, and that person
19 is accompanied by a parent, guardian, or person standing in loco
20 parentis, the conditions, limitations, and restrictions set forth
21 in this section ~~shall not be applicable~~ DO NOT APPLY.

22 Sec. 312b. (1) Before a person who is less than 18 years of
23 age is issued an original motorcycle endorsement on an operator's
24 or chauffeur's license, the person shall pass an examination as
25 required by this section and a motorcycle safety course as pro-
26 vided in section 811a or 811b.

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1 (2) Before a person who is 18 years of age or older is
2 issued an original motorcycle endorsement on an operator's or
3 chauffeur's license, the person shall pass an examination as
4 required by this section. A person who fails this examination 2
5 or more times is required to successfully complete a motorcycle
6 safety course as provided in section 811a or 811b. Each written
7 examination given an applicant for a motorcycle endorsement on an
8 operator's or chauffeur's license as provided in section 309
9 shall also include subjects designed to cover a motorcycle. A
10 person shall pass an examination that shall include a driving
11 test designed to test the competency of the applicant for the
12 first motorcycle endorsement on an operator's or chauffeur's
13 license to operate a motorcycle upon the roads and highways of
14 this state with safety to himself or herself and other persons
15 and property. All examinations shall be administered as provided
16 in this act. The requirement of a motorcycle driving test shall
17 be waived for an applicant who has successfully completed a
18 motorcycle safety course conducted by a school or business enter-
19 prise as provided in section 811a or 811b. The motorcycle safety
20 course skills test shall meet or exceed the motorcycle skills
21 test from the secretary of state. The requirement of a motorcy-
22 cle driving test may be waived if the applicant has a valid
23 license or endorsement to operate a motorcycle from another
24 state.

25 (3) A motorcycle endorsement issued to a person who operates
26 a 3-wheeled motorcycle or an autocycle shall be restricted to
27 operation of that type of motorcycle and does not permit

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1 operation of a 2-wheeled motorcycle. The secretary of state
2 shall develop a driving test specifically pertaining to an auto-
3 cycle or a 3-wheeled motorcycle.

4 (4) The secretary of state is responsible for establishing
5 and conducting the motorcycle operator driving test and shall
6 promulgate rules under the administrative procedures act of 1969,
7 ~~Act No. 306 of the Public Acts of 1969, as amended, being sec-~~
8 ~~tions 24.201 to 24.328 of the Michigan Compiled Laws 1969 PA~~
9 306, MCL 24.201 TO 24.328, for purposes of this subsection. An
10 audit of the motorcycle safety fund shall be conducted in con-
11 junction with the audit of school management services by the
12 office of the auditor general to determine compliance with the
13 requirement that funds are being withdrawn only in relation to
14 this act and not costs that are already a function or duty of the
15 education act. A copy of this audit shall be transmitted to the
16 legislature upon completion.

17 (5) The secretary of state shall charge a \$15.00 fee for
18 each motorcycle operator driving test. The \$15.00 fee shall be
19 placed in a motorcycle safety fund in the state treasury and
20 shall be used to pay the costs the secretary of state incurs in
21 conducting motorcycle operator driving tests as provided for
22 under this section and section 811a.

23 (6) Beginning not later than June 1, 1997, the secretary of
24 state may enter into an agreement with another public or private
25 person or agency to conduct a driving test required under this
26 section. IN AN AGREEMENT WITH ANOTHER PERSON OR AGENCY TO
27 CONDUCT A DRIVING TEST UNDER THIS SECTION, THE SECRETARY OF STATE

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1 MAY PRESCRIBE THE METHOD AND EXAMINATION CRITERIA TO BE FOLLOWED
2 BY THE PERSON OR AGENCY WHEN CONDUCTING THE DRIVING TEST AND THE
3 FORM OF THE CERTIFICATION TO BE ISSUED TO A PERSON WHO SATISFAC-
4 TORILY COMPLETES A DRIVING TEST. For administering and overseeing
5 a third party motorcycle testing program, the secretary of state
6 shall be reimbursed from the motorcycle safety fund a total
7 amount ~~which~~ THAT does not exceed 50% of the department's
8 1995-1996 fiscal year appropriation for motorcycle testing under
9 this section.

10 (7) A PERSON WHO CORRUPTS OR ATTEMPTS TO CORRUPT A PERSON OR
11 AGENCY THAT CONDUCTS A DRIVING TEST UNDER AN AGREEMENT ENTERED
12 INTO WITH THE SECRETARY OF STATE UNDER THIS SECTION BY GIVING,
13 OFFERING, OR PROMISING ANY GIFT OR GRATUITY WITH THE INTENT TO
14 INFLUENCE THE OPINION OR DECISION OF THE PERSON OR AGENCY CON-
15 DUCTING THE DRIVING TEST IS GUILTY OF A FELONY.

16 (8) A DESIGNATED EXAMINING OFFICER APPOINTED OR DESIGNATED
17 BY THE SECRETARY OF STATE WHO CONDUCTS A DRIVING TEST UNDER AN
18 AGREEMENT ENTERED INTO UNDER THIS SECTION AND WHO VARIES FROM,
19 SHORTENS, OR IN ANY OTHER WAY CHANGES THE METHOD OR EXAMINATION
20 CRITERIA PRESCRIBED TO BE FOLLOWED UNDER THAT AGREEMENT IN CON-
21 DUCTING A DRIVING TEST UNDER THIS SECTION IS GUILTY OF A FELONY.

22 (9) A PERSON WHO FORGES, COUNTERFEITS, OR ALTERS A SATISFAC-
23 TORILY COMPLETED DRIVING TEST CERTIFICATION ISSUED BY A DESIG-
24 NATED EXAMINING OFFICER APPOINTED OR DESIGNATED BY THE SECRETARY
25 OF STATE UNDER THIS SECTION IS GUILTY OF A FELONY.

26 Sec. 323b. The license of a minor shall be canceled by the
27 ~~commissioner~~ SECRETARY OF STATE upon the written request of the

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1 ~~person who signed the minor's application for license if that~~
2 ~~person would presently be a proper person to sign application on~~
3 ~~behalf of the minor. In those cases where the person signing the~~
4 ~~application is no longer a proper person to sign application on~~
5 ~~behalf of the minor, the license of the minor shall be canceled~~
6 ~~by the commissioner upon the written request of the person pres-~~
7 ~~ently having custody~~ CUSTODIAL PARENT OR PARENTS OR LEGAL
8 GUARDIAN of the minor. THE SECRETARY OF STATE MAY REDUCE THE
9 GRADUATED DRIVER LICENSE LEVEL OR DELAY ADVANCEMENT TO THE NEXT
10 LEVEL OF A MINOR UPON THE WRITTEN REQUEST OF THE CUSTODIAL PARENT
11 OR PARENTS OR LEGAL GUARDIAN OF THE MINOR.

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

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

19 (2) The secretary of state shall deposit the money received
20 and collected under subsection (1) in the state treasury to the
21 credit of the general fund. The secretary of state shall refund
22 out of the fees collected to each county or municipality acting
23 as an examining officer or examining bureau \$2.50 for each appli-
24 cant examined for an original license, \$1.00 for each applicant
25 examined for an original chauffeur's license, and \$1.00 for every
26 other applicant examined, if the application is not denied and
27 the money refunded is paid to the county or local treasurer and

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1 is appropriated to the county, municipality, or officer or bureau
2 receiving the money for the purpose of carrying out this act.
3 The state treasurer shall deposit the sum of \$4.00 in a driver
4 education fund for each person examined for an original license,
5 a renewal operator's license, an original chauffeur's license, or
6 a renewal chauffeur's license, except that the sum deposited for
7 each 2-year operator's or 2-year chauffeur's license shall be
8 \$2.00. The department of education shall use the money in the
9 driver education fund for administration of a driver education
10 program and for distribution to local school districts to be used
11 for driver education programs. Any unexpended and unencumbered
12 balance remaining in the driver education fund at the end of the
13 fiscal year in excess of \$150,000.00 shall revert to the general
14 fund.

15 (3) From the money credited to the driver education fund,
16 the legislature shall appropriate annually funds to the depart-
17 ment of education for state administration of the program. In
18 addition, the department of education shall distribute to local
19 public school districts from the driver education fund a pro rata
20 amount equal to the number of students ~~that~~ WHO HAVE completed
21 SEGMENT 1 OF an approved driver education course through the
22 local public school districts whether directly from the student's
23 own local school district or by certificate issued from the
24 student's own local school district in the previous fiscal year,
25 or the actual cost per student, whichever is less. Beginning
26 April 1, 1998, a local school district that offers an approved
27 driver education course shall provide an amount equal to the pro

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1 rata amount from the driver education fund for each student
2 residing in the district ~~that~~ WHO completes SEGMENT 1 OF an
3 approved driver education course within that district. The local
4 school district shall provide each student participating in an
5 approved driver education course with a certificate in a form
6 provided by the local school district and approved by the depart-
7 ment of education that the student shall use toward the payment
8 of any fee charged for the approved driver education course under
9 the following conditions:

10 (a) If the student participates in an approved driver educa-
11 tion course at a local school district of his or her choice other
12 than his or her local school district.

13 (b) If the student participates in a driver education course
14 at a licensed driver training school, but only if the following
15 conditions exist:

16 (i) The student's local school district does not offer an
17 approved driver education course either itself or through a con-
18 sortium of local school districts of which the student's local
19 school district is a member.

20 (ii) The student's local school district does not offer an
21 approved driver education course with openings available either
22 itself or through a consortium of local school districts of which
23 the student's local school district is a member at the time the
24 student attains 15 years, 6 months of age.

25 From the amount distributed, the local school district shall
26 reimburse each licensed driver training school or other local
27 school district OR THE PARENT OF THE STUDENT the determined pro

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1 rata amount from the driver education fund for each student from
2 that district completing SEGMENT 1 OF an approved driver educa-
3 tion course with the licensed driver training school or other
4 local school district during the fiscal year.

5 (4) ~~Until April 1, 1998, the driver education courses shall~~
6 ~~be conducted by the local public school district or may be con-~~
7 ~~ducted for the local school district by the intermediate district~~
8 ~~at the request of the local district.~~ Beginning April 1, 1998,
9 the approved driver education courses may be conducted by the
10 local public school district or a consortium of school districts,
11 by a licensed driver training school either itself or through a
12 contract with a local school district, or by the intermediate
13 district at the request of the local district. If a local school
14 district contracts with a licensed driver training school to con-
15 duct an approved driver education course, the contract shall
16 require that the driver education course be conducted in accord-
17 ance with the requirements set forth in department of education
18 rules under subsection (6) that are applicable to an approved
19 driver education course conducted by a local school district.
20 Enrollment in approved driver education courses shall be open to
21 ~~children enrolled in the high school grades of public, parochi-~~
22 ~~al, and private~~ RESIDENTS NOT LESS THAN 14 YEARS [8] MONTHS OF AGE
23 ENROLLED IN PUBLIC, NONPUBLIC, AND HOME schools as well as resi-
24 dent out-of-school youth NOT LESS THAN 14 YEARS [8] MONTHS OF AGE.
25 Reimbursement to local school districts shall be made on the
26 basis of an application made by the local school district
27 superintendent to the department of education. If money

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1 appropriated from the driver education fund is not sufficient to
2 provide for state administration of the driver education program
3 and to reimburse local school districts for each student complet-
4 ing SEGMENT 1 OF an approved driver education course, then pay-
5 ments made to local school districts shall be prorated to the
6 amount that is appropriated and available in the fund. A local
7 school district or licensed driver training school may use video-
8 tapes, computers, telecourses, or other similar technology as
9 part of the classroom instruction portion of its driver education
10 courses. A student may receive and use any of these materials at
11 home.

12 (5) As used in this section, "driver education courses"
13 include classroom instruction, behind-the-wheel instruction, and
14 observation in an automobile under the supervision of a qualified
15 teacher or licensed instructor. The department of education
16 shall not require that licensed driver training school teachers
17 or instructors be certificated under ~~Act No. 451 of the Public~~
18 ~~Acts of 1976, being sections 380.1 to 380.1852 of the Michigan~~
19 ~~Compiled Laws~~ THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1 TO
20 380.1852.

21 (6) The department of education may promulgate rules pursu-
22 ant to the administrative procedures act of 1969, ~~Act No. 306 of~~
23 ~~the Public Acts of 1969, being sections 24.201 to 24.328 of the~~
24 ~~Michigan Compiled Laws~~ 1969 PA 306, MCL 24.201 TO 24.328, to
25 implement this section. The rules shall include, at a minimum,
26 instructional standards, teacher qualifications, and
27 reimbursement procedures.

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20

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

19 (8) ~~Until April 1, 1998, a public school system shall not~~
20 ~~impose a charge or enrollment fee for a driver education course~~
21 ~~upon a student desiring to take the course as a duly enrolled~~
22 ~~student for the course in a school of the public school system.~~
23 Beginning April 1, 1998, a public school system may impose a
24 charge or enrollment fee for a driver education course upon a
25 student desiring to take the course as a duly enrolled student
26 for the course in a school of the public school system. IF A
27 CHARGE OR ENROLLMENT FEE IS IMPOSED, IT SHALL BE THE SAME FOR ALL

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21

1 STUDENTS WHO RESIDE WITHIN THE TERRITORY OF THE PUBLIC SCHOOL
2 SYSTEM.

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