

Act No. 40
Public Acts of 1999
Approved by the Governor
June 9, 1999
Filed with the Secretary of State
June 9, 1999
EFFECTIVE DATE: June 9, 1999

STATE OF MICHIGAN
90TH LEGISLATURE
REGULAR SESSION OF 1999

Introduced by Rep. Faunce

ENROLLED HOUSE BILL No. 4405

AN ACT to amend 1949 PA 300, entitled "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," by amending sections 306, 308, 310e, and 320a (MCL 257.306, 257.308, 257.310e, and 257.320a), sections 306 and 308 as amended and section 310e as added by 1996 PA 387 and section 320a as amended by 1999 PA 21.

The People of the State of Michigan enact:

Sec. 306. (1) The secretary of state, upon receiving an application for a temporary instruction permit from a person who is 18 years of age or older, 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) 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 that 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 under 1974 PA 369, MCL 256.601 to 256.609, 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 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 the person has satisfied the appropriate requirements of section 310e.

(2) This section does not apply to minors emancipated under 1968 PA 293, MCL 722.1 to 722.6.

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 that 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 including not less than 10 nighttime hours.

(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) while 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.

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:

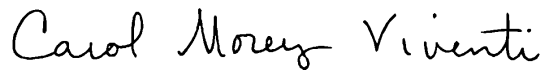
- (a) Manslaughter, negligent homicide, or a felony resulting from the operation of a motor vehicle, ORV, or snowmobile..... 6 points
- (b) A violation of section 625(1), (4), (5), or (7), beginning October 1, 2000, section 81134 or 82127(1) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134 and 324.82127, or a law or ordinance substantially corresponding to section 625(1), (4), (5), or (7) or, beginning October 1, 2000, section 81134 or 82127(1) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134 and 324.82127..... 6 points
- (c) Failing to stop and disclose identity at the scene of an accident when required by law..... 6 points
- (d) Operating a motor vehicle in a reckless manner..... 6 points
- (e) Violation of any law or ordinance pertaining to speed by exceeding the lawful maximum by more than 15 miles per hour..... 4 points
- (f) Violation of section 625(3) or (6), beginning October 1, 2000, section 81135 or 82127(3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81135 and 324.82127, or a law or ordinance substantially corresponding to section 625(3) or (6) or, beginning October 1, 2000, section 81135 or 82127(3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81135 and 324.82127..... 4 points

- (g) Fleeing or eluding an officer 6 points
- (h) Violation of section 626a or a law or ordinance substantially corresponding to section 626a..... 4 points
- (i) 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
- (j) Violation of any law or ordinance pertaining to speed by exceeding the lawful maximum by 10 miles per hour or less 2 points
- (k) Disobeying a traffic signal or stop sign, or improper passing 3 points
- (l) Violation of section 624a, 624b, or a law or ordinance substantially corresponding to section 624a or 624b 2 points
- (m) Violation of section 310e(4) or (6) or a law or ordinance substantially corresponding to section 310e(4) or (6) 2 points
- (n) All other moving violations pertaining to the operation of motor vehicles reported under this section 2 points
- (o) 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(14), 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 violates a speed restriction established by an executive order issued during a state of energy emergency as provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of state shall enter points for the violation pursuant to subsection (1).
- (8) 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.
- (9) 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.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved _____

Governor.