

HOUSE BILL No. 4347

March 13, 2003, Introduced by Reps. Drolet, Acciavatti, Brandenburg, Shaffer, Pastor and LaJoy and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811 (MCL 257.811), as amended by 2000 PA 456.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 811. (1) ~~An~~ **Except as provided in subsection (2), an**
2 application for an operator's or chauffeur's license as provided
3 in sections 307 and 312 and an application for a minor's
4 restricted license as provided in section 312 shall be
5 accompanied by the following fees:

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

9 **(2) The secretary of state shall waive payment of a renewal**
10 **fee described in subsection (1) for an applicant who registers as**

1 an organ donor under section 307 or who continues his or her
2 registration as an organ donor.

3 (3) ~~—(2)—~~ The secretary of state shall deposit the money
4 received and collected under subsection (1) in the state treasury
5 to the credit of the general fund. The secretary of state shall
6 refund out of the fees collected to each county or municipality
7 acting as an examining officer or examining bureau \$2.50 for each
8 applicant examined for an original license, \$1.00 for each
9 applicant examined for an original chauffeur's license, and \$1.00
10 for every other applicant examined, if the application is not
11 denied and the money refunded is paid to the county or local
12 treasurer and is appropriated to the county, municipality, or
13 officer or bureau receiving the money for the purpose of carrying
14 out this act. The state treasurer shall deposit the sum of \$4.00
15 in a driver education fund for each person examined for an
16 original license, a renewal operator's license, an original
17 chauffeur's license, or a renewal chauffeur's license, except
18 that the sum deposited for each 2-year operator's or 2-year
19 chauffeur's license shall be \$2.00. The department of education
20 shall use the money in the driver education fund for
21 administration of a driver education program and for distribution
22 to local school districts to be used for driver education
23 programs. Any unexpended and unencumbered balance remaining in
24 the driver education fund at the end of the fiscal year in excess
25 of \$150,000.00 shall revert to the general fund.

26 (4) ~~—(3)—~~ From the money credited to the driver education
27 fund, the legislature shall appropriate annually funds to the

1 department of education for state administration of the program.
2 In addition, the department of education shall distribute to
3 local public school districts from the driver education fund a
4 pro rata amount equal to the number of students who have
5 completed segment 1 of an approved driver education course
6 through the local public school districts whether directly from
7 the student's own local school district or by certificate issued
8 from the student's own local school district in the previous
9 fiscal year, or the actual cost per student, whichever is less.
10 Beginning April 1, 1998, a local school district that offers an
11 approved driver education course shall provide an amount equal to
12 the pro rata amount from the driver education fund for each
13 student residing in the district who completes segment 1 of an
14 approved driver education course within that district. The local
15 school district shall provide each student participating in an
16 approved driver education course with a certificate in a form
17 provided by the local school district and approved by the
18 department of education that the student shall use toward the
19 payment of any fee charged for the approved driver education
20 course under the following conditions:

21 (a) If the student participates in an approved driver
22 education course at a local school district of his or her choice
23 other than his or her local school district.

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

27 (i) The student's local school district does not offer an

1 approved driver education course either itself or through a
2 consortium of local school districts of which the student's local
3 school district is a member.

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

9 (5) From the amount distributed **under subsection (4)**, the
10 local school district shall reimburse each licensed driver
11 training school or other local school district or the parent of
12 the student the determined pro rata amount from the driver
13 education fund for each student from that district completing
14 segment 1 of an approved driver education course with the
15 licensed driver training school or other local school district
16 during the fiscal year.

17 (6) ~~-(4)-~~ Beginning April 1, 1998, the approved driver
18 education courses may be conducted by the local public school
19 district or a consortium of school districts, by a licensed
20 driver training school either itself or through a contract with a
21 local school district, or by the intermediate district at the
22 request of the local district. If a local school district
23 contracts with a licensed driver training school to conduct an
24 approved driver education course, the contract shall require that
25 the driver education course be conducted in accordance with the
26 requirements set forth in department of education rules under
27 subsection ~~-(6)-~~ (8) that are applicable to an approved driver

1 education course conducted by a local school district.
2 Enrollment in approved driver education courses shall be open to
3 residents not less than 14 years 8 months of age enrolled in
4 public, nonpublic, and home schools as well as resident
5 out-of-school youth not less than 14 years 8 months of age.
6 Reimbursement to local school districts shall be made on the
7 basis of an application made by the local school district
8 superintendent to the department of education. If money
9 appropriated from the driver education fund is not sufficient to
10 provide for state administration of the driver education program
11 and to reimburse local school districts for each student
12 completing segment 1 of an approved driver education course, then
13 payments made to local school districts shall be prorated to the
14 amount that is appropriated and available in the fund. A local
15 school district or licensed driver training school may use
16 videotapes, computers, telecourses, or other similar technology
17 as part of the classroom instruction portion of its driver
18 education courses. A student may receive and use any of these
19 materials at home.

20 (7) ~~-(5)-~~ As used in this section, "driver education courses"
21 include classroom instruction, behind-the-wheel instruction, and
22 observation in an automobile under the supervision of a qualified
23 teacher or licensed instructor. The department of education
24 shall not require that licensed driver training school teachers
25 or instructors be certificated under the revised school code,
26 1976 PA 451, MCL 380.1 to 380.1852.

27 (8) ~~-(6)-~~ The department of education may promulgate rules

1 pursuant to the administrative procedures act of 1969, 1969 PA
2 306, MCL 24.201 to 24.328, to implement this section. The rules
3 shall include, at a minimum, instructional standards, teacher
4 qualifications, and reimbursement procedures.

5 **(9)** ~~-(7)-~~ Notwithstanding sections 306 and 308, an operator's
6 license shall not be issued to a person under 18 years of age
7 unless that person successfully passes a driver education course
8 and examination given by a public school, nonpublic school, or an
9 equivalent course approved by the department of education given
10 by a licensed driver training school. A person who has been a
11 holder of a motor vehicle operator's license issued by any other
12 state, territory, or possession of the United States, or any
13 other sovereignty for 1 year immediately before application for
14 an operator's license under this act is not required to comply
15 with this subsection. Restricted licenses may be issued pursuant
16 to section 312 without compliance with this subsection. A driver
17 education course shall be made available for a person under 18
18 years of age within a time that will enable that person to
19 qualify for a license before the time that the person is
20 permitted by law to have a license.

21 **(10)** ~~-(8)-~~ Beginning April 1, 1998, a public school system
22 may impose a charge or enrollment fee for a driver education
23 course upon a student desiring to take the course as a duly
24 enrolled student for the course in a school of the public school
25 system. If a charge or enrollment fee is imposed, it shall be
26 the same for all students who reside within the territory of the
27 public school system.