

HOUSE BILL No. 5950

May 27, 2004, Introduced by Rep. Wenke and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 310e (MCL 257.310e), as amended by 2004 PA
71.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 310e. (1) Except as otherwise provided in this act, an
2 operator's or chauffeur's license issued to a person who is 17
3 years of age or less shall be in a form as prescribed in section
4 310 beginning July 1, 2003, and is valid only upon the issuance
5 of a graduated driver license.

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

10 (3) Except as otherwise provided in section 303, a person who

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

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

6 (b) Successfully completed segment 1 of a driver education
7 course as that term is defined in section 1 of the driver
8 education and training schools act, 1974 PA 369, MCL 256.601,
9 including a minimum of 6 hours of on-the-road driving time with
10 the instructor.

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

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

19 **(5) A person issued a level 1 graduated licensing status**
20 **shall not operate a motor vehicle if the person accompanying him**
21 **or her would be in violation of section 306a. A person who**
22 **violates this subsection is guilty of a misdemeanor.**

23 **(6) —(5)—** A person may be issued a level 2 graduated
24 licensing status to operate a motor vehicle if the person has
25 satisfied all of the following conditions:

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

1 (b) Successfully completed segment 2 of a driver education
2 course as that term is defined in section 1 of the driver
3 education and training schools act, 1974 PA 369, MCL 256.601.

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

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

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

22 (7) ~~(6)~~ A person issued a level 2 graduated licensing
23 status under subsection ~~(5)~~ (6) shall remain at level 2 for not
24 less than 6 months and shall not operate a motor vehicle within
25 this state from 12 midnight to 5 a.m. unless accompanied by a
26 parent or legal guardian or a licensed driver over the age of 21
27 designated by the parent or legal guardian, or except when going

1 to or from employment.

2 **(8) A person issued a level 2 graduated licensing status**
3 **shall not operate a motor vehicle if the person accompanying him**
4 **or her would be in violation of section 306a. A person who**
5 **violates this subsection is guilty of a misdemeanor.**

6 **(9) ~~(7)~~** The provisions and provisional period described in
7 subsection (4) or ~~(6)~~ **(7)** shall be expanded or extended, or
8 both, beyond the periods described in subsection (4) or ~~(6)~~ **(7)**
9 if any of the following occur and are recorded on the licensee's
10 driving record during the provisional periods described in
11 subsection (4) or ~~(6)~~ **(7)** or any additional periods imposed
12 under this subsection:

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

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

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

19 (d) A violation of subsection (4) or ~~(6)~~ **(7)**.

20 **(10) ~~(8)~~** The provisional period described in subsection (4)
21 shall be extended under subsection ~~(7)~~ **(9)** until the licensee
22 completes 90 consecutive days without a moving violation, an
23 accident in which a moving violation resulted, accident,
24 suspension, or provisional period violation listed in subsection
25 ~~(7)~~ **(9)** or until age 18, whichever occurs first. The
26 provisional period described in subsection ~~(6)~~ **(7)** shall be
27 extended under subsection ~~(7)~~ **(9)** until the licensee completes

1 12 consecutive months without a moving violation, accident,
2 suspension, or restricted period violation listed in subsection
3 ~~(7)~~ (9) or until age 18, whichever occurs first.

4 (11) ~~(9)~~ A person who is not less than 17 years of age may
5 be issued a level 3 graduated licensing status under this
6 subsection if the person has completed 12 consecutive months
7 without a moving violation, an accident in which a moving
8 violation resulted, accident, suspension, or restricted period
9 violation listed in subsection ~~(7)~~ (9) while the person was
10 issued a level 2 graduated licensing status under subsection
11 ~~(5)~~ (6).

12 (12) ~~(10)~~ Notice shall be given by first-class mail to the
13 last known address of a licensee if the provisions are expanded
14 or extended as described in subsection ~~(7)~~ (9).

15 (13) ~~(11)~~ A person who violates subsection (4) or ~~(6)~~ (7)
16 is responsible for a civil infraction.

17 (14) ~~(12)~~ If a person is determined responsible for a
18 violation of subsection (4) or ~~(6)~~ (7), the secretary of state
19 shall send written notification of any conviction or moving
20 violation to a designated parent or guardian of the person.

21 (15) ~~(13)~~ For purposes of this section:

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

26 (b) Upon entry of a civil infraction determination for a
27 moving violation, the date of issuance of a citation for a civil

1 infraction shall be used in determining whether the civil
2 infraction determination occurred within a provisional licensure
3 period under this section.

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

9 (16) ~~-(14)-~~ A person shall have his or her graduated
10 licensing status in his or her immediate possession at all times
11 when operating a motor vehicle, and shall display the card upon
12 demand of a police officer. A person who violates this
13 subsection is responsible for a civil infraction.

14 (17) ~~-(15)-~~ This section does not apply to a person 15 years
15 of age or older who is currently enrolled but has not completed a
16 driver education course on April 1, 1997 or who has completed a
17 driver education course but has not acquired his or her driver
18 license on April 1, 1997.

19 Enacting section 1. This amendatory act does not take
20 effect unless Senate Bill No. _____ or House Bill No. 5951
21 (request no. 02923'03) of the 92nd Legislature is enacted into
22 law.