

SENATE BILL No. 1018

February 25, 2004, Introduced by Senator EMERSON and referred to the Committee on Appropriations.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 306, 310e, and 811 (MCL 257.306, 257.310e, and 257.811), section 306 as amended by 2002 PA 534, section 310e as amended by 2003 PA 61, and section 811 as amended by 2003 PA 152.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 306. (1) The secretary of state, upon receiving an
2 application for a temporary instruction permit from a person who
3 is 18 years of age or older, may issue that permit entitling the
4 applicant, while carrying the permit, to drive a motor vehicle
5 other than a motor vehicle requiring an indorsement under section
6 312a or a vehicle group designation under section 312e upon the
7 highways for a period of 180 days when accompanied by a licensed
8 adult operator or chauffeur who is actually occupying a seat

1 beside the driver.

2 (2) The secretary of state may issue an original operator's
3 license and designate level 1, 2, or 3 graduated licensing
4 provisions to a person who is less than 18 years of age, has been
5 licensed in another state or country, and has satisfied the
6 applicable requirements of section 310e.

7 (3) A student enrolled in a driver education ~~program~~ **course**
8 **as that term is defined in section 1 of the driver education and**
9 **training schools act, 1974 PA 369, MCL 256.601,** or a motorcycle
10 safety course approved by the department of ~~education~~ **state** may
11 operate a motor vehicle without holding an operator's license or
12 permit while under the direct supervision of the program
13 instructor.

14 (4) A student enrolled in ~~an approved~~ a driver education
15 ~~program~~ **course as that term is defined in section 1 of the**
16 **driver education and training schools act, 1974 PA 369, MCL**
17 **256.601,** and who has successfully completed 10 hours of classroom
18 instruction and the equivalent of 2 hours of behind-the-wheel
19 training may be issued a temporary driver education certificate
20 furnished by the department of ~~education~~ **state** that authorizes
21 a student to drive a motor vehicle, other than a motor vehicle
22 requiring an indorsement pursuant to section 312a or a vehicle
23 group designation pursuant to section 312e, when accompanied by a
24 licensed parent or guardian, or when accompanied by a nonlicensed
25 parent or guardian and a licensed adult for the purpose of
26 receiving additional instruction until the end of the student's
27 driver education course.

1 (5) The secretary of state, upon receiving proper application
2 from a person 16 or 17 years of age who is enrolled in or has
3 successfully completed an approved motorcycle safety course under
4 section 811a, or a person who is 18 years of age or older and who
5 holds a valid operator's or chauffeur's license, may issue a
6 motorcycle temporary instruction permit entitling the applicant,
7 while carrying the permit, to operate a motorcycle upon the
8 public streets and highways for a period of 180 days, but only
9 when under the constant visual supervision of a licensed
10 motorcycle operator at least 18 years of age. The applicant
11 shall not operate the motorcycle at night or with a passenger.

12 (6) The secretary of state, upon receiving proper application
13 from a person who is 18 years of age or older, who holds a valid
14 operator's or chauffeur's license, and who has passed the
15 knowledge test for an original vehicle group designation or
16 indorsement, may issue a temporary instruction permit entitling
17 the person, while carrying the permit, to drive a vehicle
18 requiring a vehicle group designation or vehicle group
19 indorsement under section 312e upon the streets and highways for
20 a period of 180 days, but only when accompanied by a licensed
21 adult operator or chauffeur who is licensed with the appropriate
22 vehicle group designation and indorsement for the vehicle group
23 being driven and who is actually occupying a seat beside the
24 driver, or behind the driver if the permittee is driving a bus or
25 school bus. In addition, if a permittee is enrolled in a driver
26 training program for drivers of motor vehicles requiring a
27 vehicle group designation or vehicle group indorsement under

1 section 312e, which program is conducted by a college, a
2 university, ~~commercial driver training~~ a school licensed by the
3 department under **the driver education and training schools act,**
4 1974 PA 369, MCL 256.601 to ~~256.609~~ **256.611**, or a local or
5 intermediate school district, the permittee may drive a vehicle
6 requiring a vehicle group designation or vehicle group
7 indorsement on the streets and highways of this state for a
8 period of 180 days when accompanied by an instructor licensed
9 with the appropriate vehicle group designation and indorsement
10 for the vehicle being driven who is either occupying the seat
11 beside the driver or in direct visual and audio communication
12 with the permittee. A person issued a temporary instruction
13 permit under this section shall not operate a vehicle designed to
14 carry 16 or more passengers that is transporting passengers
15 except with an instructor licensed with the appropriate vehicle
16 group designation and indorsement for the vehicle being driven or
17 a driver skills test examiner.

18 Sec. 310e. (1) Except as otherwise provided in this act, an
19 operator's or chauffeur's license issued to a person who is 17
20 years of age or less shall be in a form as prescribed in section
21 310 beginning July 1, 2003, and is valid only upon the issuance
22 of a graduated driver license.

23 (2) The secretary of state shall designate graduated
24 licensing provisions in a manner that clearly indicates that the
25 person is subject to the appropriate provisions described in this
26 section.

27 (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 ~~approved by the department of education~~ **as that term is**
8 **defined in section 1 of the driver education and training schools**
9 **act, 1974 PA 369, MCL 256.601**, including a minimum of 6 hours of
10 on-the-road driving time with 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 may be issued a level 2 graduated licensing
20 status to operate a motor vehicle if the person has satisfied all
21 of the following conditions:

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

24 (b) Successfully completed segment 2 of a driver education
25 course ~~approved by the department of education~~ **as that term is**
26 **defined in section 1 of the driver education and training schools**
27 **act, 1974 PA 369, MCL 256.601.**

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

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

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

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

26 (7) The provisions and provisional period described in
27 subsection (4) or (6) shall be expanded or extended, or both,

1 beyond the periods described in subsection (4) or (6) if any of
2 the following occur and are recorded on the licensee's driving
3 record during the provisional periods described in subsection (4)
4 or (6) or any additional periods imposed under this subsection:

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

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

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

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

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

23 (9) A person who is not less than 17 years of age may be
24 issued a level 3 graduated licensing status under this subsection
25 if the person has completed 12 consecutive months without a
26 moving violation, an accident in which a moving violation
27 resulted, accident, suspension, or restricted period violation

1 listed in subsection (7) while the person was issued a level 2
2 graduated licensing status under subsection (5).

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

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

8 (12) If a person is determined responsible for a violation of
9 subsection (4) or (6), the secretary of state shall send written
10 notification of any conviction or moving violation to a
11 designated parent or guardian of the person.

12 (13) For purposes of this section:

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

17 (b) Upon entry of a civil infraction determination for a
18 moving violation, the date of issuance of a citation for a civil
19 infraction shall be used in determining whether the civil
20 infraction determination occurred within a provisional licensure
21 period under this section.

22 (c) The date of the official police report shall be used in
23 determining whether a licensee was driving a motor vehicle
24 involved in an accident for which the official police report
25 indicates a moving violation on the part of the licensee or
26 indicates the licensee had been drinking alcoholic liquor.

27 (14) A person shall have his or her graduated licensing

1 status in his or her immediate possession at all times when
2 operating a motor vehicle, and shall display the card upon demand
3 of a police officer. A person who violates this subsection is
4 responsible for a civil infraction.

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

10 Sec. 811. (1) An application for an original operator's or
11 an original or renewal chauffeur's license as provided in
12 sections 307 and 312 and an application for an original minor's
13 restricted license as provided in section 312 shall be
14 accompanied by the following fees:

15	Operator's license.....	\$ 25.00
16	Chauffeur's license.....	35.00
17	Minor's restricted license.....	25.00

18 The renewal fee for an operator's license renewed under this
19 section is \$18.00. However, if an operator's license is expired
20 at the time of the renewal, the fee is the same as the original
21 fee. The date of an application for a renewal of an operator's
22 license under this section that is delivered to the secretary of
23 state by regular mail is the postmark date in determining the fee
24 to be assessed.

25 (2) The secretary of state shall deposit the money received
26 and collected under subsection (1) in the state treasury to the
27 credit of the general fund. The secretary of state shall refund

1 out of the fees collected to each county or municipality acting
2 as an examining officer or examining bureau \$2.50 for each
3 applicant examined for an original license, \$1.00 for each
4 applicant examined for an original chauffeur's license, and \$1.00
5 for every other applicant examined, if the application is not
6 denied and the money refunded is paid to the county or local
7 treasurer and is appropriated to the county, municipality, or
8 officer or bureau receiving the money for the purpose of carrying
9 out this act. The state treasurer shall deposit the sum of \$4.00
10 in ~~a driver education fund~~ **the traffic law enforcement and**
11 **safety fund created in section 819a** for each person examined for
12 an original license, a renewal operator's license, an original
13 chauffeur's license, or a renewal chauffeur's license, except
14 that the sum deposited for each 2-year operator's or 2-year
15 chauffeur's license shall be \$2.00. ~~The department of education~~
16 ~~shall use the money in the driver education fund for~~
17 ~~administration of a driver education program and for distribution~~
18 ~~to local school districts to be used for driver education~~
19 ~~programs. Any unexpended and unencumbered balance remaining in~~
20 ~~the driver education fund at the end of the fiscal year in excess~~
21 ~~of \$150,000.00 shall revert to the general fund.~~

22 ~~—— (3) From the money credited to the driver education fund, the~~
23 ~~legislature shall appropriate annually funds to the department of~~
24 ~~education for state administration of the program. In addition,~~
25 ~~the department of education shall distribute to local public~~
26 ~~school districts from the driver education fund a pro rata amount~~
27 ~~equal to the number of students who have completed segment 1 of~~

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

~~17 — (a) If the student participates in an approved driver
18 education course at a local school district of his or her choice
19 other than his or her local school district.~~

~~20 — (b) If the student participates in a driver education course
21 at a licensed driver training school, but only if the following
22 conditions exist:~~

~~23 — (i) The student's local school district does not offer an
24 approved driver education course either itself or through a
25 consortium of local school districts of which the student's local
26 school district is a member.~~

~~27 — (ii) The student's local school district does not offer an~~

~~1 approved driver education course with openings available either
2 itself or through a consortium of local school districts of which
3 the student's local school district is a member at the time the
4 student attains 15 years, 6 months of age.~~

~~5 — From the amount distributed, the local school district shall
6 reimburse each licensed driver training school or other local
7 school district or the parent of the student the determined pro
8 rata amount from the driver education fund for each student from
9 that district completing segment 1 of an approved driver
10 education course with the licensed driver training school or
11 other local school district during the fiscal year.~~

~~12 — (4) The approved driver education courses may be conducted by
13 the local public school district or a consortium of school
14 districts, by a licensed driver training school either itself or
15 through a contract with a local school district, or by the
16 intermediate district at the request of the local district. If a
17 local school district contracts with a licensed driver training
18 school to conduct an approved driver education course, the
19 contract shall require that the driver education course be
20 conducted in accordance with the requirements set forth in
21 department of education rules under subsection (6) that are
22 applicable to an approved driver education course conducted by a
23 local school district. Enrollment in approved driver education
24 courses shall be open to residents not less than 14 years 8
25 months of age enrolled in public, nonpublic, and home schools as
26 well as resident out-of-school youth not less than 14 years 8
27 months of age. Reimbursement to local school districts shall be~~

~~1 made on the basis of an application made by the local school
2 district superintendent to the department of education. If money
3 appropriated from the driver education fund is not sufficient to
4 provide for state administration of the driver education program
5 and to reimburse local school districts for each student
6 completing segment 1 of an approved driver education course, then
7 payments made to local school districts shall be prorated to the
8 amount that is appropriated and available in the fund. A local
9 school district or licensed driver training school may use
10 videotapes, computers, telecourses, or other similar technology
11 as part of the classroom instruction portion of its driver
12 education courses. A student may receive and use any of these
13 materials at home.~~

~~14 (5) As used in this section, "driver education courses"
15 include classroom instruction, behind the wheel instruction, and
16 observation in an automobile under the supervision of a qualified
17 teacher or licensed instructor. The department of education
18 shall not require that licensed driver training school teachers
19 or instructors be certificated under the revised school code,
20 1976 PA 451, MCL 380.1 to 380.1852.~~

~~21 (6) The department of education may promulgate rules pursuant
22 to the administrative procedures act of 1969, 1969 PA 306, MCL
23 24.201 to 24.328, to implement this section. The rules shall
24 include, at a minimum, instructional standards, teacher
25 qualifications, and reimbursement procedures.~~

~~26 (3) (7) Notwithstanding sections 306 and 308, an operator's
27 license shall not be issued to a person under 18 years of age~~

1 unless that person successfully passes a driver education course
2 and examination given by a ~~public school, nonpublic school, or~~
3 ~~an equivalent course approved by the department of education~~
4 ~~given by a licensed driver training school~~ **licensed under the**
5 **driver education and training schools act, 1974 PA 369, MCL**
6 **256.601 to 256.611.** A person who has been a holder of a motor
7 vehicle operator's license issued by any other state, territory,
8 or possession of the United States, or any other sovereignty for
9 1 year immediately before application for an operator's license
10 under this act is not required to comply with this subsection.
11 Restricted licenses may be issued pursuant to section 312 without
12 compliance with this subsection. ~~A driver education course~~
13 ~~shall be made available for a person under 18 years of age within~~
14 ~~a time that will enable that person to qualify for a license~~
15 ~~before the time that the person is permitted by law to have a~~
16 ~~license.~~

17 ~~—— (8) A public school system may impose a charge or enrollment~~
18 ~~fee for a driver education course upon a student desiring to take~~
19 ~~the course as a duly enrolled student for the course in a school~~
20 ~~of the public school system. If a charge or enrollment fee is~~
21 ~~imposed, it shall be the same for all students who reside within~~
22 ~~the territory of the public school system.~~

23 Enacting section 1. This amendatory act does not take
24 effect unless Senate Bill No. 1017
25 of the 92nd Legislature is enacted into
26 law.