

HOUSE BILL No. 4756

May 10, 2005, Introduced by Reps. Gaffney, Tobocman, Vagnozzi, Lipsey, Hune, Anderson, Kahn, Jones, Wenke, Ward, Stakoe, Mortimer, Gleason, Nitz, Palsrok, Nofs, Stahl, Hildenbrand, David Law, Shaffer, LaJoy, Ball, Byrnes, Meyer, Elsenheimer, Stewart, Hunter, Alma Smith and Farhat 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 362.

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 of
5 a graduated driver license.

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

9 (3) Except as otherwise provided in section 303, a person who
10 is not less than 14 years and 9 months of age may be issued a level
11 1 graduated licensing status to operate a motor vehicle if the

1 person has satisfied all of the following conditions:

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

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

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

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

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

19 (a) Had a level 1 graduated licensing status for not less than
20 6 months.

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

24 (c) Not incurred a moving violation resulting in a conviction
25 or civil infraction determination or been involved in an accident
26 for which the official police report indicates a moving violation
27 on the part of the person during the 90-day period immediately

1 preceding application.

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

8 (e) Successfully completed a secretary of state approved
9 driving skills test. The secretary of state may enter into an
10 agreement with another public or private corporation or agency to
11 conduct this driving skills test. Before the secretary of state
12 authorizes a person to administer a corporation's or agency's
13 driver skills testing operations or authorizes an examiner to
14 conduct a driving skills test, that person or examiner must
15 complete both a state and federal bureau of investigation
16 fingerprint based criminal history check through the department of
17 state police. ~~This subdivision applies to a~~ **THE person MUST BE** 16
18 years of age or over ~~only if the person has~~ **AND HAVE** satisfied
19 **THE REQUIREMENTS OF** subdivisions (a), (b), (c), and (d) **BEFORE**
20 **COMPLETING THE TEST REQUIRED UNDER THIS SECTION.**

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

1 (5) SHALL NOT TRANSPORT MORE THAN 1 PASSENGER OTHER THAN IMMEDIATE
2 FAMILY MEMBERS.

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 the
6 following occur and are recorded on the licensee's driving record
7 during the provisional periods described in subsection (4) or (6)
8 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 indicates
12 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 a
19 moving violation resulted, accident, suspension, or provisional
20 period violation listed in subsection (7) or until age 18,
21 whichever 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
24 violation, accident, suspension, or restricted period violation
25 listed 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

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

11 (12) If a person is determined responsible for a violation of
12 subsection (4) or (6), the secretary of state shall send written
13 notification of any conviction or moving violation to a designated
14 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
23 infraction determination occurred within a provisional licensure
24 period 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 involved
27 in an accident for which the official police report indicates a

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

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