

SUBSTITUTE FOR
SENATE BILL NO. 1262

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 320d (MCL 257.320d), as added by 2008 PA 568.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 320d. (1) ~~The~~**NOTWITHSTANDING SECTION 320A, THE** secretary
2 of state shall not enter the points corresponding to a moving
3 violation committed by an individual the secretary of state
4 determines to be eligible under this section on the individual's
5 driving record or make information concerning that violation
6 available to any insurance company if the individual attends and
7 successfully completes a basic driver improvement course under this
8 section and **AN APPROVED SPONSOR** provides a certificate of
9 successful completion of that course to the secretary of state
10 within 60 days of the date on which the secretary of state notified

1 the individual that he or she was eligible to take a basic driver
2 improvement course.

3 (2) The secretary of state shall determine if an individual is
4 eligible under subsection (3) to attend a basic driver improvement
5 course upon receipt of an abstract of a moving violation. If the
6 secretary of state determines that an individual is eligible to
7 attend a basic driver improvement course, the secretary of state
8 shall do all of the following:

9 ~~—— (a) Except as otherwise provided under subsection (8),~~
10 ~~postpone both of the following for a period of not less than 10~~
11 ~~business days:~~

12 ~~—— (i) The entry of points under section 320a for the moving~~
13 ~~violation.~~

14 ~~—— (ii) Making information contained in the abstract of the moving~~
15 ~~violation available to the individual's insurance company.~~

16 (A) ~~(b)~~ Notify the individual of his or her eligibility by
17 first-class mail at the individual's last known address as
18 indicated on the individual's operator's or chauffeur's license,
19 and inform the individual of the location of basic driver
20 improvement courses, and inform the individual of the manner and
21 time within which the individual is required to notify the
22 secretary of state of the individual's intent to attend **AND**
23 **COMPLETE** a basic driver improvement course.

24 ~~—— (c) Notify the individual that if the individual fails to~~
25 ~~notify the secretary of state of the individual's intent to attend~~
26 ~~a basic driver improvement course as described under subdivision~~
27 ~~(b), points will be entered for the moving violation as described~~

1 ~~in subsection (8).~~

2 (B) IF AN APPROVED SPONSOR DOES NOT PROVIDE NOTICE OF
3 SUCCESSFUL COMPLETION OF THE COURSE BY THE INDIVIDUAL WITHIN THE 60
4 DAYS, THE SECRETARY OF STATE SHALL ENTER THE POINTS REQUIRED UNDER
5 SECTION 320A.

6 (3) An individual is ineligible to take a basic driver
7 improvement course if any of the following apply:

8 (a) The violation occurred while the individual was operating
9 a commercial motor vehicle or was licensed as a commercial driver
10 while operating a noncommercial motor vehicle at the time of the
11 offense.

12 (b) The violation is a criminal offense.

13 (c) The violation is a violation for which 4 or more points
14 may be assessed under section 320a.

15 (d) The violation is a violation of section 626b, 627(9),
16 627a, or 682.

17 (e) The individual was cited for more than 1 moving violation
18 arising from the same incident.

19 (f) The individual's license was suspended under section
20 321a(2) in connection with the violation.

21 (g) The individual previously successfully completed a basic
22 driver improvement course.

23 (h) The individual has 3 or more points on his or her driving
24 record.

25 (i) The individual's operator's or chauffeur's license is
26 restricted, suspended, or revoked, or the individual was not issued
27 an operator's or chauffeur's license.

1 (4) THE INDIVIDUAL IS NOT ELIGIBLE TO TAKE A DRIVER
2 IMPROVEMENT COURSE FOR A SECOND OR SUBSEQUENT VIOLATION AN
3 INDIVIDUAL RECEIVES WITHIN THE 60-DAY PERIOD ALLOWED UNDER
4 SUBSECTIONS (1) AND (2).

5 (5) ~~(4)~~—The secretary of state shall maintain a computerized
6 database of the following:

7 (a) Individuals who have attended a basic driver improvement
8 course.

9 (b) Individuals who have successfully completed a basic driver
10 improvement course.

11 (6) ~~(5)~~—The database maintained under subsection ~~(4)~~—(5) shall
12 only be used for determining eligibility under ~~subsection~~
13 **SUBSECTIONS (3) AND (4)**. The secretary of state shall only make the
14 information contained in the database available to approved
15 sponsors under subsection (10). Information in this database
16 concerning an individual shall be maintained for the life of that
17 individual.

18 (7) ~~(6)~~—An individual shall be charged a fee of not more than
19 \$100.00 **BY AN APPROVED SPONSOR** to participate in a basic driver
20 improvement course and, if applicable, to obtain a certificate in a
21 form as approved by the secretary of state demonstrating that he or
22 she successfully completed the course. **AN APPROVED SPONSOR SHALL**
23 **REMIT A PORTION OF THE FEE, AS DETERMINED ANNUALLY BY THE SECRETARY**
24 **OF STATE, TO COVER THE COSTS OF IMPLEMENTING AND ADMINISTERING THIS**
25 **COURSE PROGRAM.**

26 (8) ~~(7)~~—Fees ~~collected~~ **REMITTED TO THE DEPARTMENT** under ~~this~~
27 subsection (7) **BY AN APPROVED SPONSOR** shall be credited to the

1 basic driver improvement course fund created under subsection (9).

2 ~~—— (8) The secretary of state shall immediately enter the points~~
3 ~~for the moving violation on the individual's driving record as~~
4 ~~follows:~~

5 ~~—— (a) Ten business days after an individual described in~~
6 ~~subsection (2) fails to notify the secretary of state that he or~~
7 ~~she desires to attend a basic driver improvement course.~~

8 ~~—— (b) Sixty days after an individual described in subsection (2)~~
9 ~~who has properly notified the secretary of state that he or she~~
10 ~~desires to attend a basic driver improvement course but has failed~~
11 ~~to submit a certificate of successful completion of a basic driver~~
12 ~~improvement course.~~

13 (9) The basic driver improvement course fund is created within
14 the state treasury. The state treasurer may receive money or other
15 assets from any source for deposit into the fund. The state
16 treasurer shall direct the investment of the fund. Money in the
17 fund at the close of the fiscal year shall remain in the fund and
18 shall not lapse to the general fund. The secretary of state shall
19 be the administrator of the fund for auditing purposes. The
20 secretary of state shall expend money from the fund, upon
21 appropriation, only to pay the costs of administering this section.

22 (10) An approved sponsor shall conduct a study of the effect,
23 if any, that the successful completion of its basic driver
24 improvement course has on reducing collisions, moving violations,
25 or both for students completing its course in this state. An
26 approved sponsor shall conduct this study every 5 years on each of
27 the course delivery modalities employed by the approved sponsor.

1 The secretary of state shall make all of the following information
2 available to the approved course sponsor for that purpose, subject
3 to applicable state and federal laws governing the release of
4 information:

5 (a) The number of individuals who successfully complete a
6 basic driver improvement course under this section.

7 (b) The number of individuals who are eligible to take a basic
8 driver improvement course under this section but who do not
9 successfully complete that course.

10 (c) The number and type of moving violations committed by
11 individuals after successfully completing a basic driver
12 improvement course under this section in comparison to the number
13 and type of moving violations committed by individuals who have not
14 taken a basic driver improvement course.

15 (11) The secretary of state shall report on the findings of
16 all studies conducted under subsection (10) to the standing
17 committees of the house of representatives and senate on
18 transportation issues.

19 (12) The secretary of state shall approve basic driver
20 improvement course sponsors if the basic driver improvement course
21 offered by that sponsor satisfies the requirements listed in
22 section 3a.

23 (13) As used in this section, "approved sponsor" means a
24 sponsor of a basic driver improvement course that is approved by
25 the secretary of state under subsection (12).