

HOUSE BILL No. 5841

August 15, 2012, Introduced by Rep. Moss and referred to the Committee on Insurance.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 3a and 320d (MCL 257.3a and 257.320d), section
3a as added by 2008 PA 568 and section 320d as amended by 2010 PA
289.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3a. "Basic driver improvement course" means a course of
2 study that satisfies all of the following conditions:

3 (a) It meets or exceeds the curriculum standards set forth in
4 the defensive driving course instructor manual, eighth edition,
5 published by the national safety council.

6 (b) It provides documented evidence from a federal, state, or
7 local **GOVERNMENT** agency of course effectiveness in reducing
8 collisions, moving violations, or both.

1 (C) IT INCLUDES NOT LESS THAN 4 HOURS OF INSTRUCTION.

2 (D) ~~(e)~~—It contains such other information as is approved by
3 the secretary of state, **WITH OR WITHOUT SUPPORTING DVD MATERIAL,**
4 and that is offered over the internet or through classroom
5 instruction.

6 Sec. 320d. (1) Notwithstanding section 320a, the secretary of
7 state shall not enter the points corresponding to a moving
8 violation committed **IN THIS STATE** by an individual the secretary of
9 state determines to be eligible under this section on the
10 individual's driving record or make information concerning that
11 violation available to any insurance company if the individual
12 attends and successfully completes a basic driver improvement
13 course under this section and an approved sponsor provides a
14 certificate of successful completion of that course to the
15 secretary of state ~~within~~**NOT MORE THAN** 60 days ~~of~~**AFTER** the date
16 on which the secretary of state notified the individual that he or
17 she was eligible to take a basic driver improvement course.

18 (2) The secretary of state shall determine if an individual is
19 eligible under subsection (3) to attend a basic driver improvement
20 course upon receipt of an abstract of a moving violation. If the
21 secretary of state determines that an individual is eligible to
22 attend a basic driver improvement course, the secretary of state
23 shall do all of the following:

24 (a) Notify the individual of his or her eligibility by first-
25 class mail at the individual's last known address as indicated on
26 the individual's operator's or chauffeur's license. ~~, and inform~~
27 ~~the individual of the location of basic driver improvement courses,~~

1 ~~and inform the individual of the manner and time within which the~~
2 ~~individual is required to attend and complete a basic driver~~
3 ~~improvement course.~~

4 (B) PROVIDE ALL ELIGIBLE PARTICIPANTS WITH INFORMATION ON HOW
5 TO ACCESS A LIST OF APPROVED PROVIDERS AND BASIC DRIVER IMPROVEMENT
6 COURSE LOCATIONS, INCLUDING THE SECRETARY OF STATE'S WEBSITE
7 ADDRESS AND TELEPHONE NUMBER TO CALL FOR A PAPER COPY OF THE LIST.

8 (C) ~~(b)~~—If an approved sponsor does not provide notice of
9 successful completion of the course by the individual within the ~~60~~
10 ~~days,~~ **TIME PRESCRIBED IN SUBSECTION (1)**, the secretary of state
11 shall enter the points required under section 320a.

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

14 (a) The violation occurred while the individual was operating
15 a commercial motor vehicle or was licensed as a commercial driver
16 while operating a noncommercial motor vehicle. ~~at the time of the~~
17 ~~offense.~~

18 (b) The violation is a criminal offense.

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

21 (d) The violation is a violation of section 626b, 627(9),
22 627a, or 682.

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

25 (f) The individual's license was suspended under section
26 321a(2) in connection with the violation.

27 ~~(g) The individual previously successfully completed a basic~~

1 ~~driver improvement course.~~

2 ~~—— (h) The individual has 3 or more points on his or her driving~~
3 ~~record.~~

4 (G) ~~(i)~~ The individual's operator's or chauffeur's license is
5 restricted, suspended, or revoked, or the individual was not issued
6 an operator's or chauffeur's license.

7 (4) The individual is not eligible to take a driver
8 improvement course for a second or subsequent violation an
9 individual receives within the ~~60-day period~~ **TIME** allowed under
10 ~~subsections (1) and (2).~~ **SUBSECTION (1)**.

11 (5) The secretary of state shall maintain a computerized
12 database of the following:

13 (a) Individuals who have attended a basic driver improvement
14 course.

15 (b) Individuals who have successfully completed a basic driver
16 improvement course.

17 (6) The database maintained under subsection (5) shall only be
18 used for determining eligibility under subsections (3) and (4). The
19 secretary of state shall only make the information contained in the
20 database available to approved sponsors under subsection (10).
21 Information in this database concerning an individual shall be
22 maintained for the life of that individual.

23 (7) An individual shall be charged a fee of not more than
24 \$100.00 by an approved sponsor to participate in a basic driver
25 improvement course and, if applicable, to obtain a certificate in a
26 form as approved by the secretary of state demonstrating that he or
27 she successfully completed the course. An approved sponsor shall

1 remit a portion of the fee, as determined annually by the secretary
2 of state, to cover the costs of implementing and administering this
3 course program.

4 (8) Fees remitted to the department under subsection (7) by an
5 approved sponsor shall be credited to the basic driver improvement
6 course fund created under subsection (9).

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

16 (10) An approved sponsor shall conduct a study of the effect,
17 if any, that the successful completion of its basic driver
18 improvement course has on reducing collisions, moving violations,
19 or both for students completing its course in this state. An
20 approved sponsor shall conduct this study every 5 years on each of
21 the course delivery modalities employed by the approved sponsor.
22 The secretary of state shall make all of the following information
23 available to the approved ~~course~~ sponsor for that purpose, subject
24 to applicable state and federal laws governing the release of
25 information:

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

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

4 (c) The number and type of moving violations committed by
5 individuals after successfully completing a basic driver
6 improvement course under this section in comparison to the number
7 and type of moving violations committed by individuals who have not
8 taken a basic driver improvement course.

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

13 (12) The secretary of state shall approve basic driver
14 improvement course sponsors if the basic driver improvement course
15 offered by that sponsor satisfies **ALL OF** the **FOLLOWING:**

16 (A) **THE** requirements listed in section 3a.

17 (B) **OBTAINS AND MAINTAINS A SECURITY BOND AS PRESCRIBED IN**
18 **SUBSECTION (13) (A) AND SATISFIES THE REQUIREMENTS OF SUBSECTION**
19 **(13) (B) .**

20 (13) **A SPONSOR SEEKING TO BE AN APPROVED SPONSOR SHALL SUBMIT**
21 **TO THE SECRETARY OF STATE AN APPLICATION ON A FORM AS PRESCRIBED BY**
22 **THE SECRETARY OF STATE ALONG WITH BOTH OF THE FOLLOWING:**

23 (A) **A PROPERLY EXECUTED SECURITY BOND IN THE PRINCIPAL SUM OF**
24 **\$20,000.00 WITH GOOD AND SUFFICIENT SURETY TO BE APPROVED BY THE**
25 **SECRETARY OF STATE. THE BOND SHALL INDEMNIFY OR REIMBURSE THE**
26 **SECRETARY OF STATE OR AN INDIVIDUAL TAKING THE SPONSOR'S BASIC**
27 **DRIVER IMPROVEMENT COURSE FOR MONETARY LOSS CAUSED THROUGH FRAUD,**

1 CHEATING, OR MISREPRESENTATION IN THE CONDUCT OF THE SPONSOR'S
2 BUSINESS WHERE THE FRAUD, CHEATING, OR MISREPRESENTATION WAS MADE
3 BY THE SPONSOR OR BY AN EMPLOYEE, AGENT, INSTRUCTOR, OR SALESPERSON
4 OF THE SPONSOR. THE SURETY SHALL MAKE INDEMNIFICATION OR
5 REIMBURSEMENT FOR A MONETARY LOSS ONLY AFTER JUDGMENT BASED ON
6 FRAUD, CHEATING, OR MISREPRESENTATION HAS BEEN ENTERED IN A COURT
7 OF RECORD AGAINST THE SPONSOR. THE AGGREGATE LIABILITY OF THE
8 SURETY SHALL NOT EXCEED THE SUM OF THE BOND. THE SURETY ON THE BOND
9 MAY CANCEL THE BOND BY GIVING 30 DAYS' WRITTEN OR ELECTRONIC NOTICE
10 TO THE SECRETARY OF STATE AND AFTER GIVING NOTICE IS NOT LIABLE FOR
11 A BREACH OF CONDITION OCCURRING AFTER THE EFFECTIVE DATE OF THE
12 CANCELLATION.

13 (B) PROOF IN A MANNER AND FORM AS THE SECRETARY OF STATE
14 REQUIRES DEMONSTRATING THAT THE CURRICULUM BEING SUBMITTED HAS NOT
15 RECEIVED PRIOR APPROVAL FROM THE SECRETARY OF STATE FOR USE BY
16 ANOTHER COURSE SPONSOR AND PROOF OF CURRICULUM OWNERSHIP,
17 INCLUDING, BUT NOT LIMITED TO, COPYRIGHT FILINGS.

18 (14) THE SECRETARY OF STATE SHALL APPROVE NOT MORE THAN 1
19 SPONSOR THAT OFFERS A PARTICULAR CURRICULUM.

20 (15) THE SECRETARY OF STATE MAY REVOKE ITS APPROVAL OF AN
21 APPROVED SPONSOR IF THE APPROVED SPONSOR SUBSEQUENTLY FAILS TO
22 SATISFY THE CONDITIONS LISTED IN SECTION 3A OR FAILS TO COMPLY WITH
23 THE REQUIREMENTS OF THIS SECTION.

24 (16) ~~(13)~~As used in this section, "approved sponsor" means a
25 sponsor of a basic driver improvement course that is approved by
26 the secretary of state under subsection (12) AND WHOSE APPROVED
27 STATUS IS NOT REVOKED UNDER SUBSECTION (15).

1 Enacting section 1. This amendatory act takes effect January
2 1, 2014.