

DRIVER EDUCATION AND TRAINING SCHOOLS ACT (EXCERPT)
Act 369 of 1974

***** 256.606 THIS SECTION IS REPEALED BY ACT 70 OF 2004 EFFECTIVE OCTOBER 1, 2006 *****

256.606 Investigations by department; denial, suspension, or revocation of driver training school license or driver training instructor license or placing probationary conditions; grounds; notice; hearing; denial of application based upon prior conviction; return of suspended or revoked license.

Sec. 6. (1) The department may do 1 or more of the following:

(a) On its own initiative or in response to a complaint, make reasonable and necessary investigations within or outside of this state and gather evidence against a person that is believed to have violated or is about to violate this part or a rule promulgated under this part.

(b) Require or permit a person to file a statement in writing or otherwise as the department determines as to all of the facts and circumstances concerning a matter that may or will be investigated.

(c) Mediate disputes between parties when those disputes arise from a violation of this part or a rule promulgated under this part.

(d) Develop conditions of probation or operation for a driver training school or instructor. These conditions shall be mutually agreed upon by the driver training school or instructor and the department and shall be set forth in a written letter of understanding. Conditions of probation may be agreed to instead of further disciplinary proceedings.

(e) On its own initiative, conduct a spot check investigation of a driver training school that is licensed or required to be licensed in this state to determine whether the driver training school is in compliance with this part or a rule promulgated under this part.

(2) The department may deny, suspend, or revoke, or place probationary conditions on, a driver training school license or a driver training instructor license after notice and opportunity for a hearing upon a finding that the applicant or the licensee or an employee of the applicant or the licensee has done 1 or more of the following:

(a) Failed to meet the requirements to receive or maintain a license under this part.

(b) Failed to receive or maintain a license if the applicant or licensee is licensed as a driver training school in a state other than this state and the person's license in the other state has expired or been denied, canceled, suspended, or revoked.

(c) Violated this part or a rule promulgated under this part.

(d) Made an untrue or misleading statement of a material fact to the department or concealed a material fact in connection with an application to the department.

(e) Permitted fraud or engaged in a fraudulent practice with reference to a driver's license or permit application to the department, or induced or countenanced fraud or a fraudulent practice on the part of an applicant for a driver's license or permit.

(f) Represented himself or herself as an agent or employee of the state or used advertising designed to lead, or that would reasonably have the effect of leading, a person to believe that the licensee or employee is an employee or representative of the state.

(g) Advertised or implied to a customer that a driver's license is guaranteed upon completion of the course of instruction.

(h) Engaged in a fraudulent, deceptive, or unconscionable practice relative to the operation of a driver training school or the provision of driver training instruction.

(i) Operated a driver training school or provided driver training instruction without being licensed under this part.

(j) Failed to comply with the terms of a probation or suspension agreement or the terms of a final cease and desist order issued under this part.

(k) Failed to establish or maintain good moral character in connection with business operations.

(3) The department may deny an application for a license for a driver training school or a driver training instructor if upon investigation and upon review of the criminal history record information received under section 5b or 5c the department determines that the applicant has a prior conviction for a fraudulent or deceptive practice in another business or in a private transaction with another person.

(4) A suspended or revoked license shall be returned immediately to the department by the licensee.

History: 1974, Act 369, Eff. Apr. 1, 1975;—Am. 1984, Act 391, Eff. Mar. 29, 1985;—Am. 1992, Act 169, Eff. Oct. 1, 1992;—Am. 1998, Act 11, Eff. June 1, 1998;—Am. 2004, Act 70, Imd. Eff. Apr. 20, 2004.