

MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949

***** 257.312b.amended THIS AMENDED SECTION IS EFFECTIVE MAY 23, 2016 *****

257.312b.amended Motorcycle endorsement; examination; motorcycle safety course; waiver of certain tests; 3-wheeled motorcycle; restriction; establishing and conducting driving skills test; rules; audit of motorcycle safety fund; third party motorcycle program; prohibited conduct; violation as felony.

Sec. 312b. (1) Before a person who is less than 18 years of age is issued an original motorcycle endorsement on an operator's or chauffeur's license, the person shall pass a motorcycle safety course approved by the department as described in sections 811a and 811b.

(2) Before a person who is 18 years of age or older is issued an original motorcycle endorsement on an operator's or chauffeur's license, the person shall pass an examination as required by this section. A person who fails this examination 2 or more times is required to successfully complete a motorcycle safety course approved by the department as described in sections 811a and 811b. Each written examination given an applicant for a motorcycle endorsement on an operator's or chauffeur's license as provided in section 309 shall also include subjects designed to cover a motorcycle. A person shall pass an examination that shall include a driving test designed to test the competency of the applicant for the first motorcycle endorsement on an operator's or chauffeur's license to operate a motorcycle upon the roads and highways of this state with safety to himself or herself and other persons and property. All examinations shall be administered as provided in this act. The requirement of a written knowledge test, road sign test, and motorcycle driving skills test shall be waived for an applicant who has successfully completed a motorcycle safety course approved by the department as described in sections 811a and 811b. The motorcycle safety course skills test shall meet or exceed the motorcycle skills test from the secretary of state. The requirement of a motorcycle driving skills test may be waived if the applicant has a valid license or endorsement to operate a motorcycle from another state.

(3) A motorcycle endorsement issued to a person who operates a 3-wheeled motorcycle other than an autocycle is restricted to operation of that type of motorcycle and does not permit operation of a 2-wheeled motorcycle. The secretary of state shall develop a driving test specifically pertaining to a 3-wheeled motorcycle other than an autocycle.

(4) The secretary of state is responsible for establishing and conducting the motorcycle operator driving skills test and shall promulgate rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for purposes of this subsection. An audit of the motorcycle safety fund shall be conducted by the office of the auditor general to determine compliance with the requirement that funds are being withdrawn only in relation to this act. A copy of the audit shall be transmitted to the legislature upon completion.

(5) The secretary of state may enter into an agreement with another public or private corporation or agency to conduct a driving skills test required under this section. Before the secretary of state authorizes a person to administer a corporation's or agency's driver skills testing operations or authorizes an examiner to conduct a driving skills test, that person or examiner must complete both a state and Federal Bureau of Investigation fingerprint based criminal history check through the department of state police. In an agreement with another public or private corporation or agency to conduct a driving skills test under this section, the secretary of state shall prescribe the method and examination criteria to be followed by the corporation, agency, or examiner when conducting the driving skills test and the form of the certification to be issued to a person who satisfactorily completes a driving skills test. For administering and overseeing a third party motorcycle testing program, the secretary of state shall be reimbursed from the motorcycle safety fund a total amount that does not exceed 50% of the department's 1995-1996 fiscal year appropriation for motorcycle testing under this section.

(6) A person who corrupts or attempts to corrupt a corporation, agency, or examiner that conducts a driving skills test under an agreement entered into with the secretary of state under this section by giving, offering, or promising any gift or gratuity with the intent to influence the opinion or decision of the corporation, agency, or examiner conducting the driving skills test is guilty of a felony.

(7) A designated examining officer appointed or designated by the secretary of state who conducts a driving skills test under an agreement entered into under this section and who varies from, shortens, or in any other way changes the method or examination criteria prescribed to be followed under that agreement in conducting a driving skills test under this section is guilty of a felony.

(8) A person who forges, counterfeits, or alters a satisfactorily completed driving skills test certification

issued by a designated examining officer appointed or designated by the secretary of state under this section is guilty of a felony.

History: Add. 1969, Act 134, Eff. June 1, 1970;—Am. 1974, Act 108, Imd. Eff. May 21, 1974;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977;—Am. 1982, Act 187, Eff. Jan. 1, 1984;—Am. 1984, Act 328, Imd. Eff. Dec. 26, 1984;—Am. 1987, Act 85, Imd. Eff. June 29, 1987;—Am. 1988, Act 68, Imd. Eff. Mar. 25, 1988;—Am. 1988, Act 495, Eff. Apr. 1, 1989;—Am. 1992, Act 59, Imd. Eff. May 20, 1992;—Am. 1996, Act 345, Imd. Eff. June 28, 1996;—Am. 2000, Act 456, Imd. Eff. Jan. 10, 2001;—Am. 2003, Act 103, Eff. Oct. 1, 2003;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2013, Act 177, Imd. Eff. Nov. 26, 2013;—Am. 2016, Act 23, Eff. May 23, 2016.

Compiler's note: Section 2 of Act 187 of 1982 provides:

“(1) Except as provided in subsection (2), this amendatory act shall take effect January 1, 1984.

“(2) Sections 312b(2) and 811a(3) shall take effect July 1, 1982.”

Administrative rules: R 257.971 et seq. of the Michigan Administrative Code.