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RESTRICTED DRIVER'S LICENSE FOR MINORS

House Bill 4763

Sponsor: Rep. Dan Gustafson

Committee: Transportation

Complete to 10-4-95

A SUMMARY OF HOUSE BILL 4763 (SUBSTITUTE H-1)

The Michigan Vehicle Code generally prohibits the secretary of state from issuing either an operator's or chauffeur's license to someone less than 18 years old unless he or she has successfully completed a driver's education course and has reached age 16. The act, however, permits a restricted operator's license to be issued to persons younger than age 16 but at least 14 under certain circumstances. With certain exceptions, an applicant for a driver's license is not required to pass a "behind-the-wheel" road test as long as they've passed an approved driver's education course and examination within a year prior to the application. Also, the act allows someone who has successfully completed a driver's education course to drive under a special permit with a licensed parent or adult until he or she reaches age 18 or is issued a license by the secretary of state.

The bill would amend the act (MCL 257.303 et al.) to replace these provisions with new language specifying that an operator's or chauffeur's license issued to someone less than 17 years old would be valid only when accompanied by a special restriction card, which would be issued according to a graduated system based on a minor's age and various other criteria. The bill also would provide for the Department of Education to establish a graduated driver's education system, divided into segments one and two, that would require 1) a non-licensed minor's parent or guardian to attend the initial class with him or her, and 2) require the applicant to complete each segment before proceeding through the different restriction levels. The bill's provisions would apply to a minor with a driver's license obtained in another state or country. The bill would take effect July 1, 1996.

Graduated restricted licensing. Under the bill, the secretary of state would have to issue a special restriction card in a manner that clearly indicated a person would be subject to the restrictions specified in the bill. A person would have to be carrying the card at all times while driving and would have to display it when asked to by a police officer. Someone who violated this provision would be responsible for a civil infraction.

Level one. A level-one restriction card could be issued to a minor at least 14 years and nine months of age who had passed a vision test at a secretary of state branch office, had successfully completed "segment one" of the driver education course approved by the Department of Education, and had gotten written approval of a parent or guardian.

At the first restricted level, a minor could drive only when accompanied by a licensed parent or legal guardian or, with a parent/legal guardian's consent, a licensed driver at least

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21 years old. And except as otherwise provided, such a person would be subject to driving under level-one restrictions for at least six months.

Level two. A level-two restriction card could be issued to someone who 1) had a level-one restriction card for at least six months; 2) successfully completed a Department of Education-approved "segment-two" driver's education course; 3) had not been cited for a moving violation or involved in an accident in which he or she was cited for a moving violation during the 90-day period immediately prior to applying for the card; 4) presented certification by a parent or guardian that he or she had legally--i.e., with adult supervision--accumulated at least 50 hours of driving experience, at least 10 of which were at night; and 5) passed a secretary of state-approved performance road test. (A road test could only be taken by someone at least 16 years old who had satisfied the first four criteria.)

A minor with a level-two card would be restricted at this level for at least six months and could not 1) drive from 12 midnight to 5 a.m. without a parent or guardian, except adult accompaniment would not be needed to drive to or from work alone or with other employees; nor 2) drive when accompanied by more than one nonfamily passenger without a parent or guardian except when going to or from work alone or with other employees.

Points. Someone who violated the restrictions imposed by a first- or second-level restriction card, or an ordinance substantially corresponding to these provisions, would incur two points on his or her driving record.

Level three. Someone who was at least 17 years old could be issued a level-three restriction card if he or she had completed 12 consecutive months without incurring a moving violation, accident, suspension, or certain restricted period violations during the level-two restricted period.

Extended restrictions. Someone who violated first- or second-level driving restrictions would be responsible for a civil infraction. Also, these restriction periods could be expanded or extended, or both, if any of the following occurred or were recorded on a licensee's driving record during restricted driving periods: a moving violation resulting in a conviction, civil infraction determination, or probate court disposition; an accident which an official police report showed involved a moving violation by the licensee; a license suspension for reasons other than mental or physical disability; or violation of the level one and level two driving restrictions.

If one of these violations occurred during a level-one restriction period, the restriction period would be extended until the licensee completed 90 consecutive days without a moving violation, accident, suspension, or restricted period violation, or until he or she reached age 18--whichever came first. If a licensee incurred a violation under a level-two restriction period, the period would be extended until the licensee completed 12 consecutive months without incurring one of these violations or reached age 18, whichever came first.

Notification. The secretary of state would be required to notify in writing a minor's parent(s) or guardian(s) of any conviction or moving violation that occurred during the first-

and second-level restriction period. In addition, a licensee would have to be notified by first-class mail at his or her last known address when he or she no longer was subject to level-one restrictions but was subject to level-two restrictions, when he or she no longer was subject to level-two restrictions, or when these restrictions were expanded or extended as provided by the bill.

Probationary licensee. The act currently permits the secretary of state to issue a three-year probationary driver's license, which carries certain restrictions, to persons not previously licensed in Michigan or another state. The bill would specifically apply this provision to persons at least 18 years old, and would provide for the issuance of probationary licenses to persons who had reached age 18 and satisfied the bill's requirements. The bill, however, specifies that someone issued an operator's or chauffeur's license under its provisions could not be classified as probationary upon reaching age 18 until he or she had at least 90 days' experience under level-one restrictions.

Other provisions. Upon conviction for a moving violation, the date a person was arrested would be used in determining whether the incident occurred within a restricted licensing period. For cases involving a civil infraction, the date the citation was issued would be used to make this determination. And in situations when a minor was involved in an accident in which he or she was cited in a police accident report for a moving violation or for "drinking intoxicating liquor," the date of the report would be the determining factor.