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**BILL ANALYSIS**



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House Bill 4763 (Substitute H-2 as passed by the House)  
 Sponsor: Representative Dan Gustafson  
 House Committee: Transportation  
 Senate Committee: Transportation and Tourism

Date Completed: 1-30-96

**CONTENT**

The bill would amend the Michigan Vehicle Code to delete current motor vehicle operator's licensing provisions for persons under 18 years of age and create a graduated licensing status system by doing the following:

- Establishing a level one graduated licensing status for a person who was at least 14 years and nine months of age and who had met certain requirements, including completing segment one of an approved driver education course.
- Establishing a level two graduated licensing status for a person who was at least 16 years of age and who had satisfied certain requirements, including having not incurred a moving violation within a specified period of time, having accumulated the required number of hours of behind-the-wheel experience, and successfully completing a Secretary of State performance road test.
- Prohibiting a person with a level one licensing status from operating a motor vehicle, or a person with a level two licensing status from operating a motor vehicle from midnight to 5 a.m., unless he or she were accompanied by a parent, a guardian, or a licensed driver over 21 years of age who had been designated by the parent or guardian.
- Requiring level one and two licensing status levels to be extended until the licensee completed 90 days or 12 months, respectively, without a moving violation, an accident, license

suspension, or provisional period violation.

- Establishing a level three graduated licensing status for a person who was at least 17 years of age and who did not have a moving violation, an accident, license suspension, or restricted period violation while he or she had been issued a level two licensing status.
- Establishing civil penalties for a person who violated the bill's level one and level two licensing provisions, and specifying that violation of these provisions would result in the addition of two points on a person's driving record.

The bill would take effect on April 1, 1997, and would sunset on April 1, 2000.

Graduated Licensing

Except as otherwise provided, an operator's or chauffeur's license issued to a person who was 17 years of age or under would be valid only upon the issuance of a special provisional card. The Secretary of State would be required to designate graduated licensing provisions in a manner that clearly indicated that the person was subject to the appropriate provisions described in the bill.

A person who was at least 14 years and nine months of age could be issued a level one graduated licensing status to operate a motor vehicle, if he or she had satisfied all of the following conditions:

- Passed a vision test and met health standards as prescribed by the Secretary of State.

- Successfully completed segment one of a driver education course approved by the Department of Education.
- Received written approval of a parent or legal guardian.

A person issued a level one graduated licensing status could operate a motor vehicle only when accompanied either by a licensed parent or legal guardian or, with the permission of the parent or legal guardian, by a licensed driver who was at least 21 years of age. Except as otherwise provided, a person would be restricted to operating a motor vehicle with a level one graduated licensing status for at least six months.

A person could be issued a level two graduated licensing status to operate a motor vehicle if the person had satisfied all of the following conditions:

- Had a level one graduated licensing status for at least six months.
- Successfully completed segment two of a driver education course approved by the Department of Education.
- Had not incurred a moving violation resulting in a conviction or civil infraction determination or been involved in an accident for which the official police report indicated a moving violation on the part of the person during the 90-day period immediately preceding application.
- Presented a certification by the parent or guardian that the person, accompanied by his or her licensed parent or legal guardian or, with the permission of the parent or legal guardian, any licensed driver at least 21 years of age, had accumulated a total of at least 50 hours of behind-the-wheel experience including at least 10 hours at night.
- Successfully completed a Secretary of State performance road test. The Secretary of State could enter into an agreement with another public or private person or agency to conduct this road test. The bill specifies that this provision would apply to a person at least 16 years of age only if he or she had satisfied the above provisions.

A person issued a level two graduated licensing status would have to remain at level two for at least six months and could not operate a motor vehicle in the State from 12 midnight to 5 a.m. unless accompanied by a parent or legal guardian or a licensed driver over the age of 21 designated by the parent or legal guardian, or except when

going to or from employment alone or with other employees or except in an emergency situation with good cause shown.

The provisions and provisional period described above could be expanded and/or extended beyond the stated periods if any of the following occurred and were recorded on the licensee's driving record during the provisional periods or any additional periods imposed under this provision: a moving violation resulting in a conviction, civil infraction determination, or probate court disposition; an accident for which the official police report indicated a moving violation on the licensee's part; a license suspension for a reason other than a mental or physical disability; or, a violation of the bill's restrictions placed on a person operating a motor vehicle with a level one or level two licensing status.

The provisional period prescribed for level one licensing status would have to be extended until the licensee completed 90 consecutive days without a moving violation, an accident in which a moving violation resulted, accident, suspension, or provisional period violation listed in the bill, or until age 18, whichever occurred first. The provisional period for a level two licensing status would have to be extended until the licensee completed 12 consecutive months without a moving violation, accident, suspension, or restricted period violation or until age 18, whichever occurred first.

A person who was at least 17 years of age could be issued a level three graduated licensing status card if he or she had completed 12 consecutive months without a moving violation, an accident in which a moving violation resulted, accident, suspension, or restricted period violation during the time in which the person had been issued a level two graduated licensing status.

Notice would have to be given by first-class mail to the last known address of a licensee if the provisions were expanded or extended as described in the bill.

#### Violations

A person who violated the bill's provisions on level one or level two licensing status would be responsible for a civil infraction. If a person were determined responsible for violating either of these provisions, the Secretary of State would have to send written notification of any conviction or moving violation to the person's designated parent or guardian. For purposes of these provisions:

- Upon conviction for a moving violation, the date of the arrest for the violation would have to be used in determining whether the conviction occurred within a provisional licensure period.
- Upon entry of a civil infraction determination for a moving violation, the date of issuance of a citation for a civil infraction would have to be used in determining whether the civil infraction determination occurred within a provisional licensure period.
- The date of the official police report would have to be used in determining whether a licensee had been driving a motor vehicle involved in an accident for which the official police report indicated a moving violation on the part of the licensee or indicated the licensee had been drinking intoxicating liquor.

A person would have to have his or her graduated licensing status in his or her immediate possession at all times when operating a motor vehicle, and would have to display the card upon demand of a police officer. A person who violated this requirement would be responsible for a civil infraction.

Currently, the Secretary of State, within 10 days after receiving a properly prepared abstract from this or another state, must record the date of conviction, civil infraction determination, or probate court disposition, and the number of points for each, based on the formula contained in the Code. The bill would add two points for violation of the proposed level one or level two licensing status provisions or an ordinance substantially corresponding to either provision. Points could not be entered for a violation of the requirement that a person have his or her graduated licensing status in his or her immediate possession at all times when operating a motor vehicle, and display the card upon a police officer's demand.

#### Operator's/Chauffeur's License

The Code prohibits the Secretary of State from issuing an operator's or chauffeur's license to a person who is less than 18 years of age, unless he or she satisfactorily passed a driver education course and examination given by a public or nonpublic school in Michigan or another state offering a course approved by the Department of Education, or an equivalent course and examination as prescribed in the Code. A restricted license may be issued to a person who is at least 14 years old, as provided in the Code.

The provisions concerning an operator's license do not apply to a person who has held a valid driver's license issued by another state, territory, or possession of the United States or another sovereignty for at least one year immediately before applying for a driver's license under the Code.

The Code also permits the Secretary of State, upon an applicant's completion of an approved driver education course, to validate a driver education certificate issued to the applicant. The Code specifies that the driver education certificate authorizes the holder to drive a motor vehicle, except certain vehicles, when accompanied by a licensed parent or guardian, or when accompanied by a nonlicensed parent or guardian and a licensed adult for additional instruction until the driver reaches 18 years of age.

The bill would delete these provisions and, instead, prohibit an operator's or chauffeur's license from being issued to a person who was less than 18 years old unless he or she met the bill's graduated licensing provisions.

The bill also would delete current provisions permitting the Secretary of State to validate an applicant's driver education certificate upon successful completion of an approved driver education course, and permitting the certificate holder to drive a motor vehicle when accompanied by a licensed parent or guardian or a licensed adult in order to receive additional instruction until the holder reached 18 years of age.

#### Road Test

The bill would delete the current provision that an applicant for a driver's license is not required to take a behind-the-wheel road test if the applicant has successfully passed a driver education course and examination, the course and examination were given pursuant to the Code, and the course and examination included on-the-street driver experience, meaning that the applicant operated for at least one hour a motor vehicle as part of a drive education course on a freeway or other laned roadway.

Currently, an original operator's or chauffeur's license without a vehicle group designation or indorsement cannot be issued by the Secretary of State without a written examination conducted by the Secretary of State or a designated examination officer. The bill would add that the examination would have to include a behind-the-wheel road

test. The bill would delete the current requirement that the fee for a behind-the-wheel road test for an operator's or chauffeur's license be \$11.

#### Temporary Instruction Permit

Upon receiving an application from a 16- or 17-year old who has successfully completed a driver education course and examination offered under the Code, from someone who has been licensed in another state or country for at least one year and who is less than 18 years of age or from someone who is 18 or older, the Secretary of State may issue a temporary instruction permit entitling the person to drive a motor vehicle, other than a motor vehicle requiring a motorcycle indorsement or a vehicle group designation, on the highways for 150 days when accompanied by a licensed adult operator or chauffeur who occupies a seat beside the driver. The bill would increase the length of the permit from 150 to 180 days. The bill would delete reference to 16- or 17-year olds who completed a driver education course or who are licensed in another state or country.

MCL 257.303 et al.

Legislative Analyst: L. Arasim

#### **FISCAL IMPACT**

##### Department of State

Graduated licensing provisions would result in increased administrative costs to the Department of State.

Elimination of the \$11 fee for behind-the-wheel road tests for an operator's or chauffeur's license would result in a loss of approximately \$600,000 annually to the Transportation Economic Development Fund. The bill would allow the Secretary of State to enter into an agreement with a private or public entity to conduct road tests.

##### Department of Education

The Department of Education would incur minimal costs for promulgating new rules to implement the two segments of drivers' education.

Fiscal Analyst: B. Bowerman  
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.