



HOUSE BILL No. 5471

December 12, 1995, Introduced by Reps. Crissman, Middleton, Dolan, Goschka, Voorhees, Law, Walberg, Lowe, Kukuk, Kaza, Green, Ryan, Cropsey, Nye, Johnson, Dobb, Bryant, Randall, Horton, LeTarte, Jamian, Dalman, Gernaat, Alley, Middaugh, Whyman, Jellema, Brackenridge, Bodem, Munsell, Brewer, Owen, Jaye, DeLange, Hammerstrom, Galloway, Perricone and Jersevic and referred to the Committee on Education.

A bill to amend section 811 of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," as amended by Act No. 235 of the Public Acts of 1992, being section 257.811 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 811 of Act No. 300 of the Public Acts of
2 1949, as amended by Act No. 235 of the Public Acts of 1992, being
3 section 257.811 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 811. (1) An application for an operator's or
6 chauffeur's license as provided in sections 307 and 312 and an
7 application for a minor's restricted license as provided in
8 section 312 shall be accompanied by the following fees:

1	Operator's license.....	\$ 12.00
2	Chauffeur's license.....	20.00
3	Minor's restricted license.....	5.00

4 (2) The secretary of state shall deposit the money received
5 and collected under subsection (1) in the state treasury to the
6 credit of the general fund. The secretary of state shall refund
7 out of the fees collected to each county or municipality acting
8 as an examining officer or examining bureau \$2.50 for each appli-
9 cant examined for an original license, \$1.00 for each applicant
10 examined for an original chauffeur's license, and \$1.00 for every
11 other applicant examined, if the application is not denied and
12 the money refunded is paid to the county or local treasurer and
13 is appropriated to the county, municipality, or officer or bureau
14 receiving the money for the purpose of carrying out this act.
15 The state treasurer shall deposit the sum of \$4.00 in a driver
16 education fund for each person examined for an original license,
17 a renewal operator's license, an original chauffeur's license, or
18 a renewal chauffeur's license, except that the sum deposited for
19 each 2-year operator's or 2-year chauffeur's license shall be
20 \$2.00. The department of education shall use the money in the
21 driver education fund for administration of a driver education
22 program and for distribution to local school districts to be used
23 for driver education programs. Any unexpended and unencumbered
24 balance remaining in the driver education fund at the end of the
25 fiscal year in excess of \$150,000.00 shall revert to the general
26 fund.

1 (3) From the money credited to the driver education fund,
2 the legislature shall appropriate annually funds to the depart-
3 ment of education for state administration of the program. In
4 addition, the department of education shall distribute to local
5 public school districts from the driver education fund 50% of the
6 previous fiscal year's statewide average cost per student, as
7 determined by the department of education, or the actual cost per
8 student, whichever is less, for each student completing an
9 approved driver education course. The driver education courses
10 ~~shall~~ MAY be conducted by the local public school district, or
11 may be conducted for the local school district by the intermedi-
12 ate district at the request of the local district, and, subject
13 to eligibility requirements established under section 1302 of the
14 school code of 1976, Act No. 451 of the Public Acts of 1976,
15 being section 380.1302 of the Michigan Compiled Laws, enrollment
16 in driver education courses CONDUCTED UNDER THIS SECTION shall be
17 open to children enrolled in the high school grades of public,
18 parochial, and private schools as well as resident out-of-school
19 youth. Reimbursement to local school districts shall be made on
20 the basis of an application made by the local school district
21 superintendent to the department of education. If money appro-
22 priated from the driver education fund is not sufficient to pro-
23 vide for state administration of the driver education program and
24 to reimburse local school districts for each student completing
25 an approved driver education course, then payments made to local
26 school districts shall be prorated to the amount that is
27 appropriated and available in the fund.

1 (4) As used in this section, "driver education courses"
2 include classroom instruction, behind the wheel instruction, and
3 observation in an automobile under the supervision of a qualified
4 teacher or licensed instructor. The department of education
5 shall not require that licensed driver training school teachers
6 or instructors be certificated under Act No. 451 of the Public
7 Acts of 1976, ~~as amended,~~ being sections 380.1 to 380.1852 of
8 the Michigan Compiled Laws.

9 (5) The department of education may promulgate rules pursu-
10 ant to the administrative procedures act of 1969, Act No. 306 of
11 the Public Acts of 1969, ~~as amended,~~ being sections 24.201 to
12 24.328 of the Michigan Compiled Laws, including instructional
13 standards, teacher qualifications, reimbursement procedures, and
14 other requirements to further implement this section.

15 (6) Notwithstanding sections 301, 303, 306, and 308, an
16 operator's license shall not be issued to a person under 18 years
17 of age unless that person successfully passes a driver education
18 course and examination given by a public school, nonpublic
19 school, or an equivalent course approved by the department of
20 education given by a licensed driver training school. A person
21 who has been a holder of a motor vehicle operator's license
22 issued by any other state, territory, or possession of the United
23 States, or any other sovereignty for 1 year immediately before
24 application for an operator's license under this act is not
25 required to comply with this subsection. Restricted licenses may
26 be issued pursuant to section 312 without compliance with this
27 subsection. Subject to eligibility requirements established

1 under section 1302 of Act No. 451 of the Public Acts of 1976, IF
2 a driver education course IS OFFERED UNDER THIS SECTION BY A
3 PUBLIC SCHOOL, THE COURSE shall be made available for a person
4 under 18 years of age within a time that will enable that person
5 to qualify for a license before the time that the person is per-
6 mitted by law to have a license.

7 (7) A public school system shall not impose a charge or
8 enrollment fee for a driver education course upon a student
9 desiring to take the course as a duly enrolled student for the
10 course in a school of the public school system.

11 (8) Not later than ~~5 years after the effective date of the~~
12 ~~amendatory act that added this subsection~~ DECEMBER 30, 1996, the
13 secretary of state shall prepare and submit to the legislature a
14 report comparing aggregate driver record information for drivers
15 trained in driver education programs for which eligibility
16 requirements have been established under section 1302 of Act
17 No. 451 of the Public Acts of 1976 to aggregate driver record
18 information for drivers trained in driver education programs for
19 which ~~such~~ THOSE eligibility requirements have not been
20 established.