

**SUBSTITUTE FOR
SENATE BILL NO. 987**

A bill to amend 1974 PA 369, entitled

"An act to regulate the business of conducting a driver training school; to require licenses in relation thereto; to prescribe certain fees; to prescribe the powers and duties of certain persons and state departments; and to prescribe remedies and penalties,"

by amending section 5 (MCL 256.605), as amended by 2000 PA 285.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) A driver training school licensee shall not
2 employ a person as an instructor unless the person is licensed as
3 an instructor.

4 (2) A driver training school licensee shall annually file an
5 application with the department for licensing of its employees as
6 instructors. For each employee for which licensure as an
7 instructor is sought, the application shall include all of the
8 following:

9 (a) The name and address of the employee.

1 (b) The driver's license number of the employee. An
2 application for a nonresident employee shall also include a
3 certified copy of his or her driving record from his or her state
4 of residence.

5 (c) A dated medical examination report that is not more than
6 2 years old and is completed by a physician, **a physician's**
7 **assistant, or a certified nurse practitioner** licensed to practice
8 in this state. An application for a nonresident employee
9 fulfills the requirement of this subdivision if the application
10 includes a report completed by a ~~physician~~ **licensed physician,**
11 **a licensed physician's assistant, or a certified nurse**
12 **practitioner** licensed to practice in the employee's state of
13 residence. **This subdivision does not require new or additional**
14 **third party reimbursement or worker's compensation benefits for**
15 **services rendered.**

16 (d) A fee of \$25.00 for each employee seeking licensure as an
17 instructor.

18 (e) Except as otherwise provided in section 5b, an
19 authorization to be signed by a prospective employee to be hired
20 as a driving instructor permitting the licensee to request a
21 criminal history check from the department of state police and
22 the federal bureau of investigation.

23 (3) The department shall issue a license certificate to the
24 driver training school licensee for each of its employees who
25 meet the requirements of this act for licensure as an
26 instructor. A license certificate expires on December 31 of the
27 year for which it is issued.

1 (4) The department may issue a license certificate to an
2 applicant for a driving instructor's license after the favorable
3 criminal history check from the department of state police, but
4 on the condition that the license shall be canceled or revoked if
5 the criminal history check from the federal bureau of
6 investigation reveals that the applicant does not satisfy the
7 qualifications for a license. The department shall immediately
8 notify the driver training school licensee, which shall require
9 the applicant to surrender the license certificate.

10 (5) In order to qualify as an instructor, a person shall meet
11 all of the following requirements:

12 (a) Be physically able to operate a motor vehicle and to
13 train others in the operation of motor vehicles.

14 (b) Have a driving record that indicates competence to
15 operate a motor vehicle consistent with standards set forth in
16 rules promulgated by the secretary of state.

17 (c) Be 21 years of age or older on the date the person's
18 license application is submitted to the secretary of state.

19 (d) Have a driving record, within the 5 years immediately
20 preceding submission of an instructor license application to the
21 secretary of state, that does not contain a conviction for any
22 violation for which 4 or 6 points are assessed, other than points
23 assessed for a violation of a speeding law or ordinance, pursuant
24 to section 320a of the Michigan vehicle code, 1949 PA 300,
25 MCL 257.320a. This subdivision only applies to an applicant who
26 was not licensed as a driver training school instructor on
27 October 1, 1992.

1 (e) Not have a prior felony or misdemeanor conviction for
2 criminal sexual conduct pursuant to sections 520b to 520g of the
3 Michigan penal code, 1931 PA 328, MCL 750.520b to 750.520g, or a
4 felony conviction for a crime in which an element of the crime is
5 the use or threat of use of physical force.