

# HOUSE BILL No. 4600

April 30, 2003, Introduced by Reps. Gaffney, LaSata, Hummel, Bieda, Sheen, Hardman, Stallworth, Shaffer, Ehardt, Ward and Pastor and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 310e (MCL 257.310e), as amended by 2002 PA 554.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 310e. (1) Except as otherwise provided in this act, an  
2 operator's or chauffeur's license issued to a person who is 17  
3 years of age or less shall be in a form as prescribed in section  
4 310 beginning July 1, 2003, and is valid only upon the issuance  
5 of a graduated driver license.

6           (2) The secretary of state shall designate graduated  
7 licensing provisions in a manner that clearly indicates that the  
8 person is subject to the appropriate provisions described in this  
9 section.

10           (3) Except as otherwise provided in section 303, a person who

HOUSE BILL No. 4600

1 is not less than 14 years and 9 months of age may be issued a  
2 level 1 graduated licensing status to operate a motor vehicle if  
3 the person has satisfied all of the following conditions:

4 (a) Passed a vision test and met health standards as  
5 prescribed by the secretary of state.

6 (b) Successfully completed segment 1 of a driver education  
7 course approved by the department of education including a  
8 minimum of 6 hours of on-the-road driving time with the  
9 instructor.

10 (c) Received written approval of a parent or legal guardian.

11 (4) A person issued a level 1 graduated licensing status may  
12 operate a motor vehicle only when accompanied either by a  
13 licensed parent or legal guardian or, with the permission of the  
14 parent or legal guardian, a licensed driver 21 years of age or  
15 older. Except as otherwise provided in this section, a person is  
16 restricted to operating a motor vehicle with a level 1 graduated  
17 licensing status for not less than 6 months.

18 (5) A person may be issued a level 2 graduated licensing  
19 status to operate a motor vehicle if the person has satisfied all  
20 of the following conditions:

21 (a) Had a level 1 graduated licensing status for not less  
22 than 6 months.

23 (b) Successfully completed segment 2 of a driver education  
24 course approved by the department of education.

25 (c) Not incurred a moving violation resulting in a conviction  
26 or civil infraction determination or been involved in an accident  
27 for which the official police report indicates a moving violation

1 on the part of the person during the 90-day period immediately  
2 preceding application.

3 (d) Presented a certification by the parent or guardian that  
4 he or she, accompanied by his or her licensed parent or legal  
5 guardian or, with the permission of the parent or legal guardian,  
6 any licensed driver 21 years of age or older, has accumulated a  
7 total of not less than 50 hours of behind-the-wheel experience  
8 including not less than 10 nighttime hours.

9 (e) Successfully completed a secretary of state approved  
10 performance road test. The secretary of state may enter into an  
11 agreement with another public or private person or agency,  
12 including a city, village, or township, to conduct this  
13 performance road test. This subdivision applies to a person 16  
14 years of age or over only if the person has satisfied  
15 subdivisions (a), (b), (c), and (d).

16 (6) A person issued a level 2 graduated licensing status  
17 under subsection (5) shall remain at level 2 for not less than 6  
18 months and shall not operate a motor vehicle within this state  
19 from 12 midnight to 5 a.m. unless accompanied by a parent or  
20 legal guardian or a licensed driver over the age of 21 designated  
21 by the parent or legal guardian, or except when going to or from  
22 employment. **A person issued a level 2 graduated licensing status**  
23 **under subsection (5) shall not transport more than 1 passenger**  
24 **other than immediate family members.**

25 (7) The provisions and provisional period described in  
26 subsection (4) or (6) shall be expanded or extended, or both,  
27 beyond the periods described in subsection (4) or (6) if any of

1 the following occur and are recorded on the licensee's driving  
2 record during the provisional periods described in subsection (4)  
3 or (6) or any additional periods imposed under this subsection:

4 (a) A moving violation resulting in a conviction, civil  
5 infraction determination, or probate court disposition.

6 (b) An accident for which the official police report  
7 indicates a moving violation on the part of the licensee.

8 (c) A license suspension for a reason other than a mental or  
9 physical disability.

10 (d) A violation of subsection (4) or (6).

11 (8) The provisional period described in subsection (4) shall  
12 be extended under subsection (7) until the licensee completes 90  
13 consecutive days without a moving violation, an accident in which  
14 a moving violation resulted, accident, suspension, or provisional  
15 period violation listed in subsection (7) or until age 18,  
16 whichever occurs first. The provisional period described in  
17 subsection (6) shall be extended under subsection (7) until the  
18 licensee completes 12 consecutive months without a moving  
19 violation, accident, suspension, or restricted period violation  
20 listed in subsection (7) or until age 18, whichever occurs  
21 first.

22 (9) A person who is not less than 17 years of age may be  
23 issued a level 3 graduated licensing status under this subsection  
24 if the person has completed 12 consecutive months without a  
25 moving violation, an accident in which a moving violation  
26 resulted, accident, suspension, or restricted period violation  
27 listed in subsection (7) while the person was issued a level 2

1 graduated licensing status under subsection (5).

2 (10) Notice shall be given by first-class mail to the last  
3 known address of a licensee if the provisions are expanded or  
4 extended as described in subsection (7).

5 (11) A person who violates subsection (4) or (6) is  
6 responsible for a civil infraction.

7 (12) If a person is determined responsible for a violation of  
8 subsection (4) or (6), the secretary of state shall send written  
9 notification of any conviction or moving violation to a  
10 designated parent or guardian of the person.

11 (13) For purposes of this section:

12 (a) Upon conviction for a moving violation, the date of the  
13 arrest for the violation shall be used in determining whether the  
14 conviction occurred within a provisional licensure period under  
15 this section.

16 (b) Upon entry of a civil infraction determination for a  
17 moving violation, the date of issuance of a citation for a civil  
18 infraction shall be used in determining whether the civil  
19 infraction determination occurred within a provisional licensure  
20 period under this section.

21 (c) The date of the official police report shall be used in  
22 determining whether a licensee was driving a motor vehicle  
23 involved in an accident for which the official police report  
24 indicates a moving violation on the part of the licensee or  
25 indicates the licensee had been drinking intoxicating liquor.

26 (14) A person shall have his or her graduated licensing  
27 status in his or her immediate possession at all times when

1 operating a motor vehicle, and shall display the card upon demand  
2 of a police officer. A person who violates this subsection is  
3 responsible for a civil infraction.

4 (15) This section does not apply to a person 15 years of age  
5 or older who is currently enrolled but has not completed a driver  
6 education course on April 1, 1997 or who has completed a driver  
7 education course but has not acquired his or her driver license  
8 on April 1, 1997.