

Act No. 152
Public Acts of 2004
Approved by the Governor
June 15, 2004
Filed with the Secretary of State
June 15, 2004
EFFECTIVE DATE: June 15, 2004

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2004**

Introduced by Senators Patterson, Kuipers, Goschka, Leland, Schauer and Hardiman

ENROLLED SENATE BILL No. 987

AN ACT to amend 1974 PA 369, entitled "An act to regulate the business of conducting a driver training school; to require certain licenses in relation thereto; to provide for performance objectives for certain driver education courses; to prescribe certain fees; to prescribe the powers and duties of certain persons and state departments; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending section 5 (MCL 256.605), as amended by 2004 PA 70.

The People of the State of Michigan enact:

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

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

(a) The name and address of the employee.

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

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

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

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

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

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

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

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

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

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

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

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

(6) The department shall not require that a driver training school instructor be certified under the revised school code, 1976 PA 451, MCL 380.1 to 380.1852.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Ray E. Randall

Clerk of the House of Representatives

Approved _____

Governor