

**SUBSTITUTE FOR
HOUSE BILL NO. 4756**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 310e (MCL 257.310e), as amended by 2004 PA 362.

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 of
5 a graduated driver license.

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

9 (3) Except as otherwise provided in section 303, a person who
10 is not less than 14 years and 9 months of age may be issued a level

1 1 graduated licensing status to operate a motor vehicle if the
2 person has satisfied all of the following conditions:

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

5 (b) Successfully completed segment 1 of a driver education
6 course as that term is defined in section 1 of the driver education
7 and training schools act, 1974 PA 369, MCL 256.601, including a
8 minimum of 6 hours of on-the-road driving time with the instructor.

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

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

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

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

22 (b) Successfully completed segment 2 of a driver education
23 course as that term is defined in section 1 of the driver education
24 and training schools act, 1974 PA 369, MCL 256.601.

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

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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~~ **THE PERSON**, accompanied by his or her licensed parent or
5 legal guardian or, with the permission of the parent or legal
6 guardian, any licensed driver 21 years of age or older, has
7 accumulated a total of not less than 50 hours of behind-the-wheel
8 experience including not less than 10 nighttime hours.

9 (e) Successfully completed a secretary of state approved
10 driving skills test. The secretary of state may enter into an
11 agreement with another public or private corporation or agency to
12 conduct this driving skills test. Before the secretary of state
13 authorizes a person to administer a corporation's or agency's
14 driver skills testing operations or authorizes an examiner to
15 conduct a driving skills test, that person or examiner must
16 complete both a state and federal bureau of investigation
17 fingerprint based criminal history check through the department of
18 state police. ~~This subdivision applies to a~~ **THE person MUST BE** 16
19 years of age or over ~~only if the person has~~ **AND HAVE** satisfied
20 **THE REQUIREMENTS OF** subdivisions (a), (b), (c), and (d) **BEFORE**
21 **COMPLETING THE TEST REQUIRED UNDER THIS SECTION.**

22 (6) A person issued a level 2 graduated licensing status under
23 subsection (5) shall remain at level 2 for not less than 6 months
24 and shall not operate a motor vehicle within this state from 12
25 midnight to 5 a.m. unless accompanied by a parent or legal guardian
26 or a licensed driver over the age of 21 designated by the parent or
27 legal guardian, or except when going to or from employment. [

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(7) The provisions and provisional period described in subsection (4) or (6) shall be expanded or extended, or both, beyond the periods described in subsection (4) or (6) if any of the following occur and are recorded on the licensee's driving record during the provisional periods described in subsection (4) or (6) or any additional periods imposed under this subsection:

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

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

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

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

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

1 (9) A person who is not less than 17 years of age may be
2 issued a level 3 graduated licensing status under this subsection
3 if the person has completed 12 consecutive months without a moving
4 violation, an accident in which a moving violation resulted,
5 accident, suspension, or restricted period violation listed in
6 subsection (7) while the person was issued a level 2 graduated
7 licensing status under subsection (5).

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

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

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

17 (13) For purposes of this section:

18 (a) Upon conviction for a moving violation, the date of the
19 arrest for the violation shall be used in determining whether the
20 conviction occurred within a provisional licensure period under
21 this section.

22 (b) Upon entry of a civil infraction determination for a
23 moving violation, the date of issuance of a citation for a civil
24 infraction shall be used in determining whether the civil
25 infraction determination occurred within a provisional licensure
26 period under this section.

27 (c) The date of the official police report shall be used in

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1 determining whether a licensee was driving a motor vehicle involved
2 in an accident for which the official police report indicates a
3 moving violation on the part of the licensee or indicates the
4 licensee had been drinking alcoholic liquor.

5 (14) A person shall have his or her graduated licensing status
6 in his or her immediate possession at all times when operating a
7 motor vehicle, and shall display the card upon demand of a police
8 officer. A person who violates this subsection is responsible for a
9 civil infraction.

[(15) OTHER THAN TRANSPORTING IMMEDIATE FAMILY MEMBERS, A PERSON ISSUED A LEVEL 2 GRADUATED LICENSING STATUS UNDER SUBSECTION (5) SHALL TRANSPORT NOT MORE THAN 1 PASSENGER WHO IS LESS THAN 18 YEARS OF AGE DURING THE FIRST 90 DAYS, NOT MORE THAN 2 PASSENGERS WHO ARE LESS THAN 18 YEARS OF AGE DURING THE SECOND 90 DAYS, AND NOT MORE THAN 3 PASSENGERS WHO ARE LESS THAN 18 YEARS OF AGE DURING THE THIRD 90 DAYS OF THAT LICENSING STATUS. HOWEVER, IF DURING ANY 90-DAY PERIOD DESCRIBED IN THIS SUBSECTION THE PERSON IS FOUND RESPONSIBLE FOR A MOVING VIOLATION OR FOR CAUSING AN ACCIDENT WHILE OPERATING A MOTOR VEHICLE OR HAS HIS OR HER LICENSING STATUS SUSPENDED, OR A LICENSE PROVISION EXPANDED OR PERIOD EXTENDED UNDER SUBSECTION (7), THEN THE PERSON SHALL COMMENCE AND COMPLETE A NEW 90-DAY PERIOD OF BEING LIMITED TO TRANSPORTING THE SAME NUMBER OF PASSENGERS WHO ARE LESS THAN 18 YEARS OF AGE OTHER THAN IMMEDIATE FAMILY MEMBERS THAT HE OR SHE WAS PERMITTED TO TRANSPORT UNDER THIS SUBSECTION FOR A COMPLETE 90-DAY PERIOD BEFORE TRANSPORTING THE NEXT GREATER NUMBER OF PASSENGERS AS DESCRIBED IN THIS SUBSECTION, IF APPLICABLE. ENFORCEMENT OF THIS SUBSECTION BY STATE OR LOCAL LAW ENFORCEMENT AGENCIES SHALL BE ACCOMPLISHED ONLY AS A SECONDARY ACTION WHEN A DRIVER OF A MOTOR VEHICLE HAS BEEN DETAINED FOR ANOTHER VIOLATION OF THE LAWS OF THIS STATE OR A LOCAL ORDINANCE OR IF THE VEHICLE HAS BEEN INVOLVED IN A TRAFFIC ACCIDENT.

(16) THE RESTRICTIONS ON THE NUMBER OF PASSENGERS UNDER THE AGE OF 18, OTHER THAN IMMEDIATE FAMILY MEMBERS, UNDER SUBSECTION (15), DO NOT APPLY IF THE TRANSPORTATION IS TO OR FROM A CHURCH, MOSQUE, SYNAGOGUE, OR OTHER HOUSE OF RELIGIOUS WORSHIP OR TO OR FROM AN ACTIVITY OR EVENT SPONSORED BY A CHURCH, MOSQUE, SYNAGOGUE, OR OTHER HOUSE OF RELIGIOUS WORSHIP.]