

SENATE BILL No. 1332

May 27, 2008, Introduced by Senators KAHN and KUIPERS and referred to the Committee on Education.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 306, 310e, and 811 (MCL 257.306, 257.310e, and 257.811), section 306 as amended by 2006 PA 298, section 310e as amended by 2004 PA 362, and section 811 as amended by 2006 PA 589, and by adding section 310f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 306. (1) The secretary of state, upon receiving an
2 application for a temporary instruction permit from a person who
3 is 18 years of age or older, may issue that permit entitling the
4 applicant, while carrying the permit, to drive a motor vehicle
5 other than a motor vehicle requiring an indorsement under section
6 312a or a vehicle group designation under section 312e upon the
7 highways for a period of 180 days when accompanied by a licensed

1 adult operator or chauffeur who is actually occupying a seat
2 beside the driver.

3 (2) The secretary of state may issue an original operator's
4 license and designate level 1, 2, or 3 graduated licensing
5 provisions to a person who is less than 18 years of age, has been
6 licensed in another state or country, and has satisfied the
7 applicable requirements of section 310e.

8 (3) A student enrolled in a driver education course as that
9 term is defined in section ~~1-3~~ of the driver education ~~and~~
10 ~~training schools act, 1974 PA 369, MCL 256.601~~ **PROVIDER AND**
11 **INSTRUCTOR ACT, 2006 PA 384, MCL 256.623,** or a motorcycle safety
12 course approved by the department of state, **OR RECEIVING DRIVER**
13 **EDUCATION INSTRUCTION IN A COURSE APPROVED UNDER SECTION 310F** may
14 operate a motor vehicle without holding an operator's license or
15 permit while under the direct supervision of the program
16 instructor.

17 (4) A student enrolled in a driver education course as that
18 term is defined in section ~~1-3~~ of the driver education ~~and~~
19 ~~training schools act, 1974 PA 369, MCL 256.601,~~ ~~and~~ **PROVIDER AND**
20 **INSTRUCTOR ACT, 2006 PA 384, MCL 256.623, OR RECEIVING DRIVER**
21 **EDUCATION INSTRUCTION IN A COURSE APPROVED UNDER SECTION 310F** who
22 has successfully completed 10 hours of classroom instruction and
23 the equivalent of 2 hours of behind-the-wheel training may be
24 issued a temporary driver education certificate furnished by the
25 department of state that authorizes ~~a~~ **THE** student to drive a
26 motor vehicle, other than a motor vehicle requiring an
27 indorsement ~~pursuant to~~ **UNDER** section 312a or a vehicle group

1 designation pursuant to ~~UNDER~~ section 312e, when accompanied by a
2 licensed parent or guardian, or when accompanied by a nonlicensed
3 parent or guardian and a licensed adult for the purpose of
4 receiving additional instruction until the end of the student's
5 driver education course.

6 (5) The secretary of state, upon receiving proper
7 application from a person 16 or 17 years of age who is enrolled
8 in or has successfully completed an approved motorcycle safety
9 course under section 811a, or a person who is 18 years of age or
10 older and who holds a valid operator's or chauffeur's license,
11 may issue a motorcycle temporary instruction permit entitling the
12 applicant, while carrying the permit, to operate a motorcycle
13 upon the public streets and highways for a period of 180 days,
14 but only when under the constant visual supervision of a licensed
15 motorcycle operator at least 18 years of age. The applicant shall
16 not operate the motorcycle at night or with a passenger.

17 (6) Except as prohibited under federal law, the secretary of
18 state, upon receiving proper application from a person who is 18
19 years of age or older, who holds a valid operator's or
20 chauffeur's license other than a restricted license, and who has
21 passed the knowledge test for an original vehicle group
22 designation or indorsement, may issue a temporary instruction
23 permit entitling the person, while carrying the permit, to drive
24 a vehicle requiring a vehicle group designation or vehicle group
25 indorsement under section 312e upon the streets and highways for
26 a period of 180 days, but only when accompanied by a licensed
27 adult operator or chauffeur who is licensed with the appropriate

1 vehicle group designation and indorsement for the vehicle group
2 being driven and who is actually occupying a seat beside the
3 driver, or behind the driver if the permittee is driving a bus or
4 school bus. In addition, if a permittee is enrolled in a driver
5 training program for drivers of motor vehicles requiring a
6 vehicle group designation or vehicle group indorsement under
7 section 312e, which program is conducted by a college, a
8 university, a school licensed by the department under the driver
9 education ~~and training schools act, 1974 PA 369, MCL 256.601 to~~
10 ~~256.612~~ **PROVIDER AND INSTRUCTOR ACT, 2006 PA 384, MCL 256.621 TO**
11 **256.705**, or a local or intermediate school district, the
12 permittee may drive a vehicle requiring a vehicle group
13 designation or vehicle group indorsement on the streets and
14 highways of this state for a period of 180 days when accompanied
15 by an instructor licensed with the appropriate vehicle group
16 designation and indorsement for the vehicle being driven who is
17 either occupying the seat beside the driver or in direct visual
18 and audio communication with the permittee. A person issued a
19 temporary instruction permit under this section shall not operate
20 a vehicle designed to carry 16 or more passengers that is
21 transporting passengers except with an instructor licensed with
22 the appropriate vehicle group designation and indorsement for the
23 vehicle being driven or a driver skills test examiner.

24 Sec. 310e. (1) Except as otherwise provided in this act, an
25 operator's or chauffeur's license issued to a person who is 17
26 years of age or less shall be in a form as prescribed in section
27 310 beginning July 1, 2003, and is valid only upon the issuance

1 of a graduated driver license.

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

6 (3) Except as otherwise provided in section 303, a person
7 who is not less than 14 years and 9 months of age may be issued a
8 level 1 graduated licensing status to operate a motor vehicle if
9 the person has satisfied all of the following conditions:

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

12 (b) Successfully completed segment 1 of a driver education
13 course as that term is defined in section ~~1-3~~ of the driver
14 education and training schools act, 1974 PA 369, MCL 256.601,
15 **PROVIDER AND INSTRUCTOR ACT, 2006 PA 384, MCL 256.623, OR ITS**
16 **EQUIVALENT UNDER SECTION 310F**, including a minimum of 6 hours of
17 on-the-road driving time with the instructor.

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

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

26 (5) A person may be issued a level 2 graduated licensing
27 status to operate a motor vehicle if the person has satisfied all

1 of the following conditions:

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

4 (b) Successfully completed segment 2 of a driver education
5 course as that term is defined in section ~~1-3~~ of the driver
6 ~~education and training schools act, 1974 PA 369, MCL 256.601~~
7 **PROVIDER AND INSTRUCTOR ACT, 2006 PA 384, MCL 256.623, OR ITS**
8 **EQUIVALENT UNDER SECTION 310F.**

9 (c) Not incurred a moving violation resulting in a
10 conviction or civil infraction determination or been involved in
11 an accident for which the official police report indicates a
12 moving violation on the part of the person during the 90-day
13 period immediately preceding application.

14 (d) Presented a certification by the parent or guardian that
15 he or she, accompanied by his or her licensed parent or legal
16 guardian or, with the permission of the parent or legal guardian,
17 any licensed driver 21 years of age or older, has accumulated a
18 total of not less than 50 hours of behind-the-wheel experience
19 including not less than 10 nighttime hours.

20 (e) Successfully completed a secretary of state approved
21 driving skills test. The secretary of state may enter into an
22 agreement with another public or private corporation or agency to
23 conduct this driving skills test. Before the secretary of state
24 authorizes a person to administer a corporation's or agency's
25 driver skills testing operations or authorizes an examiner to
26 conduct a driving skills test, that person or examiner must
27 complete both a state and federal bureau of investigation

1 fingerprint based criminal history check through the department
2 of state police. This subdivision applies to a person 16 years of
3 age or over only if the person has satisfied subdivisions (a),
4 (b), (c), and (d).

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

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

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

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

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

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

25 (8) The provisional period described in subsection (4) shall
26 be extended under subsection (7) until the licensee completes 90
27 consecutive days without a moving violation, an accident in which

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

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

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

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

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

24 (13) For purposes of this section:

25 (a) Upon conviction for a moving violation, the date of the
26 arrest for the violation shall be used in determining whether the
27 conviction occurred within a provisional licensure period under

1 this section.

2 (b) Upon entry of a civil infraction determination for a
3 moving violation, the date of issuance of a citation for a civil
4 infraction shall be used in determining whether the civil
5 infraction determination occurred within a provisional licensure
6 period under this section.

7 (c) The date of the official police report shall be used in
8 determining whether a licensee was driving a motor vehicle
9 involved in an accident for which the official police report
10 indicates a moving violation on the part of the licensee or
11 indicates the licensee had been drinking alcoholic liquor.

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

17 **SEC. 310F. (1) THE DEPARTMENT SHALL PROVIDE FOR THE APPROVAL**
18 **OF DRIVER EDUCATION INSTRUCTION PROVIDED BY PARENTS AND GUARDIANS**
19 **TO THEIR OWN CHILDREN OR WARDS. IN APPROVING DRIVER EDUCATION**
20 **INSTRUCTION UNDER THIS SECTION, THE DEPARTMENT SHALL REQUIRE ALL**
21 **OF THE FOLLOWING:**

22 (A) THE INSTRUCTION SHALL BE PROVIDED BY THE PARENT OR
23 GUARDIAN OF THE INDIVIDUAL WHO IS TO RECEIVE THE INSTRUCTION.

24 (B) THE PARENT OR GUARDIAN SHALL BE LICENSED IN THIS STATE
25 TO OPERATE A MOTOR VEHICLE.

26 (C) THE DRIVER EDUCATION INSTRUCTION SHALL MEET THE SAME
27 EDUCATIONAL REQUIREMENTS AS A DRIVER EDUCATION COURSE PROVIDED BY

1 A DRIVER TRAINING SCHOOL LICENSED UNDER THE DRIVER EDUCATION
2 PROVIDER AND INSTRUCTOR ACT, 2006 PA 384, MCL 256.621 TO 256.705,
3 EXCEPT AS FOLLOWS:

4 (i) THE CLASSROOM INSTRUCTION IS NOT REQUIRED TO BE PROVIDED
5 IN A ROOM HAVING PARTICULAR CHARACTERISTICS OR EQUIPMENT.

6 (ii) THE VEHICLE USED FOR THE BEHIND-THE-WHEEL INSTRUCTIONS
7 IS NOT REQUIRED TO HAVE EQUIPMENT OTHER THAN AS REQUIRED BY LAW
8 FOR A VEHICLE OPERATED UPON A HIGHWAY IN THIS STATE WHEN IT IS
9 NOT BEING USED FOR DRIVER TRAINING.

10 (iii) THE INSTRUCTOR IS NOT REQUIRED TO BE LICENSED UNDER THE
11 DRIVER EDUCATION PROVIDER AND INSTRUCTOR ACT, 2006 PA 384, MCL
12 256.621 TO 256.705.

13 (2) THE DEPARTMENT SHALL PROMULGATE RULES UNDER THE
14 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO
15 24.328, TO IMPLEMENT THIS SECTION. THE RULES PROMULGATED BY THE
16 DEPARTMENT UNDER THIS SECTION SHALL, AT A MINIMUM, ADDRESS THE
17 REQUIREMENTS OF SUBSECTION (1) AND BOTH OF THE FOLLOWING:

18 (A) A METHOD FOR APPROVING DRIVER EDUCATION INSTRUCTION
19 PROGRAMS THAT ARE READILY AVAILABLE FOR USE UNDER THIS SECTION BY
20 PARENTS AND GUARDIANS.

21 (B) A FORM THAT A PARENT OR GUARDIAN WHO PROVIDES DRIVER
22 EDUCATION INSTRUCTION TO AN INDIVIDUAL UNDER THIS SECTION CAN
23 SIGN TO VERIFY THAT THE INDIVIDUAL HAS MET ALL OF HIS OR HER
24 DRIVER EDUCATION REQUIREMENTS.

25 (3) SUCCESSFUL COMPLETION OF DRIVER EDUCATION INSTRUCTION
26 APPROVED UNDER THIS SECTION IS FOR ALL PURPOSES OF THIS ACT THE
27 SAME AS COMPLETING A DRIVER EDUCATION COURSE PROVIDED UNDER THE

1 DRIVER EDUCATION PROVIDER AND INSTRUCTOR ACT, 2006 PA 384, MCL
2 256.621 TO 256.705.

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

8	Operator's license.....	\$	25.00
9	Chauffeur's license.....		35.00
10	Minor's restricted license.....		25.00

11 The renewal fee for an operator's license renewed under this
12 section is \$18.00. However, if an operator's license is expired
13 at the time of the renewal, the fee is the same as the original
14 fee, except as provided in subsection (4). The date of an
15 application for a renewal of an operator's license under this
16 section that is delivered to the secretary of state by regular
17 mail is the postmark date in determining the fee to be assessed.

18 (2) The secretary of state shall deposit the money received
19 and collected under subsection (1) in the state treasury to the
20 credit of the general fund. The secretary of state shall refund
21 out of the fees collected to each county or municipality acting
22 as an examining officer or examining bureau \$2.50 for each
23 applicant examined for an original license, \$1.00 for each
24 applicant examined for an original chauffeur's license, and \$1.00
25 for every other applicant examined, if the application is not
26 denied and the money refunded is paid to the county or local

1 treasurer and is appropriated to the county, municipality, or
2 officer or bureau receiving the money for the purpose of carrying
3 out this act. The state treasurer shall deposit the sum of \$4.00
4 in the traffic law enforcement and safety fund created in section
5 819a for each person examined for an original license, a renewal
6 operator's license, an original chauffeur's license, or a renewal
7 chauffeur's license, except that the sum deposited for each 2-
8 year operator's or 2-year chauffeur's license shall be \$2.00.

9 (3) Notwithstanding sections 306 and 308, an operator's
10 license shall not be issued to a person under 18 years of age
11 unless that person successfully passes a driver education course
12 and examination given by a school licensed under the driver
13 education and ~~training schools act, 1974 PA 369, MCL 256.601 to~~
14 ~~256.612~~ **PROVIDER AND INSTRUCTOR ACT, 2006 PA 384, MCL 256.621 TO**
15 **256.705, OR UNDER SECTION 310F.** A person who has been a holder of
16 a motor vehicle operator's license issued by any other state,
17 territory, or possession of the United States, or any other
18 sovereignty for 1 year immediately before application for an
19 operator's license under this act is not required to comply with
20 this subsection. Restricted licenses may be issued ~~pursuant to~~
21 **UNDER** section 312 without compliance with this subsection.

22 (4) A person who is on active military service at the time
23 his or her operator's license expires shall be charged the
24 renewal rate for renewing his or her operator's license under
25 this section if all of the following apply:

26 (a) He or she applies for renewal within 30 days of
27 returning to this state from active duty.

1 (b) He or she held a valid, unexpired operator's license
2 from this state immediately prior to leaving this state for
3 active military service.

4 (c) He or she presents such documentation as the secretary
5 of state requires to establish eligibility under this subsection.