

# HOUSE BILL No. 5059

October 4, 2017, Introduced by Rep. Kosowski and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 306, 308, and 310e (MCL 257.306, 257.308, and 257.310e), sections 306 and 310e as amended by 2015 PA 11 and section 308 as amended by 1999 PA 40.

## 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 is  
3       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  
8       adult operator or chauffeur who is actually occupying a seat beside  
9       the driver.

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

6           (3) A student enrolled in a driver education course as defined  
7 in section 3 of the driver education provider and instructor act,  
8 2006 PA 384, MCL 256.623, or a motorcycle safety course approved by  
9 the department of state may operate a motor vehicle that does not  
10 require a group designation under section 312e without holding an  
11 operator's license or permit while under the direct supervision of  
12 the program instructor.

13           (4) A student enrolled in a driver education course as defined  
14 in section 3 of the driver education provider and instructor act,  
15 2006 PA 384, MCL 256.623, and who has successfully completed 10  
16 hours of classroom instruction and the equivalent of 2 hours of  
17 behind-the-wheel training may be issued a temporary driver  
18 education certificate furnished by the department of state that  
19 authorizes a student to drive a motor vehicle, other than a motor  
20 vehicle requiring an indorsement under section 312a or a vehicle  
21 group designation under section 312e, when accompanied by a  
22 licensed parent or guardian, ~~or when accompanied by a nonlicensed~~  
23 ~~parent or guardian and a licensed adult, OR, IF THE STUDENT IS A~~  
24 **FOSTER CHILD, A LICENSED ADULT**, for the purpose of receiving  
25 additional instruction until the end of the student's driver  
26 education course. **AS USED IN THIS SUBSECTION, "FOSTER CHILD" MEANS**  
27 **A CHILD PLACED IN FOSTER CARE AS THAT TERM IS DEFINED IN SECTION 2**

1 **OF THE FOSTER CARE AND ADOPTION SERVICES ACT, 1994 PA 203, MCL**  
2 **722.952.**

3 (5) Beginning January 1, 2015, the secretary of state, upon  
4 receiving proper application from a person 16 or 17 years of age  
5 who is enrolled in or has successfully completed an approved  
6 motorcycle safety course under section 811a, or a person who is 18  
7 years of age or older and who holds a valid operator's or  
8 chauffeur's license, may issue a motorcycle temporary instruction  
9 permit entitling the applicant, while carrying the permit, to  
10 operate a motorcycle upon the public streets and highways for a  
11 period of 180 days under the following conditions:

12 (a) The applicant shall operate the motorcycle under the  
13 constant visual supervision of a licensed motorcycle operator who  
14 is at least 18 years of age.

15 (b) The applicant shall not operate the motorcycle at night.

16 (c) The applicant shall not operate the motorcycle with a  
17 passenger.

18 (d) The applicant shall not be eligible for more than 2  
19 motorcycle temporary instruction permits in a 10-year period.

20 Sec. 308. (1) The secretary of state shall not approve the  
21 application of a person who is 17 years of age or less for an  
22 operator's license unless the application is signed by the parent  
23 or guardian of the applicant and the person has satisfied the  
24 appropriate requirements of section 310e, or if the person does not  
25 have a parent or guardian **OR IS A FOSTER CHILD**, then a license  
26 shall not be granted to the person unless the application is signed  
27 by another responsible adult and the person has satisfied the

1 appropriate requirements of section 310e. **AS USED IN THIS**  
2 **SUBSECTION, "FOSTER CHILD" MEANS A CHILD PLACED IN FOSTER CARE AS**  
3 **THAT TERM IS DEFINED IN SECTION 2 OF THE FOSTER CARE AND ADOPTION**  
4 **SERVICES ACT, 1994 PA 203, MCL 722.952.**

5 (2) This section does not apply to minors emancipated under  
6 1968 PA 293, MCL 722.1 to 722.6.

7 Sec. 310e. (1) Except as otherwise provided in this act, an  
8 operator's or chauffeur's license issued to a person who is 17  
9 years of age or less shall be in a form as prescribed in section  
10 310, and valid only upon the issuance of a graduated driver  
11 license.

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

15 (3) Except as otherwise provided in section 303, a person who  
16 is not less than 14 years and 9 months of age may be issued a level  
17 1 graduated licensing status to operate a motor vehicle if the  
18 person has satisfied all of the following conditions:

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

21 (b) Successfully completed segment 1 of a driver education  
22 course as that term is defined in section 7 of the driver education  
23 provider and instructor act, 2006 PA 384, MCL 256.627, including a  
24 minimum of 6 hours of on-the-road driving time with the instructor.

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

26 **OR, IF THE PERSON IS A FOSTER CHILD, WRITTEN APPROVAL OF A**  
27 **RESPONSIBLE ADULT.**

(4) A person issued a level 1 graduated licensing status may operate a motor vehicle only when accompanied either by a licensed parent or legal guardian or, with the permission of the parent or legal guardian, a licensed driver 21 years of age or older. **A FOSTER CHILD ISSUED A LEVEL 1 GRADUATED LICENSING STATUS MAY OPERATE A MOTOR VEHICLE ONLY WHEN ACCOMPANIED BY A LICENSED DRIVER 21 YEARS OF AGE OR OLDER.** Except as otherwise provided in this section, a person is restricted to operating a motor vehicle with a level 1 graduated licensing status for not less than 6 months.

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

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

(b) Successfully completed segment 2 of a driver education course as that term is defined in section 7 of the driver education provider and instructor act, 2006 PA 384, MCL 256.627.

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

(d) Presented a certification by the parent or guardian that the person, accompanied by his or her licensed parent or legal guardian or, with the permission of the parent or legal guardian, any licensed driver 21 years of age or older, has accumulated a total of not less than 50 hours of behind-the-wheel experience

1 including not less than 10 nighttime hours, **OR, IF THE PERSON IS A**  
2 **FOSTER CHILD, PRESENTED A CERTIFICATION BY A RESPONSIBLE ADULT THAT**  
3 **THE PERSON, ACCOMPANIED BY ANY LICENSED DRIVER 21 YEARS OF AGE OR**  
4 **OLDER, HAS ACCUMULATED A TOTAL OF NOT LESS THAN 50 HOURS OF BEHIND-**  
5 **THE-WHEEL EXPERIENCE INCLUDING NOT LESS THAN 10 NIGHTTIME HOURS.**

6 (e) Successfully completed a secretary of state approved  
7 driving skills test. The secretary of state may enter into an  
8 agreement with another public or private corporation or agency to  
9 conduct this driving skills test. Before the secretary of state  
10 authorizes a person to administer a corporation's or agency's  
11 driver skills testing operations or authorizes an examiner to  
12 conduct a driving skills test, that person or examiner must  
13 complete both a state and Federal Bureau of Investigation  
14 fingerprint based criminal history check through the department of  
15 state police. This subdivision applies to a person 16 years of age  
16 or over only if the person has satisfied subdivisions (a), (b),  
17 (c), and (d).

18 (6) A person issued a level 2 graduated licensing status under  
19 subsection (5) shall remain at level 2 for not less than 6 months.  
20 A person issued a level 2 graduated licensing status under  
21 subsection (5) shall not operate a vehicle under the following  
22 circumstances:

23 (a) Between the hours of 10 p.m. and 5 a.m. This subdivision  
24 does not apply if either of the following applies:

25 (i) The person is accompanied by a parent or legal guardian or  
26 a licensed driver 21 years of age or older designated by the parent  
27 or legal guardian **OR, IF THE PERSON IS A FOSTER CHILD, THE PERSON**

1 **IS ACCOMPANIED BY A LICENSED DRIVER 21 YEARS OF AGE OR OLDER.**

2 (ii) The person is operating the vehicle in the course of his  
3 or her employment or while going to or from employment or while  
4 going to or from an authorized activity.

5 (b) With more than 1 passenger in the vehicle who is less than  
6 21 years of age. This subdivision does not apply if any of the  
7 following apply:

8 (i) The person is accompanied by a parent or legal guardian or  
9 a licensed driver 21 years of age or older designated by the parent  
10 or legal guardian **OR, IF THE PERSON IS A FOSTER CHILD, THE PERSON**  
11 **IS ACCOMPANIED BY A LICENSED DRIVER 21 YEARS OF AGE OR OLDER.**

12 (ii) Any additional passengers who are less than 21 years of  
13 age are members of his or her immediate family.

14 (iii) The person is operating the vehicle in the course of his  
15 or her employment or while going to or from employment or while  
16 going to or from an authorized activity.

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

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

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

27 (c) A license suspension for a reason other than a mental or

1 physical disability.

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

3 (8) The provisional period described in subsection (4) shall  
4 be extended under subsection (7) until the licensee completes 90  
5 consecutive days without a moving violation, an accident in which a  
6 moving violation resulted, suspension, or provisional period  
7 violation listed in subsection (7), or until age 18, whichever  
8 occurs first. The provisional period described in subsection (6)  
9 shall be extended under subsection (7) until the licensee completes  
10 12 consecutive months without a moving violation, suspension, or  
11 restricted period violation listed in subsection (7) or until age  
12 18, whichever occurs first.

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

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

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

25 (12) If a person is determined responsible for a violation of  
26 subsection (4) or (6), the secretary of state shall send written  
27 notification of any conviction or moving violation to a designated



parent or guardian of the person **OR, IF THE PERSON IS A FOSTER CHILD, TO A RESPONSIBLE ADULT DESIGNATED BY THE PERSON.**

(13) For purposes of this section:

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

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

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

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

(15) As used in this section: ~~,"authorized activity"~~

**(A) "AUTHORIZED ACTIVITY"** means any of the following:

**(i)** ~~(a)~~ A school or a school-sanctioned event or activity. For purposes of this ~~subdivision,~~ **SUBPARAGRAPH**, school means a public or private school, including a home school.

1       (ii) ~~(b)~~—A sporting event or activity, or extracurricular  
2 event or activity, that is not school-sanctioned but that is part  
3 of an official sports league or association or an official  
4 extracurricular club, or that is paid for as a service offered by a  
5 business specializing in those events or activities or training for  
6 those events or activities.

7       (iii) ~~(c)~~—A class or program of vocational instruction offered  
8 by a college, community college, nonprofit association, or unit of  
9 government or by a business specializing in vocational training.

10       (iv) ~~(d)~~—An event or activity sponsored by a religious  
11 organization that is tax-exempt under federal law.

12       (v) ~~(e)~~—Transporting an individual in need of immediate  
13 emergency care or personal protection to a health care  
14 professional, hospital, police station, domestic violence shelter,  
15 or public safety location.

16       **(B) "FOSTER CHILD" MEANS A CHILD PLACED IN FOSTER CARE AS THAT**  
17 **TERM IS DEFINED IN SECTION 2 OF THE FOSTER CARE AND ADOPTION**  
18 **SERVICES ACT, 1994 PA 203, MCL 722.952.**

19       Enacting section 1. This amendatory act takes effect 90 days  
20 after the date it is enacted into law.