

SUBSTITUTE FOR
SENATE BILL NO. 390

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 208b, 312a, and 312b (MCL 257.208b, 257.312a,
and 257.312b), section 208b as amended by 2011 PA 159 and section
312b as amended by 2004 PA 362.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 208b. (1) The secretary of state may provide a commercial
2 look-up service of records maintained under this act. For each
3 individual record looked up, the secretary of state shall charge a
4 fee specified annually by the legislature ~~—~~or, if the legislature
5 does not specify a fee, a market-based price established by the
6 secretary of state. The secretary of state shall process a
7 commercial look-up request only if the request is in a form or
8 format prescribed by the secretary of state. **IN ADDITION TO THE FEE**
9 **SPECIFIED ANNUALLY BY THE LEGISLATURE OR, IF THE LEGISLATURE DOES**

1 NOT SPECIFY A FEE, A MARKET-BASED PRICE ESTABLISHED BY THE
 2 SECRETARY OF STATE UNDER THIS SUBSECTION, THE DEPARTMENT MAY, UPON
 3 A REQUEST FROM THE DEPARTMENT OF TECHNOLOGY, MANAGEMENT, AND
 4 BUDGET, COLLECT AN ADDITIONAL WEB PORTAL DEVELOPMENT FEE TO BE USED
 5 FOR STATE OF MICHIGAN WEB PORTAL DEVELOPMENT. Fees collected under
 6 this subsection ~~on and after October 1, 2005 through October 1,~~
 7 ~~2015~~ shall be credited to the transportation administration
 8 collection fund created in section 810b.

9 (2) THE SECRETARY OF STATE MAY DESIGNATE A PRIVATE ENTITY TO
 10 PROVIDE A COMMERCIAL LOOK-UP SERVICE AND COLLECT FEES AUTHORIZED BY
 11 THE LEGISLATURE AND SECRETARY OF STATE UNDER THIS SECTION. FEES
 12 COLLECTED UNDER THIS SUBSECTION SHALL BE CREDITED TO THE
 13 TRANSPORTATION ADMINISTRATION COLLECTION FUND CREATED IN SECTION
 14 810B, EXCEPT THAT A WEB PORTAL DEVELOPMENT FEE COLLECTED BY A
 15 PRIVATE ENTITY UNDER THIS SUBSECTION SHALL BE USED BY THAT PRIVATE
 16 ENTITY FOR STATE OF MICHIGAN WEB PORTAL DEVELOPMENT AND SHALL NOT
 17 BE REMITTED TO THE TRANSPORTATION ADMINISTRATION COLLECTION FUND. A
 18 PRIVATE ENTITY DESIGNATED UNDER THIS SUBSECTION SHALL BE CHOSEN
 19 THROUGH COMPETITIVE BIDDING UNLESS THE DEPARTMENT AFFIRMATIVELY
 20 FINDS THAT, UNDER THE CIRCUMSTANCES RELATING TO A COMMERCIAL LOOK-
 21 UP SERVICE, SOME OTHER METHOD IS IN THE PUBLIC INTEREST. THE
 22 DEPARTMENT'S FINDINGS UNDER THIS SUBSECTION SHALL BE REPORTED TO
 23 THE DEPARTMENT OF TECHNOLOGY, MANAGEMENT, AND BUDGET AND THE
 24 APPROPRIATIONS SUBCOMMITTEES OF THE SENATE AND HOUSE OF
 25 REPRESENTATIVES NO LATER THAN 90 DAYS BEFORE WORK IS COMMENCED.

26 (3) ~~(2)~~ A driver education provider shall subscribe to the
 27 commercial look-up service ~~maintained by the secretary of~~

1 ~~state-DESCRIBED IN SUBSECTION (1).~~

2 (4) ~~(3)~~—A driver education provider shall maintain on its
3 premises the most current copy of all nonpersonal information
4 related to his or her driving record and the driving record of each
5 instructor employed by the driver education provider for review by
6 any prospective customer or the parent or guardian of a prospective
7 customer.

8 (5) ~~(4)~~—A prospective customer or the parent or guardian of a
9 prospective customer may review a copy of all nonpersonal
10 information related to the driving record of the driver education
11 provider or an instructor employed by the driver education
12 provider.

13 (6) ~~(5)~~—A driver education provider shall include in its
14 contract with each client, as prescribed by the secretary of state,
15 a notice that nonpersonal information related to the driving record
16 of each individual instructor is available for review by the
17 general public. A driver education provider who fails to include
18 the information required by this subsection is subject to a fine of
19 not more than \$500.00.

20 (7) ~~(6)~~—Each limo carrier of passengers shall subscribe to the
21 commercial look-up service ~~maintained by the secretary of~~
22 ~~state-DESCRIBED IN SUBSECTION (1).~~

23 (8) ~~(7)~~—A person who drives a limousine for hire for a limo
24 carrier of passengers shall maintain a most current copy of all
25 nonpersonal information related to the person's driving record in
26 the limousine available for review by any prospective passenger.

27 (9) ~~(8)~~—A prospective passenger may review a copy of all

1 nonpersonal information related to the driving record of the driver
2 of a limousine from a limo carrier of passengers or from the driver
3 of the limousine.

4 (10) ~~(9)~~—The secretary of state **OR A PRIVATE ENTITY ACTING ON**
5 **BEHALF OF THE SECRETARY OF STATE UNDER THIS SECTION** shall not
6 provide an entire computerized central file or other file of
7 records maintained under this act to a nongovernmental person or
8 entity, unless the person or entity pays the prescribed fee for
9 each individual record contained within the computerized file.

10 (11) ~~(10)~~—A driver training school operator who fails to
11 provide the information required to be maintained by this section
12 is subject to a fine of not more than \$500.00. Each failure to
13 provide information constitutes a separate offense.

14 (12) ~~(11)~~—A limo carrier of passengers who fails to provide
15 the information required to be maintained by this section is
16 subject to a fine of not more than \$500.00. Each failure to provide
17 information constitutes a separate offense.

18 (13) ~~(12)~~—The driver of a limousine who fails to provide the
19 information required by this section is subject to a fine of not
20 more than \$500.00. Each failure to provide information constitutes
21 a separate offense.

22 (14) ~~(13)~~—As used in this section:

23 (a) "Driver education provider" means that term as defined in
24 section 5 of the driver education provider and instructor act, 2006
25 PA 384, MCL 256.625.

26 (b) "Limo carrier of passengers" and "limousine" mean those
27 terms as defined in section 3 of the limousine transportation act,

1 1990 PA 271, MCL 257.1903.

2 Sec. 312a. (1) A person, before operating a motorcycle, **OTHER**
3 **THAN AN AUTOCYCLE**, upon a public street or highway in this state,
4 shall procure a motorcycle indorsement on ~~the~~ **HIS OR HER** operator's
5 or chauffeur's license. The license shall be issued, suspended,
6 revoked, canceled, or renewed in accordance with and governed by
7 this act.

8 (2) A person, before operating a moped upon a highway shall
9 procure a special restricted license to operate a moped unless the
10 person has a valid operator's or chauffeur's license. A special
11 restricted license to operate a moped may be issued to a person 15
12 years of age or older if the person satisfies the secretary of
13 state that he is competent to operate a moped with safety. The
14 secretary of state shall not require a road test before issuance of
15 a special restricted license to operate a moped.

16 (3) A special restricted license to operate a moped shall
17 expire on the birthday of the person to whom it is issued in the
18 fourth year following the date of issuance. A license shall not be
19 issued for a period longer than 4 years. A person issued a license
20 to operate a moped shall pay \$7.50 for an original license and
21 \$6.00 for a renewal license. The money received and collected under
22 this subsection shall be deposited in the state treasury to the
23 credit of the general fund. The secretary of state shall refund out
24 of the fees collected to each county or municipality, acting as an
25 examining officer, \$2.50 for each applicant examined for an
26 original license and \$1.00 for a renewal license.

27 Sec. 312b. (1) Before a person who is less than 18 years of

1 age is issued an original motorcycle endorsement on an operator's
2 or chauffeur's license, the person shall pass an examination as
3 required by this section and a motorcycle safety course as provided
4 in section 811a or 811b.

5 (2) Before a person who is 18 years of age or older is issued
6 an original motorcycle endorsement on an operator's or chauffeur's
7 license, the person shall pass an examination as required by this
8 section. A person who fails this examination 2 or more times is
9 required to successfully complete a motorcycle safety course as
10 provided in section 811a or 811b. Each written examination given an
11 applicant for a motorcycle endorsement on an operator's or
12 chauffeur's license as provided in section 309 shall also include
13 subjects designed to cover a motorcycle. A person shall pass an
14 examination that shall include a driving test designed to test the
15 competency of the applicant for the first motorcycle endorsement on
16 an operator's or chauffeur's license to operate a motorcycle upon
17 the roads and highways of this state with safety to himself or
18 herself and other persons and property. All examinations shall be
19 administered as provided in this act. The requirement of a
20 motorcycle driving skills test shall be waived for an applicant who
21 has successfully completed a motorcycle safety course conducted by
22 a school or business enterprise as provided in section 811a or
23 811b. The motorcycle safety course skills test shall meet or exceed
24 the motorcycle skills test from the secretary of state. The
25 requirement of a motorcycle driving skills test may be waived if
26 the applicant has a valid license or endorsement to operate a
27 motorcycle from another state.

1 (3) A motorcycle endorsement issued to a person who operates a
2 3-wheeled motorcycle ~~or an~~ **OTHER THAN AN** autocycle ~~shall be~~ **IS**
3 restricted to operation of that type of motorcycle and does not
4 permit operation of a 2-wheeled motorcycle. The secretary of state
5 shall develop a driving test specifically pertaining to ~~an~~
6 ~~autocycle or a 3-wheeled motorcycle~~ **OTHER THAN AN AUTOCYCLE.**

7 (4) The secretary of state is responsible for establishing and
8 conducting the motorcycle operator driving skills test and shall
9 promulgate rules under the administrative procedures act of 1969,
10 1969 PA 306, MCL 24.201 to 24.328, for purposes of this subsection.
11 An audit of the motorcycle safety fund shall be conducted by the
12 office of the auditor general to determine compliance with the
13 requirement that funds are being withdrawn only in relation to this
14 act. A copy of the audit shall be transmitted to the legislature
15 upon completion.

16 (5) The secretary of state may enter into an agreement with
17 another public or private corporation or agency to conduct a
18 driving skills test required under this section. Before the
19 secretary of state authorizes a person to administer a
20 corporation's or agency's driver skills testing operations or
21 authorizes an examiner to conduct a driving skills test, that
22 person or examiner must complete both a state and federal bureau of
23 investigation fingerprint based criminal history check through the
24 department of state police. In an agreement with another public or
25 private corporation or agency to conduct a driving skills test
26 under this section, the secretary of state shall prescribe the
27 method and examination criteria to be followed by the corporation,

1 agency, or examiner when conducting the driving skills test and the
2 form of the certification to be issued to a person who
3 satisfactorily completes a driving skills test. For administering
4 and overseeing a third party motorcycle testing program, the
5 secretary of state shall be reimbursed from the motorcycle safety
6 fund a total amount that does not exceed 50% of the department's
7 1995-1996 fiscal year appropriation for motorcycle testing under
8 this section.

9 (6) A person who corrupts or attempts to corrupt a
10 corporation, agency, or examiner that conducts a driving skills
11 test under an agreement entered into with the secretary of state
12 under this section by giving, offering, or promising any gift or
13 gratuity with the intent to influence the opinion or decision of
14 the corporation, agency, or examiner conducting the driving skills
15 test is guilty of a felony.

16 (7) A designated examining officer appointed or designated by
17 the secretary of state who conducts a driving skills test under an
18 agreement entered into under this section and who varies from,
19 shortens, or in any other way changes the method or examination
20 criteria prescribed to be followed under that agreement in
21 conducting a driving skills test under this section is guilty of a
22 felony.

23 (8) A person who forges, counterfeits, or alters a
24 satisfactorily completed driving skills test certification issued
25 by a designated examining officer appointed or designated by the
26 secretary of state under this section is guilty of a felony.