



**House  
Legislative  
Analysis  
Section**

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REFUSE DRIVER'S LIC. TO TEEN DROPOUTS

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JUN 1 1989

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House Bill 4234

Sponsor: Rep. Philip E. Hoffman

House Bill 4236

Sponsor: Rep. Claude Trim

Committee: Education

Complete to 4-3-89

**A SUMMARY OF HOUSE BILLS 4234 AND 4236 AS INTRODUCED 2-21-89**

The bills would provide procedures for the superintendent of a public or private secondary school and the secretary of state to follow when an individual sixteen or seventeen years old failed to attend school as specified in the bill. Among other things, a superintendent would have to notify the secretary of state of a student's extended absence or complete withdrawal from school. Upon receipt and verification of the notice, the secretary of state would try to contact the absent, suspended, or expelled individual, could not issue a temporary driving permit or regular driver's license to such an individual, and could suspend the person's driver's license or permit until certain conditions were met. The bills are tie-barred to each other.

House Bill 4234 would amend the School Code (MCL 380.1563) to require a high school superintendent to send written notice by registered mail to the secretary of state if a sixteen- or seventeen-year-old had withdrawn, or was absent, from school without excuse for more than 10 consecutive days, or was suspended or expelled from school for more than 30 consecutive days. The notice would be sent within seven days after the absence on a form prescribed by the secretary of state.

The superintendent could not send the notice if he or she knew any of the following circumstances existed:

- the individual was not required to attend school due to certain exemptions from the act's compulsory school attendance provision;
- the individual was enrolled in and attending a public or private secondary school;
- the individual had graduated from a secondary school or passed the general educational development test; or
- the individual was temporarily excused from attending school.

A person would not be liable for civil damages for an act or omission made in providing or attempting to provide written information to the secretary of state, unless he or she were grossly negligent or acted with willful and wanton misconduct in providing or trying to provide the information.

House Bill 4236 would amend the Michigan Vehicle Code (MCL 257.1 et al.) to require the secretary of state to send written notice by registered mail to an individual who had been reported by a superintendent under the provisions of House Bill 4234. The notice would be sent within seven days after receipt of the superintendent's notice on a form prescribed by the secretary of state. The notice would contain the following information:

- the individual's name, address, and date of birth;
- the school's name and address;
- a statement that the secretary of state had received information from the school that the individual had either a) withdrawn from school, b) been absent from school without excuse for more than 10 consecutive days, or c) been suspended or expelled for more than 30 consecutive days; and
- a statement that said the secretary of state could not issue a temporary instruction permit or a driver's license to the individual, and would suspend the individual's temporary permit or driver's license, unless he or she requested a hearing within 14 days after the notice's date and clearly proved with convincing evidence that he or she either a) was at least 18 years old, b) was enrolled in and attending a high school, or c) had graduated from high school or passed the general educational development test.

The secretary of state could not issue a temporary permit or driver's license to an individual, and would suspend the individual's permit or license, if he or she failed to request a hearing within 14 days of the notice's date; or failed to prove convincingly that he or she either was at least 18 years old, was enrolled in and attending high school, or had graduated from high school or passed the general educational development test.

The secretary of state could not deny or suspend an individual's temporary permit or driver's license if he or she were exempt, for certain reasons, from the School Code's compulsory school attendance provision.

An individual's hearing would be conducted in the same manner and under the same conditions as a hearing to appeal the secretary of state's final determination to deny, suspend, or revoke an individual's driver's license. Further, the secretary of state's final determination could be reviewed by the circuit court. The hearing would be restricted to the following issues:

- whether the individual was at least 18 years old;
- whether he or she were exempt, for certain reasons, from the School Code's compulsory attendance provision;
- whether he or she were enrolled in and attending a high school; or
- whether he or she had graduated high school or passed the general educational development test.

The secretary of state would issue a restricted license to an individual whose driver's license was denied or suspended if the denial or suspension would create undue hardship for that individual.