

Act No. 193  
Public Acts of 1991  
Approved by the Governor  
December 30, 1991  
Filed with the Secretary of State  
December 30, 1991

**STATE OF MICHIGAN  
86TH LEGISLATURE  
REGULAR SESSION OF 1991**

Introduced by Reps. Martin, Brackenridge, Willis Bullard, Sikkema, Sparks, Kosteva, Strand, Hoekman, Dobb, Hunter and Jaye  
Reps. Allen, Alley, Anthony, Barns, Bartnik, Byrum, Clack, Clarke, Dalman, DeMars, Dolan, Gilmer, Gnodtke, Griffin, Harrison, Hertel, Hoffman, Horton, Jacobetti, Jamian, London, Middaugh, Middleton, Munsell, Murphy, Niederstadt, Nye, O'Neill, Palamara, Porreca, Profit, Randall, Shugars, Trim, Varga, Walberg and Weeks named co-sponsors

## **ENROLLED HOUSE BILL No. 4499**

AN ACT to amend section 811 of Act No. 300 of the Public Acts of 1949, entitled as amended "An act to provide for the registration, titling, sale, transfer, and regulation of vehicles operated upon the public highways of this state or any other place open to the general public and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," as amended by Act No. 299 of the Public Acts of 1989, being section 257.811 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Section 811 of Act No. 300 of the Public Acts of 1949, as amended by Act No. 299 of the Public Acts of 1989, being section 257.811 of the Michigan Compiled Laws, is amended to read as follows:

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

Operator's license.....	\$ 12.00
Chauffeur's license.....	20.00
Minor's restricted license.....	5.00

(2) The secretary of state shall deposit the money received and collected under subsection (1) in the state treasury to the credit of the general fund. The secretary of state shall refund out of the fees collected to each county or municipality acting as an examining officer or examining bureau \$2.50 for each applicant examined for an original license, \$1.00 for each applicant examined for an original chauffeur's license, and \$1.00 for every other applicant examined, if the application is not denied and the money refunded is paid to the county or local treasurer and is appropriated to the county, municipality, or officer or bureau receiving the money for the purpose of carrying out this act. The state treasurer shall deposit the sum of \$4.00 in a driver education fund for each person examined for an original license, a renewal operator's license, an original chauffeur's license, or a renewal chauffeur's license, except that the sum deposited for each 2-year operator's or 2-year chauffeur's license shall be \$2.00. The department of education shall use the money in the driver education fund for administration of a driver education program and for distribution to local school districts to be used for driver education programs.

(3) From the money credited to the driver education fund, the legislature shall appropriate annually the sum of \$100,000.00 to the department of education for state administration of the program. In addition, the department of education shall distribute to local public school districts from the driver education fund the amount of \$45.00 per student or the actual cost per student, whichever is less, for each student completing an approved driver education course. The driver education courses shall be conducted by the local public school district, or may be conducted for the local school district by the intermediate district at the request of the local district, and, subject to eligibility requirements established under section 1302 of the school code of 1976, Act No. 451 of the Public Acts of 1976, being section 380.1302 of the Michigan Compiled Laws, enrollment in driver education courses shall be open to children enrolled in the high school grades of public, parochial, and private schools as well as resident out-of-school youth. Reimbursement to local school districts shall be made on the basis of an application made by the local school district superintendent to the department of education.

(4) As used in this section, "driver education courses" include classroom instruction, behind the wheel instruction, and observation in an automobile under the supervision of a qualified teacher or licensed instructor. The department of education shall not require that licensed driver training school teachers or instructors be certificated under Act No. 451 of the Public Acts of 1976, as amended, being sections 380.1 to 380.1852 of the Michigan Compiled Laws.

(5) The department of education may promulgate rules pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.328 of the Michigan Compiled Laws, including instructional standards, teacher qualifications, reimbursement procedures, and other requirements to further implement this section.

(6) Notwithstanding sections 301, 303, 306, and 308, an operator's license shall not be issued to a person under 18 years of age unless that person successfully passes a driver education course and examination given by a public school, nonpublic school, or an equivalent course approved by the department of education given by a licensed driver training school. A person who has been a holder of a motor vehicle operator's license issued by any other state, territory, or possession of the United States, or any other sovereignty for 1 year immediately before application for an operator's license under this act is not required to comply with this subsection. Restricted licenses may be issued pursuant to section 312 without compliance with this subsection. Subject to eligibility requirements established under section 1302 of Act No. 451 of the Public Acts of 1976, a driver education course shall be made available for a person under 18 years of age within a time that will enable that person to qualify for a license before the time that the person is permitted by law to have a license.

(7) A public school system shall not impose a charge or enrollment fee for a driver education course upon a student desiring to take the course as a duly enrolled student for the course in a school of the public school system.

(8) Not later than 5 years after the effective date of the amendatory act that added this subsection, the secretary of state shall prepare and submit to the legislature a report comparing aggregate driver record information for drivers trained in driver education programs for which eligibility requirements have been established under section 1302 of Act No. 451 of the Public Acts of 1976 to aggregate driver record information for drivers trained in driver education programs for which such eligibility requirements have not been established.

Section 2. This amendatory act shall not take effect unless House Bill No. 4402 of the 86th Legislature is enacted into law.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.