

Act No. 59  
Public Acts of 1992  
Approved by the Governor  
May 20, 1992  
Filed with the Secretary of State  
May 20, 1992

**STATE OF MICHIGAN  
86TH LEGISLATURE  
REGULAR SESSION OF 1992**

Introduced by Reps. Richard A. Young, Johnson, DeMars, Knight, Hickner and Pitoniak

# **ENROLLED HOUSE BILL No. 5189**

AN ACT to amend sections 312b and 811a 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," section 312b as amended by Act No. 495 of the Public Acts of 1988 and section 811a as amended by Act No. 85 of the Public Acts of 1987, being sections 257.312b and 257.811a of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Sections 312b and 811a of Act No. 300 of the Public Acts of 1949, section 312b as amended by Act No. 495 of the Public Acts of 1988 and section 811a as amended by Act No. 85 of the Public Acts of 1987, being sections 257.312b and 257.811a of the Michigan Compiled Laws, are amended to read as follows:

Sec. 312b. (1) Before a person who is less than 18 years of age is issued an original motorcycle indorsement on an operator's or chauffeur's license, the person shall pass an examination as required by this section and a motorcycle safety course as provided in section 811a or 811b.

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

(3) A motorcycle indorsement issued to a person who operates a 3-wheeled motorcycle or an autocycle shall be restricted to operation of that type of motorcycle and does not permit operation of a 2-wheeled motorcycle. The secretary of state shall develop a driving test specifically pertaining to an autocycle or a 3-wheeled motorcycle.

(4) The secretary of state is responsible for establishing and conducting the motorcycle operator driving test and shall promulgate rules under 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, for purposes of this subsection. The secretary of state shall be reimbursed from the motorcycle safety fund for additional reasonable costs incurred by the department in developing and administering the driving test required under this section. An audit of the motorcycle safety fund shall be conducted in conjunction with the audit of school management services by the office of the auditor general to determine compliance with the requirement that funds are being withdrawn only to reimburse additional reasonable costs related to this act and not costs that are already a function or duty of the education act. A copy of this audit shall be transmitted to the legislature upon completion.

(5) The secretary of state shall charge a \$15.00 fee for each motorcycle operator driving test. The \$15.00 fee shall be placed in a motorcycle safety fund in the state treasury and shall be used only for funding the motorcycle safety education program as provided for under this section and section 811a.

Sec. 811a. (1) A motorcycle safety course required under section 312b conducted by a college or university, an intermediate school district, a local school district, a law enforcement agency, or any other governmental agency located in this state shall be conducted under this section.

(2) Except for motorcycle safety courses conducted under section 811b, an applicant for a motorcycle safety course shall pay not more than a \$25.00 course fee. The course fees shall be used only for funding the administration and implementation of the motorcycle safety education program.

(3) The state board of education is responsible for the establishment and administration of motorcycle safety courses and shall 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, regarding teacher qualifications, reimbursement procedures, the establishment of the courses, and other requirements under this section.

(4) The superintendent of public instruction shall designate a person to be the state coordinator of the motorcycle safety education program. The person designated under this subsection shall successfully complete a motorcycle safety chief instructor course before being designated.

(5) The position of state coordinator of the motorcycle safety education program shall be funded by the motorcycle safety fund.

(6) The superintendent of public instruction shall designate a person who has successfully completed a motorcycle safety chief instructor course to perform annual inspections of motorcycle course sites.

(7) An 8-hour motorcycle safety course that meets the standards established by the state board of education may be offered to an applicant who has passed a motorcycle operator skill test that has been approved by the state board of education. Successful completion of a motorcycle safety course under this subsection shall fulfill the waiver requirement of section 312b.

(8) An audit of the motorcycle safety fund shall be conducted in conjunction with the audit of school management services by the office of the auditor general to determine compliance with the requirements of this act with regard to the collection and expenditure of fees authorized under this section. A copy of this audit shall be transmitted to the legislature upon completion.

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.