

# HOUSE BILL No. 5189

September 27, 1991, Introduced by Reps. Richard A. Young, Johnson, DeMars, Knight, Hickner and Pitoniak and referred to the Committee on Appropriations.

A bill to amend sections 312b and 811a of Act No. 300 of the Public Acts of 1949, entitled as amended

"Michigan vehicle code,"

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:

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

6       Sec. 312b. (1) Before a person who is less than 18 years of  
7 age is issued an original motorcycle indorsement on an operator's

1 or chauffeur's license, the person shall pass an examination as  
2 required by this section and a motorcycle safety course as pro-  
3 vided in section 811a or 811b.

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

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

7 (4) The secretary of state is responsible for establishing  
8 and conducting the motorcycle operator driving test and shall  
9 promulgate rules under the administrative procedures act of 1969,  
10 Act No. 306 of the Public Acts of 1969, as amended, being sec-  
11 tions 24.201 to 24.328 of the Michigan Compiled Laws, for pur-  
12 poses of this subsection. The secretary of state shall be reim-  
13 bursed from the motorcycle safety fund for additional reasonable  
14 costs incurred by the department in developing and administering  
15 the driving test required under this section. An ~~annual~~ audit  
16 of the motorcycle safety fund shall be conducted IN CONJUNCTION  
17 WITH THE AUDIT OF SCHOOL MANAGEMENT SERVICES by the office of the  
18 auditor general to determine compliance with the requirement that  
19 funds are being withdrawn only to reimburse additional reasonable  
20 costs related to this act and not costs that are already a func-  
21 tion or duty of the education act. A copy of this audit shall be  
22 transmitted to the legislature upon completion.

23 (5) The secretary of state shall charge a \$15.00 fee for  
24 each motorcycle operator driving test. The \$15.00 fee shall be  
25 placed in a motorcycle safety fund in the state treasury and  
26 shall be used only for funding the motorcycle safety education

1 program as provided for under ~~sections 312b~~ THIS SECTION and  
2 SECTION 811a.

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

8       (2) Except for motorcycle safety courses conducted under  
9 section 811b, an applicant for a motorcycle safety course shall  
10 pay not more than a \$25.00 course fee. The course fees shall  
11 ~~only~~ be used ONLY for funding the administration and implemen-  
12 tation of the motorcycle safety education program.

13       (3) The state board of education is responsible for the  
14 establishment and administration of motorcycle safety courses and  
15 shall promulgate rules pursuant to the administrative procedures  
16 act of 1969, Act No. 306 of the Public Acts of 1969, as amended,  
17 being sections 24.201 to 24.328 of the Michigan Compiled Laws,  
18 regarding teacher qualifications, reimbursement procedures, the  
19 establishment of the courses, and other requirements under this  
20 section.

21       (4) The superintendent of public instruction shall designate  
22 a person to be the state coordinator of the motorcycle safety  
23 education program. The person designated under this subsection  
24 ~~must have~~ SHALL successfully ~~completed~~ COMPLETE a motorcycle  
25 safety chief instructor course BEFORE BEING DESIGNATED.

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

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

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

14 (8) An ~~annual~~ audit of the motorcycle safety fund shall be  
15 conducted IN CONJUNCTION WITH THE AUDIT OF SCHOOL MANAGEMENT  
16 SERVICES by the office of the auditor general to determine com-  
17 pliance with the requirements of this act with regard to the col-  
18 lection and expenditure of fees authorized under this section. A  
19 copy of this audit shall be transmitted to the legislature upon  
20 completion.