



HOUSE BILL No. 4826

June 3, 1993, Introduced by Rep. Jaye and referred to the Committee on Education.

A bill to amend section 811 of Act No. 300 of the Public Acts of 1949, entitled as amended

"Michigan vehicle code,"

as amended by Act No. 235 of the Public Acts of 1992, being section 257.811 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 811 of Act No. 300 of the Public Acts of
2 1949, as amended by Act No. 235 of the Public Acts of 1992, being
3 section 257.811 of the Michigan Compiled Laws, is amended to read
4 as follows:

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

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

4 (2) The secretary of state shall deposit the money received
 5 and collected under subsection (1) in the state treasury to the
 6 credit of the general fund. The secretary of state shall refund
 7 out of the fees collected to each county or municipality acting
 8 as an examining officer or examining bureau \$2.50 for each appli-
 9 cant examined for an original license, \$1.00 for each applicant
 10 examined for an original chauffeur's license, and \$1.00 for every
 11 other applicant examined, if the application is not denied and
 12 the money refunded is paid to the county or local treasurer and
 13 is appropriated to the county, municipality, or officer or bureau
 14 receiving the money for the purpose of carrying out this act.
 15 The state treasurer shall deposit the sum of \$4.00 in a driver
 16 education fund for each person examined for an original license,
 17 a renewal operator's license, an original chauffeur's license, or
 18 a renewal chauffeur's license, except that the sum deposited for
 19 each 2-year operator's or 2-year chauffeur's license shall be
 20 \$2.00. The department of education shall use the money in the
 21 driver education fund for administration of a driver education
 22 program and for distribution to local school districts to be used
 23 for driver education programs. Any unexpended and unencumbered
 24 balance remaining in the driver education fund at the end of the
 25 fiscal year in excess of \$150,000.00 shall revert to the general
 26 fund.

1 (3) From the money credited to the driver education fund,
2 the legislature shall appropriate annually funds to the
3 department of education for state administration of the program.
4 In addition, the department of education shall distribute to
5 local public school districts from the driver education fund 50%
6 of the previous fiscal year's statewide average cost per student,
7 as determined by the department of education, or the actual cost
8 per student, whichever is less, for each student completing an
9 approved driver education course. The driver education courses
10 shall be conducted by the local public school district, or may be
11 conducted for the local school district by the intermediate dis-
12 trict at the request of the local district, and, subject to eli-
13 gibility requirements established under section 1302 of the
14 school code of 1976, Act No. 451 of the Public Acts of 1976,
15 being section 380.1302 of the Michigan Compiled Laws, enrollment
16 in driver education courses shall be open to children enrolled in
17 the high school grades of public, parochial, and private schools
18 as well as resident out-of-school youth. Reimbursement to local
19 school districts shall be made on the basis of an application
20 made by the local school district superintendent to the depart-
21 ment of education. If money appropriated from the driver educa-
22 tion fund is not sufficient to provide for state administration
23 of the driver education program and to reimburse local school
24 districts for each student completing an approved driver educa-
25 tion course, then payments made to local school districts shall
26 be prorated to the amount that is appropriated and available in
27 the fund.

1 (4) As used in this section, "driver education courses"
2 include classroom instruction, A PRESENTATION BY A REPRESENTATIVE
3 OF A VICTIM ADVOCACY GROUP, behind the wheel instruction, and
4 observation in an automobile under the supervision of a qualified
5 teacher or licensed instructor. The department of education
6 shall not require that licensed driver training school teachers
7 or instructors be certificated under Act No. 451 of the Public
8 Acts of 1976, as amended, being sections 380.1 to 380.1852 of the
9 Michigan Compiled Laws. THE DEPARTMENT OF EDUCATION SHALL
10 REQUIRE THAT QUALIFIED TEACHERS AND LICENSED INSTRUCTORS WHO PRO-
11 VIDE INSTRUCTION IN DRIVER EDUCATION COURSES SUCCESSFULLY COM-
12 PLETE A CONTINUING EDUCATION COURSE EVERY 2 YEARS AFTER RECEIVING
13 INITIAL APPROVAL FROM THE DEPARTMENT OF EDUCATION TO PROVIDE THE
14 INSTRUCTION. EACH CONTINUING EDUCATION COURSE SHALL BE APPROVED
15 BY THE DEPARTMENT OF EDUCATION AND SHALL INCLUDE, AT A MINIMUM, A
16 PRESENTATION BY A REPRESENTATIVE OF A VICTIM ADVOCACY GROUP AND A
17 HIGHWAY SAFETY CLASS. THE COST OF ATTENDING A CONTINUING EDUCA-
18 TION COURSE SHALL BE PAID BY THE TEACHER OR INSTRUCTOR. THE
19 DEPARTMENT OF EDUCATION SHALL REVOKE THE APPROVAL OF A TEACHER OR
20 INSTRUCTOR TO PROVIDE INSTRUCTION IN DRIVER EDUCATION COURSES IF
21 HE OR SHE FAILS TO MEET THE CONTINUING EDUCATION REQUIREMENTS.

22 (5) The department of education may promulgate rules pursu-
23 ant to the administrative procedures act of 1969, Act No. 306 of
24 the Public Acts of 1969, as amended, being sections 24.201 to
25 24.328 of the Michigan Compiled Laws, including instructional
26 standards, teacher qualifications, reimbursement procedures, and
27 other requirements to further implement this section.

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

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

23 (8) Not later than 5 years after the effective date of the
24 amendatory act that added this subsection, the secretary of state
25 shall prepare and submit to the legislature a report comparing
26 aggregate driver record information for drivers trained in driver
27 education programs for which eligibility requirements have been

1 established under section 1302 of Act No. 451 of the Public Acts
2 of 1976 to aggregate driver record information for drivers
3 trained in driver education programs for which such eligibility
4 requirements have not been established.