

Act No. 345
Public Acts of 1996
Approved by the Governor
June 27, 1996
Filed with the Secretary of State
June 28, 1996

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Reps. Walberg, Bush, Brackenridge, Jamian, London, Hammerstrom, Bankes, Baade,
McNutt, Owen, Llewellyn and Nye

ENROLLED HOUSE BILL No. 5569

AN ACT to amend sections 312b and 312c 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 certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles 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 and local 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. 59 of the Public Acts of 1992 and section 312c as amended by Act No. 495 of the Public Acts of 1988, being sections 257.312b and 257.312c of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Sections 312b and 312c of Act No. 300 of the Public Acts of 1949, section 312b as amended by Act No. 59 of the Public Acts of 1992 and section 312c as amended by Act No. 495 of the Public Acts of 1988, being sections 257.312b and 257.312c 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 endorsement 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 endorsement 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 endorsement 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 endorsement 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 endorsement to operate a motorcycle from another state.

(3) A motorcycle endorsement 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. 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 in relation 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 to pay the costs the secretary of state incurs in conducting motorcycle operator driving tests as provided for under this section and section 811a.

(6) Beginning not later than June 1, 1997, the secretary of state may enter into an agreement with another public or private person or agency to conduct a driving test required under this section. For administering and overseeing a third party motorcycle testing program, the secretary of state shall be reimbursed from the motorcycle safety fund a total amount which does not exceed 50% of the department's 1995-1996 fiscal year appropriation for motorcycle testing under this section.

Sec. 312c. (1) Every application for a motorcycle endorsement on an operator's or chauffeur's license for operation of motorcycles as provided in section 312a shall be accompanied by the following fees which shall be in addition to any other original or renewal operator or chauffeur license fee:

Original motorcycle endorsement	\$13.50
Renewal of motorcycle endorsement	\$ 5.00.

(2) Except as otherwise provided in this subsection, the money received and collected under this section shall be deposited 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, \$3.00 for each applicant examined for a first endorsement to a 3- or 4-year operator's or chauffeur's license, \$2.50 for each original endorsement to a 2-year operator's or chauffeur's license, \$1.50 for each renewal endorsement to a 2-year operator's or chauffeur's license, and \$1.50 for every other applicant examined whose application is not denied, on the condition, however, that the money refunded shall be 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. Ten dollars of each original motorcycle endorsement and \$3.00 of each renewal motorcycle endorsement shall be placed in a motorcycle safety fund in the state treasury and shall be used only by the department of education for the motorcycle safety education program as provided under section 811a.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.