



HOUSE BILL No. 4580

March 14, 1995, Introduced by Reps. London, Pitoniak, Goschka, DeMars, DeLange, Gernaat, Baade, Kukuk, Yokich and Galloway and referred to the Committee on Transportation.

A bill to amend the title and sections 13 and 320e of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," section 320e as amended by Act No. 449 of the Public Acts of 1994, being sections 257.13 and 257.320e of the Michigan Compiled Laws; to add sections 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, and 373; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 13 and 320e of Act
2 No. 300 of the Public Acts of 1949, section 320e as amended by
3 Act No. 449 of the Public Acts of 1994, being sections 257.13 and
4 257.320e of the Michigan Compiled Laws, are amended and
5 sections 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360,

1 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, and
2 373 are added to read as follows:

3 TITLE

4 An act to provide for the registration, titling, sale,
5 transfer, and regulation of certain vehicles operated upon the
6 public highways of this state or any other place open to the gen-
7 eral public or generally accessible to motor vehicles and dis-
8 tressed vehicles; to provide for the licensing of dealers; TO
9 PROVIDE FOR THE LICENSING OF DRIVER IMPROVEMENT SCHOOLS AND
10 DRIVER IMPROVEMENT INSTRUCTORS; to provide for the examination,
11 licensing, and control of operators and chauffeurs; to provide
12 for the giving of proof of financial responsibility and security
13 by owners and operators of vehicles; to provide for the imposi-
14 tion, levy, and collection of specific taxes on vehicles, and the
15 levy and collection of sales and use taxes, license fees, and
16 permit fees; to provide for the regulation and use of streets and
17 highways; to create certain funds; to provide penalties and sanc-
18 tions for a violation of this act; to provide for civil liability
19 of owners and operators of vehicles and service of process on
20 residents and nonresidents; to provide for the levy of certain
21 assessments; to provide for the enforcement of this act; to pro-
22 vide for the creation of and to prescribe the powers and duties
23 of certain state and local agencies; to repeal all other acts or
24 parts of acts inconsistent with this act or contrary to this act;
25 and to repeal certain parts of this act on a specific date.

26 Sec. 13. (1) "Driver" means every person who drives or is
27 in actual physical control of a vehicle.

1 (2) "DRIVER IMPROVEMENT INSTRUCTION" MEANS A COURSE OF
2 INSTRUCTION APPROVED BY THE SECRETARY OF STATE PERTAINING TO THE
3 OPERATION OF A MOTOR VEHICLE FOR ANY OF THE FOLLOWING:

4 (A) A PERSON WHO IS REQUIRED TO ATTEND TO COMPLY WITH SEC-
5 TION 320E.

6 (B) A PERSON WHO IS REFERRED TO A SCHOOL BY A COURT HAVING
7 JURISDICTION OVER TRAFFIC VIOLATIONS.

8 (C) A PERSON WHO VOLUNTARILY CHOOSES TO ATTEND.

9 (D) A PERSON WHO POSSESSES A PROBATIONARY DRIVER LICENSE
10 UNDER SECTION 310D, OR A PERSON REQUIRED TO ATTEND A REEXAMINA-
11 TION UNDER SECTION 320, WHO IS REQUIRED BY THE SECRETARY OF STATE
12 TO ATTEND AND SUCCESSFULLY COMPLETE A DRIVER IMPROVEMENT COURSE.

13 (3) "DRIVER IMPROVEMENT INSTRUCTOR" MEANS AN INDIVIDUAL WHO
14 IS LICENSED BY THE SECRETARY OF STATE TO PROVIDE DRIVER IMPROVE-
15 MENT INSTRUCTION ON BEHALF OF A DRIVER IMPROVEMENT SCHOOL.

16 (4) "DRIVER IMPROVEMENT SCHOOL" MEANS A PERSON WHO EMPLOYS 1
17 OR MORE DRIVER IMPROVEMENT INSTRUCTORS, AND WHO IS LICENSED BY
18 THE SECRETARY OF STATE TO ENGAGE IN THE BUSINESS OF PROVIDING
19 DRIVER IMPROVEMENT INSTRUCTION.

20 Sec. 320e. (1) Except as otherwise provided in subsection
21 (2), a person whose operator's or chauffeur's license is sus-
22 pended, revoked, or restricted pursuant to section 303, 319, 320,
23 324, 625, 625b, 625f, or 904 shall pay a license reinstatement
24 fee of \$125.00 to the secretary of state before a license is
25 issued or returned to the person. The increase in the reinstatement
26 fee from \$60.00 to \$125.00 shall be imposed for a license
27 that is issued or returned on or after October 1, 1991 regardless

1 of when the license was suspended, revoked, or restricted. Of
2 the increase in the reinstatement fee from \$60.00 to \$125.00,
3 \$25.00 shall be allocated to the department of state, \$10.00
4 shall be deposited by the department of treasury in the drunk
5 driving prevention equipment and training fund created under sec-
6 tion 625h(1), and \$30.00 shall be deposited by the department of
7 treasury in the drunk driving caseflow assistance fund created
8 under section 625h(5). The fee shall be waived if the license
9 was suspended or restricted because of the person's mental or
10 physical infirmity or disability.

11 (2) A person whose operator's or chauffeur's license is sus-
12 pended, revoked, or restricted pursuant to section 319(7) shall
13 pay a license reinstatement fee of \$125.00 to the secretary of
14 state before a license is issued or returned to the person. ~~Of~~
15 ~~the \$125.00, \$95.00 shall be allocated to the department of state~~
16 ~~and \$30.00 shall be deposited by the department of treasury in~~
17 ~~the underage drinking case information management fund created~~
18 ~~under section 323e.~~ The fee shall be waived if the license was
19 suspended or restricted because of the person's mental or physi-
20 cal infirmity or disability.

21 (3) A person whose operator's or chauffeur's license is sus-
22 pended, revoked, or restricted pursuant to section 319e shall pay
23 a license reinstatement fee of \$125.00 to the secretary of state
24 before a license is issued or returned to the person. Of the
25 \$125.00 fee, \$95.00 shall be allocated to the department of state
26 and \$30.00 shall be deposited by the department of treasury in

1 the drug case information management fund created under
2 section 323d.

3 (4) A PERSON WHOSE OPERATOR'S OR CHAUFFEUR'S LICENSE IS SUS-
4 PENDED, REVOKED, OR RESTRICTED PURSUANT TO SECTION 303, 319, 320,
5 324, 625, 625B, 625F, OR 904 SHALL ATTEND AND SUCCESSFULLY COM-
6 PLETE A COURSE OF DRIVER IMPROVEMENT INSTRUCTION AT A LICENSED
7 DRIVER IMPROVEMENT SCHOOL BEFORE A LICENSE IS ISSUED OR RETURNED
8 TO THE PERSON. THIS SUBSECTION DOES NOT APPLY TO A PERSON WHOSE
9 OPERATOR'S OR CHAUFFEUR'S LICENSE IS SUSPENDED, REVOKED, OR
10 RESTRICTED BECAUSE OF THE PERSON'S MENTAL OR PHYSICAL INFIRMITY
11 OR DISABILITY.

12 (5) ~~(4)~~ Except as otherwise provided in this subsection,
13 the secretary of state shall assess points and take licensing
14 action, including suspending, revoking, or denying a license
15 under this act, according to the law in effect at the time of the
16 conspiracy to commit the offense or at the time the offense was
17 committed or attempted or the civil infraction occurred. If 1 or
18 more of the convictions involved in a licensing sanction to be
19 effected under section 303(1)(f)(ii) or 303(2)(f) is a violation
20 or attempted violation of section 625(1) or (3) or a local ordi-
21 nance substantially corresponding to section 625(1) or (3) com-
22 mitted or attempted after January 1, 1992, the secretary of state
23 shall apply the law in effect after January 1, 1992.

24 (6) ~~(5)~~ Except as otherwise provided in this subsection,
25 judicial review of an administrative licensing sanction under
26 section 303 shall be governed by the law in effect at the time
27 the offense was committed or attempted. If 1 or more of the

1 convictions involved in an administrative licensing sanction to
2 be effected under section 303(1)(f)(ii) or 303(2)(f) is a viola-
3 tion or attempted violation of section 625(1) or (3) or a local
4 ordinance substantially corresponding to section 625(1) or (3)
5 committed or attempted after January 1, 1992, judicial review of
6 that sanction shall be governed by the law in effect after
7 January 1, 1992.

8 SEC. 350. (1) A PERSON SHALL NOT ENGAGE IN THE BUSINESS OF
9 CONDUCTING A DRIVER IMPROVEMENT SCHOOL BEFORE OBTAINING A DRIVER
10 IMPROVEMENT SCHOOL LICENSE.

11 (2) A DRIVER IMPROVEMENT SCHOOL SHALL NOT ALLOW A PERSON TO
12 CONDUCT TRAINING AS A DRIVER IMPROVEMENT INSTRUCTOR UNLESS THE
13 PERSON HAS A VALID DRIVER IMPROVEMENT INSTRUCTOR LICENSE.

14 SEC. 351. THE SECRETARY OF STATE SHALL DO ALL OF THE
15 FOLLOWING:

16 (A) DEVELOP PROGRAMS TO INFORM MOTOR VEHICLE OPERATORS OF
17 THE AVAILABILITY AND BENEFITS OF DRIVER IMPROVEMENT INSTRUCTION.

18 (B) HONOR A DRIVER IMPROVEMENT SCHOOL'S CERTIFICATE OF COM-
19 PLETION PRESENTED BY AN INDIVIDUAL WHO SUCCESSFULLY COMPLETED A
20 COURSE OF DRIVER IMPROVEMENT INSTRUCTION PROVIDED IN A STATE WITH
21 DRIVER IMPROVEMENT INSTRUCTION STANDARDS COMPARABLE TO THOSE
22 REQUIRED PURSUANT TO THIS ACT.

23 (C) PROMULGATE RULES PURSUANT TO THE ADMINISTRATIVE PROCE-
24 DURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC ACTS OF 1969, BEING
25 SECTIONS 24.201 TO 24.328 OF THE MICHIGAN COMPILED LAWS, AS ARE
26 NECESSARY TO IMPLEMENT THIS ACT PERTAINING TO DRIVER IMPROVEMENT
27 SCHOOLS AND INSTRUCTORS.

1 (D) THREE YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY
2 ACT THAT ADDED THIS SECTION, SUBMIT A REPORT TO THE LEGISLATURE
3 ON THE EFFECTIVENESS OF THE DRIVER IMPROVEMENT INSTRUCTION
4 PROGRAM.

5 SEC. 352. (1) THE SECRETARY OF STATE SHALL ISSUE A LICENSE
6 TO AN APPLICANT TO OPERATE A DRIVER IMPROVEMENT SCHOOL IF ALL OF
7 THE FOLLOWING CONDITIONS ARE MET:

8 (A) THE APPLICANT PROPERLY APPLIES TO THE SECRETARY OF STATE
9 ON A FORM PRESCRIBED BY THE SECRETARY OF STATE FOR A LICENSE TO
10 OPERATE A DRIVER IMPROVEMENT SCHOOL.

11 (B) THE APPLICANT IDENTIFIES AS PRESCRIBED BY THE SECRETARY
12 OF STATE THE DRIVER IMPROVEMENT SCHOOL'S ESTABLISHED PLACE OF
13 BUSINESS.

14 (C) THE APPLICANT PAYS THE SECRETARY OF STATE AN APPLICATION
15 FEE OF \$200.00 FOR AN ORIGINAL LICENSE OR A LICENSE APPLICATION
16 FEE OF \$150.00 FOR THE ANNUAL RENEWAL OF AN ORIGINAL LICENSE.
17 THE LICENSE APPLICATION FEES COLLECTED BY THE SECRETARY OF STATE
18 SHALL BE DEPOSITED IN THE GENERAL FUND AND USED FIRST TO DEFRAY
19 THE COSTS OF THE SECRETARY OF STATE IN ADMINISTERING THIS ACT
20 PERTAINING TO DRIVER IMPROVEMENT SCHOOLS AND INSTRUCTORS.

21 (D) THE APPLICANT SCHEDULES WITH THE SECRETARY OF STATE A
22 DATE, TIME, AND PLACE FOR A SECRETARY OF STATE REPRESENTATIVE TO
23 REVIEW THE COMPLETE COURSE, INCLUDING ADMINISTRATIVE PROCEDURES,
24 CERTIFICATE OF COMPLETION, AND STUDENT RECORD-KEEPING SYSTEMS.

25 (E) THE APPLICANT MEETS THE STANDARDS FOR OBTAINING A
26 LICENSE TO OPERATE A DRIVER IMPROVEMENT SCHOOL AS SET FORTH IN
27 THIS ACT OR RULES PROMULGATED PURSUANT TO THIS ACT.

1 (2) THE SECRETARY OF STATE SHALL ISSUE A CERTIFICATE OF
2 LICENSURE TO EACH APPLICANT TO WHOM A LICENSE TO OPERATE A DRIVER
3 IMPROVEMENT SCHOOL IS GRANTED.

4 (3) A LICENSE TO OPERATE A DRIVER IMPROVEMENT SCHOOL SHALL
5 EXPIRE 1 YEAR FROM THE DATE OF ISSUANCE.

6 SEC. 353. A DRIVER IMPROVEMENT SCHOOL SHALL NOTIFY THE SEC-
7 RETARY OF STATE, BY CERTIFIED MAIL, WITHIN 5 BUSINESS DAYS AFTER
8 EITHER OF THE FOLLOWING:

9 (A) A CHANGE IN THE SCHOOL'S OWNERS, OFFICERS, OR PARTNERS.
10 IF THE SCHOOL IS A STOCK CORPORATION, THIS SUBDIVISION SHALL
11 APPLY TO OWNERS OF 10% OR MORE OF THE CORPORATION'S STOCK.

12 (B) A CESSATION OF THE SCHOOL'S BUSINESS AND CLASSROOM
13 OPERATIONS. A NOTICE OF A SCHOOL'S CLOSING SHALL INCLUDE THE
14 RETURN OF ALL DRIVER IMPROVEMENT SCHOOL LICENSES ISSUED TO THE
15 SCHOOL BY THE SECRETARY OF STATE, IDENTIFY THE LOCATION WHERE ALL
16 SCHOOL RECORDS SHALL BE AVAILABLE FOR INSPECTION AS REQUIRED BY
17 SECTION 362, AND INCLUDE THE SUBMISSION OF THE SEMIANNUAL REPORT
18 REQUIRED BY SECTION 361. THE SCHOOL SHALL ALSO NOTIFY THE SECRE-
19 TARY OF STATE OF EACH INDIVIDUAL WHO HAS ENROLLED IN A DRIVER
20 IMPROVEMENT COURSE AT THE SCHOOL BUT WHO DID NOT RECEIVE INSTRUCC-
21 TION AT THE TIME OF THE SCHOOL'S CLOSING. THE AMOUNT OF ANY PAY-
22 MENTS NOT RETURNED TO A STUDENT SHALL BE IDENTIFIED.

23 SEC. 354. (1) THE SECRETARY OF STATE SHALL ISSUE A LICENSE
24 TO AN INDIVIDUAL AS A DRIVER IMPROVEMENT INSTRUCTOR IF, AT A MIN-
25 IMUM, ALL OF THE FOLLOWING STANDARDS ARE MET:

1 (A) THE INDIVIDUAL IS 21 YEARS OF AGE OR OLDER ON THE DATE
2 HIS OR HER LICENSE APPLICATION IS SUBMITTED TO THE SECRETARY OF
3 STATE.

4 (B) THE INDIVIDUAL HAS HAD A VALID DRIVER'S LICENSE WHICH
5 HAS BEEN IN CONTINUOUS EFFECT IN THIS OR ANOTHER STATE FOR THE 3
6 YEARS IMMEDIATELY PRECEDING SUBMISSION OF THE INSTRUCTOR LICENSE
7 APPLICATION. FOR AN INDIVIDUAL WHO HAS AN OUT-OF-STATE DRIVER'S
8 LICENSE, A CERTIFIED COPY OF THE INDIVIDUAL'S DRIVING RECORD FROM
9 THAT STATE SHALL ACCOMPANY THE APPLICATION.

10 (C) THE INDIVIDUAL HAS SUCCESSFULLY COMPLETED A SECRETARY OF
11 STATE APPROVED DRIVER IMPROVEMENT INSTRUCTOR TRAINING PROGRAM.

12 (D) THE INDIVIDUAL HAS DEMONSTRATED COMPETENCY IN THE FOL-
13 LOWING AREAS:

14 (i) BASIC CONTENT MATERIALS TAUGHT IN DRIVER EDUCATION
15 PROGRAMS.

16 (ii) ADDITIONAL CONTENT MATERIALS DIRECTLY RELATED TO ACCI-
17 DENT PREVENTION, INCLUDING, BUT NOT LIMITED TO, THE EFFECTS OF
18 THE USE OF ALCOHOL, DRUGS, AND NARCOTICS ON TRAFFIC SAFETY.

19 (iii) TEACHING METHODOLOGY AND ADMINISTRATIVE PRACTICES AS
20 THEY RELATE TO DRIVER AND TRAFFIC SAFETY EDUCATION.

21 (iv) PSYCHOLOGICAL ASPECTS OF THE DRIVER.

22 (v) MICHIGAN TRAFFIC LAW.

23 (E) THE INDIVIDUAL HAS A DRIVING RECORD WHICH INDICATES COM-
24 PETENCE TO OPERATE A MOTOR VEHICLE PURSUANT TO THIS SECTION AND
25 WHICH DOES NOT CONTAIN ANY OF THE FOLLOWING:

1 (i) A CONVICTION OF ANY OFFENSE FOR WHICH 4 OR 6 POINTS ARE
2 ASSESSED PURSUANT TO SECTION 320A WITHIN THE 10 YEARS IMMEDIATELY
3 PRECEDING SUBMISSION OF THE INSTRUCTOR LICENSE APPLICATION.

4 (ii) MORE THAN 3 POINTS ASSESSED PURSUANT TO SECTION 320A
5 WITHIN THE 2 YEARS IMMEDIATELY PRECEDING SUBMISSION OF THE
6 INSTRUCTOR LICENSE APPLICATION.

7 (iii) A DRIVER LICENSE RESTRICTION, SUSPENSION, OR REVOCATION
8 IMPOSED PURSUANT TO SECTION 303, 310D, 319, 320, 321A, 324,
9 625, 625B, 625F, OR 904 WITHIN THE 5 YEARS IMMEDIATELY PRECEDING
10 SUBMISSION OF THE INSTRUCTOR LICENSE APPLICATION.

11 (iv) CONVICTION OF 4 OR MORE MOVING VIOLATIONS DURING A
12 3-YEAR PERIOD.

13 (v) AN ACCIDENT RESULTING IN THE DEATH OF A PERSON IF THE
14 APPLICANT WAS CONVICTED OF A 3 OR MORE POINT VIOLATION IN CON-
15 JUNCTION WITH THE ACCIDENT WITHIN THE 7 YEARS IMMEDIATELY PRECED-
16 ING SUBMISSION OF THE INSTRUCTOR LICENSE APPLICATION.

17 (vi) THREE ACCIDENTS WITHIN THE PRECEDING 2-YEAR PERIOD FOR
18 WHICH THE APPLICANT WAS CONVICTED OF A TRAFFIC VIOLATION IN CON-
19 JUNCTION WITH EACH ACCIDENT.

20 (F) THE INDIVIDUAL OR HIS OR HER EMPLOYER PAYS TO THE SECRE-
21 TARY OF STATE AN ANNUAL LICENSE APPLICATION FEE OF \$25.00.

22 (G) THE INDIVIDUAL PROPERLY APPLIES TO THE SECRETARY OF
23 STATE ON A FORM PRESCRIBED BY THE SECRETARY OF STATE FOR A
24 LICENSE TO BE A DRIVER IMPROVEMENT INSTRUCTOR.

25 (2) THE SECRETARY OF STATE SHALL ISSUE A CERTIFICATE OF
26 LICENSURE TO EACH APPLICANT TO WHOM A DRIVER IMPROVEMENT
27 INSTRUCTOR'S LICENSE IS GRANTED.

1 (3) A DRIVER IMPROVEMENT INSTRUCTOR'S LICENSE SHALL EXPIRE 1
2 YEAR FROM THE DATE OF ISSUANCE.

3 SEC. 355. IN THE EVENT OF LOSS, DESTRUCTION, OR MUTILATION
4 OF A DRIVER IMPROVEMENT SCHOOL'S LICENSE OR DRIVER IMPROVEMENT
5 INSTRUCTOR'S LICENSE, THE PERSON TO WHOM IT WAS ISSUED MAY OBTAIN
6 A DUPLICATE COPY UPON FURNISHING SATISFACTORY PROOF OF THE LOSS,
7 DESTRUCTION, OR MUTILATION AND PAYING TO THE SECRETARY OF STATE A
8 FEE OF \$10.00. THE FEES SHALL BE DEPOSITED IN THE GENERAL FUND
9 AND USED FIRST TO DEFRAY THE COSTS OF THE SECRETARY OF STATE IN
10 ADMINISTERING THIS ACT PERTAINING TO DRIVER IMPROVEMENT SCHOOLS
11 AND INSTRUCTORS.

12 SEC. 356. (1) A LICENSE FOR A DRIVER IMPROVEMENT SCHOOL OR
13 A DRIVER IMPROVEMENT INSTRUCTOR SHALL BE RENEWED ANNUALLY. A
14 SCHOOL OR INSTRUCTOR MAY FILE AN APPLICATION FOR RENEWAL WITH THE
15 SECRETARY OF STATE UP TO 30 DAYS BEFORE EXPIRATION OF THE
16 SCHOOL'S OR INSTRUCTOR'S LICENSE.

17 (2) A DRIVER IMPROVEMENT SCHOOL MAY CONTINUE TO OPERATE
18 AFTER THE EXPIRATION DATE OF ITS LICENSE OR A DRIVER IMPROVEMENT
19 INSTRUCTOR MAY CONTINUE TO INSTRUCT AFTER THE EXPIRATION OF HIS
20 OR HER LICENSE, PENDING APPROVAL OF A RENEWAL APPLICATION, IF THE
21 RENEWAL APPLICATION HAS BEEN RECEIVED BY THE SECRETARY OF STATE
22 ON OR BEFORE THE EXPIRATION DATE OF THE LICENSE. IF A RENEWAL
23 APPLICATION IS FILED AFTER THE EXPIRATION DATE OF THE LICENSE,
24 THE SCHOOL OR INSTRUCTOR MAY OPERATE FROM THE DAY ON WHICH THE
25 APPLICATION IS RECEIVED BY THE SECRETARY OF STATE, PENDING
26 APPROVAL OF THE RENEWAL APPLICATION. A LATE FEE OF \$50.00 FOR A
27 DRIVER IMPROVEMENT SCHOOL LICENSE OR A LATE FEE OF \$15.00 FOR A

1 DRIVER IMPROVEMENT INSTRUCTOR LICENSE SHALL BE IMPOSED ON THE
2 APPLICANT BY THE SECRETARY OF STATE IF THE LICENSE RENEWAL APPLI-
3 CATION IS RECEIVED BY THE SECRETARY OF STATE AFTER THE EXPIRATION
4 DATE OF THE LICENSE. THE LATE FEES COLLECTED BY THE SECRETARY OF
5 STATE SHALL BE DEPOSITED IN THE GENERAL FUND AND USED FIRST TO
6 DEFRAY THE COSTS OF THE SECRETARY OF STATE IN ADMINISTERING THIS
7 ACT.

8 SEC. 357. THE SECRETARY OF STATE MAY REQUIRE A PERSON WHO
9 POSSESSES A PROBATIONARY DRIVER'S LICENSE UNDER SECTION 310D OR A
10 PERSON REQUIRED TO ATTEND A REEXAMINATION UNDER SECTION 320 TO
11 ATTEND AND SUCCESSFULLY COMPLETE A COURSE OF DRIVER IMPROVEMENT
12 INSTRUCTION AT A LICENSED DRIVER IMPROVEMENT SCHOOL.

13 SEC. 358. IF A PERSON HAS BEEN CONVICTED, RECEIVED A PRO-
14 BATE COURT FINDING, OR BEEN DETERMINED RESPONSIBLE FOR A CIVIL
15 INFRACTION IN ANY COURT IN THIS STATE FOR ANY MOVING TRAFFIC VIO-
16 LATION, THE COURT MAY, IN ADDITION TO THE PENALTY PROVIDED BY LAW
17 FOR THE OFFENSE AND AS A PART OF THE JUDGMENT OF CONVICTION, PRO-
18 BATE COURT DETERMINATION, OR CIVIL JUDGMENT, OR AS A CONDITION OF
19 PROBATION, REQUIRE THE PERSON, AT HIS OR HER EXPENSE, IF ANY, TO
20 ATTEND AND SATISFACTORILY COMPLETE A COURSE OF DRIVER IMPROVEMENT
21 INSTRUCTION AT ANY LICENSED DRIVER IMPROVEMENT SCHOOL.

22 SEC. 359. (1) A PERSON MAY VOLUNTARILY ENROLL IN A DRIVER
23 IMPROVEMENT SCHOOL.

24 (2) A PERSON WHO VOLUNTARILY ENROLLS IN A DRIVER IMPROVEMENT
25 SCHOOL MAY RECEIVE A 2-POINT REDUCTION ON HIS OR HER DRIVING
26 RECORD IF THE PERSON PRESENTS TO THE SECRETARY OF STATE A DRIVER

1 IMPROVEMENT SCHOOL CERTIFICATE FROM THE VOLUNTARY ENROLLMENT
2 WITHIN 60 DAYS AFTER THE DATE OF COMPLETION ON THE CERTIFICATE.

3 (3) IF A PERSON HAS 8 OR MORE POINTS ON HIS OR HER DRIVING
4 RECORD AT THE TIME OF A VOLUNTARY ENROLLMENT UNDER THIS SECTION
5 AND IN THE IMMEDIATELY FOLLOWING 12 MONTHS COMMITS A VIOLATION
6 FOR WHICH POINTS ARE ASSESSED UNDER SECTION 320A, THE POINTS
7 REMOVED UNDER SUBSECTION (2) SHALL BE REESTABLISHED ON THE DRIV-
8 ING RECORD OF THE PERSON AND HAVE THE SAME EFFECT AS IF THE
9 POINTS WERE NEVER REMOVED.

10 (4) A PERSON MAY RECEIVE A 2-POINT REDUCTION UNDER THIS SEC-
11 TION NOT MORE THAN ONCE IN A 4-YEAR PERIOD.

12 (5) FOR THE PURPOSE OF THIS SECTION, "VOLUNTARILY ENROLL"
13 MEANS THE PERSON WENT TO THE DRIVER IMPROVEMENT SCHOOL ON HIS OR
14 HER OWN INITIATIVE AND NOT PURSUANT TO A REQUIREMENT UNDER THIS
15 ACT OR A COURT ORDER.

16 SEC. 360. (1) A PERSON SHALL NOT DO ANY OF THE FOLLOWING:

17 (A) ALTER OR FORGE A DRIVER IMPROVEMENT SCHOOL CERTIFICATE,
18 DRIVER IMPROVEMENT SCHOOL LICENSE, OR DRIVER IMPROVEMENT SCHOOL
19 INSTRUCTOR LICENSE.

20 (B) HOLD OR USE A DRIVER IMPROVEMENT SCHOOL CERTIFICATE,
21 DRIVER IMPROVEMENT SCHOOL LICENSE, OR DRIVER IMPROVEMENT SCHOOL
22 INSTRUCTOR LICENSE, KNOWING IT IS ALTERED OR FORGED.

23 (C) PROCURE, ATTEMPT TO PROCURE, PASS, OR ATTEMPT TO PASS A
24 DRIVER IMPROVEMENT SCHOOL CERTIFICATE, DRIVER IMPROVEMENT SCHOOL
25 LICENSE, OR DRIVER IMPROVEMENT SCHOOL INSTRUCTOR LICENSE, KNOWING
26 OR HAVING REASON TO BELIEVE THAT THE CERTIFICATE OR LICENSE IS
27 ALTERED, FORGED, OR STOLEN.

1 (D) SELL, OR OFFER TO SELL, IN THIS STATE A DRIVER
2 IMPROVEMENT SCHOOL CERTIFICATE, DRIVER IMPROVEMENT SCHOOL
3 LICENSE, OR DRIVER IMPROVEMENT SCHOOL INSTRUCTOR LICENSE, ON
4 WHICH THE CONTROL NUMBER PRESCRIBED BY THE SECRETARY OF STATE IS
5 DESTROYED, REMOVED, COVERED, ALTERED, OR DEFACED, WITH KNOWLEDGE
6 OF THE DESTRUCTION, REMOVAL, COVERING, ALTERATION, OR DEFACEMENT
7 OF THE CONTROL NUMBER.

8 (E) USE A FALSE OR FICTITIOUS NAME, GIVE A FALSE OR FICTI-
9 TIOUS ADDRESS, OR MAKE A FALSE STATEMENT IN AN APPLICATION FOR
10 ENROLLMENT IN A DRIVER IMPROVEMENT SCHOOL, FOR A DRIVER IMPROVE-
11 MENT SCHOOL LICENSE, OR DRIVER IMPROVEMENT SCHOOL INSTRUCTOR
12 LICENSE.

13 (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDE-
14 MEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR
15 A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

16 SEC. 361. A DRIVER IMPROVEMENT SCHOOL SHALL DO ALL OF THE
17 FOLLOWING:

18 (A) MAINTAIN AN ESTABLISHED PLACE OF BUSINESS OPEN TO THE
19 PUBLIC. ALL BUSINESS AND STUDENT RECORDS SHALL BE KEPT AT THE
20 SCHOOL'S ESTABLISHED PLACE OF BUSINESS AND SHALL BE AVAILABLE FOR
21 INSPECTION BY THE SECRETARY OF STATE. THE PLACE OF BUSINESS
22 SHALL BE OWNED OR LEASED BY THE SCHOOL OWNER AND SHALL COMPLY
23 WITH LOCAL ZONING ORDINANCES. THE SCHOOL OWNER SHALL POST A SIGN
24 AT THE MAIN ENTRANCE OF THE PLACE OF BUSINESS IDENTIFYING THE
25 DRIVER IMPROVEMENT SCHOOL'S NAME AND SPECIFYING ITS BUSINESS
26 OFFICE HOURS.

1 (B) PROVIDE 1 OR MORE CLASSROOM FACILITIES FOR INSTRUCTION
2 TO STUDENTS ENROLLED IN THE SCHOOL. THE DRIVER IMPROVEMENT
3 SCHOOL'S LICENSE SHALL BE DISPLAYED IN A CONSPICUOUS LOCATION AT
4 THE SCHOOL'S ESTABLISHED PLACE OF BUSINESS. A DRIVER IMPROVEMENT
5 SCHOOL SHALL PRESENT EVIDENCE THAT EACH CLASSROOM FACILITY USED
6 BY THE SCHOOL MEETS LOCAL HEALTH AND SAFETY REQUIREMENTS. THE
7 MAXIMUM NUMBER OF STUDENTS PERMITTED IN ATTENDANCE AT EACH CLASS-
8 ROOM LOCATION SHALL BE ESTABLISHED IN ACCORDANCE WITH LOCAL
9 HEALTH AND SAFETY REQUIREMENTS. THE MAXIMUM NUMBER OF STUDENTS
10 PERMITTED IN EACH CLASSROOM FACILITY SHALL BE IDENTIFIED ON THE
11 SCHOOL'S LICENSE APPLICATION.

12 (C) EMPLOY 1 OR MORE DRIVER IMPROVEMENT INSTRUCTORS, EACH
13 LICENSED BY THE SECRETARY OF STATE AS A DRIVER IMPROVEMENT
14 INSTRUCTOR.

15 (D) PROVIDE STUDENTS WITH A DRIVER IMPROVEMENT INSTRUCTION
16 COURSE APPROVED BY THE SECRETARY OF STATE. EACH COURSE SHALL
17 INCLUDE A MINIMUM OF 6 CLOCK HOURS OF DRIVER IMPROVEMENT
18 INSTRUCTION.

19 (E) FURNISH CORE CURRICULUM MATERIALS APPROVED BY THE SECRE-
20 TARY OF STATE TO STUDENTS ENROLLED IN THE SCHOOL.

21 (F) FURNISH A DRIVER IMPROVEMENT CERTIFICATE TO EACH STUDENT
22 WHO SUCCESSFULLY COMPLETES THE COURSE OF DRIVER IMPROVEMENT
23 INSTRUCTION. THE CERTIFICATE SHALL BE FURNISHED TO THE STUDENT
24 WITHIN 7 DAYS AFTER THE DATE THE STUDENT COMPLETED THE COURSE OR
25 WITHIN 7 DAYS AFTER RECEIPT BY THE SCHOOL OF THE FINAL PAYMENT
26 FOR THE COURSE IF THE STUDENT HAS NOT COMPLETED PAYMENT FOR THE
27 COURSE, WHICHEVER IS LATER. THE CERTIFICATE SHALL BE ON A FORM

1 PRESCRIBED BY THE SECRETARY OF STATE AND SHALL INCLUDE THE
2 FOLLOWING INFORMATION:

3 (i) THE NAME OF THE DRIVER IMPROVEMENT SCHOOL.

4 (ii) THE ADDRESS OF THE SCHOOL'S ESTABLISHED PLACE OF
5 BUSINESS.

6 (iii) THE TELEPHONE NUMBER OF THE SCHOOL.

7 (iv) THE DRIVER IMPROVEMENT SCHOOL'S LICENSE NUMBER.

8 (v) THE NAME OF THE STUDENT.

9 (vi) THE DRIVER LICENSE NUMBER OF THE STUDENT.

10 (vii) THE DATE ON WHICH DRIVER IMPROVEMENT INSTRUCTION WAS
11 COMPLETED BY THE STUDENT.

12 (viii) A CONTROL NUMBER AS PRESCRIBED BY THE SECRETARY OF
13 STATE.

14 (ix) A STATEMENT PRINTED IN NOT LESS THAN 10-POINT TYPE ON
15 THE FACE OF THE CERTIFICATE WHICH READS: "I CERTIFY THE ABOVE
16 NAMED STUDENT HAS SUCCESSFULLY COMPLETED DRIVER IMPROVEMENT
17 INSTRUCTION AT THIS LICENSED DRIVER IMPROVEMENT SCHOOL IN ACCORD-
18 ANCE WITH THE LAWS OF THE STATE OF MICHIGAN". THE STATEMENT
19 SHALL BE DATED AND SIGNED BY THE DRIVER IMPROVEMENT SCHOOL OWNER
20 OR HIS OR HER DESIGNATED REPRESENTATIVE.

21 (G) IN ADDITION TO THE COURSE FEE, COLLECT A FEE OF \$5.00
22 FROM EACH DRIVER IMPROVEMENT SCHOOL STUDENT AND ON THE FIRST DAY
23 OF EACH MONTH FORWARD THOSE FEES TO THE SECRETARY OF STATE. THE
24 FEES SHALL BE DEPOSITED IN THE GENERAL FUND AND USED FIRST TO
25 DEFRAY THE COSTS OF THE SECRETARY OF STATE IN ADMINISTERING THIS
26 ACT PERTAINING TO DRIVER IMPROVEMENT SCHOOLS AND INSTRUCTORS.

1 (H) PROVIDE THE SECRETARY OF STATE WITH A REPORT, BY
2 FEBRUARY 15 AND AUGUST 15 OF EACH YEAR, ON A FORM PRESCRIBED BY
3 THE SECRETARY OF STATE. THE REPORT SHALL CONTAIN, BUT NOT BE
4 LIMITED TO, ALL OF THE FOLLOWING:

5 (i) THE COMPLETE NAME, ADDRESS, AND DRIVER LICENSE NUMBER OF
6 EACH STUDENT WHO ENROLLED IN THE DRIVER IMPROVEMENT SCHOOL.

7 (ii) THE NAME AND LICENSE NUMBER OF EACH DRIVER IMPROVEMENT
8 INSTRUCTOR WHO PROVIDED INSTRUCTION TO THE STUDENT.

9 (iii) INFORMATION CONCERNING WHETHER THE STUDENT SUCCESS-
10 FULLY COMPLETED THE DRIVER IMPROVEMENT INSTRUCTION.

11 (iv) THE DATE THE STUDENT SUCCESSFULLY COMPLETED THE
12 COURSE.

13 (v) THE DATE ON WHICH A DRIVER IMPROVEMENT CERTIFICATE WAS
14 ISSUED TO THE STUDENT AND THE CONTROL NUMBER ON THE CERTIFICATE.

15 (I) PROVIDE THE SECRETARY OF STATE WITH AN ANNUAL REPORT AS
16 A PRECONDITION TO THE RENEWAL OF THE SCHOOL'S LICENSE. THE
17 REPORT SHALL CONSIST OF RESEARCH DOCUMENTATION AS PRESCRIBED BY
18 THE SECRETARY OF STATE TO ASSIST THE SECRETARY'S RESEARCH SHOWING
19 EVIDENCE OF PRECOURSE AND POSTCOURSE COMPLETION EFFECTIVENESS IN
20 TERMS OF REDUCED VEHICULAR ACCIDENTS AND REDUCED MOVING VIOLATION
21 CONVICTIONS BY COURSE GRADUATES.

22 SEC. 362. (1) A DRIVER IMPROVEMENT SCHOOL SHALL MAINTAIN AT
23 THE SCHOOL'S ESTABLISHED PLACE OF BUSINESS RECORDS AS REQUIRED BY
24 THIS ACT OR RULES PROMULGATED UNDER THIS ACT. THE RECORDS SHALL
25 BE MAINTAINED FOR NOT LESS THAN 5 YEARS AND SHALL BE OPEN TO
26 INSPECTION BY THE SECRETARY OF STATE OR BY HIS OR HER

1 REPRESENTATIVE DURING REASONABLE OR ESTABLISHED BUSINESS HOURS.

2 THE RECORDS SHALL CONTAIN ALL THE FOLLOWING INFORMATION:

3 (A) THE NAME, ADDRESS, AND DRIVER LICENSE NUMBER OF EACH
4 STUDENT WHO HAS BEEN ENROLLED IN THE DRIVER IMPROVEMENT SCHOOL.

5 (B) THE DATE AND NUMBER OF HOURS OF CLASSROOM INSTRUCTION
6 PROVIDED EACH STUDENT, AND THE NAME AND SIGNATURE OF EACH
7 INSTRUCTOR PROVIDING INSTRUCTION TO THE STUDENT.

8 (C) A LISTING BY DATE OF EVERY PAYMENT MADE BY A STUDENT AND
9 ANY REFUNDS ISSUED TO A STUDENT.

10 (D) INFORMATION CONCERNING WHETHER OR NOT A STUDENT COM-
11 PLETED THE COURSE OF DRIVER IMPROVEMENT INSTRUCTION, THE DATE ON
12 WHICH A CERTIFICATE WAS ISSUED, IF ANY, AND THE CONTROL NUMBER ON
13 THE CERTIFICATE.

14 (E) A SIGNED COPY OF THE CONTRACT BETWEEN THE SCHOOL AND
15 EACH STUDENT.

16 (2) A PERSON SHALL NOT HINDER, OBSTRUCT, OR OTHERWISE PRE-
17 VENT AN INSPECTION BY THE SECRETARY OF STATE OR HIS OR HER REPRE-
18 SENTATIVE UNDER SUBSECTION (1).

19 SEC. 363. A DRIVER IMPROVEMENT SCHOOL SHALL NOT PROVIDE
20 INSTRUCTION TO A STUDENT UNTIL ALL TERMS OF A CONTRACT BETWEEN
21 THE SCHOOL AND THE STUDENT ARE SPECIFIED IN A WRITTEN CONTRACT.
22 BEFORE INSTRUCTION, THE CONTRACT SHALL BE DATED AND SIGNED BY A
23 REPRESENTATIVE OF THE SCHOOL AND THE STUDENT. A FULLY EXECUTED
24 ORIGINAL SHALL BE GIVEN TO THE STUDENT. THE CONTRACT SHALL CON-
25 TAIN ALL OF THE FOLLOWING INFORMATION:

26 (A) THE NAME OF THE SCHOOL.

1 (B) THE ADDRESS OF THE SCHOOL'S ESTABLISHED PLACE OF
2 BUSINESS.

3 (C) THE ADDRESS WHERE THE STUDENT WILL BE GIVEN CLASSROOM
4 INSTRUCTION IF DIFFERENT FROM THE SCHOOL'S ESTABLISHED PLACE OF
5 BUSINESS.

6 (D) THE TELEPHONE NUMBER OF THE SCHOOL.

7 (E) THE OFFICE HOURS OF THE SCHOOL.

8 (F) THE DRIVER IMPROVEMENT SCHOOL'S LICENSE NUMBER ISSUED BY
9 THE SECRETARY OF STATE.

10 (G) THE DISCLOSURE OF ANY CONCESSION AGREEMENT AND THE
11 LIMITS OF RESPONSIBILITY AND LIABILITY CONTAINED IN THE CONCES-
12 SION AGREEMENT. AS USED IN THIS SUBDIVISION, "CONCESSION
13 AGREEMENT" MEANS A CONTRACT, FRANCHISE, AGREEMENT, OR THE GRANT-
14 ING OF A PRIVILEGE, WRITTEN OR ORAL, BETWEEN 2 BUSINESS ENTITIES
15 PERMITTING 1 OF THE ENTITIES TO OPERATE A DRIVER TRAINING SCHOOL
16 UNDER THE SPONSORSHIP, NAME, AUSPICES OF, OR ON THE PREMISES OF
17 THE OTHER ENTITY.

18 (H) THE NAME, ADDRESS, TELEPHONE NUMBER, DATE OF BIRTH, AND
19 DRIVER LICENSE NUMBER OF THE STUDENT.

20 (I) THE NUMBER OF CLOCK HOURS TO BE PROVIDED IN THE DRIVER
21 IMPROVEMENT INSTRUCTION COURSE AND THE FEES CHARGED FOR THE
22 INSTRUCTION.

23 (J) THE FEES CHARGED FOR MATERIALS AND SUPPLIES.

24 (K) THE FEE PAYMENT PLAN.

25 (L) IN CASE OF AN UNEMANCIPATED MINOR, THE SIGNATURE OF THE
26 STUDENT'S PARENT OR GUARDIAN.

1 (M) A STATEMENT PRINTED IN NOT LESS THAN 10-POINT TYPE ON
2 THE FACE OF THE CONTRACT WHICH READS AS FOLLOWS:

3 "NOTICE: THIS DRIVER IMPROVEMENT SCHOOL IS REQUIRED TO BE
4 LICENSED BY THE MICHIGAN DEPARTMENT OF STATE. IF YOU HAVE A COM-
5 PLAINT REGARDING THIS SCHOOL, WRITE: MICHIGAN DEPARTMENT OF
6 STATE, LANSING, MICHIGAN 48918."

7 (N) A STATEMENT OF THE SCHOOL'S REFUND OR CANCELLATION
8 POLICY, IF ANY.

9 (O) OTHER INFORMATION REQUIRED BY THE SECRETARY OF STATE.

10 SEC. 364. THE SECRETARY OF STATE MAY DENY THE APPLICATION
11 OF ANY PERSON FOR A LICENSE AS A DRIVER IMPROVEMENT SCHOOL OR
12 DRIVER IMPROVEMENT INSTRUCTOR AND REFUSE TO ISSUE THE PERSON A
13 LICENSE AS A DRIVER IMPROVEMENT SCHOOL OR INSTRUCTOR, OR MAY SUS-
14 PEND OR REVOKE A LICENSE ALREADY ISSUED, OR MAY ISSUE OR IMPOSE
15 CONDITIONS OF PROBATION, OR MAY LEVY A FINE, OR MAY ISSUE AN
16 ORDER REQUIRING THE SCHOOL OR INSTRUCTOR TO TAKE SUCH AFFIRMATIVE
17 ACTION AS IS APPROPRIATE IN THE JUDGMENT OF THE SECRETARY OF
18 STATE, OR MAY IMPOSE ANY APPROPRIATE COMBINATION OF THE PRECED-
19 ING, IF, AFTER NOTICE AND OPPORTUNITY FOR A HEARING, THE SECRE-
20 TARY FINDS THAT THE APPLICANT OR LICENSEE HAS DONE OR FAILED TO
21 DO 1 OR MORE OF THE FOLLOWING:

22 (A) HAS MADE AN UNTRUE STATEMENT OF A MATERIAL FACT IN HIS
23 OR HER APPLICATION FOR A SCHOOL OR INSTRUCTOR LICENSE.

24 (B) HAS NOT COMPLIED WITH THE PROVISIONS OF THIS ACT FOR
25 OBTAINING THE SCHOOL OR INSTRUCTOR LICENSE OR RETAINING THE
26 LICENSE.

1 (C) HAS BEEN GUILTY OF A FRAUDULENT ACT IN CONNECTION WITH
2 CONTRACTING FOR OR PROVIDING DRIVER IMPROVEMENT INSTRUCTION.

3 (D) HAS NO ESTABLISHED PLACE OF BUSINESS WHICH IS USED OR
4 WILL BE USED FOR THE PURPOSE OF PROVIDING DRIVER IMPROVEMENT
5 INSTRUCTION.

6 (E) HAS ACQUIRED ON THE APPLICANT'S OR LICENSEE'S DRIVING
7 RECORD ANY OF THE CONDITIONS IDENTIFIED IN SECTION 354(1)(E)
8 EITHER PRECEDING THE SUBMISSION OF THE LICENSE APPLICATION OR
9 DURING LICENSURE AS A DRIVER IMPROVEMENT INSTRUCTOR.

10 (F) ENGAGED IN A METHOD, ACT, OR PRACTICE THAT IS UNFAIR OR
11 DECEPTIVE OR UNCONSCIONABLE.

12 (G) MADE AN UNTRUE STATEMENT OF A MATERIAL FACT TO ANY
13 PERSON IN CONNECTION WITH PROVIDING DRIVER IMPROVEMENT
14 INSTRUCTION.

15 (H) VIOLATED A PROVISION OF THIS ACT PERTAINING TO DRIVER
16 IMPROVEMENT SCHOOLS OR INSTRUCTORS OR A RULE PROMULGATED UNDER
17 THIS ACT PERTAINING TO DRIVER IMPROVEMENT SCHOOLS OR
18 INSTRUCTORS.

19 (I) REFUSED TO PROVIDE A DRIVER IMPROVEMENT COURSE OF
20 INSTRUCTION.

21 (J) VIOLATED A CONDITION OF PROBATION OR THE TERMS OF A SUS-
22 PENSION ORDER OR OTHER AGREEMENT.

23 (K) IF THE APPLICANT OR LICENSEE IS A CORPORATION OR PART-
24 NERSHIP, AND ANY INDIVIDUAL STOCKHOLDER, OFFICER, DIRECTOR, OR
25 PARTNER OF THE APPLICANT OR LICENSEE HAS BEEN GUILTY OF ANY ACT
26 OR OMISSION WHICH WOULD BE CAUSE FOR REFUSING, SUSPENDING,

1 REVOKING, OR OTHERWISE SANCTIONING A LICENSE ISSUED TO THE
2 STOCKHOLDER, OFFICER, DIRECTOR, OR PARTNER AS AN INDIVIDUAL.

3 (L) FAILED TO COMPLY WITH THE TERMS OF A FINAL CEASE AND
4 DESIST ORDER.

5 (M) CAUSED OR ALLOWED AN INDIVIDUAL TO PROVIDE DRIVER
6 IMPROVEMENT INSTRUCTION WITHOUT A LICENSE.

7 (N) OPERATED A DRIVER IMPROVEMENT SCHOOL WITHOUT BEING
8 LICENSED AS REQUIRED BY THIS ACT.

9 (O) FAILED TO PROVIDE A STUDENT REFUND DUE IN CONFORMITY
10 WITH SCHOOL REFUND POLICY.

11 (P) FAILED TO COMPLY WITH THE TERMS OF A CONTRACT BETWEEN
12 THE SCHOOL AND A STUDENT.

13 SEC. 365. IT SHALL BE AN UNFAIR OR DECEPTIVE OR UNCONSCIO-
14 NABLE METHOD, ACT, OR PRACTICE FOR A DRIVER IMPROVEMENT SCHOOL TO
15 DO ANY OF THE FOLLOWING:

16 (A) VIOLATE THIS ACT OR A RULE PROMULGATED UNDER THIS ACT
17 PERTAINING TO DRIVER IMPROVEMENT SCHOOLS.

18 (B) MISREPRESENT OR FAIL TO DISCLOSE THE TOTAL INITIAL AND
19 DEFERRED PRICE OR THE HOURLY RATE, IF APPLICABLE, OF INSTRU-
20 TIONS, SERVICES, OR MATERIALS PROVIDED TO A STUDENT.

21 (C) MISREPRESENT THE QUANTITY OR QUALITY OF THE INSTRUCTION
22 PROVIDED.

23 (D) FAIL TO DELIVER TO THE STUDENT A COPY OF ALL EXECUTED
24 CONTRACTS AND ALL APPLICABLE POLICIES.

25 (E) FAIL TO DISCLOSE TO A STUDENT THE EXISTENCE OF ANY
26 APPLICABLE CONCESSION AGREEMENT OR REFUND POLICY.

1 (F) FAIL TO PROMPTLY RESTORE TO A STUDENT ENTITLED THERETO
2 ANY DEPOSIT, DOWN PAYMENT, OR OTHER PAYMENT WHEN A CONTRACT IS
3 RESCINDED, CANCELED, OR OTHERWISE TERMINATED IN ACCORDANCE WITH
4 THE TERMS OF THE CONTRACT OR APPLICABLE LAW OR RULE.

5 (G) TAKE ADVANTAGE OF A STUDENT'S OR POTENTIAL STUDENT'S
6 INABILITY TO REASONABLY PROTECT HIS OR HER INTEREST BECAUSE OF A
7 DISABILITY, ILLITERACY, OR AN INABILITY TO UNDERSTAND THE LAN-
8 GUAGE OF A CONTRACT, IF THE LICENSEE KNOWS OR REASONABLY SHOULD
9 HAVE KNOWN OF THE STUDENT'S INABILITY.

10 (H) FAIL, AS THE RESULT OF THE LICENSEE'S ACTION OR INAC-
11 TION, TO PROVIDE INSTRUCTION AGREED TO IN THE CONTRACT OR AS
12 REQUIRED FOR THE CERTIFICATE FOR SUCCESSFULLY COMPLETING THE
13 DRIVER IMPROVEMENT INSTRUCTION.

14 (I) ISSUE A CERTIFICATE TO A STUDENT WHO HAS NOT FULFILLED
15 THE REQUIRED HOURS OR CONDITIONS FOR THE CERTIFICATE.

16 (J) FALSIFY DOCUMENTS, AGREEMENTS, RECORDS, REPORTS, OR
17 CERTIFICATES.

18 (K) ALLOW A STUDENT TO SIGN A DOCUMENT IN BLANK.

19 (L) PROVIDE INSTRUCTION TO A STUDENT BY OTHER THAN A
20 LICENSED INSTRUCTOR.

21 (M) FAIL TO MAINTAIN RECORDS AS REQUIRED BY THIS ACT.

22 (N) REPRESENT THE SCHOOL, AN INSTRUCTOR, HIMSELF OR HERSELF
23 AS AN AGENT OR EMPLOYEE OF THE STATE OR USE ADVERTISING DESIGNED
24 TO LEAD, OR WHICH WOULD REASONABLY HAVE THE EFFECT OF LEADING,
25 PERSONS TO BELIEVE THAT THE LICENSEE OR AN INSTRUCTOR IS AN
26 EMPLOYEE OR REPRESENTATIVE OF THE STATE.

1 (O) PROVIDE OR ATTEMPT TO PROVIDE DRIVER IMPROVEMENT
2 INSTRUCTION THROUGH A CORRESPONDENCE PROGRAM.

3 SEC. 366. THE SECRETARY OF STATE MAY COMMENCE A HEARING TO
4 DETERMINE WHETHER A VIOLATION OF THIS ACT OR OF A PROMULGATED
5 RULE PURSUANT TO THIS ACT PERTAINING TO A DRIVER IMPROVEMENT
6 SCHOOL OR INSTRUCTOR HAS OCCURRED. THE HEARING SHALL BE CON-
7 DUCTED IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN CHAPTER 4
8 OF THE ADMINISTRATIVE PROCEDURES ACT OF 1969, ACT NO. 306 OF THE
9 PUBLIC ACTS OF 1969, BEING SECTIONS 24.271 TO 24.287 OF THE
10 MICHIGAN COMPILED LAWS. UPON WRITTEN REQUEST OF A PARTY, THE
11 HEARING OFFICER MAY SIGN AND ISSUE A SUBPOENA. IF AFTER A HEAR-
12 ING THE SECRETARY OF STATE DETERMINES THAT A VIOLATION OF THIS
13 ACT OR OF A RULE PROMULGATED PURSUANT TO THIS ACT PERTAINING TO A
14 DRIVER IMPROVEMENT SCHOOL OR INSTRUCTOR HAS OCCURRED, THE SECRE-
15 TARY OF STATE MAY ISSUE AN ORDER AND INSTITUTE AN ACTION AUTHO-
16 RIZED BY THIS ACT PERTAINING TO A DRIVER IMPROVEMENT SCHOOL OR
17 INSTRUCTOR AND IMPOSE A FINE FOR EACH VIOLATION. A FINAL DECISION AND ORDER ISSUED BY THE SECRETARY OF STATE IS SUBJECT TO
18 JUDICIAL REVIEW AS PROVIDED BY CHAPTER 6 OF THE ADMINISTRATIVE
19 PROCEDURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC ACTS OF 1969,
20 BEING SECTIONS 24.301 TO 24.306 OF THE MICHIGAN COMPILED LAWS. A
21 FINE IMPOSED UNDER THIS ACT WHICH REMAINS UNPAID FOR MORE THAN
22 180 DAYS MAY BE REFERRED TO THE DEPARTMENT OF TREASURY FOR
23 COLLECTION. THE DEPARTMENT OF TREASURY MAY COLLECT THE FINE BY
24 DEDUCTING THE AMOUNT OWED FROM A PAYROLL OR TAX REFUND WARRANT.
25 THE SECRETARY OF STATE MAY BRING AN ACTION IN CIRCUIT COURT TO
26 RECOVER THE AMOUNT OF A FINE.

1 SEC. 367. (1) UPON RECEIPT OF AN AFFIDAVIT SUBMITTED BY A
2 PERSON FAMILIAR WITH THE FACTS SET FORTH IN THE AFFIDAVIT STATING
3 THAT THERE IS A VIOLATION OF THIS ACT OR A RULE PERTAINING TO A
4 DRIVER IMPROVEMENT SCHOOL OR DRIVER IMPROVEMENT INSTRUCTOR, THE
5 SECRETARY OF STATE MAY ORDER A SUMMARY SUSPENSION OF THE DRIVER
6 IMPROVEMENT SCHOOL'S OR DRIVER IMPROVEMENT INSTRUCTOR'S LICENSE
7 PURSUANT TO SECTION 92 OF THE ADMINISTRATIVE PROCEDURES ACT OF
8 1969, ACT NO. 306 OF THE PUBLIC ACTS OF 1969, BEING
9 SECTION 24.292 OF THE MICHIGAN COMPILED LAWS.

10 (2) A DRIVER IMPROVEMENT SCHOOL OR DRIVER IMPROVEMENT
11 INSTRUCTOR TO WHOM AN ORDER IS DIRECTED UNDER SUBSECTION (1) MAY,
12 WITHIN 5 BUSINESS DAYS AFTER RECEIPT OF THE SUMMARY SUSPENSION
13 ORDER, REQUEST THE SECRETARY OF STATE TO CONDUCT A HEARING TO
14 REVIEW THE ORDER. IF REQUESTED, A REVIEW HEARING SHALL BE CON-
15 DUCTED PURSUANT TO ACT NO. 306 OF THE PUBLIC ACTS OF 1969, BEING
16 SECTIONS 24.201 TO 24.328 OF THE MICHIGAN COMPILED LAWS, WITHIN
17 30 DAYS AFTER RECEIPT OF THE REQUEST.

18 (3) THE ORDER OF SUMMARY SUSPENSION SHALL BE SET ASIDE, CON-
19 TINUED, OR MODIFIED WITHIN 30 DAYS FOLLOWING THE HEARING.

20 SEC. 368. THE EXPIRATION OR ABSENCE OF A LICENSE OF A
21 DRIVER IMPROVEMENT SCHOOL, INSTRUCTOR, OR PERSON SHALL NOT PRE-
22 VENT THE SECRETARY OF STATE FROM PROCEEDING WITH AN INVESTIGA-
23 TION, PETITION, DISCIPLINARY PROCEEDING, OR OTHER ACTION AUTHO-
24 RIZED BY THIS ACT WITH RESPECT TO A DRIVER IMPROVEMENT SCHOOL OR
25 A DRIVER IMPROVEMENT INSTRUCTOR.

26 SEC. 369. (1) THE SECRETARY OF STATE, ON HIS OR HER OWN
27 INITIATIVE OR IN RESPONSE TO A COMPLAINT, SHALL MAKE REASONABLE

1 AND NECESSARY PUBLIC OR PRIVATE INVESTIGATIONS WITHIN OR OUTSIDE
2 OF THIS STATE AND GATHER EVIDENCE RELATING TO AN ACTUAL OR
3 ALLEGED VIOLATION OF THIS ACT, A RULE, OR ORDER UNDER THIS ACT
4 PERTAINING TO A DRIVER IMPROVEMENT SCHOOL OR A DRIVER IMPROVEMENT
5 INSTRUCTOR.

6 (2) THE SECRETARY OF STATE MAY DO ANY OF THE FOLLOWING:

7 (A) REQUIRE OR PERMIT A PERSON TO FILE A STATEMENT IN WRIT-
8 ING OR OTHERWISE AS THE SECRETARY OF STATE DETERMINES AS TO ALL
9 THE FACTS AND CIRCUMSTANCES CONCERNING THE MATTER TO BE OR BEING
10 INVESTIGATED.

11 (B) MEDIATE DISPUTES BETWEEN PARTIES ARISING FROM ACTUAL OR
12 ALLEGED VIOLATIONS OF THIS ACT OR A RULE PROMULGATED UNDER THIS
13 ACT PERTAINING TO DRIVER IMPROVEMENT SCHOOLS OR INSTRUCTORS.

14 (C) DEVELOP CONDITIONS OF PROBATION OR OPERATION FOR THE
15 SCHOOL OR INSTRUCTOR. TO BE EFFECTIVE, THESE CONDITIONS SHALL BE
16 MUTUALLY AGREED UPON AND EVIDENCED IN A WRITING SIGNED BY THE
17 SCHOOL OR INSTRUCTOR AND THE SECRETARY OF STATE. THE CONDITIONS
18 SHALL TAKE EFFECT INSTEAD OF FURTHER DISCIPLINARY ACTION.

19 (D) ON HIS OR HER OWN INITIATIVE, CONDUCT SPOT CHECK INVES-
20 TIGATIONS OF DRIVER IMPROVEMENT SCHOOLS OR INSTRUCTORS LICENSED
21 OR REQUIRED TO BE LICENSED THROUGHOUT THE STATE TO DETERMINE
22 WHETHER OR NOT THE SCHOOL OR INSTRUCTOR IS IN COMPLIANCE WITH
23 THIS ACT AND RULES PROMULGATED UNDER THIS ACT PERTAINING TO
24 DRIVER IMPROVEMENT SCHOOLS OR INSTRUCTORS.

25 SEC. 370. IN MEDIATING A DISPUTE BETWEEN PARTIES ARISING
26 FROM A VIOLATION OR ALLEGED VIOLATION OF THIS ACT OR A RULE
27 PERTAINING TO DRIVER IMPROVEMENT SCHOOLS OR INSTRUCTORS, THE

1 SECRETARY OF STATE MAY TAKE FROM A SCHOOL OR INSTRUCTOR A
2 VOLUNTARY ASSURANCE THAT THE SCHOOL OR INSTRUCTOR WILL DISCON-
3 TINUE AN ALLEGED VIOLATION OF THIS ACT OR A RULE. THE ASSURANCE
4 SHALL BE FILED IN THE RECORDS OF THE SECRETARY OF STATE AND SHALL
5 BE OPEN FOR PUBLIC INSPECTION. THE ASSURANCE SHALL NOT CONSTI-
6 TUTE ON THE PART OF THE SCHOOL OR INSTRUCTOR MAKING THE ASSURANCE
7 AN ADMISSION OF ANY ISSUE OF LAW OR FACT. THE ASSURANCE, SUBJECT
8 TO AGREEMENT BY ALL PARTIES, MAY CONTAIN PROVISIONS WHEREBY:

9 (A) THE SCHOOL WILL REFUND TO A STUDENT OR PAYOR AN AMOUNT
10 OF MONEY AGREED UPON BY THE PARTIES.

11 (B) A SCHOOL OR INSTRUCTOR SHALL TAKE SUCH AFFIRMATIVE
12 ACTION AS IS APPROPRIATE IN THE JUDGMENT OF THE SECRETARY OF
13 STATE TO CORRECT AN ALLEGED VIOLATION OF THIS ACT OR A RULE.

14 (C) A SCHOOL SHALL PLACE IN ESCROW A SUM OF MONEY FOR THE
15 PURPOSES OF RESTITUTION TO AN AGGRIEVED CONSUMER PENDING THE OUT-
16 COME OF AN ACTION PURSUANT TO THIS ACT. IF THE SCHOOL ACCEPTS
17 THE SECRETARY OF STATE'S SUGGESTIONS AND PERFORMS ACCORDINGLY,
18 THAT FACT SHALL BE GIVEN DUE CONSIDERATION IN ANY SUBSEQUENT DIS-
19 CIPLINARY PROCEEDING. THE ASSURANCE SHALL CONSTITUTE A CONTRACT
20 WHICH MAY BE ENFORCED BY THE PARTIES IN CIRCUIT COURT UPON APPLI-
21 CATION BEING MADE TO THE COURT FOR THAT PURPOSE.

22 SEC. 371. (1) IF THE SECRETARY OF STATE DETERMINES AFTER
23 NOTICE AND A HEARING OR AN OPPORTUNITY FOR A HEARING THAT A
24 PERSON HAS VIOLATED THIS ACT OR A RULE PROMULGATED PURSUANT TO
25 THIS ACT, PERTAINING TO OPERATING A DRIVER IMPROVEMENT SCHOOL OR
26 TO BEING A DRIVER IMPROVEMENT INSTRUCTOR, OR ENGAGED IN AN UNFAIR
27 OR DECEPTIVE METHOD, ACT, OR PRACTICE, DIRECTLY OR THROUGH AN

1 AGENT OR EMPLOYEE, PERTAINING TO OPERATING A DRIVER IMPROVEMENT
2 SCHOOL OR TO BEING A DRIVER IMPROVEMENT INSTRUCTOR, THE SECRETARY
3 OF STATE MAY ISSUE AN ORDER REQUIRING THE PERSON TO CEASE AND
4 DESIST FROM THE UNLAWFUL ACT OR PRACTICE OR TO TAKE SUCH AFFIRMA-
5 TIVE ACTION AS IN THE JUDGMENT OF THE SECRETARY WILL CARRY OUT
6 THE PURPOSES OF THIS ACT.

7 (2) IF THE SECRETARY OF STATE MAKES A FINDING OF FACT IN
8 WRITING THAT THE PUBLIC INTEREST WILL BE IRREPARABLY HARMED BY
9 DELAY IN ISSUING AN ORDER, IT MAY ISSUE A TEMPORARY CEASE AND
10 DESIST ORDER. BEFORE ISSUING THE TEMPORARY CEASE AND DESIST
11 ORDER, THE SECRETARY OF STATE OR HIS OR HER AUTHORIZED REPRESEN-
12 TATIVE WHEN POSSIBLE BY TELEPHONE OR OTHERWISE SHALL GIVE NOTICE
13 OF THE PROPOSAL TO ISSUE A TEMPORARY CEASE AND DESIST ORDER TO
14 THE DRIVER IMPROVEMENT SCHOOL OR INSTRUCTOR. A TEMPORARY CEASE
15 AND DESIST ORDER SHALL INCLUDE IN ITS TERMS A PROVISION THAT UPON
16 REQUEST A HEARING SHALL BE HELD WITHIN 30 DAYS TO DETERMINE
17 WHETHER OR NOT THE ORDER SHALL BECOME PERMANENT. A DECISION IN
18 SUCH A HEARING SHALL BE ISSUED WITHIN 30 DAYS FOLLOWING THE
19 HEARING.

20 SEC. 372. A PERSON FOUND RESPONSIBLE FOR A VIOLATION OF
21 THIS ACT PERTAINING TO DRIVER IMPROVEMENT SCHOOLS OR INSTRUCTORS
22 MAY IN THE DISCRETION OF THE SECRETARY OF STATE BE ASSESSED A
23 CIVIL FINE OF NOT MORE THAN \$1,000.00.

24 SEC. 373. A LICENSE FEE, STUDENT INSTRUCTION FEE, OR CIVIL
25 FINE COLLECTED UNDER THIS ACT BY THE SECRETARY OF STATE PERTAIN-
26 ING TO DRIVER IMPROVEMENT SCHOOLS, INSTRUCTORS, OR INSTRUCTION
27 SHALL BE DEPOSITED IN THE GENERAL FUND AND BE USED FIRST TO

1 DEFRAID THE COST OF ADMINISTERING THIS ACT PERTAINING TO DRIVER
2 IMPROVEMENT SCHOOLS AND INSTRUCTORS.

3 Section 2. Section 320b of the Michigan vehicle code, Act
4 No. 300 of the Public Acts of 1949, being section 257.320b of the
5 Michigan Compiled Laws, is repealed effective December 31, 1995.