



# HOUSE BILL No. 4991

June 16, 1995, Introduced by Reps. Voorhees, Perricone, Green, Hill, Curtis, Pitoniak, Bush, Law and Llewellyn 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 depart-  
3 ment of education for state administration of the program. In  
4 addition, the department of education shall distribute to local  
5 public school districts from the driver education fund 50% of the  
6 previous fiscal year's statewide average cost per student, as  
7 determined by the department of education, or the actual cost per  
8 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~~ INCLUDES A MINIMUM OF 30 HOURS OF classroom instruc-  
3 tion, A MINIMUM OF 6 HOURS OF 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  
9 the Michigan Compiled Laws.

10 (5) The department of education may promulgate rules pursu-  
11 ant to the administrative procedures act of 1969, Act No. 306 of  
12 the Public Acts of 1969, ~~as amended~~, being sections 24.201 to  
13 24.328 of the Michigan Compiled Laws, including instructional  
14 standards, teacher qualifications, reimbursement procedures, and  
15 other requirements to further implement this section.

16 (6) Notwithstanding sections 301, 303, 306, and 308, an  
17 operator's license shall not be issued to a person under 18 years  
18 of age unless that person successfully passes a driver education  
19 course and examination given by a public school, nonpublic  
20 school, or an equivalent course approved by the department of  
21 education given by a licensed driver training school. A PUBLIC  
22 SCHOOL, NONPUBLIC SCHOOL, OR LICENSED DRIVER TRAINING SCHOOL CON-  
23 DUCTING A DRIVER EDUCATION COURSE MAY REQUIRE PARTICIPATION OF A  
24 PARENT OR LEGAL GUARDIAN OF EACH STUDENT AT 1 OR MORE SESSIONS OF  
25 THE COURSE. A person who has been a holder of a motor vehicle  
26 operator's license issued by any other state, territory, or  
27 possession of the United States, or any other sovereignty for 1

1 year immediately before application for an operator's license  
2 under this act is not required to comply with this subsection.  
3 Restricted licenses may be issued pursuant to section 312 without  
4 compliance with this subsection. Subject to eligibility require-  
5 ments established under section 1302 of Act No. 451 of the Public  
6 Acts of 1976, a driver education course shall be made available  
7 for a person under 18 years of age within a time that will enable  
8 that person to qualify for a license before the time that the  
9 person is permitted by law to have a license.

10 (7) A public school system shall not impose a charge or  
11 enrollment fee for a driver education course upon a student  
12 desiring to take the course as a duly enrolled student for the  
13 course in a school of the public school system.

14 (8) Not later than ~~5 years after the effective date of the~~  
15 ~~amendatory act that added this subsection~~ DECEMBER 30, 1996, the  
16 secretary of state shall prepare and submit to the legislature a  
17 report comparing aggregate driver record information for drivers  
18 trained in driver education programs for which eligibility  
19 requirements have been established under section 1302 of Act  
20 No. 451 of the Public Acts of 1976 to aggregate driver record  
21 information for drivers trained in driver education programs for  
22 which such eligibility requirements have not been established.