



# HOUSE BILL No. 5569

February 13, 1996, Introduced by Reps. Walberg, Bush, Brackenridge, Jamian, London, Hammerstrom, Bankes, Baade, McNutt, Owen, Llewellyn and Nye and referred to the Committee on Transportation.

A bill to amend sections 312b and 312c of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," 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:**

1 Section 1. Sections 312b and 312c of Act No. 300 of the  
2 Public Acts of 1949, section 312b as amended by Act No. 59 of the  
3 Public Acts of 1992 and section 312c as amended by Act No. 495 of  
4 the Public Acts of 1988, being sections 257.312b and 257.312c of  
5 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 that shall include a driving  
14 test designed to test the competency of the applicant for the  
15 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 audit of the  
16 motorcycle safety fund shall be conducted in conjunction with the  
17 audit of school management services by the office of the auditor  
18 general to determine compliance with the requirement that funds  
19 are being withdrawn only to reimburse additional reasonable costs  
20 related to this act and not costs that are already a function or  
21 duty of the education act. A copy of this audit shall be trans-  
22 mitted 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~~  
27 ~~program~~ COSTS OF THE SECRETARY OF STATE IN CONDUCTING THE

1 MOTORCYCLE OPERATOR DRIVING TEST as provided for under this  
2 section and section 811a.

3       Sec. 312c. (1) Every application for a motorcycle indorse-  
4 ment on an operator's or chauffeur's license for operation of  
5 motorcycles as provided in section 312a shall be accompanied by  
6 the following fees which shall be in addition to any other origi-  
7 nal or renewal operator or chauffeur license fee:

8

9       Original motorcycle indorsement..... ~~-\$ 7.50~~ \$8.50

10       Renewal of motorcycle indorsement..... ~~-\$ 4.00~~ \$6.00.

11       (2) Except as otherwise provided in this subsection, the  
12 money received and collected under this section shall be depos-  
13 ited in the state treasury to the credit of the general fund.  
14 The secretary of state shall refund out of the fees collected to  
15 each county or municipality, acting as an examining officer or  
16 examining bureau, \$3.00 for each applicant examined for a first  
17 indorsement to a 3- or 4-year operator's or chauffeur's license,  
18 \$2.50 for each original indorsement to a 2-year operator's or  
19 chauffeur's license, \$1.50 for each renewal indorsement to a  
20 2-year operator's or chauffeur's license, and \$1.50 for every  
21 other applicant examined whose application is not denied, on the  
22 condition, however, that the money refunded shall be paid to the  
23 county or local treasurer and is appropriated to the county,  
24 municipality, or officer or bureau receiving the money for the  
25 purpose of carrying out this act. ~~Four~~ FIVE dollars of each  
26 original motorcycle indorsement and ~~-\$2.00~~ \$4.00 of each renewal  
27 motorcycle indorsement shall be placed in a motorcycle safety

1 fund in the state treasury and shall be used only ~~for the~~  
2 ~~funding motorcycle~~ BY THE DEPARTMENT OF EDUCATION FOR THE safety  
3 education program as provided under ~~sections 3+2b and~~ SECTION  
4 811a.