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## DRIVER ED AND MOTORCYCLE SAFETY PROGRAMS TO SECRETARY OF STATE

### House Bill 5705

Sponsor: Rep. Jason Allen

Committee: Transportation

Complete to 5-3-00

### A SUMMARY OF HOUSE BILL 5705 AS INTRODUCED 5-2-00

House Bill 5705 would amend the Michigan Vehicle Code to relocate the driver education and motorcycle safety programs from the Department of Education to the Office of the Secretary of State.

Driver education program. Under the law, out of the fees collected, the secretary of state deposits in a driver education fund, \$4 for each person examined for an original and renewed operator's license, and for each original and renewed chauffeur's license, and also \$2 for each two-year operator's and chauffeur's license. The Department of Education uses the money in the driver education fund to administer a driver education program, and to distribute funds to local school districts for driver education programs. Any unexpended and unencumbered balance remaining in the driver education fund at the end of the fiscal year in excess of \$150,000 reverts to the general fund.

More specifically and under the law, the legislature appropriates annually to the Department of Education the money credited to the driver education fund. The department distributes to local public school districts a pro rata amount equal to the number of students who completed an approved driver education course through the local public school districts, whether directly from the student's own local school district or by certificate issued from the student's own local school district in the previous fiscal year, or the actual costs per student, whichever is less. After April 1, 1998, a local school district that offers an approved driver education course is required to provide an amount equal to the pro rata amount from the driver education fund. In addition, the local school district must provide each student participating in an approved driver education course with a certificate in a form approved by the Department of Education that the student then uses toward payment of any fee charged for the course. Further, if a local school district contracts with a licensed driver training school to conduct an approved driver education course, the contract must require that the course be conducted in accordance with requirements set forth in rules promulgated by the Department of Education. The law also specifies that reimbursement to local school districts is on the basis of an application from the local school district superintendent to the Department of Education.

House Bill 5705 would replace all references to the Department of Education in all provisions of this section, with references to the secretary of state, so that all responsibility for this program, including the promulgation of rules, would rest with that office. The bill also would

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eliminate an outdated section of the law which required the secretary of state to prepare and submit to the legislature before December 30, 1996, a report comparing aggregate driver record information for drivers trained in driver education programs for which eligibility requirements were established under section 1302 of Public Act 451 of 1976, to aggregate driver record information for drivers trained in driver education programs for which such eligibility requirements were not established.

Motorcycle safety. In addition and under the law, the State Board of Education is responsible to establish and administer a motorcycle safety course, and also to promulgate rules regarding teacher qualifications, reimbursement procedures, the establishment of the courses, and other requirements. The law specifies that the superintendent of public instruction must designate a person to be the state coordinator of the motorcycle safety education program, and to designate a person who has successfully completed a motorcycle safety chief instructor course to perform annual inspections of motorcycle course sites. The law also specifies that an eight-hour motorcycle safety course that meets standards established by the State Board of Education may be offered to an applicant who has passed a motorcycle operator skill test that has been approved by the State Board of Education.

House Bill 5705 would replace all references to the State Board of Education and to the superintendent of public instruction in all provisions of this section, with references to the secretary of state, so that all responsibility for this program, including the promulgation of rules, would rest with that office. The bill also would eliminate the requirement that an audit of the motorcycle safety fund be conducted in conjunction with the audit of school management services, but would retain the requirement for an audit.

MCL 257.811, 257.811a, and 257.811b

Analyst: J. Hunault

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.