

HOUSE BILL No. 4405

March 9, 1999, Introduced by Rep. Faunce and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 306, 308, 310e, and 320a (MCL 257.306, 257.308, 257.310e, and 257.320a), sections 306 and 308 as amended and section 310e as added by 1996 PA 387 and section 320a as amended by 1998 PA 350.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 306. (1) The secretary of state, upon receiving AN
2 APPLICATION FOR A TEMPORARY INSTRUCTION PERMIT from a person who
3 is 18 years of age or older, ~~an application for a temporary~~
4 ~~instruction permit~~ may issue that permit entitling the appli-
5 cant, while carrying the permit, to drive a motor vehicle other
6 than a motor vehicle requiring an indorsement under section 312a
7 or a vehicle group designation under section 312e upon the
8 highways for a period of 180 days when accompanied by a licensed

1 adult operator or chauffeur who is actually occupying a seat
2 beside the driver.

3 (2) ~~Until April 1, 2002, the~~ THE secretary of state may
4 issue an original operator's license and designate level 1, 2, or
5 3 graduated licensing provisions to a person who is less than 18
6 years of age, has been licensed in another state or country, and
7 has satisfied the applicable requirements of section 310e.

8 (3) A student enrolled in a driver education program or a
9 motorcycle safety course approved by the department of education
10 may operate a motor vehicle without holding an operator's license
11 or permit while under the direct supervision of the program
12 instructor.

13 (4) A student enrolled in an approved driver education pro-
14 gram and who has successfully completed 10 hours of classroom
15 instruction and the equivalent of 2 hours of behind-the-wheel
16 training may be issued a temporary driver education certificate
17 furnished by the department of education ~~which~~ THAT authorizes
18 a student to drive a motor vehicle, other than a motor vehicle
19 requiring an indorsement pursuant to section 312a or a vehicle
20 group designation pursuant to section 312e, when accompanied by a
21 licensed parent or guardian, or when accompanied by a nonlicensed
22 parent or guardian and a licensed adult for the purpose of
23 receiving additional instruction until the end of the student's
24 driver education course.

25 (5) The secretary of state, upon receiving proper applica-
26 tion from a person 16 or 17 years of age who is enrolled in or
27 has successfully completed an approved motorcycle safety course

1 under section 811a, or a person who is 18 years of age or older
2 and who holds a valid operator's or chauffeur's license, may
3 issue a motorcycle temporary instruction permit ~~—~~ entitling the
4 applicant, while carrying the permit, to operate a motorcycle
5 upon the public streets and highways for a period of 150 days,
6 but only when under the constant visual supervision of a licensed
7 motorcycle operator at least 18 years of age. The applicant
8 shall not operate the motorcycle at night or with a passenger.

9 (6) The secretary of state, upon receiving proper applica-
10 tion from a person who is 18 years of age or older, who holds a
11 valid operator's or chauffeur's license, may issue a temporary
12 instruction permit entitling the person, while carrying the
13 permit, to drive a vehicle requiring a vehicle group designation
14 or vehicle group indorsement under section 312e upon the streets
15 and highways ~~—~~ for a period of 150 days, but only when accom-
16 panied by a licensed adult operator or chauffeur who is licensed
17 with the appropriate vehicle group designation and indorsement
18 for the vehicle group being driven and who is actually occupying
19 a seat beside the driver, or behind the driver if the permittee
20 is driving a bus or school bus. In addition, if a permittee is
21 enrolled in a driver training program for drivers of motor vehi-
22 cles requiring a vehicle group designation or vehicle group
23 indorsement under section 312e, which program is conducted by a
24 college, ~~—~~ university, ~~—~~ commercial driver training school
25 licensed by the department ~~pursuant to Act No. 369 of the Public~~
26 ~~Acts of 1974, as amended, being sections 256.601 to 256.609 of~~
27 ~~the Michigan Compiled Laws;~~ UNDER 1974 PA 369, MCL 256.601 TO

1 256.609, or a local or intermediate school district, the
2 permittee may drive a vehicle requiring a vehicle group designa-
3 tion or vehicle group indorsement on the streets and highways of
4 this state for a period of 150 days when accompanied by an
5 instructor licensed with the appropriate vehicle group designa-
6 tion and indorsement for the vehicle being driven who is either
7 occupying the seat beside the driver or in direct visual and
8 audio communication with the permittee.

9 Sec. 308. (1) The secretary of state shall not approve the
10 application of a person who is 17 years of age or less for an
11 operator's license unless the application is signed by the parent
12 or guardian of the applicant and ~~until April 1, 2002,~~ the
13 person has satisfied the appropriate requirements of
14 section 310e, or if the person does not have a parent or guardi-
15 an, then a license shall not be granted to the person unless the
16 application is signed by another responsible adult and ~~until~~
17 ~~April 1, 2002,~~ the person has satisfied the appropriate require-
18 ments of section 310e.

19 (2) This section ~~shall~~ DOES not apply to minors emanci-
20 pated ~~pursuant to Act No. 293 of the Public Acts of 1968, being~~
21 ~~sections 722.1 to 722.6 of the Michigan Compiled Laws~~ UNDER 1968
22 PA 293, MCL 722.1 TO 722.6.

23 Sec. 310e. (1) Except as otherwise provided in this act, an
24 operator's or chauffeur's license issued to a person who is 17
25 years of age or less is valid only upon the issuance of a special
26 provisional card.

1 (2) The secretary of state shall designate graduated
2 licensing provisions in a manner ~~which~~ THAT clearly indicates
3 that the person is subject to the appropriate provisions
4 described in this section.

5 (3) A person who is not less than 14 years and 9 months of
6 age may be issued a level 1 graduated licensing status to operate
7 a motor vehicle if the person has satisfied all of the following
8 conditions:

9 (a) Passed a vision test and met health standards as pre-
10 scribed by the secretary of state.

11 (b) Successfully completed segment 1 of a driver education
12 course approved by the department of education including a mini-
13 mum of 6 hours of on-the-road driving time with the instructor.

14 (c) Received written approval of a parent or legal
15 guardian.

16 (4) A person issued a level 1 graduated licensing status may
17 operate a motor vehicle only when accompanied either by a
18 licensed parent or legal guardian or, with the permission of the
19 parent or legal guardian, a licensed driver 21 years of age or
20 older. Except as otherwise provided in this section, a person is
21 restricted to operating a motor vehicle with a level 1 graduated
22 licensing status for not less than 6 months.

23 (5) A person may be issued a level 2 graduated licensing
24 status to operate a motor vehicle if the person has satisfied all
25 of the following conditions:

26 (a) Had a level 1 graduated licensing status for not less
27 than 6 months.

1 (b) Successfully completed segment 2 of a driver education
2 course approved by the department of education.

3 (c) Not incurred a moving violation resulting in a convic-
4 tion or civil infraction determination or been involved in an
5 accident for which the official police report indicates a moving
6 violation on the part of the person during the 90-day period
7 immediately preceding application.

8 (d) Presented a certification by the parent or guardian that
9 he or she, accompanied by his or her licensed parent or legal
10 guardian or, with the permission of the parent or legal guardian,
11 any licensed driver 21 years of age or older, has accumulated a
12 total of not less than 50 hours of behind-the-wheel experience
13 ~~of which~~ INCLUDING not less than 10 NIGHTTIME hours. ~~shall be~~
14 ~~at night.~~

15 (e) Successfully completed a secretary of state approved
16 performance road test. The secretary of state may enter into an
17 agreement with another public or private person or agency,
18 including a city, village, or township, to conduct this per-
19 formance road test. This subdivision applies to a person 16
20 years of age or over only if the person has satisfied subdivi-
21 sions (a), (b), (c), and (d).

22 (6) A person issued a level 2 graduated licensing status
23 under subsection (5) shall remain at level 2 for not less than 6
24 months and shall not operate a motor vehicle within this state
25 from 12 midnight to 5 a.m. unless accompanied by a parent or
26 legal guardian or a licensed driver over the age of 21 designated

1 by the parent or legal guardian, or except when going to or from
2 employment.

3 (7) The provisions and provisional period described in
4 subsection (4) or (6) shall be expanded or extended, or both,
5 beyond the periods described in subsection (4) or (6) if any of
6 the following occur and are recorded on the licensee's driving
7 record during the provisional periods described in subsection (4)
8 or (6) or any additional periods imposed under this subsection:

9 (a) A moving violation resulting in a conviction, civil
10 infraction determination, or probate court disposition.

11 (b) An accident for which the official police report indi-
12 cates a moving violation on the part of the licensee.

13 (c) A license suspension for a reason other than a mental or
14 physical disability.

15 (d) A violation of subsection (4) or (6).

16 (8) The provisional period described in subsection (4) shall
17 be extended under subsection (7) until the licensee completes 90
18 consecutive days without a moving violation, an accident in which
19 a moving violation resulted, accident, suspension, or provisional
20 period violation listed in subsection (7) or until age 18, which-
21 ever occurs first. The provisional period described in
22 subsection (6) shall be extended under subsection (7) until the
23 licensee completes 12 consecutive months without a moving viola-
24 tion, accident, suspension, or restricted period violation listed
25 in subsection (7) or until age 18, whichever occurs first.

26 (9) A person who is not less than 17 years of age may be
27 issued a level 3 graduated licensing status under this subsection

1 if the person has completed 12 consecutive months without a
2 moving violation, an accident in which a moving violation
3 resulted, accident, suspension, or restricted period violation
4 listed in subsection (7) ~~during the time in which~~ WHILE the
5 person was issued a level 2 graduated licensing status under sub-
6 section (5).

7 (10) Notice shall be given by first-class mail to the last
8 known address of a licensee if the provisions are expanded or
9 extended as described in subsection (7).

10 (11) A person who violates subsection (4) or (6) is respon-
11 sible for a civil infraction.

12 (12) If a person is determined responsible for a violation
13 of subsection (4) or (6), the secretary of state shall send writ-
14 ten notification of any conviction or moving violation to a des-
15 ignated parent or guardian of the person.

16 (13) For purposes of this section:

17 (a) Upon conviction for a moving violation, the date of the
18 arrest for the violation shall be used in determining whether the
19 conviction occurred within a provisional licensure period under
20 this section.

21 (b) Upon entry of a civil infraction determination for a
22 moving violation, the date of issuance of a citation for a civil
23 infraction shall be used in determining whether the civil infrac-
24 tion determination occurred within a provisional licensure period
25 under this section.

26 (c) The date of the official police report shall be used in
27 determining whether a licensee was driving a motor vehicle

1 involved in an accident for which the official police report
2 indicates a moving violation on the part of the licensee or indi-
3 cates the licensee had been drinking intoxicating liquor.

4 (14) A person shall have his or her graduated licensing
5 status in his or her immediate possession at all times when oper-
6 ating a motor vehicle, and shall display the card upon demand of
7 a police officer. A person who violates this subsection is
8 responsible for a civil infraction.

9 (15) This section does not apply to a person 15 years of age
10 or older who is currently enrolled but has not completed a driver
11 education course on April 1, 1997 or who has completed a driver
12 education course but has not acquired his or her driver license
13 on April 1, 1997.

14 ~~(16) This section is repealed April 1, 2002.~~

15 Sec. 320a. (1) The secretary of state, within 10 days after
16 the receipt of a properly prepared abstract from this or another
17 state, shall record the date of conviction, civil infraction
18 determination, or probate court disposition, and the number of
19 points for each, based on the following formula, except as other-
20 wise provided in this section and section 629c:

21 (a) Manslaughter, negligent homicide, or a felony
22 resulting from the operation of a motor vehicle..... 6 points

23 (b) A violation of section 625(1), (4), (5), or
24 (7) or a law or ordinance substantially corresponding
25 to section 625(1), (4), (5), or (7)..... 6 points

26 (c) Failing to stop and disclose identity at the
27 scene of an accident when required by law..... 6 points

- 1 (d) Operating a motor vehicle in a reckless manner 6 points
- 2 (e) Violation of any law or ordinance pertaining
- 3 to speed by exceeding the lawful maximum by more than
- 4 15 miles per hour..... 4 points
- 5 (f) Violation of section 625(3) or (6) or a law or
- 6 ordinance substantially corresponding to section 625(3)
- 7 or (6)..... 4 points
- 8 (g) Fleeing or eluding an officer..... 6 points
- 9 (h) Violation of section 626a or a law or ordi-
- 10 nance substantially corresponding to section 626a..... 4 points
- 11 (i) Violation of any law or ordinance pertaining
- 12 to speed by exceeding the lawful maximum by more than
- 13 10 but not more than 15 miles per hour or careless
- 14 driving in violation of section 626b or a law or ordi-
- 15 nance substantially corresponding to section 626b..... 3 points
- 16 (j) Violation of any law or ordinance pertaining
- 17 to speed by exceeding the lawful maximum by 10 miles
- 18 per hour or less..... 2 points
- 19 (k) Disobeying a traffic signal or stop sign, or
- 20 improper passing..... 3 points
- 21 (l) Violation of section 624a, 624b, or a law or
- 22 ordinance substantially corresponding to section 624a
- 23 or 624b..... 2 points
- 24 (m) ~~Until April 1, 2002, violation~~ VIOLATION of
- 25 section 310e(4) or (6) or a law or ordinance substan-
- 26 tially corresponding to section 310e(4) or (6)..... 2 points

- 1 (n) All other moving violations pertaining to the
 2 operation of motor vehicles reported under this section 2 points
- 3 (o) A refusal by a person less than 21 years of
 4 age to submit to a preliminary breath test required by
 5 a peace officer under section 625a..... 2 points
- 6 (2) Points shall not be entered for a violation of section
 7 ~~310e(15)~~ 310E(14), 311, 625m, 658, 717, 719, 719a, or 723.
- 8 (3) Points shall not be entered for bond forfeitures.
- 9 (4) Points shall not be entered for overweight loads or for
 10 defective equipment.
- 11 (5) If more than 1 conviction, civil infraction determina-
 12 tion, or probate court disposition results from the same inci-
 13 dent, points shall be entered only for the violation that
 14 receives the highest number of points under this section.
- 15 (6) If a person has accumulated 9 points as provided in this
 16 section, the secretary of state may call the person in for an
 17 interview as to the person's driving ability and record after due
 18 notice as to time and place of the interview. If the person
 19 fails to appear as provided in this subsection, the secretary of
 20 state shall add 3 points to the person's record.
- 21 (7) If a person violates a speed restriction established by
 22 an executive order issued during a state of energy emergency as
 23 provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of
 24 state shall enter points for the violation pursuant to subsection
 25 (1).
- 26 (8) The secretary of state shall enter 6 points upon the
 27 record of a person whose license is suspended or denied pursuant

1 to section 625f. However, if a conviction, civil infraction
2 determination, or probate court disposition results from the same
3 incident, additional points for that offense shall not be
4 entered.

5 (9) If a Michigan driver commits a violation in another
6 state that would be a civil infraction if committed in Michigan,
7 and a conviction results solely because of the failure of the
8 Michigan driver to appear in that state to contest the violation,
9 upon receipt of the abstract of conviction by the secretary of
10 state, the violation shall be noted on the driver's record, but
11 no points shall be assessed against his or her driver's license.