

HOUSE BILL No. 4778

June 11, 1999, Introduced by Rep. DeWeese and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 306, 308, 309, 310e, 312, 312b, 320a, 323b, and 811 (MCL 257.306, 257.308, 257.309, 257.310e, 257.312, 257.312b, 257.320a, 257.323b, and 257.811), sections 306, 308, and 811 as amended and section 310e as added by 1996 PA 387, section 309 as amended by 1996 PA 551, section 312b as amended by 1996 PA 345, 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 from a
2 person who is 18 years of age or older, an application for a tem-
3 porary instruction permit may issue that permit entitling the
4 applicant, while carrying the permit, to drive a motor vehicle
5 other than a motor vehicle requiring an indorsement under section
6 312a or a vehicle group designation under section 312e upon the

1 highways for a period of 180 days when accompanied by a licensed
2 adult operator or chauffeur who is actually occupying a seat
3 beside the driver.

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

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

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

26 (5) The secretary of state, upon receiving proper
27 application from a person 16 or 17 years of age who is enrolled

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

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

1 ~~Compiled Laws~~ UNDER 1974 PA 369, MCL 256.601 TO 256.609; or a
2 local or intermediate school district, the permittee may drive a
3 vehicle requiring a vehicle group designation or vehicle group
4 indorsement on the streets and highways of this state for a
5 period of 150 days when accompanied by an instructor licensed
6 with the appropriate vehicle group designation and indorsement
7 for the vehicle being driven who is either occupying the seat
8 beside the driver or in direct visual and audio communication
9 with the permittee.

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

20 (2) This section shall not apply to minors emancipated pur-
21 suant to ~~Act No. 293 of the Public Acts of 1968, being sections~~
22 ~~722.1 to 722.6 of the Michigan Compiled Laws~~ 1968 PA 293, MCL
23 722.1 TO 722.6.

24 Sec. 309. (1) Before issuing a license, the secretary of
25 state shall examine each applicant for an operator's or
26 chauffeur's license who at the time of the application is not the
27 holder of a valid, unrevoked operator's or chauffeur's license

1 under a law of this state providing for the licensing of
2 drivers. In all other cases, the secretary of state may waive
3 the examination, except that an examination shall not be waived
4 if it appears from the application, from the apparent physical or
5 mental condition of the applicant, or from any other information
6 which has come to the secretary of state from another source,
7 that the applicant does not possess the physical, mental or other
8 qualifications necessary to operate a motor vehicle in a manner
9 as not to jeopardize the safety of persons or property; or that
10 the applicant is not entitled to a license under section 303. A
11 licensee who applies for the renewal of his or her license by
12 mail pursuant to section 307 shall be required to certify to his
13 or her physical capability to operate a motor vehicle.

14 (2) Sheriffs, their deputies and the chiefs of police of
15 cities and villages having organized police departments within
16 this state and their duly authorized representatives, and employ-
17 ees of the secretary of state may be appointed examining officers
18 for the purpose of examining applicants for operator's and
19 chauffeur's licenses by the secretary of state. An examining
20 officer shall conduct examinations of applicants for operator's
21 and chauffeur's licenses, under this chapter, and in accordance
22 with the rules promulgated by the secretary of state under sub-
23 section (3). After conducting an examination an examining offi-
24 cer shall make a written report of his or her findings and recom-
25 mendations to the secretary of state.

26 (3) The secretary of state shall promulgate rules pursuant
27 to the administrative procedures act of 1969, ~~Act No. 306 of the~~

1 ~~Public Acts of 1969, being sections 24.201 to 24.328 of the~~
2 ~~Michigan Compiled Laws~~ 1969 PA 306, MCL 24.201 TO 24.328, for
3 the examination of the applicant's physical and mental qualifica-
4 tions to operate a motor vehicle in a manner as not to jeopardize
5 the safety of persons or property, and shall ascertain whether
6 facts exist ~~which~~ THAT would bar the issuance of a license
7 under section 303. The secretary of state shall also ascertain
8 whether the applicant has sufficient knowledge of the English
9 language to understand highway warnings or direction signs writ-
10 ten in that language. The examination shall not include investi-
11 gation of facts other than those facts directly pertaining to the
12 ability of the applicant to operate a motor vehicle with safety
13 or facts declared to be prerequisite to the issuance of a license
14 under this act.

15 (4) An original operator's or chauffeur's license without a
16 vehicle group designation or indorsement shall not be issued by
17 the secretary of state without an examination which shall include
18 a behind-the-wheel road test conducted by the secretary of state
19 or by a designated examining officer under subsection (2) or
20 section 310e. The secretary of state may enter into an agreement
21 with another public or private person or agency to conduct a
22 behind-the-wheel road test conducted under this section. ~~The~~
23 ~~fee for a behind-the-wheel road test for an operator's or a~~
24 ~~chauffeur's license conducted by the secretary of state shall be~~
25 ~~\$11.00.~~ An original vehicle group designation or indorsement
26 shall not be issued by the secretary of state without a knowledge
27 test conducted by the secretary of state. Except as provided in

1 section 312f(1), an original vehicle group designation or
2 passenger indorsement shall not be issued by the secretary of
3 state without a behind-the-wheel road test conducted by an
4 examiner appointed or authorized by the secretary of state.
5 While in the course of taking a behind-the-wheel road test con-
6 ducted by the examiner who shall occupy a seat beside the appli-
7 cant, an applicant for an original vehicle group designation or
8 passenger indorsement who has been issued a temporary instruction
9 permit to operate a commercial motor vehicle shall be permitted
10 to operate a vehicle requiring a vehicle group designation or
11 passenger indorsement without a person licensed to operate a com-
12 mercial motor vehicle occupying a seat beside him or her. The
13 fee for a behind-the-wheel road test for a vehicle group designa-
14 tion or indorsement shall be \$60.00. A refund shall not be given
15 to an applicant who fails a behind-the-wheel road test.

16 (5) Except as otherwise provided in this act, the secretary
17 of state may waive the requirement of a behind-the-wheel road
18 test, knowledge test, or road sign test of an applicant for an
19 original operator's or chauffeur's license without a vehicle
20 group designation or indorsement who at the time of the applica-
21 tion is the holder of a valid, unrevoked operator's or
22 chauffeur's license issued by another state or country.

23 (6) A PERSON WHO CORRUPTS OR ATTEMPTS TO CORRUPT A DESIG-
24 NATED EXAMINING OFFICER APPOINTED OR DESIGNATED BY THE SECRETARY
25 OF STATE UNDER THIS SECTION OR SECTION 310E BY GIVING, OFFERING,
26 OR PROMISING ANY GIFT OR GRATUITY WITH THE INTENT TO INFLUENCE

1 THE OPINION OR DECISION OF THE EXAMINING OFFICER CONDUCTING THE
2 TEST IS GUILTY OF A FELONY.

3 Sec. 310e. (1) Except as otherwise provided in this act, an
4 operator's or chauffeur's license issued to a person who is 17
5 years of age or less is valid only upon the issuance of a
6 ~~special provisional card~~ GRADUATED DRIVER LICENSE.

7 (2) The secretary of state shall designate graduated licens-
8 ing provisions in a manner ~~which~~ THAT clearly indicates that
9 the person is subject to the appropriate provisions described in
10 this section.

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

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

17 (b) Successfully completed segment 1 of a driver education
18 course approved by the department of education including a mini-
19 mum of 6 hours of on-the-road driving time with the instructor.
20 FOR PURPOSES OF ACCUMULATING THE MINIMUM NUMBER OF HOURS OF
21 ON-THE-ROAD DRIVING TIME REQUIRED BY THIS SUBDIVISION, 1 HOUR OF
22 DRIVING TIME ON A DRIVING RANGE IS EQUAL TO 1 HOUR ON THE ROAD
23 AND 3 HOURS OF BEHIND-THE-WHEEL TIME IN A DEVICE THAT SIMULATES
24 ACTUAL DRIVING CONDITIONS ARE EQUAL TO 1 HOUR ON THE ROAD. A
25 MINIMUM OF 3 CLASS HOURS OF ON-THE-ROAD DRIVING EXPERIENCE SHALL
26 BE PROVIDED ON THE PUBLIC STREETS AND HIGHWAYS.

1 (c) Received written approval of a parent or legal
2 guardian.

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

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

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

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

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

22 (d) Presented a certification by the parent or guardian that
23 he or she, accompanied by his or her licensed parent or legal
24 guardian or, with the permission of the parent or legal guardian,
25 any licensed driver 21 years of age or older, has accumulated a
26 total of not less than 50 hours of behind-the-wheel experience of
27 which not less than 10 hours ~~shall be~~ WERE at night.

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

8 (6) A person issued a level 2 graduated licensing status
9 under subsection (5) shall remain at level 2 for not less than 6
10 months and shall not operate a motor vehicle within this state
11 from 12 midnight to 5 a.m. unless accompanied by a parent or
12 legal guardian or a licensed driver over the age of 21 designated
13 by the parent or legal guardian, or except when going to or from
14 employment.

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

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

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

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

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

2 (8) The provisional period described in subsection (4) shall
3 be extended under subsection (7) until the licensee completes 90
4 consecutive days without a moving violation, an accident in which
5 a moving violation resulted, accident, suspension, or provisional
6 period violation listed in subsection (7) or until age 18, which-
7 ever occurs first. The provisional period described in
8 subsection (6) shall be extended under subsection (7) until the
9 licensee completes 12 consecutive months without a moving viola-
10 tion, accident, suspension, or restricted period violation listed
11 in subsection (7) or until age 18, whichever occurs first.

12 (9) A person who is not less than 17 years of age may be
13 issued a level 3 graduated licensing status under this subsection
14 if the person has completed 12 consecutive months without a
15 moving violation, an accident in which a moving violation
16 resulted, accident, suspension, or restricted period violation
17 listed in subsection (7) during the time in which the person was
18 issued a level 2 graduated licensing status under subsection
19 (5).

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

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

25 (12) If a person is determined responsible for a violation
26 of subsection (4) or (6), the secretary of state shall send

1 written notification of any conviction or moving violation to a
2 designated parent or guardian of the person.

3 (13) For purposes of this section:

4 (a) Upon conviction for a moving violation, the date of the
5 arrest for the violation shall be used in determining whether the
6 conviction occurred within a provisional licensure period under
7 this section.

8 (b) Upon entry of a civil infraction determination for a
9 moving violation, the date of issuance of a citation for a civil
10 infraction shall be used in determining whether the civil infrac-
11 tion determination occurred within a provisional licensure period
12 under this section.

13 (c) The date of the official police report shall be used in
14 determining whether a licensee was driving a motor vehicle
15 involved in an accident for which the official police report
16 indicates a moving violation on the part of the licensee or indi-
17 cates the licensee had been drinking intoxicating liquor.

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

23 (15) This section does not apply to a person 15 years of age
24 or older who is currently enrolled but has not completed a driver
25 education course on April 1, 1997 or who has completed a driver
26 education course but has not acquired his or her driver license
27 on April 1, 1997.

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

2 Sec. 312. (1) Upon proper showing of extenuating circum-
3 stances and special reasons, or need by an applicant who meets
4 the age qualifications and when accompanied by the fee as pro-
5 vided in this act, the secretary of state may recommend a
6 restricted operator's or chauffeur's license containing condi-
7 tions and restrictions applicable to the licensee, the type of
8 special mechanical control devices required in a motor vehicle
9 operated by the licensee, and the area, time, or other condition
10 ~~which~~ THAT the secretary of state considers necessary to assure
11 the safe operation of a vehicle by the licensee and under which
12 the licensee may operate a motor vehicle. A license issued to a
13 person who is at least 14 years of age and under 16 years of age
14 shall contain only the conditions determining the hours during
15 which the licensee may drive a motor vehicle and the purpose for
16 which it is to be driven. A license issued to a minor who is at
17 least 14 years of age and under 16 years of age shall be revoked
18 by the secretary of state on the written request of a parent,
19 guardian, or person standing in loco parentis.

20 (2) An operator's license issued to a person who is at least
21 14 years of age and under 16 years of age ~~shall expire 1 year~~
22 ~~after issuance of the license~~ EXPIRES ON THE BIRTHDAY FOLLOWING
23 ISSUANCE OF THE LICENSE OR IF THAT BIRTHDAY IS WITHIN 6 MONTHS
24 AFTER THE DATE OF ISSUANCE OF THE LICENSE, THEN 1 YEAR AFTER THE
25 DATE OF THAT BIRTHDAY.

26 (3) ~~The secretary of state, upon~~ UPON receiving
27 satisfactory evidence of a violation of the restrictions of the

1 license, THE SECRETARY OF STATE may suspend or revoke the
2 license.

3 (4) A person who violates a restriction imposed in a
4 restricted license issued to that person is guilty of a
5 misdemeanor. This subsection ~~shall~~ DOES not apply to a person
6 who is at least 14 years of age and under 16 years of age.

7 (5) If a motor vehicle is being driven by a person who is at
8 least 14 years of age and under 16 years of age, and that person
9 is accompanied by a parent, guardian, or person standing in loco
10 parentis, the conditions, limitations, and restrictions set forth
11 in this section ~~shall not be applicable~~ DO NOT APPLY.

12 Sec. 312b. (1) Before a person who is less than 18 years of
13 age is issued an original motorcycle endorsement on an operator's
14 or chauffeur's license, the person shall pass an examination as
15 required by this section and a motorcycle safety course as pro-
16 vided in section 811a or 811b.

17 (2) Before a person who is 18 years of age or older is
18 issued an original motorcycle endorsement on an operator's or
19 chauffeur's license, the person shall pass an examination as
20 required by this section. A person who fails this examination 2
21 or more times is required to successfully complete a motorcycle
22 safety course as provided in section 811a or 811b. Each written
23 examination given an applicant for a motorcycle endorsement on an
24 operator's or chauffeur's license as provided in section 309
25 shall also include subjects designed to cover a motorcycle. A
26 person shall pass an examination that shall include a driving
27 test designed to test the competency of the applicant for the

1 first motorcycle endorsement on an operator's or chauffeur's
2 license to operate a motorcycle upon the roads and highways of
3 this state with safety to himself or herself and other persons
4 and property. All examinations shall be administered as provided
5 in this act. The requirement of a motorcycle driving test shall
6 be waived for an applicant who has successfully completed a
7 motorcycle safety course conducted by a school or business enter-
8 prise as provided in section 811a or 811b. The motorcycle safety
9 course skills test shall meet or exceed the motorcycle skills
10 test from the secretary of state. The requirement of a motorcy-
11 cle driving test may be waived if the applicant has a valid
12 license or endorsement to operate a motorcycle from another
13 state.

14 (3) A motorcycle endorsement issued to a person who operates
15 a 3-wheeled motorcycle or an autocycle shall be restricted to
16 operation of that type of motorcycle and does not permit opera-
17 tion of a 2-wheeled motorcycle. The secretary of state shall
18 develop a driving test specifically pertaining to an autocycle or
19 a 3-wheeled motorcycle.

20 (4) The secretary of state is responsible for establishing
21 and conducting the motorcycle operator driving test and shall
22 promulgate rules under the administrative procedures act of 1969,
23 ~~Act No. 306 of the Public Acts of 1969, as amended, being sec-~~
24 ~~tions 24.201 to 24.328 of the Michigan Compiled Laws 1969 PA~~
25 306, MCL 24.201 TO 24.328, for purposes of this subsection. An
26 audit of the motorcycle safety fund shall be conducted in
27 conjunction with the audit of school management services by the

1 office of the auditor general to determine compliance with the
2 requirement that funds are being withdrawn only in relation to
3 this act and not costs that are already a function or duty of the
4 education act. A copy of this audit shall be transmitted to the
5 legislature upon completion.

6 (5) The secretary of state shall charge a \$15.00 fee for
7 each motorcycle operator driving test. The \$15.00 fee shall be
8 placed in a motorcycle safety fund in the state treasury and
9 shall be used to pay the costs the secretary of state incurs in
10 conducting motorcycle operator driving tests as provided for
11 under this section and section 811a.

12 (6) Beginning not later than June 1, 1997, the secretary of
13 state may enter into an agreement with another public or private
14 person or agency to conduct a driving test required under this
15 section. For administering and overseeing a third party motorcy-
16 cle testing program, the secretary of state shall be reimbursed
17 from the motorcycle safety fund a total amount ~~which~~ THAT does
18 not exceed 50% of the department's 1995-1996 fiscal year appro-
19 priation for motorcycle testing under this section.

20 (7) A PERSON WHO CORRUPTS OR ATTEMPTS TO CORRUPT A PERSON OR
21 AGENCY THAT CONDUCTS A DRIVING TEST UNDER AN AGREEMENT ENTERED
22 INTO WITH THE SECRETARY OF STATE UNDER THIS SECTION BY GIVING,
23 OFFERING, OR PROMISING ANY GIFT OR GRATUITY WITH THE INTENT TO
24 INFLUENCE THE OPINION OR DECISION OF THE PERSON OR AGENCY CON-
25 DUCTING THE DRIVING TEST IS GUILTY OF A FELONY.

26 Sec. 320a. (1) The secretary of state, within 10 days after
27 the receipt of a properly prepared abstract from this or another

1 state, shall record the date of conviction, civil infraction
2 determination, or probate court disposition, and the number of
3 points for each, based on the following formula, except as other-
4 wise provided in this section and section 629c:

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

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

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

12 (d) Operating a motor vehicle in a reckless manner 6 points

13 (e) Violation of any law or ordinance pertaining
14 to speed by exceeding the lawful maximum by more than
15 15 miles per hour..... 4 points

16 (f) Violation of section 625(3) or (6) or a law or
17 ordinance substantially corresponding to section 625(3)
18 or (6)..... 4 points

19 (g) Fleeing or eluding an officer..... 6 points

20 (h) Violation of section 626a or a law or ordi-
21 nance substantially corresponding to section 626a..... 4 points

22 (i) Violation of any law or ordinance pertaining
23 to speed by exceeding the lawful maximum by more than
24 10 but not more than 15 miles per hour or careless
25 driving in violation of section 626b or a law or ordi-
26 nance substantially corresponding to section 626b..... 3 points

1 (j) Violation of any law or ordinance pertaining
2 to speed by exceeding the lawful maximum by 10 miles
3 per hour or less..... 2 points

4 (k) Disobeying a traffic signal or stop sign, or
5 improper passing..... 3 points

6 (l) Violation of section 624a, 624b, or a law or
7 ordinance substantially corresponding to section 624a
8 or 624b..... 2 points

9 (m) ~~Until April 1, 2002, violation~~ VIOLATION of
10 section 310e(4) or (6) or a law or ordinance substan-
11 tially corresponding to section 310e(4) or (6)..... 2 points

12 (n) All other moving violations pertaining to the
13 operation of motor vehicles reported under this section 2 points

14 (o) A refusal by a person less than 21 years of
15 age to submit to a preliminary breath test required by
16 a peace officer under section 625a..... 2 points

17 (2) Points shall not be entered for a violation of section
18 ~~310e(15)~~ 310E(14), 311, 625m, 658, 717, 719, 719a, or 723.

19 (3) Points shall not be entered for bond forfeitures.

20 (4) Points shall not be entered for overweight loads or for
21 defective equipment.

22 (5) If more than 1 conviction, civil infraction determina-
23 tion, or probate court disposition results from the same inci-
24 dent, points shall be entered only for the violation that
25 receives the highest number of points under this section.

26 (6) If a person has accumulated 9 points as provided in this
27 section, the secretary of state may call the person in for an

1 interview as to the person's driving ability and record after due
2 notice as to time and place of the interview. If the person
3 fails to appear as provided in this subsection, the secretary of
4 state shall add 3 points to the person's record.

5 (7) If a person violates a speed restriction established by
6 an executive order issued during a state of energy emergency as
7 provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of
8 state shall enter points for the violation pursuant to subsection
9 (1).

10 (8) The secretary of state shall enter 6 points upon the
11 record of a person whose license is suspended or denied pursuant
12 to section 625f. However, if a conviction, civil infraction
13 determination, or probate court disposition results from the same
14 incident, additional points for that offense shall not be
15 entered.

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

23 Sec. 323b. The license of a minor shall be canceled by the
24 ~~commissioner~~ SECRETARY OF STATE upon the written request of the
25 person who signed the minor's application for license if that
26 person would presently be a proper person to sign THE application
27 on behalf of the minor. In those cases where the person signing

1 the application is no longer a proper person to sign THE
 2 application on behalf of the minor, the license of the minor
 3 shall be canceled by the ~~commissioner~~ SECRETARY OF STATE upon
 4 the written request of the ~~person presently having custody~~
 5 CUSTODIAL PARENT OR PARENTS OR LEGAL GUARDIAN of the minor. THE
 6 SECRETARY OF STATE MAY REDUCE THE GRADUATED DRIVER LICENSE LEVEL
 7 OR DELAY ADVANCEMENT TO THE NEXT LEVEL OF A MINOR UPON THE WRIT-
 8 TEN REQUEST OF THE CUSTODIAL PARENT OR PARENTS OR LEGAL GUARDIAN
 9 OF THE MINOR.

10 Sec. 811. (1) An application for an operator's or
 11 chauffeur's license as provided in sections 307 and 312 and an
 12 application for a minor's restricted license as provided in sec-
 13 tion 312 shall be accompanied by the following fees:

14	Operator's license.....	\$ 12.00
15	Chauffeur's license.....	20.00
16	Minor's restricted license.....	5.00

17 (2) The secretary of state shall deposit the money received
 18 and collected under subsection (1) in the state treasury to the
 19 credit of the general fund. The secretary of state shall refund
 20 out of the fees collected to each county or municipality acting
 21 as an examining officer or examining bureau \$2.50 for each appli-
 22 cant examined for an original license, \$1.00 for each applicant
 23 examined for an original chauffeur's license, and \$1.00 for every
 24 other applicant examined, if the application is not denied and
 25 the money refunded is paid to the county or local treasurer and
 26 is appropriated to the county, municipality, or officer or bureau
 27 receiving the money for the purpose of carrying out this act.

1 The state treasurer shall deposit the sum of \$4.00 in a driver
2 education fund for each person examined for an original license,
3 a renewal operator's license, an original chauffeur's license, or
4 a renewal chauffeur's license, except that the sum deposited for
5 each 2-year operator's or 2-year chauffeur's license shall be
6 \$2.00. The department of education shall use the money in the
7 driver education fund for administration of a driver education
8 program and for distribution to local school districts to be used
9 for driver education programs. Any unexpended and unencumbered
10 balance remaining in the driver education fund at the end of the
11 fiscal year in excess of \$150,000.00 shall revert to the general
12 fund.

13 (3) From the money credited to the driver education fund,
14 the legislature shall appropriate annually funds to the depart-
15 ment of education for state administration of the program. In
16 addition, the department of education shall distribute to local
17 public school districts from the driver education fund a pro rata
18 amount equal to the number of students ~~that~~ WHO HAVE completed
19 SEGMENT 1 OF an approved driver education course through the
20 local public school districts whether directly from the student's
21 own local school district or by certificate issued from the
22 student's own local school district in the previous fiscal year,
23 or the actual cost per student, whichever is less. Beginning
24 April 1, 1998, a local school district that offers an approved
25 driver education course shall provide an amount equal to the pro
26 rata amount from the driver education fund for each student
27 residing in the district ~~that~~ WHO completes SEGMENT 1 OF an

1 approved driver education course within that district. The local
2 school district shall provide each student participating in an
3 approved driver education course with a certificate in a form
4 provided by the local school district and approved by the depart-
5 ment of education that the student shall use toward the payment
6 of any fee charged for the approved driver education course under
7 the following conditions:

8 (a) If the student participates in an approved driver educa-
9 tion course at a local school district of his or her choice other
10 than his or her local school district.

11 (b) If the student participates in a driver education course
12 at a licensed driver training school, but only if the following
13 conditions exist:

14 (i) The student's local school district does not offer an
15 approved driver education course either itself or through a con-
16 sortium of local school districts of which the student's local
17 school district is a member.

18 (ii) The student's local school district does not offer an
19 approved driver education course with openings available either
20 itself or through a consortium of local school districts of which
21 the student's local school district is a member at the time the
22 student attains 15 years, 6 months of age.

23 From the amount distributed, the local school district shall
24 reimburse each licensed driver training school or other local
25 school district the determined pro rata amount from the driver
26 education fund for each student from that district completing
27 SEGMENT 1 OF an approved driver education course with the

1 licensed driver training school or other local school district
2 during the fiscal year.

3 (4) ~~Until April 1, 1998, the driver education courses shall~~
4 ~~be conducted by the local public school district or may be con-~~
5 ~~ducted for the local school district by the intermediate district~~
6 ~~at the request of the local district.~~ Beginning April 1, 1998,
7 the approved driver education courses may be conducted by the
8 local public school district or a consortium of school districts,
9 by a licensed driver training school either itself or through a
10 contract with a local school district, or by the intermediate
11 district at the request of the local district. If a local school
12 district contracts with a licensed driver training school to con-
13 duct an approved driver education course, the contract shall
14 require that the driver education course be conducted in accord-
15 ance with the requirements set forth in department of education
16 rules under subsection (6) that are applicable to an approved
17 driver education course conducted by a local school district.
18 Enrollment in approved driver education courses shall be open to
19 ~~children enrolled in the high school grades of public, parochi-~~
20 ~~al, and private~~ RESIDENTS NOT LESS THAN 14 YEARS 9 MONTHS OF AGE
21 ENROLLED IN PUBLIC, NONPUBLIC, AND HOME schools as well as resi-
22 dent out-of-school youth NOT LESS THAN 14 YEARS 9 MONTHS OF AGE.
23 Reimbursement to local school districts shall be made on the
24 basis of an application made by the local school district super-
25 intendent to the department of education. If money appropriated
26 from the driver education fund is not sufficient to provide for
27 state administration of the driver education program and to

1 reimburse local school districts for each student completing
2 SEGMENT 1 OF an approved driver education course, then payments
3 made to local school districts shall be prorated to the amount
4 that is appropriated and available in the fund. A local school
5 district or licensed driver training school may use videotapes,
6 computers, telecourses, or other similar technology as part of
7 the classroom instruction portion of its driver education
8 courses. A student may receive and use any of these materials at
9 home.

10 (5) As used in this section, "driver education courses"
11 include classroom instruction, behind-the-wheel instruction, and
12 observation in an automobile under the supervision of a qualified
13 teacher or licensed instructor. The department of education
14 shall not require that licensed driver training school teachers
15 or instructors be certificated under ~~Act No. 451 of the Public~~
16 ~~Acts of 1976, being sections 380.1 to 380.1852 of the Michigan~~
17 ~~Compiled Laws~~ THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1 TO
18 380.1852.

19 (6) The department of education may promulgate rules pursu-
20 ant to the administrative procedures act of 1969, ~~Act No. 306 of~~
21 ~~the Public Acts of 1969, being sections 24.201 to 24.328 of the~~
22 ~~Michigan Compiled Laws~~ 1969 PA 306, MCL 24.201 TO 24.328, to
23 implement this section. The rules shall include, at a minimum,
24 instructional standards, teacher qualifications, and reimburse-
25 ment procedures.

26 (7) Notwithstanding sections ~~301, 303, 306~~, and 308, an
27 operator's license shall not be issued to a person under 18 years

1 of age unless that person successfully passes a driver education
2 course and examination given by a public school, nonpublic
3 school, or an equivalent course approved by the department of
4 education given by a licensed driver training school. A person
5 who has been a holder of a motor vehicle operator's license
6 issued by any other state, territory, or possession of the United
7 States, or any other sovereignty for 1 year immediately before
8 application for an operator's license under this act is not
9 required to comply with this subsection. Restricted licenses may
10 be issued pursuant to section 312 without compliance with this
11 subsection. ~~Subject to eligibility requirements established~~
12 ~~under section 1302 of Act No. 451 of the Public Acts of 1976, a~~
13 A driver education course shall be made available for a person
14 under 18 years of age within a time that will enable that person
15 to qualify for a license before the time that the person is per-
16 mitted by law to have a license.

17 (8) ~~Until April 1, 1998, a public school system shall not~~
18 ~~impose a charge or enrollment fee for a driver education course~~
19 ~~upon a student desiring to take the course as a duly enrolled~~
20 ~~student for the course in a school of the public school system.~~
21 Beginning April 1, 1998, a public school system may impose a
22 charge or enrollment fee for a driver education course upon a
23 student desiring to take the course as a duly enrolled student
24 for the course in a school of the public school system.

25 ~~(9) Not later than December 30, 1996, the secretary of~~
26 ~~state shall prepare and submit to the legislature a report~~
27 ~~comparing aggregate driver record information for drivers trained~~

~~1 in driver education programs for which eligibility requirements
2 have been established under section 1302 of Act No. 451 of the
3 Public Acts of 1976 to aggregate driver record information for
4 drivers trained in driver education programs for which such eli-
5 gibility requirements have not been established.~~