



# HOUSE BILL No. 5705

May 2, 2000, Introduced by Rep. Allen and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 811, 811a, and 811b (MCL 257.811, 257.811a, and 257.811b), section 811 as amended by 1996 PA 387, section 811a as amended by 1992 PA 59, and section 811b as added by 1987 PA 85.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

5	Operator's license.....	\$ 12.00
6	Chauffeur's license.....	20.00
7	Minor's restricted license.....	5.00

1           (2) The secretary of state shall deposit the money received  
2 and collected under subsection (1) in the state treasury to the  
3 credit of the general fund. The secretary of state shall refund  
4 out of the fees collected to each county or municipality acting  
5 as an examining officer or examining bureau \$2.50 for each appli-  
6 cant examined for an original license, \$1.00 for each applicant  
7 examined for an original chauffeur's license, and \$1.00 for every  
8 other applicant examined, if the application is not denied and  
9 the money refunded is paid to the county or local treasurer and  
10 is appropriated to the county, municipality, or officer or bureau  
11 receiving the money for the purpose of carrying out this act.  
12 The state treasurer shall deposit the sum of \$4.00 in a driver  
13 education fund for each person examined for an original license,  
14 a renewal operator's license, an original chauffeur's license, or  
15 a renewal chauffeur's license, except that the sum deposited for  
16 each 2-year operator's or 2-year chauffeur's license shall be  
17 \$2.00. The ~~department of education~~ SECRETARY OF STATE shall  
18 use the money in the driver education fund for administration of  
19 a driver education program and for distribution to local school  
20 districts to be used for driver education programs. Any unex-  
21 pended and unencumbered balance remaining in the driver education  
22 fund at the end of the fiscal year in excess of \$150,000.00 shall  
23 revert to the general fund.

24           (3) From the money credited to the driver education fund,  
25 the legislature shall appropriate annually funds to the  
26 ~~department of education~~ SECRETARY OF STATE for state  
27 administration of the program. In addition, the ~~department of~~

1 ~~education~~ SECRETARY OF STATE shall distribute to local public  
2 school districts from the driver education fund a pro rata amount  
3 equal to the number of students that completed an approved driver  
4 education course through the local public school districts  
5 whether directly from the student's own local school district or  
6 by certificate issued from the student's own local school dis-  
7 trict in the previous fiscal year, or the actual cost per stu-  
8 dent, whichever is less. Beginning April 1, 1998, a local school  
9 district that offers an approved driver education course shall  
10 provide an amount equal to the pro rata amount from the driver  
11 education fund for each student residing in the district that  
12 completes an approved driver education course within that  
13 district. The local school district shall provide each student  
14 participating in an approved driver education course with a cer-  
15 tificate in a form provided by the local school district and  
16 approved by the ~~department of education~~ SECRETARY OF STATE that  
17 the student shall use toward the payment of any fee charged for  
18 the approved driver education course under the following  
19 conditions:

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

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

26 (i) The student's local school district does not offer an  
27 approved driver education course either itself or through a

1 consortium of local school districts of which the student's local  
2 school district is a member.

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

8       From the amount distributed, the local school district shall  
9 reimburse each licensed driver training school or other local  
10 school district the determined pro rata amount from the driver  
11 education fund for each student from that district completing an  
12 approved driver education course with the licensed driver train-  
13 ing school or other local school district during the fiscal  
14 year.

15       (4) Until April 1, 1998, the driver education courses shall  
16 be conducted by the local public school district or may be con-  
17 ducted for the local school district by the intermediate district  
18 at the request of the local district. Beginning April 1, 1998,  
19 the approved driver education courses may be conducted by the  
20 local public school district or a consortium of school districts,  
21 by a licensed driver training school either itself or through a  
22 contract with a local school district, or by the intermediate  
23 district at the request of the local district. If a local school  
24 district contracts with a licensed driver training school to con-  
25 duct an approved driver education course, the contract shall  
26 require that the driver education course be conducted in  
27 accordance with the requirements set forth in ~~department of~~

1 ~~education~~ THE rules PROMULGATED under subsection (6) that are  
2 applicable to an approved driver education course conducted by a  
3 local school district. Enrollment in approved driver education  
4 courses shall be open to children enrolled in the high school  
5 grades of public, parochial, and private schools as well as resi-  
6 dent out-of-school youth. Reimbursement to local school dis-  
7 tricts shall be made on the basis of an application made by the  
8 local school district superintendent to the ~~department of~~  
9 ~~education~~ SECRETARY OF STATE. If money appropriated from the  
10 driver education fund is not sufficient to provide for state  
11 administration of the driver education program and to reimburse  
12 local school districts for each student completing an approved  
13 driver education course, then payments made to local school dis-  
14 tricts shall be prorated to the amount that is appropriated and  
15 available in the fund. A local school district or licensed  
16 driver training school may use videotapes, computers, tele-  
17 courses, or other similar technology as part of the classroom  
18 instruction portion of its driver education courses. A student  
19 may receive and use any of these materials at home.

20 (5) As used in this section, "driver education courses"  
21 include classroom instruction, behind-the-wheel instruction, and  
22 observation in an automobile under the supervision of a qualified  
23 teacher or licensed instructor. The ~~department of education~~  
24 SECRETARY OF STATE shall not require that licensed driver train-  
25 ing school teachers or instructors be certificated under ~~Act~~  
26 ~~No. 451 of the Public Acts of 1976, being sections 380.1 to~~

1 ~~380.1852 of the Michigan Compiled Laws~~ THE REVISED SCHOOL CODE,  
2 1976 PA 451, MCL 380.1 TO 380.1852.

3 (6) The ~~department of education~~ SECRETARY OF STATE may  
4 promulgate rules pursuant to the administrative procedures act of  
5 1969, ~~Act No. 306 of the Public Acts of 1969, being sections~~  
6 ~~24.201 to 24.328 of the Michigan Compiled Laws~~ 1969 PA 306, MCL  
7 24.201 TO 24.328, to implement this section. The rules shall  
8 include, at a minimum, instructional standards, teacher qualifi-  
9 cations, and reimbursement procedures.

10 (7) Notwithstanding sections ~~301, 303,~~ 306 ~~,~~ and 308, an  
11 operator's license shall not be issued to a person under 18 years  
12 of age unless that person successfully passes a driver education  
13 course and examination given by a public school, nonpublic  
14 school, or an equivalent course approved by the department of  
15 education given by a licensed driver training school. A person  
16 who has been a holder of a motor vehicle operator's license  
17 issued by any other state, territory, or possession of the United  
18 States, or any other sovereignty for 1 year immediately before  
19 application for an operator's license under this act is not  
20 required to comply with this subsection. Restricted licenses may  
21 be issued pursuant to section 312 without compliance with this  
22 subsection. ~~Subject to eligibility requirements established~~  
23 ~~under section 1302 of Act No. 451 of the Public Acts of 1976, a~~  
24 A driver education course shall be made available for a person  
25 under 18 years of age within a time that will enable that person  
26 to qualify for a license before the time that the person is  
27 permitted by law to have a license.

1           (8) Until April 1, 1998, a public school system shall not  
2 impose a charge or enrollment fee for a driver education course  
3 upon a student desiring to take the course as a duly enrolled  
4 student for the course in a school of the public school system.  
5 Beginning April 1, 1998, a public school system may impose a  
6 charge or enrollment fee for a driver education course upon a  
7 student desiring to take the course as a duly enrolled student  
8 for the course in a school of the public school system.

9           ~~(9) Not later than December 30, 1996, the secretary of~~  
10 ~~state shall prepare and submit to the legislature a report com-~~  
11 ~~paring aggregate driver record information for drivers trained in~~  
12 ~~driver education programs for which eligibility requirements have~~  
13 ~~been established under section 1302 of Act No. 451 of the Public~~  
14 ~~Acts of 1976 to aggregate driver record information for drivers~~  
15 ~~trained in driver education programs for which such eligibility~~  
16 ~~requirements have not been established.~~

17           Sec. 811a. (1) A motorcycle safety course required under  
18 section 312b conducted by a college or university, an intermedi-  
19 ate school district, a local school district, a law enforcement  
20 agency, or any other governmental agency located in this state  
21 shall be conducted under this section.

22           (2) Except for motorcycle safety courses conducted under  
23 section 811b, an applicant for a motorcycle safety course shall  
24 pay not more than a \$25.00 course fee. The course fees shall be  
25 used only for funding the administration and implementation of  
26 the motorcycle safety education program.

1           (3) The ~~state board of education~~ SECRETARY OF STATE is  
2 responsible for the establishment and administration of  
3 motorcycle safety courses and ~~shall~~ MAY promulgate rules pursu-  
4 ant to the administrative procedures act of 1969, ~~Act No. 306 of~~  
5 ~~the Public Acts of 1969, as amended, being sections 24.201 to~~  
6 ~~24.328 of the Michigan Compiled Laws~~ 1969 PA 306, MCL 24.201 TO  
7 24.328, regarding teacher qualifications, reimbursement proce-  
8 dures, the establishment of the courses, and other requirements  
9 under this section.

10           (4) The ~~superintendent of public instruction~~ SECRETARY OF  
11 STATE shall designate a person to be the state coordinator of the  
12 motorcycle safety education program. The person designated under  
13 this subsection shall successfully complete a motorcycle safety  
14 chief instructor course before being designated.

15           (5) The position of state coordinator of the motorcycle  
16 safety education program shall be funded by the motorcycle safety  
17 fund.

18           (6) The ~~superintendent of public instruction~~ SECRETARY OF  
19 STATE shall designate a person who has successfully completed a  
20 motorcycle safety chief instructor course to perform annual  
21 inspections of motorcycle course sites.

22           (7) An 8-hour motorcycle safety course that meets the stan-  
23 dards established by the ~~state board of education~~ SECRETARY OF  
24 STATE may be offered to an applicant who has passed a motorcycle  
25 operator skill test that has been approved by the ~~state board of~~  
26 ~~education~~ SECRETARY OF STATE. Successful completion of a

1 motorcycle safety course under this subsection shall fulfill the  
2 waiver requirement of section 312b.

3 (8) An audit of the motorcycle safety fund shall be con-  
4 ducted ~~in conjunction with the audit of school management~~  
5 ~~services~~ by the office of the auditor general to determine com-  
6 pliance with the requirements of this act with regard to the col-  
7 lection and expenditure of fees authorized under this section. A  
8 copy of this audit shall be transmitted to the legislature upon  
9 completion.

10 Sec. 811b. (1) A motorcycle safety course required in sec-  
11 tion 312b may be conducted by a private business enterprise.

12 (2) The ~~state board of education shall~~ SECRETARY OF STATE  
13 MAY promulgate rules pursuant to the administrative procedures  
14 act of 1969, ~~Act No. 306 of the Public Acts of 1969, being sec-~~  
15 ~~tions 24.201 to 24.328 of the Michigan Compiled Laws~~ 1969 PA  
16 306, MCL 24.201 TO 24.328, to provide standards for the estab-  
17 lishment and regulation of motorcycle safety courses conducted  
18 under this section.

19 (3) An 8-hour motorcycle safety course that meets the stan-  
20 dards established by the ~~state board of education~~ SECRETARY OF  
21 STATE may be offered to an applicant who has passed a motorcycle  
22 operator skill test which has been approved by the ~~state board~~  
23 ~~of education~~ SECRETARY OF STATE. Successful completion of a  
24 motorcycle safety course under this subsection shall fulfill the  
25 waiver requirement of section 312b.