

REPRINT

SUBSTITUTE FOR

SENATE BILL NO. 934

(As passed the Senate February 6, 2002)

A bill to amend 1945 PA 327, entitled
"Aeronautics code of the state of Michigan,"
(MCL 259.1 to 259.208) by adding section 85a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 85A. (1) BEGINNING THE EFFECTIVE DATE OF THE AMENDA-
2 TORY ACT THAT ADDED THIS SECTION AND SUBJECT TO SUBSECTIONS (2)
3 AND (4), AS A CONDITION OF ENROLLMENT OF AN APPLICANT IN A FLIGHT
4 SCHOOL, THE FLIGHT SCHOOL SHALL REQUEST FROM THE CRIMINAL RECORDS
5 DIVISION OF THE DEPARTMENT OF STATE POLICE A CRIMINAL HISTORY
6 CHECK AND A CRIMINAL RECORDS CHECK THROUGH THE FEDERAL BUREAU OF
7 INVESTIGATION ON THE APPLICANT AND, BEFORE ENROLLING THE APPLI-
8 CANT, SHALL HAVE RECEIVED FROM THE DEPARTMENT OF STATE POLICE THE
9 REPORT DESCRIBED IN SUBSECTION (7). A FLIGHT SCHOOL SHALL
10 REQUIRE THE APPLICANT TO SUBMIT HIS OR HER FINGERPRINTS TO THE
11 DEPARTMENT OF STATE POLICE FOR THE CRIMINAL HISTORY AND CRIMINAL

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1 RECORDS CHECKS. [THE FLIGHT SCHOOL MAY CHARGE THE FLIGHT SCHOOL
APPLICANT A FEE FOR THE CRIMINAL HISTORY CHECK AND THE CRIMINAL RECORDS
CHECK.] THE DEPARTMENT OF STATE POLICE MAY CHARGE A FEE

2 FOR THE CRIMINAL HISTORY CHECK AND THE CRIMINAL RECORDS CHECK.

3 (2) THE FLIGHT SCHOOL MAY ENROLL THE APPLICANT AS A CONDI-
4 TIONAL STUDENT UNDER THIS SUBSECTION WITHOUT FIRST RECEIVING THE
5 REPORT DESCRIBED IN SUBSECTION (7) IF ALL OF THE FOLLOWING
6 APPLY:

7 (A) THE FLIGHT SCHOOL REQUESTS THE CRIMINAL HISTORY AND
8 CRIMINAL RECORDS CHECK REQUIRED UNDER SUBSECTION (1) BEFORE CON-
9 DITIONALLY ENROLLING THE APPLICANT.

10 (B) THE APPLICANT SIGNS A STATEMENT THAT IDENTIFIES ALL
11 CRIMES FOR WHICH HE OR SHE HAS BEEN CONVICTED, IF ANY, AND AGREE-
12 ING THAT, IF THE REPORT DESCRIBED IN SUBSECTION (7) IS NOT THE
13 SAME AS THE APPLICANT'S STATEMENT, HIS OR HER ENROLLMENT CONTRACT
14 IS VOID. IF THE STATEMENT OF CONVICTIONS INCLUDES ANY OF THE
15 CIRCUMSTANCES DESCRIBED IN SECTION 85(24), THE ENROLLMENT CON-
16 TRACT IS VOID.

17 (3) IF AN APPLICANT IS ENROLLED AS A CONDITIONAL STUDENT
18 UNDER SUBSECTION (2) AND THE REPORT DESCRIBED IN SUBSECTION (7)
19 IS NOT THE SAME AS THE APPLICANT'S STATEMENT UNDER SUBSECTION
20 (2), THE FLIGHT SCHOOL SHALL VOID THE APPLICANT'S ENROLLMENT
21 CONTRACT. IF THE CONTRACT IS VOIDED UNDER THIS SUBSECTION, THE
22 APPLICANT'S ENROLLMENT IS TERMINATED AND THE FLIGHT SCHOOL IS NOT
23 LIABLE FOR THE TERMINATION OR ANY MONEY PAID TOWARDS ENROLLMENT.

24 (4) IF AN APPLICANT FOR ENROLLMENT IS BEING CONSIDERED FOR
25 ENROLLMENT BY MORE THAN 1 FLIGHT SCHOOL AND IF THE APPLICANT
26 AGREES IN WRITING TO ALLOW A FLIGHT SCHOOL TO SHARE THE REPORT
27 DESCRIBED IN SUBSECTION (7) WITH ANOTHER FLIGHT SCHOOL, THE

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1 FLIGHT SCHOOL MAY SATISFY THE REQUIREMENTS OF SUBSECTION (1) BY
2 OBTAINING A COPY OF THE REPORT DESCRIBED IN SUBSECTION (7) FROM
3 ANOTHER FLIGHT SCHOOL.

4 (5) AN APPLICANT DESCRIBED IN SUBSECTION (1) SHALL GIVE
5 WRITTEN CONSENT AT THE TIME OF APPLICATION FOR THE CRIMINAL
6 RECORDS DIVISION OF THE DEPARTMENT OF STATE POLICE TO CONDUCT THE
7 CRIMINAL HISTORY AND CRIMINAL RECORDS CHECK REQUIRED UNDER THIS
8 SECTION.

9 (6) A FLIGHT SCHOOL SHALL MAKE A REQUEST TO THE CRIMINAL
10 RECORDS DIVISION OF THE DEPARTMENT OF STATE POLICE FOR A CRIMINAL
11 HISTORY AND CRIMINAL RECORDS CHECK REQUIRED UNDER THIS SECTION ON
12 A FORM AND IN A MANNER PRESCRIBED BY THE CRIMINAL RECORDS DIVI-
13 SION OF THE DEPARTMENT OF STATE POLICE.

14 (7) WITHIN 30 DAYS AFTER RECEIVING A PROPER REQUEST BY A
15 FLIGHT SCHOOL FOR A CRIMINAL HISTORY AND CRIMINAL RECORDS CHECK
16 ON AN APPLICANT UNDER THIS SECTION, THE CRIMINAL RECORDS DIVISION
17 OF THE DEPARTMENT OF STATE POLICE SHALL CONDUCT AND INITIATE THE
18 CRIMINAL HISTORY AND CRIMINAL RECORDS CHECK AND, AFTER CONDUCTING
19 THE CRIMINAL HISTORY AND CRIMINAL RECORDS CHECK AND WITHIN THAT
20 TIME PERIOD, PROVIDE A REPORT OF THE RESULTS OF THE CRIMINAL HIS-
21 TORY AND CRIMINAL RECORDS CHECK TO THE FLIGHT SCHOOL. THE REPORT
22 SHALL CONTAIN ANY CRIMINAL HISTORY RECORD INFORMATION ON THE
23 APPLICANT MAINTAINED BY THE CRIMINAL RECORDS DIVISION OF THE
24 DEPARTMENT OF STATE POLICE AND INCLUDE INFORMATION REGARDING THE
25 CRIMINAL RECORDS CHECK OF THE RECORDS OF THE FEDERAL BUREAU OF
26 INVESTIGATION.

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1 (8) CRIMINAL HISTORY RECORD INFORMATION RECEIVED FROM THE
2 CRIMINAL RECORDS DIVISION OF THE DEPARTMENT OF STATE POLICE UNDER
3 SUBSECTION (7) SHALL BE USED BY A FLIGHT SCHOOL ONLY FOR THE PUR-
4 POSE OF EVALUATING AN APPLICANT'S QUALIFICATIONS FOR ENROLLMENT
5 IN THE POSITION FOR WHICH HE OR SHE HAS APPLIED AND FOR THE PUR-
6 POSES OF SUBSECTION (3). A FLIGHT SCHOOL SHALL NOT DISCLOSE THE
7 REPORT OR ITS CONTENTS TO ANY PERSON WHO IS NOT DIRECTLY INVOLVED
8 IN EVALUATING THE APPLICANT'S QUALIFICATIONS FOR ENROLLMENT.
9 HOWEVER, FOR THE PURPOSES OF SUBSECTION (4), A PERSON DESCRIBED
10 IN THIS SUBSECTION MAY PROVIDE A COPY OF THE REPORT UNDER
11 SUBSECTION (7) CONCERNING THE INDIVIDUAL TO AN APPROPRIATE REPRE-
12 SENTATIVE OF ANOTHER FLIGHT SCHOOL. A PERSON WHO VIOLATES THIS
13 SUBSECTION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT
14 FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR
15 BOTH.

16 (9) AS USED IN THIS SECTION, "CRIMINAL HISTORY RECORD
17 INFORMATION" MEANS THAT TERM AS DEFINED IN SECTION 1A OF 1925
18 PA 289, MCL 28.241A.

[Enacting section 1. This amendatory act takes effect May 1, 2002.]

19 Enacting section [2]. This amendatory act does not take
20 effect unless Senate Bill No. 1006 of the 91st Legislature is
21 enacted into law.