

HOUSE BILL No. 5093

September 25, 2001, Introduced by Reps. Richner, Allen and Scranton and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 309 and 310e (MCL 257.309 and 257.310e), as
amended by 2000 PA 456.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 309. (1) Before issuing a license, the secretary of
2 state shall examine each applicant for an operator's or
3 chauffeur's license who at the time of the application is not the
4 holder of a valid, unrevoked operator's or chauffeur's license
5 under a law of this state providing for the licensing of
6 drivers. In all other cases, the secretary of state may waive
7 the examination, except that an examination shall not be waived
8 if it appears from the application, from the apparent physical or
9 mental condition of the applicant, or from any other information
10 which has come to the secretary of state from another source,

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1 that the applicant does not possess the physical, mental, or
2 other qualifications necessary to operate a motor vehicle in a
3 manner as not to jeopardize the safety of persons or property; or
4 that the applicant is not entitled to a license under section
5 303. A licensee who applies for the renewal of his or her
6 license by mail pursuant to section 307 shall be required to cer-
7 tify to his or her physical capability to operate a motor
8 vehicle.

9 (2) Sheriffs, their deputies and the chiefs of police of
10 cities and villages having organized police departments within
11 this state and their duly authorized representatives, and employ-
12 ees of the secretary of state may be appointed examining officers
13 for the purpose of examining applicants for operator's and
14 chauffeur's licenses by the secretary of state. An examining
15 officer shall conduct examinations of applicants for operator's
16 and chauffeur's licenses ~~—~~ under this chapter ~~—~~ and in
17 accordance with the rules promulgated by the secretary of state
18 under subsection (3). After conducting an examination an examin-
19 ing officer shall make a written report of his or her findings
20 and recommendations to the secretary of state.

21 (3) The secretary of state shall promulgate rules pursuant
22 to the administrative procedures act of 1969, 1969 PA 306,
23 MCL 24.201 to 24.328, for the examination of the applicant's
24 physical and mental qualifications to operate a motor vehicle in
25 a manner as not to jeopardize the safety of persons or property,
26 and shall ascertain whether facts exist that would bar the
27 issuance of a license under section 303. The secretary of state

1 shall also ascertain whether the applicant has sufficient
2 knowledge of the English language to understand highway warnings
3 or direction signs written in that language. The examination
4 shall not include investigation of facts other than those facts
5 directly pertaining to the ability of the applicant to operate a
6 motor vehicle with safety or facts declared to be prerequisite to
7 the issuance of a license under this act.

8 (4) An original operator's or chauffeur's license without a
9 vehicle group designation or indorsement shall not be issued by
10 the secretary of state without an examination which shall include
11 a behind-the-wheel road test conducted by the secretary of state
12 or by a designated examining officer under subsection (2) or
13 section 310e. The secretary of state may enter into an agreement
14 with another public or private person or agency to conduct a
15 behind-the-wheel road test conducted under this section.

16 HOWEVER, A DRIVER TRAINING SCHOOL LICENSED UNDER 1974 PA 369,
17 MCL 256.601 TO 256.609, SHALL NOT CONDUCT A BEHIND-THE-WHEEL ROAD
18 TEST UNDER THIS SUBSECTION FOR ANY PERSON WHO RECEIVES DRIVER
19 EDUCATION TRAINING FROM THAT SCHOOL. In an agreement with another
20 person or agency to conduct a behind-the-wheel road test, the
21 secretary of state may prescribe the method and examination cri-
22 teria to be followed by the person or agency when conducting the
23 behind-the-wheel road test and the form of the certification to
24 be issued to a person who satisfactorily completes a
25 behind-the-wheel road test. An original vehicle group designa-
26 tion or indorsement shall not be issued by the secretary of state
27 without a knowledge test conducted by the secretary of state.

1 Except as provided in section 312f(1), an original vehicle group
2 designation or passenger indorsement shall not be issued by the
3 secretary of state without a behind-the-wheel road test conducted
4 by an examiner appointed or authorized by the secretary of
5 state. HOWEVER, A DRIVER TRAINING SCHOOL LICENSED UNDER 1974
6 PA 369, MCL 256.601 TO 256.609, SHALL NOT CONDUCT A
7 BEHIND-THE-WHEEL ROAD TEST UNDER THIS SUBSECTION FOR ANY PERSON
8 FOR AN ORIGINAL VEHICLE GROUP DESIGNATION OR PASSENGER INDORSE-
9 MENT IF THE PERSON RECEIVED DRIVER EDUCATION TRAINING FOR THAT
10 PURPOSE FROM THAT SCHOOL. While in the course of taking a
11 behind-the-wheel road test conducted by the examiner who shall
12 occupy a seat beside the applicant, an applicant for an original
13 vehicle group designation or passenger indorsement who has been
14 issued a temporary instruction permit to operate a commercial
15 motor vehicle shall be permitted to operate a vehicle requiring a
16 vehicle group designation or passenger indorsement without a
17 person licensed to operate a commercial motor vehicle occupying a
18 seat beside him or her.

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

26 (6) Beginning April 1, 2001, a person who corrupts or
27 attempts to corrupt a designated examining officer appointed or

1 designated by the secretary of state under this section or
2 section 310e by giving, offering, or promising any gift or gratuity with the intent to influence the opinion or decision of the
3 examining officer conducting the test is guilty of a felony.

5 (7) Beginning April 1, 2001, a designated examining officer
6 appointed or designated by the secretary of state who conducts a
7 behind-the-wheel road test under an agreement entered into under
8 this section or section 310e and who varies from, shortens, or in
9 any other way changes the method or examination criteria prescribed to be followed under that agreement in conducting a
10 behind-the-wheel road test is guilty of a felony.

12 (8) Beginning April 1, 2001, a person who forges, counterfeits, or alters a satisfactorily completed behind-the-wheel road
13 test certification issued by a designated examining officer
14 appointed or designated by the secretary of state under this section or section 310e is guilty of a felony.

17 Sec. 310e. (1) Except as otherwise provided in this act, an
18 operator's or chauffeur's license issued to a person who is 17
19 years of age or less is valid only upon the issuance of a graduated driver license.

21 (2) The secretary of state shall designate graduated licensing provisions in a manner that clearly indicates that the person
22 is subject to the appropriate provisions described in this
23 section.

25 (3) A person who is not less than 14 years and 9 months of
26 age may be issued a level 1 graduated licensing status to operate

1 a motor vehicle if the person has satisfied all of the following
2 conditions:

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

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

8 (c) Received written approval of a parent or legal
9 guardian.

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

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

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

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

24 (c) Not incurred a moving violation resulting in a convic-
25 tion or civil infraction determination or been involved in an
26 accident for which the official police report indicates a moving

1 violation on the part of the person during the 90-day period
2 immediately preceding application.

3 (d) Presented a certification by the parent or guardian that
4 he or she, accompanied by his or her licensed parent or legal
5 guardian or, with the permission of the parent or legal guardian,
6 any licensed driver 21 years of age or older, has accumulated a
7 total of not less than 50 hours of behind-the-wheel experience
8 including not less than 10 nighttime hours.

9 (e) Successfully completed a secretary of state approved
10 performance road test. The secretary of state may enter into an
11 agreement with another public or private person or agency,
12 including a city, village, or township, to conduct this per-
13 formance road test. HOWEVER, A DRIVER TRAINING SCHOOL LICENSED
14 UNDER 1974 PA 369, MCL 256.601 TO 256.609, SHALL NOT CONDUCT A
15 BEHIND-THE-WHEEL ROAD TEST UNDER THIS SUBDIVISION FOR ANY PERSON
16 WHO RECEIVES DRIVER EDUCATION TRAINING TO SATISFY THE REQUIRE-
17 MENTS OF THIS SECTION FROM THAT SCHOOL. This subdivision applies
18 to a person 16 years of age or over only if the person has satis-
19 fied subdivisions (a), (b), (c), and (d).

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

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

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

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

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

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

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

24 (9) A person who is not less than 17 years of age may be
25 issued a level 3 graduated licensing status under this subsection
26 if the person has completed 12 consecutive months without a
27 moving violation, an accident in which a moving violation

1 resulted, accident, suspension, or restricted period violation
2 listed in subsection (7) while the person was issued a level 2
3 graduated licensing status under subsection (5).

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

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

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

13 (13) For purposes of this section:

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

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

23 (c) The date of the official police report shall be used in
24 determining whether a licensee was driving a motor vehicle
25 involved in an accident for which the official police report
26 indicates a moving violation on the part of the licensee or
27 indicates the licensee had been drinking intoxicating liquor.

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

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