

# HOUSE BILL No. 5159

October 9, 2001, Introduced by Reps. Woodward, Dennis, Minore, Jacobs, Bovin, Gielegem, Waters, Kilpatrick, Bogardus and Lemmons and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending section 811 (MCL 257.811), as amended by 2000  
PA 456.

**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

1 Minor's restricted license..... 5.00

2 (2) The secretary of state shall deposit the money received  
3 and collected under subsection (1) in the state treasury to the  
4 credit of the general fund. The secretary of state shall refund  
5 out of the fees collected to each county or municipality acting  
6 as an examining officer or examining bureau \$2.50 for each appli-  
7 cant examined for an original license, \$1.00 for each applicant  
8 examined for an original chauffeur's license, and \$1.00 for every  
9 other applicant examined, if the application is not denied and  
10 the money refunded is paid to the county or local treasurer and  
11 is appropriated to the county, municipality, or officer or bureau  
12 receiving the money for the purpose of carrying out this act.

13 The state treasurer shall deposit the sum of \$4.00 in a driver  
14 education fund for each person examined for an original license,  
15 a renewal operator's license, an original chauffeur's license, or  
16 a renewal chauffeur's license, except that the sum deposited for  
17 each 2-year operator's or 2-year chauffeur's license shall be  
18 \$2.00. The department of education shall use the money in the  
19 driver education fund for administration of a driver education  
20 program and for distribution to local school districts to be used  
21 for driver education programs. Any unexpended and unencumbered  
22 balance remaining in the driver education fund at the end of the  
23 fiscal year in excess of \$150,000.00 shall revert to the general  
24 fund.

25 (3) From the money credited to the driver education fund,  
26 the legislature shall appropriate annually funds to the  
27 department of education for state administration of the program.

1 In addition, the department of education shall distribute to  
2 local public school districts from the driver education fund a  
3 pro rata amount equal to the number of students who have com-  
4 pleted segment 1 of an approved driver education course through  
5 the local public school districts whether directly from the  
6 student's own local school district or by certificate issued from  
7 the student's own local school district in the previous fiscal  
8 year, or the actual cost per student, whichever is less.

9 ~~Beginning April 1, 1998, a local school district that offers an~~  
10 ~~approved driver education course shall provide an amount equal to~~  
11 ~~the pro rata amount from the driver education fund for each stu-~~  
12 ~~dent residing in the district who completes segment 1 of an~~  
13 ~~approved driver education course within that district.~~ The local  
14 school district shall provide each student participating in an  
15 approved driver education course with a certificate in a form  
16 provided by the local school district and approved by the depart-  
17 ment of education that REPRESENTS THE PRO RATA AMOUNT DISTRIBUTED  
18 BY THE DEPARTMENT OF EDUCATION FROM THE DRIVER EDUCATION FUND  
19 THAT the student shall use toward the payment of any fee charged  
20 for the approved driver education course under the following  
21 conditions:

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

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

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

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

10       From the amount distributed, the local school district shall  
11 reimburse each licensed driver training school or other local  
12 school district or the parent of the student the determined pro  
13 rata amount from the driver education fund for each student from  
14 that district completing segment 1 of an approved driver educa-  
15 tion course with the licensed driver training school or other  
16 local school district during the fiscal year.

17       (4) Beginning April 1, 1998, the approved driver education  
18 courses may be conducted by the local public school district or a  
19 consortium of school districts, by a licensed driver training  
20 school either itself or through a contract with a local school  
21 district, or by the intermediate district at the request of the  
22 local district. If a local school district contracts with a  
23 licensed driver training school to conduct an approved driver  
24 education course, the contract shall require that the driver edu-  
25 cation course be conducted in accordance with the requirements  
26 set forth in department of education rules under subsection (6)  
27 that are applicable to an approved driver education course

1 conducted by a local school district. Enrollment in approved  
2 driver education courses shall be open to residents not less than  
3 14 years 8 months of age enrolled in public, nonpublic, and home  
4 schools as well as resident out-of-school youth not less than 14  
5 years 8 months of age. Reimbursement to local school districts  
6 shall be made on the basis of an application made by the local  
7 school district superintendent to the department of education.  
8 If money appropriated from the driver education fund is not suf-  
9 ficient to provide for state administration of the driver educa-  
10 tion program and to reimburse local school districts for each  
11 student completing segment 1 of an approved driver education  
12 course, then payments made to local school districts shall be  
13 prorated to the amount that is appropriated and available in the  
14 fund. A local school district or licensed driver training school  
15 may use videotapes, computers, telecourses, or other similar  
16 technology as part of the classroom instruction portion of its  
17 driver education courses. A student may receive and use any of  
18 these materials at home.

19 (5) As used in this section, "driver education courses"  
20 include classroom instruction, behind-the-wheel instruction, and  
21 observation in an automobile under the supervision of a qualified  
22 teacher or licensed instructor. The department of education  
23 shall not require that licensed driver training school teachers  
24 or instructors be certificated under the revised school code,  
25 1976 PA 451, MCL 380.1 to 380.1852.

26 (6) The department of education may promulgate rules  
27 pursuant to the administrative procedures act of 1969, 1969 PA

1 306, MCL 24.201 to 24.328, to implement this section. The rules  
2 shall include, at a minimum, instructional standards, teacher  
3 qualifications, and reimbursement procedures.

4 (7) Notwithstanding sections 306 and 308, an operator's  
5 license shall not be issued to a person under 18 years of age  
6 unless that person successfully passes a driver education course  
7 and examination given by a public school, nonpublic school, or an  
8 equivalent course approved by the department of education given  
9 by a licensed driver training school. A person who has been a  
10 holder of a motor vehicle operator's license issued by any other  
11 state, territory, or possession of the United States, or any  
12 other sovereignty for 1 year immediately before application for  
13 an operator's license under this act is not required to comply  
14 with this subsection. Restricted licenses may be issued pursuant  
15 to section 312 without compliance with this subsection. A driver  
16 education course shall be made available for a person under 18  
17 years of age within a time that will enable that person to qual-  
18 ify for a license before the time that the person is permitted by  
19 law to have a license.

20 (8) Beginning April 1, 1998, a public school system may  
21 impose a charge or enrollment fee for a driver education course  
22 upon a student desiring to take the course as a duly enrolled  
23 student for the course in a school of the public school system.  
24 If a charge or enrollment fee is imposed, it shall be the same  
25 for all students who reside within the territory of the public  
26 school system.