

**SUBSTITUTE FOR
SENATE BILL NO. 462**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 312b, 312c, 811a, and 811b (MCL 257.312b,
257.312c, 257.811a, and 257.811b), section 312b as amended by
2000 PA 456, section 312c as amended by 1996 PA 345, 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. 312b. (1) Before a person who is less than 18 years of
2 age is issued an original motorcycle endorsement on an operator's
3 or chauffeur's license, the person shall pass an examination as
4 required by this section and a motorcycle safety course as
5 provided in section 811a or 811b.

6 (2) Before a person who is 18 years of age or older is issued
7 an original motorcycle endorsement on an operator's or

1 chauffeur's license, the person shall pass an examination as
2 required by this section. A person who fails this examination 2
3 or more times is required to successfully complete a motorcycle
4 safety course as provided in section 811a or 811b. Each written
5 examination given an applicant for a motorcycle endorsement on an
6 operator's or chauffeur's license as provided in section 309
7 shall also include subjects designed to cover a motorcycle. A
8 person shall pass an examination that shall include a driving
9 test designed to test the competency of the applicant for the
10 first motorcycle endorsement on an operator's or chauffeur's
11 license to operate a motorcycle upon the roads and highways of
12 this state with safety to himself or herself and other persons
13 and property. All examinations shall be administered as provided
14 in this act. The requirement of a motorcycle driving test shall
15 be waived for an applicant who has successfully completed a
16 motorcycle safety course conducted by a school or business
17 enterprise as provided in section 811a or 811b. The motorcycle
18 safety course skills test shall meet or exceed the motorcycle
19 skills test from the secretary of state. The requirement of a
20 motorcycle driving test may be waived if the applicant has a
21 valid license or endorsement to operate a motorcycle from another
22 state.

23 (3) A motorcycle endorsement issued to a person who operates
24 a 3-wheeled motorcycle or an autocycle shall be restricted to
25 operation of that type of motorcycle and does not permit
26 operation of a 2-wheeled motorcycle. The secretary of state
27 shall develop a driving test specifically pertaining to an

1 autocycle or a 3-wheeled motorcycle.

2 (4) The secretary of state is responsible for establishing
3 and conducting the motorcycle operator driving test and shall
4 promulgate rules under the administrative procedures act of 1969,
5 1969 PA 306, MCL 24.201 to 24.328, for purposes of this
6 subsection. An audit of the motorcycle safety fund shall be
7 conducted ~~in conjunction with the audit of school management~~
8 ~~services~~ by the office of the auditor general to determine
9 compliance with the requirement that funds are being withdrawn
10 only in relation to this act. ~~and not costs that are already a~~
11 ~~function or duty of the education act.~~ A copy of ~~this~~ **the**
12 audit shall be transmitted to the legislature upon completion.

13 (5) ~~Beginning not later than June 1, 1997, the~~ **The**
14 secretary of state may enter into an agreement with another
15 public or private person or agency to conduct a driving test
16 required under this section. In an agreement with another person
17 or agency to conduct a driving test under this section, the
18 secretary of state may prescribe the method and examination
19 criteria to be followed by the person or agency when conducting
20 the driving test and the form of the certification to be issued
21 to a person who satisfactorily completes a driving test. For
22 administering and overseeing a third party motorcycle testing
23 program, the secretary of state shall be reimbursed from the
24 motorcycle safety fund a total amount that does not exceed 50% of
25 the department's 1995-1996 fiscal year appropriation for
26 motorcycle testing under this section.

27 (6) ~~Beginning April 1, 2001, a~~ **A** person who corrupts or

1 attempts to corrupt a person or agency that conducts a driving
2 test under an agreement entered into with the secretary of state
3 under this section by giving, offering, or promising any gift or
4 gratuity with the intent to influence the opinion or decision of
5 the person or agency conducting the driving test is guilty of a
6 felony.

7 (7) ~~Beginning April 1, 2001, a~~ A designated examining
8 officer appointed or designated by the secretary of state who
9 conducts a driving test under an agreement entered into under
10 this section and who varies from, shortens, or in any other way
11 changes the method or examination criteria prescribed to be
12 followed under that agreement in conducting a driving test under
13 this section is guilty of a felony.

14 (8) ~~Beginning April 1, 2001, a~~ A person who forges,
15 counterfeits, or alters a satisfactorily completed driving test
16 certification issued by a designated examining officer appointed
17 or designated by the secretary of state under this section is
18 guilty of a felony.

19 Sec. 312c. (1) Every application for a motorcycle
20 endorsement on an operator's or chauffeur's license for operation
21 of motorcycles as provided in section 312a shall be accompanied
22 by the following fees which shall be in addition to any other
23 original or renewal operator or chauffeur license fee:

- 24 Original motorcycle endorsement.....\$13.50
- 25 Renewal of motorcycle endorsement.....\$5.00.

26 (2) Except as otherwise provided in this subsection, the

1 money received and collected under this section shall be
2 deposited in the state treasury to the credit of the general
3 fund. The secretary of state shall refund out of the fees
4 collected to each county or municipality, acting as an examining
5 officer or examining bureau, \$3.00 for each applicant examined
6 for a first endorsement to a 3- or 4-year operator's or
7 chauffeur's license, \$2.50 for each original endorsement to a
8 2-year operator's or chauffeur's license, \$1.50 for each renewal
9 endorsement to a 2-year operator's or chauffeur's license, and
10 \$1.50 for every other applicant examined whose application is not
11 denied, on the condition, however, that the money refunded shall
12 be paid to the county or local treasurer and is appropriated to
13 the county, municipality, or officer or bureau receiving the
14 money for the purpose of carrying out this act. Ten dollars of
15 each original motorcycle endorsement and \$3.00 of each renewal
16 motorcycle endorsement shall be placed in a motorcycle safety
17 fund in the state treasury and shall be used only by the
18 ~~department of education~~ **secretary of state** for the motorcycle
19 safety education program as provided under section 811a.

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

25 (2) Except for motorcycle safety courses conducted under
26 section 811b, an applicant for a motorcycle safety course shall
27 pay not more than a \$25.00 course fee. The course fees shall be

1 used only for funding the administration and implementation of
2 the motorcycle safety education program.

3 (3) The ~~state board of education~~ **secretary of state** is
4 responsible for the establishment and administration of
5 motorcycle safety courses and shall promulgate rules pursuant to
6 the administrative procedures act of 1969, ~~Act No. 306 of the~~
7 ~~Public Acts of 1969, as amended, being sections 24.201 to 24.328~~
8 ~~of the Michigan Compiled Laws~~ **1969 PA 306, MCL 24.201 to 24.328,**
9 regarding teacher qualifications, reimbursement procedures, the
10 establishment of the courses, and other requirements under this
11 section.

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

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

20 (6) The ~~superintendent of public instruction~~ **secretary of**
21 **state** shall designate a person who has successfully completed a
22 motorcycle safety chief instructor course to perform annual
23 inspections of motorcycle course sites.

24 (7) An 8-hour motorcycle safety course that meets the
25 standards established by the ~~state board of education~~ **secretary**
26 **of state** may be offered to an applicant who has passed a
27 motorcycle operator skill test that has been approved by the

1 ~~state board of education~~ **secretary of state**. Successful
2 completion of a motorcycle safety course under this subsection
3 shall fulfill the waiver requirement of section 312b.

4 (8) An audit of the motorcycle safety fund shall be conducted
5 ~~in conjunction with the audit of school management services~~ by
6 the office of the auditor general to determine compliance with
7 the requirements of this act with regard to the collection and
8 expenditure of fees authorized under this section. A copy of
9 this audit shall be transmitted to the legislature upon
10 completion.

11 Sec. 811b. (1) A motorcycle safety course required in
12 section 312b may be conducted by a private business enterprise.

13 (2) The ~~state board of education~~ **secretary of state** shall
14 promulgate rules pursuant to the administrative procedures act of
15 1969, ~~Act No. 306 of the Public Acts of 1969, being sections~~
16 ~~24.201 to 24.328 of the Michigan Compiled Laws~~ **1969 PA 306, MCL**
17 **24.201 to 24.328**, to provide standards for the establishment and
18 regulation of motorcycle safety courses conducted under this
19 section.

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