

HOUSE BILL No. 5085

September 25, 2003, Introduced by Rep. Minore and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 306 and 310e (MCL 257.306 and 257.310e),
section 306 as amended by 2002 PA 534 and section 310e as amended
by 2003 PA 61.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 306. (1) The secretary of state, upon receiving an
2 application for a temporary instruction permit from a person who
3 is 18 years of age or older, may issue that permit entitling the
4 applicant, while carrying the permit, to drive a motor vehicle
5 other than a motor vehicle requiring an indorsement under section
6 312a or a vehicle group designation under section 312e upon the
7 highways for a period of 180 days when accompanied by a licensed
8 adult operator or chauffeur who is actually occupying a seat
9 beside the driver.

1 (2) The secretary of state may issue an original operator's
2 license and designate level 1, 2, or 3 graduated licensing
3 provisions to a person who is less than 18 years of age, has been
4 licensed in another state or country, and has satisfied the
5 applicable requirements of section 310e.

6 (3) A student enrolled in a driver education program or a
7 motorcycle safety course approved by the department of education
8 may operate a motor vehicle without holding an operator's license
9 or permit while under the direct supervision of the program
10 instructor.

11 (4) A student enrolled in an approved driver education
12 program and who has successfully completed 10 hours of classroom
13 instruction and the equivalent of 2 hours of behind-the-wheel
14 training may be issued a temporary driver education certificate
15 furnished by the department of education that authorizes a
16 student to drive a motor vehicle, other than a motor vehicle
17 requiring an indorsement pursuant to section 312a or a vehicle
18 group designation pursuant to section 312e, when accompanied by a
19 licensed parent or guardian, or when accompanied by a nonlicensed
20 parent or guardian and a licensed adult for the purpose of
21 receiving additional instruction until the end of the student's
22 driver education course.

23 (5) The secretary of state, upon receiving proper application
24 from a person 16 or 17 years of age who is enrolled in or has
25 successfully completed an approved motorcycle safety course under
26 section 811a, or a person who is 18 years of age or older and who
27 holds a valid operator's or chauffeur's license, may issue a

1 motorcycle temporary instruction permit entitling the applicant,
2 while carrying the permit, to operate a motorcycle upon the
3 public streets and highways for a period of 180 days, but only
4 when under the constant visual supervision of a licensed
5 motorcycle operator at least 18 years of age. The applicant
6 shall not operate the motorcycle at night or with a passenger.

7 (6) The secretary of state, upon receiving proper application
8 from a person who is 18 years of age or older, who holds a valid
9 operator's or chauffeur's license, and who has passed the
10 knowledge test for an original vehicle group designation or
11 indorsement, may issue a temporary instruction permit entitling
12 the person, while carrying the permit, to drive a vehicle
13 requiring a vehicle group designation or vehicle group
14 indorsement under section 312e upon the streets and highways for
15 a period of 180 days, but only when accompanied by a licensed
16 adult operator or chauffeur who is licensed with the appropriate
17 vehicle group designation and indorsement for the vehicle group
18 being driven and who is actually occupying a seat beside the
19 driver, or behind the driver if the permittee is driving a bus or
20 school bus. In addition, if a permittee is enrolled in a driver
21 training program for drivers of motor vehicles requiring a
22 vehicle group designation or vehicle group indorsement under
23 section 312e, which program is conducted by a college,
24 university, commercial driver training school licensed by the
25 department under 1974 PA 369, MCL 256.601 to 256.609, or a local
26 or intermediate school district, the permittee may drive a
27 vehicle requiring a vehicle group designation or vehicle group

1 indorsement on the streets and highways of this state for a
2 period of 180 days when accompanied by an instructor licensed
3 with the appropriate vehicle group designation and indorsement
4 for the vehicle being driven who is either occupying the seat
5 beside the driver or in direct visual and audio communication
6 with the permittee. A person issued a temporary instruction
7 permit under this section shall not operate a vehicle designed to
8 carry 16 or more passengers that is transporting passengers
9 except with an instructor licensed with the appropriate vehicle
10 group designation and indorsement for the vehicle being driven or
11 a driver skills test examiner. **A person issued a temporary
12 instruction permit under this section shall not operate a vehicle
13 while communicating on a cellular telephone.**

14 Sec. 310e. (1) Except as otherwise provided in this act, an
15 operator's or chauffeur's license issued to a person who is 17
16 years of age or less shall be in a form as prescribed in section
17 310 beginning July 1, 2003, and is valid only upon the issuance
18 of a graduated driver license.

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

23 (3) Except as otherwise provided in section 303, a person who
24 is not less than 14 years and 9 months of age may be issued a
25 level 1 graduated licensing status to operate a motor vehicle if
26 the person has satisfied all of the following conditions:

27 (a) Passed a vision test and met health standards as

1 prescribed by the secretary of state.

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

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

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

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

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

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

23 (c) Not incurred a moving violation resulting in a conviction
24 or civil infraction determination or been involved in an accident
25 for which the official police report indicates a moving violation
26 on the part of the person during the 90-day period immediately
27 preceding application.

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

7 (e) Successfully completed a secretary of state approved
8 performance road test. The secretary of state may enter into an
9 agreement with another public or private person or agency,
10 including a city, village, or township, to conduct this
11 performance road test. This subdivision applies to a person 16
12 years of age or over only if the person has satisfied
13 subdivisions (a), (b), (c), and (d).

14 (6) A person issued a level 2 graduated licensing status
15 under subsection (5) shall remain at level 2 for not less than 6
16 months and shall not operate a motor vehicle within this state
17 from 12 midnight to 5 a.m. unless accompanied by a parent or
18 legal guardian or a licensed driver over the age of 21 designated
19 by the parent or legal guardian, or except when going to or from
20 employment. **A person issued a level 2 graduated licensing status**
21 **shall not operate a motor vehicle while communicating on a**
22 **cellular telephone.**

23 (7) The provisions and provisional period described in
24 subsection (4) or (6) shall be expanded or extended, or both,
25 beyond the periods described in subsection (4) or (6) if any of
26 the following occur and are recorded on the licensee's driving
27 record during the provisional periods described in subsection (4)

1 or (6) or any additional periods imposed under this subsection:

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

4 (b) An accident for which the official police report
5 indicates a moving violation on the part of the licensee.

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

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

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

20 (9) A person who is not less than 17 years of age may be
21 issued a level 3 graduated licensing status under this subsection
22 if the person has completed 12 consecutive months without a
23 moving violation, an accident in which a moving violation
24 resulted, accident, suspension, or restricted period violation
25 listed in subsection (7) while the person was issued a level 2
26 graduated licensing status under subsection (5). **A person issued**
27 **a level 3 graduated license status shall not operate a motor**

1 vehicle while communicating on a cellular telephone.

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

5 (11) A person who violates subsection (4) or (6) is
6 responsible for a civil infraction.

7 (12) If a person is determined responsible for a violation of
8 subsection (4) or (6), the secretary of state shall send written
9 notification of any conviction or moving violation to a
10 designated parent or guardian of the person.

11 (13) For purposes of this section:

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

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

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

26 (14) A person shall have his or her graduated licensing
27 status in his or her immediate possession at all times when

1 operating a motor vehicle, and shall display the card upon demand
2 of a police officer. A person who violates this subsection is
3 responsible for a civil infraction.

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