

SENATE BILL No. 462

May 7, 2003, Introduced by Senators GARCIA, BROWN, TOY, McMANUS, BIRKHOLZ, JELINEK, STAMAS, SIKKEMA, HAMMERSTROM, SWITALSKI, CASSIS and CROPSEY and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 312b, 811a, and 811b (MCL 257.312b, 257.811a, and 257.811b), section 312b as amended by 2000 PA 456, 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
8 chauffeur's license, the person shall pass an examination as

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

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

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

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

26 (6) ~~Beginning April 1, 2001, a~~ **A** person who corrupts or
27 attempts to corrupt a person or agency that conducts a driving

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

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

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

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

23 (2) Except for motorcycle safety courses conducted under
24 section 811b, an applicant for a motorcycle safety course shall
25 pay not more than a \$25.00 course fee. The course fees shall be
26 used only for funding the administration and implementation of
27 the motorcycle safety education program.

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

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

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

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

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

1 shall fulfill the waiver requirement of section 312b.

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

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

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

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