

SENATE BILL No. 1180

April 29, 2004, Introduced by Senators VAN WOERKOM, CHERRY, HAMMERSTROM, KUIPERS, JOHNSON, TOY, ALLEN, BASHAM, GOSCHKA, BROWN and BIRKHOLZ 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 2003 PA
 152.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 811. (1) An application for an original operator's or
 2 an original or renewal chauffeur's license as provided in
 3 sections 307 and 312 and an application for an original minor's
 4 restricted license as provided in section 312 shall be
 5 accompanied by the following fees:

| | | |
|---|---------------------------------|----------|
| 6 | Operator's license..... | \$ 25.00 |
| 7 | Chauffeur's license..... | 35.00 |
| 8 | Minor's restricted license..... | 25.00 |

9 The renewal fee for an operator's license renewed under this

1 section is \$18.00. However, if an operator's license is expired
2 at the time of the renewal, the fee is the same as the original
3 fee. The date of an application for a renewal of an operator's
4 license under this section that is delivered to the secretary of
5 state by regular mail is the postmark date in determining the fee
6 to be assessed.

7 (2) The secretary of state shall deposit the money received
8 and collected under subsection (1) in the state treasury to the
9 credit of the general fund. The secretary of state shall refund
10 out of the fees collected to each county or municipality acting
11 as an examining officer or examining bureau \$2.50 for each
12 applicant examined for an original license, \$1.00 for each
13 applicant examined for an original chauffeur's license, and \$1.00
14 for every other applicant examined, if the application is not
15 denied and the money refunded is paid to the county or local
16 treasurer and is appropriated to the county, municipality, or
17 officer or bureau receiving the money for the purpose of carrying
18 out this act. The state treasurer shall deposit the sum of \$4.00
19 in a driver education fund for each person examined for an
20 original license, a renewal operator's license, an original
21 chauffeur's license, or a renewal chauffeur's license, except
22 that the sum deposited for each 2-year operator's or 2-year
23 chauffeur's license shall be \$2.00. The department of education
24 shall use the money in the driver education fund for
25 administration of a driver education program and for distribution
26 to local school districts to be used for driver education
27 programs. Any unexpended and unencumbered balance remaining in

1 the driver education fund at the end of the fiscal year in excess
2 of \$150,000.00 shall revert to the general fund.

3 (3) From the money credited to the driver education fund, the
4 legislature shall appropriate annually funds to the department of
5 education for state administration of the program. In addition,
6 the department of education shall distribute to local public
7 school districts from the driver education fund a pro rata amount
8 equal to the number of students who have completed segment 1 of
9 an approved driver education course through the local public
10 school districts whether directly from the student's own local
11 school district or by certificate issued from the student's own
12 local school district in the previous fiscal year, or the actual
13 cost per student, whichever is less. Beginning April 1, 1998, a
14 local school district that offers an approved driver education
15 course shall provide an amount equal to the pro rata amount from
16 the driver education fund for each student residing in the
17 district who completes segment 1 of an approved driver education
18 course within that district. The local school district shall
19 provide each student participating in an approved driver
20 education course with a certificate in a form provided by the
21 local school district and approved by the department of education
22 that the student shall use toward the payment of any fee charged
23 for the approved driver education course under the following
24 conditions:

25 (a) If the student participates in an approved driver
26 education course at a local school district of his or her choice
27 other than his or her local school district.

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

4 (i) The student's local school district does not offer an
5 approved driver education course either itself or through a
6 consortium of local school districts of which the student's local
7 school district is a member.

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

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

20 (4) The approved driver education courses may be conducted by
21 the local public school district or a consortium of school
22 districts, by a licensed driver training school either itself or
23 through a contract with a local school district, or by the
24 intermediate district at the request of the local district. If a
25 local school district contracts with a licensed driver training
26 school to conduct an approved driver education course, the
27 contract shall require that the driver education course be

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

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

1 1976 PA 451, MCL 380.1 to 380.1852.

2 (6) An approved driver education course shall provide
3 instruction in the right to provide an anatomical gift in the
4 event of death in accordance with section 310.

5 (7) ~~—(6)—~~ The department of education may promulgate rules
6 ~~pursuant to~~ **under** the administrative procedures act of 1969,
7 1969 PA 306, MCL 24.201 to 24.328, to implement this section.
8 The rules shall include, at a minimum, instructional standards,
9 teacher qualifications, and reimbursement procedures. **The**
10 **department of education shall promulgate rules under the**
11 **administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to**
12 **24.328, to implement subsection (6).**

13 (8) ~~—(7)—~~ Notwithstanding sections 306 and 308, an operator's
14 license shall not be issued to a person under 18 years of age
15 unless that person successfully passes a driver education course
16 and examination given by a public school, nonpublic school, or an
17 equivalent course approved by the department of education given
18 by a licensed driver training school. A person who has been a
19 holder of a motor vehicle operator's license issued by any other
20 state, territory, or possession of the United States, or any
21 other sovereignty for 1 year immediately before application for
22 an operator's license under this act is not required to comply
23 with this subsection. Restricted licenses may be issued
24 ~~pursuant to~~ **under** section 312 without compliance with this
25 subsection. A driver education course shall be made available
26 for a person under 18 years of age within a time that will enable
27 that person to qualify for a license before the time that the

1 person is permitted by law to have a license.

2 (9) ~~—(8)—~~ A public school system may impose a charge or
3 enrollment fee for a driver education course upon a student
4 desiring to take the course as a duly enrolled student for the
5 course in a school of the public school system. If a charge or
6 enrollment fee is imposed, it shall be the same for all students
7 who reside within the territory of the public school system.

8 Enacting section 1. This amendatory act takes effect
9 October 1, 2005.