

Act No. 103
Public Acts of 2003
Approved by the Governor
July 24, 2003
Filed with the Secretary of State
July 24, 2003
EFFECTIVE DATE: October 1, 2003

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2003**

**Introduced by Senators Garcia, Brown, Toy, McManus, Birkholz, Jelinek, Stamas, Sikkema, Hammerstrom,
Switalski, Cassis and Cropsey**

ENROLLED SENATE BILL No. 462

AN ACT to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," 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:

Sec. 312b. (1) Before a person who is less than 18 years of age is issued an original motorcycle endorsement on an operator's or chauffeur's license, the person shall pass an examination as required by this section and a motorcycle safety course as provided in section 811a or 811b.

(2) Before a person who is 18 years of age or older is issued an original motorcycle endorsement on an operator's or chauffeur's license, the person shall pass an examination as required by this section. A person who fails this examination 2 or more times is required to successfully complete a motorcycle safety course as provided in section 811a or 811b. Each written examination given an applicant for a motorcycle endorsement on an operator's or chauffeur's license as provided in section 309 shall also include subjects designed to cover a motorcycle. A person shall pass an examination that shall include a driving test designed to test the competency of the applicant for the first motorcycle endorsement on an operator's or chauffeur's license to operate a motorcycle upon the roads and highways of this state with safety to himself or herself and other persons and property. All examinations shall be administered as provided in this act. The requirement of a motorcycle driving test shall be waived for an applicant who has successfully completed a motorcycle safety course conducted by a school or business enterprise as provided in section 811a or 811b. The motorcycle safety course skills test shall meet or exceed the motorcycle skills test from the secretary of state. The requirement of a motorcycle driving test may be waived if the applicant has a valid license or endorsement to operate a motorcycle from another state.

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

(4) The secretary of state is responsible for establishing and conducting the motorcycle operator driving test and shall promulgate rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for purposes of this subsection. An audit of the motorcycle safety fund shall be conducted by the office of the auditor general to determine compliance with the requirement that funds are being withdrawn only in relation to this act. A copy of the audit shall be transmitted to the legislature upon completion.

(5) The secretary of state may enter into an agreement with another public or private person or agency to conduct a driving test required under this section. In an agreement with another person or agency to conduct a driving test under this section, the secretary of state may prescribe the method and examination criteria to be followed by the person or agency when conducting the driving test and the form of the certification to be issued to a person who satisfactorily completes a driving test. For administering and overseeing a third party motorcycle testing program, the secretary of state shall be reimbursed from the motorcycle safety fund a total amount that does not exceed 50% of the department's 1995-1996 fiscal year appropriation for motorcycle testing under this section.

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

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

(8) A person who forges, counterfeits, or alters a satisfactorily completed driving test certification issued by a designated examining officer appointed or designated by the secretary of state under this section is guilty of a felony.

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

Original motorcycle endorsement	\$ 13.50
Renewal of motorcycle endorsement	\$ 5.00.

(2) Except as otherwise provided in this subsection, the money received and collected under this section shall be deposited in the state treasury to the credit of the general fund. The secretary of state shall refund out of the fees collected to each county or municipality, acting as an examining officer or examining bureau, \$3.00 for each applicant examined for a first endorsement to a 3- or 4-year operator's or chauffeur's license, \$2.50 for each original endorsement to a 2-year operator's or chauffeur's license, \$1.50 for each renewal endorsement to a 2-year operator's or chauffeur's license, and \$1.50 for every other applicant examined whose application is not denied, on the condition, however, that the money refunded shall be paid to the county or local treasurer and is appropriated to the county, municipality, or officer or bureau receiving the money for the purpose of carrying out this act. Ten dollars of each original motorcycle endorsement and \$3.00 of each renewal motorcycle endorsement shall be placed in a motorcycle safety fund in the state treasury and shall be used only by the secretary of state for the motorcycle safety education program as provided under section 811a.

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

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

(3) The secretary of state is responsible for the establishment and administration of motorcycle safety courses and shall promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, regarding teacher qualifications, reimbursement procedures, the establishment of the courses, and other requirements under this section.

(4) The secretary of state shall designate a person to be the state coordinator of the motorcycle safety education program. The person designated under this subsection shall successfully complete a motorcycle safety rider coach course before being designated.

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

(6) The secretary of state shall designate a person who has successfully completed a motorcycle safety rider coach course to perform annual inspections of motorcycle course sites.

(7) An 8-hour motorcycle safety course that meets the standards established by the secretary of state may be offered to an applicant who has passed a motorcycle operator skill test that has been approved by the secretary of state. Successful completion of a motorcycle safety course under this subsection shall fulfill the waiver requirement of section 312b.

(8) An audit of the motorcycle safety fund shall be conducted by the office of the auditor general to determine compliance with the requirements of this act with regard to the collection and expenditure of fees authorized under this section. A copy of this audit shall be transmitted to the legislature upon completion.

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

(2) The secretary of state shall promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to provide standards for the establishment and regulation of motorcycle safety courses conducted under this section.

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

Enacting section 1. This amendatory act takes effect October 1, 2003.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Jay E. Randall

Clerk of the House of Representatives

Approved

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Governor