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BILL ANALYSIS

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Senate Bill 1290 (Substitute S-1 as reported by the Committee of the Whole)
Sponsor: Senator Jud Gilbert, II
Committee: Transportation

CONTENT

The bill would create the "Driver Education Provider and Instructor Act" to do the following:

- Provide for the certification of driver education providers and instructors, rather than the licensure of driver training schools and instructors.
- Create the "Driver Education Provider and Instructor Fund" to cover the Secretary of State's (SOS's) costs of administering the Act, and require fees and administrative fines collected under the bill to be deposited into the Fund.
- Allow a currently licensed driver training school or instructor who applied for a certificate under the bill before June 1, 2007, to continue to provide instruction while the SOS processed the application; and prohibit a current licensee that applied after that date from doing so until the application was processed.
- Require an applicant for an instructor certificate to complete driver education instructor preparation, beginning December 31, 2007.
- Require a certified instructor and the designated representative or coordinator of a certified provider to complete a criminal history check every four years on a renewal application.
- Require the SOS to establish professional development requirements for a certified instructor, beginning January 1, 2008.
- Require a provider classified for teen driver training to use a model curriculum prescribed by the SOS, or an SOS-approved alternative, after September 1, 2007.
- Require a certified provider or instructor, or a provider's designated representative or coordinator, to notify the SOS immediately if convicted of specific crimes, and require an instructor or representative or coordinator also to notify his or her employer.
- Require the SOS to deny an application for a provider or instructor certificate and revoke a certificate for at least 10 years if a criminal history check revealed that he or she had been convicted of any of the specified crimes.
- Require MSP to notify the Department of State if a criminal arrest fingerprint submitted to the MSP matched a fingerprint submitted for a criminal history check under the bill and stored in the MSP's automated fingerprint identification system database.
- Require the SOS to suspend or revoke the certificate of an instructor whose driver license was denied, suspended, revoked, or canceled.
- Allow the SOS to impose sanctions on a provider, instructor, or applicant for certain actions.
- Prescribe a misdemeanor penalty for a person who engaged in activity as a provider or instructor without certification.
- Allow the SOS to promulgate rules to carry out the Act.
- Rescind existing administrative rules regarding the regulation of driver training schools and instructors.
- Eliminate the October 1, 2006, sunset on the existing Driver Education and Training Schools Act.

The bill would take effect on October 1, 2007.

Legislative Analyst: Julie Koval

FISCAL IMPACT

Revenue that would be generated to the Driver Education Provider and Instructor Fund is estimated at \$96,250. The current fee structure has generated \$67,800 per fiscal year. According to the Department of State, revenue generated to the Fund, and funding from driver fees (\$528,000), would cover its administrative costs.

Under current law, after the actual administrative costs of the Department of State are deducted, the balance of the revenue from the fees is deposited in the Traffic Law Enforcement and Safety Fund. The bill instead provides that any unencumbered money in the proposed Fund at the close of the fiscal year would remain in the Driver Education Provider and Instructor Fund.

The bill's criminal penalties would have an indeterminate fiscal impact on local government. There are no data to indicate how many offenders would be convicted of the proposed misdemeanors. Local governments would incur the costs of misdemeanor probation and incarceration in local facilities, which vary by county. Additional penal fine revenue would benefit public libraries.

Date Completed: 6-21-06

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.