

SUBSTITUTE FOR  
SENATE BILL NO. 1066

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
(MCL 257.1 to 257.923) by adding sections 3a and 320d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 3A. "BASIC DRIVER IMPROVEMENT COURSE" MEANS A COURSE OF  
2        STUDY THAT SATISFIES ALL OF THE FOLLOWING CONDITIONS:

3            (A) IT MEETS OR EXCEEDS THE CURRICULUM STANDARDS SET FORTH IN  
4        THE DEFENSIVE DRIVING COURSE INSTRUCTOR MANUAL, EIGHTH EDITION,  
5        PUBLISHED BY THE NATIONAL SAFETY COUNCIL.

6            (B) IT PROVIDES DOCUMENTED EVIDENCE FROM A FEDERAL, STATE, OR  
7        LOCAL AGENCY OF COURSE EFFECTIVENESS IN REDUCING COLLISIONS, MOVING  
8        VIOLATIONS, OR BOTH.

9            (C) IT CONTAINS SUCH OTHER INFORMATION AS IS APPROVED BY THE  
10       SECRETARY OF STATE AND THAT IS OFFERED OVER THE INTERNET OR THROUGH  
11       CLASSROOM INSTRUCTION.

1        SEC. 320D. (1) THE SECRETARY OF STATE SHALL NOT ENTER THE  
2        POINTS CORRESPONDING TO A MOVING VIOLATION COMMITTED BY AN  
3        INDIVIDUAL THE SECRETARY OF STATE DETERMINES TO BE ELIGIBLE UNDER  
4        THIS SECTION ON THE INDIVIDUAL'S DRIVING RECORD OR MAKE INFORMATION  
5        CONCERNING THAT VIOLATION AVAILABLE TO ANY INSURANCE COMPANY IF THE  
6        INDIVIDUAL ATTENDS AND SUCCESSFULLY COMPLETES A BASIC DRIVER  
7        IMPROVEMENT COURSE UNDER THIS SECTION AND PROVIDES A CERTIFICATE OF  
8        SUCCESSFUL COMPLETION OF THAT COURSE TO THE SECRETARY OF STATE  
9        WITHIN 60 DAYS OF THE DATE ON WHICH THE SECRETARY OF STATE NOTIFIED  
10       THE INDIVIDUAL THAT HE OR SHE WAS ELIGIBLE TO TAKE A BASIC DRIVER  
11       IMPROVEMENT COURSE.

12       (2) THE SECRETARY OF STATE SHALL DETERMINE IF AN INDIVIDUAL IS  
13       ELIGIBLE UNDER SUBSECTION (3) TO ATTEND A BASIC DRIVER IMPROVEMENT  
14       COURSE UPON RECEIPT OF AN ABSTRACT OF A MOVING VIOLATION. IF THE  
15       SECRETARY OF STATE DETERMINES THAT AN INDIVIDUAL IS ELIGIBLE TO  
16       ATTEND A BASIC DRIVER IMPROVEMENT COURSE, THE SECRETARY OF STATE  
17       SHALL DO ALL OF THE FOLLOWING:

18       (A) POSTPONE THE ENTRY OF POINTS FOR THE MOVING VIOLATION  
19       UNDER SECTION 320A OR MAKE INFORMATION CONTAINED IN THE ABSTRACT  
20       AVAILABLE TO THE INDIVIDUAL'S INSURANCE COMPANY FOR A PERIOD OF NOT  
21       LESS THAN 10 BUSINESS DAYS, EXCEPT AS OTHERWISE PROVIDED UNDER  
22       SUBSECTION (8).

23       (B) NOTIFY THE INDIVIDUAL OF HIS OR HER ELIGIBILITY BY FIRST-  
24       CLASS MAIL AT THE INDIVIDUAL'S LAST KNOWN ADDRESS AS INDICATED ON  
25       THE INDIVIDUAL'S OPERATOR'S OR CHAUFFEUR'S LICENSE, AND INFORM THE  
26       INDIVIDUAL OF THE LOCATION OF BASIC DRIVER IMPROVEMENT COURSES, AND  
27       INFORM THE INDIVIDUAL OF THE MANNER AND TIME WITHIN WHICH THE

1 INDIVIDUAL IS REQUIRED TO NOTIFY THE SECRETARY OF STATE OF THE  
2 INDIVIDUAL'S INTENT TO ATTEND A BASIC DRIVER IMPROVEMENT COURSE.

3 (C) NOTIFY THE INDIVIDUAL THAT IF THE INDIVIDUAL FAILS TO  
4 NOTIFY THE SECRETARY OF STATE OF THE INDIVIDUAL'S INTENT TO ATTEND  
5 A BASIC DRIVER IMPROVEMENT COURSE AS DESCRIBED UNDER SUBDIVISION  
6 (B), POINTS WILL BE ENTERED FOR THE MOVING VIOLATION AS DESCRIBED  
7 IN SUBSECTION (8).

8 (3) AN INDIVIDUAL IS ELIGIBLE TO TAKE A BASIC DRIVER  
9 IMPROVEMENT COURSE IF ONLY NONE OF THE FOLLOWING APPLY:

10 (A) THE VIOLATION OCCURRED WHILE THE INDIVIDUAL WAS OPERATING  
11 A COMMERCIAL MOTOR VEHICLE OR WAS LICENSED AS A COMMERCIAL DRIVER  
12 WHILE OPERATING A NONCOMMERCIAL MOTOR VEHICLE AT THE TIME OF THE  
13 OFFENSE.

14 (B) THE VIOLATION IS A CRIMINAL OFFENSE.

15 (C) THE VIOLATION IS A VIOLATION FOR WHICH 4 OR MORE POINTS  
16 MAY BE ASSESSED UNDER SECTION 320A.

17 (D) THE VIOLATION IS A VIOLATION OF SECTION 626B, 627(9),  
18 627A, OR 682.

19 (E) THE INDIVIDUAL PREVIOUSLY SUCCESSFULLY COMPLETED A BASIC  
20 DRIVER IMPROVEMENT COURSE.

21 (F) THE INDIVIDUAL HAS 3 OR MORE POINTS ON HIS OR HER DRIVING  
22 RECORD.

23 (G) THE INDIVIDUAL'S OPERATOR'S OR CHAUFFEUR'S LICENSE IS  
24 RESTRICTED, SUSPENDED, OR REVOKED, OR THE INDIVIDUAL WAS NOT ISSUED  
25 AN OPERATOR'S OR CHAUFFEUR'S LICENSE.

26 (4) THE SECRETARY OF STATE SHALL MAINTAIN A COMPUTERIZED  
27 DATABASE OF THE FOLLOWING:

1 (A) INDIVIDUALS WHO HAVE ATTENDED A BASIC DRIVER IMPROVEMENT  
2 COURSE.

3 (B) INDIVIDUALS WHO HAVE SUCCESSFULLY COMPLETED A BASIC DRIVER  
4 IMPROVEMENT COURSE.

5 (5) THE DATABASE MAINTAINED UNDER SUBSECTION (4) SHALL ONLY BE  
6 USED FOR DETERMINING ELIGIBILITY UNDER SUBSECTION (3). THE  
7 SECRETARY OF STATE SHALL ONLY MAKE THE INFORMATION CONTAINED IN THE  
8 DATABASE AVAILABLE TO APPROVED SPONSORS UNDER SUBSECTION (10).  
9 INFORMATION IN THIS DATABASE CONCERNING AN INDIVIDUAL SHALL BE  
10 MAINTAINED FOR THE LIFE OF THAT INDIVIDUAL.

11 (6) AN INDIVIDUAL SHALL BE CHARGED A FEE OF NOT MORE THAN  
12 \$100.00 TO PARTICIPATE IN A BASIC DRIVER IMPROVEMENT COURSE AND, IF  
13 APPLICABLE, TO OBTAIN A CERTIFICATE IN A FORM AS APPROVED BY THE  
14 SECRETARY OF STATE DEMONSTRATING THAT HE OR SHE SUCCESSFULLY  
15 COMPLETED THE COURSE.

16 (7) FEES COLLECTED UNDER THIS SUBSECTION SHALL BE CREDITED TO  
17 THE BASIC DRIVER IMPROVEMENT COURSE FUND CREATED UNDER SUBSECTION  
18 (9).

19 (8) THE SECRETARY OF STATE SHALL IMMEDIATELY ENTER THE POINTS  
20 FOR THE MOVING VIOLATION ON THE INDIVIDUAL'S DRIVING RECORD AS  
21 FOLLOWS:

22 (A) TEN BUSINESS DAYS AFTER AN INDIVIDUAL DESCRIBED IN  
23 SUBSECTION (2) FAILS TO NOTIFY THE SECRETARY OF STATE THAT HE OR  
24 SHE DESIRES TO ATTEND A BASIC DRIVER IMPROVEMENT COURSE.

25 (B) SIXTY DAYS AFTER AN INDIVIDUAL DESCRIBED IN SUBSECTION (2)  
26 WHO HAS PROPERLY NOTIFIED THE SECRETARY OF STATE THAT HE OR SHE  
27 DESIRES TO ATTEND A BASIC DRIVER IMPROVEMENT COURSE BUT HAS FAILED

1 TO SUBMIT A CERTIFICATE OF SUCCESSFUL COMPLETION OF A BASIC DRIVER  
2 IMPROVEMENT COURSE.

3 (9) THE BASIC DRIVER IMPROVEMENT COURSE FUND IS CREATED WITHIN  
4 THE STATE TREASURY. THE STATE TREASURER MAY RECEIVE MONEY OR OTHER  
5 ASSETS FROM ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE  
6 TREASURER SHALL DIRECT THE INVESTMENT OF THE FUND. MONEY IN THE  
7 FUND AT THE CLOSE OF THE FISCAL YEAR SHALL REMAIN IN THE FUND AND  
8 SHALL NOT LAPSE TO THE GENERAL FUND. THE SECRETARY OF STATE SHALL  
9 BE THE ADMINISTRATOR OF THE FUND FOR AUDITING PURPOSES. THE  
10 SECRETARY OF STATE SHALL EXPEND MONEY FROM THE FUND, UPON  
11 APPROPRIATION, ONLY TO PAY THE COSTS OF ADMINISTERING THIS SECTION.

12 (10) AN APPROVED SPONSOR SHALL CONDUCT A STUDY OF THE EFFECT,  
13 IF ANY, THAT THE SUCCESSFUL COMPLETION OF ITS BASIC DRIVER  
14 IMPROVEMENT COURSE HAS ON REDUCING COLLISIONS, MOVING VIOLATIONS,  
15 OR BOTH FOR STUDENTS COMPLETING ITS COURSE IN THIS STATE. AN  
16 APPROVED SPONSOR SHALL CONDUCT THIS STUDY EVERY 5 YEARS ON EACH OF  
17 THE COURSE DELIVERY MODALITIES EMPLOYED BY THE APPROVED SPONSOR.  
18 THE SECRETARY OF STATE SHALL MAKE ALL OF THE FOLLOWING INFORMATION  
19 AVAILABLE TO THE APPROVED COURSE SPONSOR FOR THAT PURPOSE, SUBJECT  
20 TO APPLICABLE STATE AND FEDERAL LAWS GOVERNING THE RELEASE OF  
21 INFORMATION:

22 (A) THE NUMBER OF INDIVIDUALS WHO SUCCESSFULLY COMPLETE A  
23 BASIC DRIVER IMPROVEMENT COURSE UNDER THIS SECTION.

24 (B) THE NUMBER OF INDIVIDUALS WHO ARE ELIGIBLE TO TAKE A BASIC  
25 DRIVER IMPROVEMENT COURSE UNDER THIS SECTION BUT WHO DO NOT  
26 SUCCESSFULLY COMPLETE THAT COURSE.

27 (C) THE NUMBER AND TYPE OF MOVING VIOLATIONS COMMITTED BY

1 INDIVIDUALS AFTER SUCCESSFULLY COMPLETING A BASIC DRIVER  
2 IMPROVEMENT COURSE UNDER THIS SECTION IN COMPARISON TO THE NUMBER  
3 AND TYPE OF MOVING VIOLATIONS COMMITTED BY INDIVIDUALS WHO HAVE NOT  
4 TAKEN A BASIC DRIVER IMPROVEMENT COURSE.

5 (11) THE SECRETARY OF STATE SHALL REPORT ON THE FINDINGS OF  
6 ALL STUDIES CONDUCTED UNDER SUBSECTION (10) TO THE STANDING  
7 COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE ON  
8 TRANSPORTATION ISSUES.

9 (12) THE SECRETARY OF STATE SHALL APPROVE BASIC DRIVER  
10 IMPROVEMENT COURSE SPONSORS IF THE BASIC DRIVER IMPROVEMENT COURSE  
11 OFFERED BY THAT SPONSOR SATISFIES THE REQUIREMENTS LISTED IN  
12 SECTION 3A.

13 (13) AS USED IN THIS SECTION, "APPROVED SPONSOR" MEANS A  
14 SPONSOR OF A BASIC DRIVER IMPROVEMENT COURSE THAT IS APPROVED BY  
15 THE SECRETARY OF STATE UNDER SUBSECTION (12).

16 Enacting section 1. This amendatory act takes effect January  
17 1, 2009.