

SENATE BILL No. 402

April 18, 2007, Introduced by Senator SWITALSKI and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 310e (MCL 257.310e), as amended by 2004 PA 362.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 310e. (1) Except as otherwise provided in this act, an
2 operator's or chauffeur's license issued to a person who is 17
3 years of age or less shall be in a form as prescribed in section
4 310 beginning July 1, 2003, and is valid only upon the issuance of
5 a graduated driver license.

6 (2) The secretary of state shall designate graduated licensing
7 provisions in a manner that clearly indicates that the person is
8 subject to the appropriate provisions described in this section.

9 (3) Except as otherwise provided in section 303, a person who
10 is not less than 14 years and 9 months of age may be issued a level

1 1 graduated licensing status to operate a motor vehicle if the
2 person has satisfied all of the following conditions:

3 (a) Passed a vision test and met health standards as
4 prescribed by the secretary of state.

5 (b) Successfully completed segment 1 of a driver education
6 course as that term is defined in section ~~1-3~~ of the driver
7 education and training schools **PROVIDER AND INSTRUCTOR** act, ~~1974 PA~~
8 ~~369, MCL 256.601-2006 PA 384, MCL 256.623~~, including a minimum of 6
9 hours of on-the-road driving time with the instructor.

10 (c) Received written approval of a parent or legal guardian.

11 (4) A person issued a level 1 graduated licensing status may
12 operate a motor vehicle only when accompanied either by a licensed
13 parent or legal guardian or, with the permission of the parent or
14 legal guardian, a licensed driver 21 years of age or older. Except
15 as otherwise provided in this section, a person is restricted to
16 operating a motor vehicle with a level 1 graduated licensing status
17 for not less than 6 months.

18 (5) A person may be issued a level 2 graduated licensing
19 status to operate a motor vehicle if the person has satisfied all
20 of the following conditions:

21 (a) Had a level 1 graduated licensing status for not less than
22 6 months.

23 (b) Successfully completed segment 2 of a driver education
24 course as that term is defined in section ~~1-3~~ of the driver
25 education and training schools **PROVIDER AND INSTRUCTOR** act, ~~1974 PA~~
26 ~~369, MCL 256.601-2006 PA 384, MCL 256.623~~.

27 (c) Not incurred a moving violation resulting in a conviction

1 or civil infraction determination or been involved in an accident
2 for which the official police report indicates a moving violation
3 on the part of the person during the 90-day period immediately
4 preceding application.

5 (d) Presented a certification by the parent or guardian that
6 he or she, accompanied by his or her licensed parent or legal
7 guardian or, with the permission of the parent or legal guardian,
8 any licensed driver 21 years of age or older, has accumulated a
9 total of not less than 50 hours of behind-the-wheel experience
10 including not less than 10 nighttime hours.

11 (e) Successfully completed a secretary of state approved
12 driving skills test. The secretary of state may enter into an
13 agreement with another public or private corporation or agency to
14 conduct this driving skills test. Before the secretary of state
15 authorizes a person to administer a corporation's or agency's
16 driver skills testing operations or authorizes an examiner to
17 conduct a driving skills test, that person or examiner must
18 complete both a state and federal bureau of investigation
19 fingerprint based criminal history check through the department of
20 state police. This subdivision applies to a person 16 years of age
21 or over only if the person has satisfied subdivisions (a), (b),
22 (c), and (d).

23 (6) A person issued a level 2 graduated licensing status under
24 subsection (5) shall remain at level 2 for not less than 6 months
25 and shall not operate a motor vehicle within this state from 12
26 midnight to 5 a.m. unless accompanied by a parent or legal guardian
27 or a licensed driver over the age of 21 designated by the parent or

1 legal guardian, or except when going to or from employment.

2 (7) The provisions and provisional period described in
3 subsection (4) or (6) shall be expanded or extended, or both,
4 beyond the periods described in subsection (4) or (6) if any of the
5 following occur and are recorded on the licensee's driving record
6 during the provisional periods described in subsection (4) or (6)
7 or any additional periods imposed under this subsection:

8 (a) A moving violation resulting in a conviction, civil
9 infraction determination, or probate court disposition.

10 (b) An accident for which the official police report indicates
11 a moving violation on the part of the licensee.

12 (c) A license suspension for a reason other than a mental or
13 physical disability.

14 (d) A violation of subsection (4) or (6).

15 (8) The provisional period described in subsection (4) shall
16 be extended under subsection (7) until the licensee completes 90
17 consecutive days without a moving violation, an accident in which a
18 moving violation resulted, accident, suspension, or provisional
19 period violation listed in subsection (7) or until age 18,
20 whichever occurs first. The provisional period described in
21 subsection (6) shall be extended under subsection (7) until the
22 licensee completes 12 consecutive months without a moving
23 violation, accident, suspension, or restricted period violation
24 listed in subsection (7) or until age 18, whichever occurs first.

25 (9) A person who is not less than 17 years of age may be
26 issued a level 3 graduated licensing status under this subsection
27 if the person has completed 12 consecutive months without a moving

1 violation, an accident in which a moving violation resulted,
2 accident, suspension, or restricted period violation listed in
3 subsection (7) while the person was issued a level 2 graduated
4 licensing status under subsection (5).

5 (10) Notice shall be given by first-class mail to the last
6 known address of a licensee if the provisions are expanded or
7 extended as described in subsection (7).

8 (11) A person who violates subsection (4) or (6) is
9 responsible for a civil infraction.

10 (12) If a person is determined responsible for a violation of
11 subsection (4) or (6), the secretary of state shall send written
12 notification of any conviction or moving violation to a designated
13 parent or guardian of the person.

14 (13) For purposes of this section:

15 (a) Upon conviction for a moving violation, the date of the
16 arrest for the violation shall be used in determining whether the
17 conviction occurred within a provisional licensure period under
18 this section.

19 (b) Upon entry of a civil infraction determination for a
20 moving violation, the date of issuance of a citation for a civil
21 infraction shall be used in determining whether the civil
22 infraction determination occurred within a provisional licensure
23 period under this section.

24 (c) The date of the official police report shall be used in
25 determining whether a licensee was driving a motor vehicle involved
26 in an accident for which the official police report indicates a
27 moving violation on the part of the licensee or indicates the

1 licensee had been drinking alcoholic liquor.

2 (14) A person shall have his or her graduated licensing status
3 in his or her immediate possession at all times when operating a
4 motor vehicle, and shall display the card upon demand of a police
5 officer. A person who violates this subsection is responsible for a
6 civil infraction.

7 (15) A PERSON OPERATING A MOTOR VEHICLE UNDER A GRADUATED
8 LICENSE ISSUED UNDER THIS SECTION SHALL ONLY OPERATE A MOTOR
9 VEHICLE WITH A REGISTRATION PLATE TO WHICH A BOLD LETTER "L" IS
10 ATTACHED ON A STICKER OR BY ANY OTHER MEANS AS DETERMINED BY THE
11 SECRETARY OF STATE. THE SECRETARY OF STATE SHALL PROVIDE 1 OR MORE
12 STICKERS OR OTHER DEVICES BEARING THE BOLD LETTER "L" TO EACH
13 PERSON WHO OBTAINS A GRADUATED LICENSE UNDER THIS SECTION AT THE
14 PRICE THAT IS EQUAL TO THE COST TO THE SECRETARY OF STATE TO
15 ACQUIRE AND DISTRIBUTE THE STICKERS OR OTHER DEVICES. A PERSON WHO
16 VIOLATES THE REQUIREMENT UNDER THIS SUBSECTION IS RESPONSIBLE FOR A
17 CIVIL INFRACTION.