

PASSENGER RESTRICTIONS FOR LEVEL 2 DRIVERS

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House Bill 4493

Sponsor: Rep. Richard LeBlanc

Committee: Transportation

Complete to 6-23-10

A SUMMARY OF HOUSE BILL 4493 AS INTRODUCED 3-3-09

House Bill 4493 would amend the Michigan Vehicle Code to prohibit a first-year driver ("a person issued a level 2 graduated licensing status") from having more than one passenger under 18 years of age—other than immediate family members—with certain exceptions. These exceptions include:

- The driver is accompanied by a parent or guardian.
- The driver is driving directly to or from school and attends a school in which transportation services to and from school are not provided to the general population of the school.
- The driver is traveling directly to or from a school-sanctioned function for which the school does not provide transportation services.
- The driver attends a school in which transportation services to and from school are provided to the general population through an agreement or contract with a transportation service not operated by the school.

MCL 257.310e

BACKGROUND INFORMATION:

Michigan has a three-tier driver licensing process that requires novice drivers to gain experience before earning full licensure. The graduated licensing process, designed to increase traffic safety, generally takes two years, and first-time drivers often begin their instruction at age 15.

Currently under the law, a level 1 licensee can operate a motor vehicle if he or she has (a) passed a vision test and met health standards; (b) passed segment one of a driver education course, including six hours of on-the-road driving; and (c) received written approval of a parent or legal guardian. A person issued a level 1 license can operate a vehicle only when accompanied by a licensed parent (or legal guardian) or, with the parent's permission, when accompanied by a licensed driver 21 years of age or older. A level 1 driver must hold that license for at least six months.

A driver can move to level 2 after (a) spending six months with a level 1 status; (b) successfully completing segment two of a driver education course; (c) driving without a moving violation and driving accident-free for 90 days before application; (d)

accumulating at least 50 hours behind-the-wheel (including at least 10 night-time hours) while accompanied by a parent, legal guardian, or person over 21 years old approved by the parent; and (e) passing a driving skills test approved by the Secretary of State.

A level 2 driver must hold that license for at least six months, and cannot drive between midnight and 5 a.m. (except when going to or from employment) unless accompanied by a parent, guardian, or approved over-21 driver. A level 2 status driver can achieve level 3 before the age of 18 by avoiding certain moving violations, accidents, and license suspensions. At age 18, a driver is eligible for a level 3 license.

FISCAL IMPACT:

House Bill 4493 would have an indeterminate fiscal impact. Any administrative impact to the Secretary of State would be dependent upon the number of civil infractions arising under the provisions of the bill. Moreover, the provisions make it a civil infraction for a first-year driver to have more than one passenger under 18 years of age in the car (with some exceptions). Presumably, this would increase the number of civil infractions written for violating the graduated license permit. If the infraction were written under state statute, the fine would go to libraries while the court cost would go to the local court funding unit. If the infraction were written under local ordinance, one-third of the fine and cost would go to the political subdivision whose ordinance was violated and two-thirds of the fine and cost would go to the local court funding unit. With all violations, the \$40 Justice System Assessment would be deposited into the Justice System Fund and distributed under statute.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.