

SENATE BILL No. 441

April 21, 2009, Introduced by Senators McMANUS, GARCIA, GLEASON and ANDERSON 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 ~~1-7~~ of the driver
7 education **PROVIDER** and ~~training schools~~ **INSTRUCTOR** act, ~~1974-PA~~
8 ~~369, MCL 256.601-2006~~ **PA 384, MCL 256.627**, 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 ~~1-7~~ of the driver
25 education **PROVIDER** and ~~training schools~~ **INSTRUCTOR** act, ~~1974-PA~~
26 ~~369, MCL 256.601-2006~~ **PA 384, MCL 256.627**.

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~~ **THE PERSON**, accompanied by his or her licensed parent or
7 legal guardian or, with the permission of the parent or legal
8 guardian, any licensed driver 21 years of age or older, has
9 accumulated a total of not less than 50 hours of behind-the-wheel
10 experience 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~~ **THE** person **SHALL BE** 16
21 years of age or over ~~only if the person has~~ **AND HAVE** satisfied **THE**
22 **REQUIREMENTS OF** subdivisions (a), (b), (c), and (d) **BEFORE**
23 **COMPLETING THE TEST REQUIRED UNDER THIS SUBDIVISION.**

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

1 or a licensed driver over the age of 21 designated by the parent or
2 legal guardian, or except when going to or from employment. A
3 PERSON ISSUED A LEVEL 2 GRADUATED LICENSING STATUS UNDER SUBSECTION
4 (5) SHALL NOT TRANSPORT MORE THAN 1 PASSENGER WHO IS LESS THAN 18
5 YEARS OF AGE OTHER THAN IMMEDIATE FAMILY MEMBERS, UNLESS 1 OF THE
6 FOLLOWING APPLIES:

7 (A) HE OR SHE IS ACCOMPANIED BY A PARENT OR GUARDIAN.

8 (B) HE OR SHE ATTENDS A SCHOOL IN WHICH TRANSPORTATION
9 SERVICES TO AND FROM SCHOOL ARE NOT PROVIDED TO THE GENERAL
10 POPULATION OF THAT SCHOOL AND IS TRAVELING DIRECTLY TO OR FROM
11 SCHOOL.

12 (C) HE OR SHE IS TRAVELING DIRECTLY TO OR FROM A SCHOOL-
13 SANCTIONED FUNCTION FOR WHICH THE SCHOOL DOES NOT PROVIDE
14 TRANSPORTATION SERVICES.

15 (D) HE OR SHE ATTENDS A SCHOOL IN WHICH TRANSPORTATION
16 SERVICES TO AND FROM SCHOOL ARE PROVIDED TO THE GENERAL POPULATION
17 THROUGH AN AGREEMENT OR CONTRACT WITH A TRANSPORTATION SERVICE NOT
18 OPERATED BY THE SCHOOL.

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

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

27 (b) An accident for which the official police report indicates

1 a moving violation on the part of the licensee.

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

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

5 (8) The provisional period described in subsection (4) shall
6 be extended under subsection (7) until the licensee completes 90
7 consecutive days without a moving violation, an accident in which a
8 moving violation resulted, accident, suspension, or provisional
9 period violation listed in subsection (7) or until age 18,
10 whichever occurs first. The provisional period described in
11 subsection (6) shall be extended under subsection (7) until the
12 licensee completes 12 consecutive months without a moving
13 violation, accident, suspension, or restricted period violation
14 listed in subsection (7) or until age 18, whichever occurs first.

15 (9) A person who is not less than 17 years of age may be
16 issued a level 3 graduated licensing status under this subsection
17 if the person has completed 12 consecutive months without a moving
18 violation, an accident in which a moving violation resulted,
19 accident, suspension, or restricted period violation listed in
20 subsection (7) while the person was issued a level 2 graduated
21 licensing status under subsection (5).

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

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

27 (12) If a person is determined responsible for a violation of

1 subsection (4) or (6), the secretary of state shall send written
2 notification of any conviction or moving violation to a designated
3 parent or guardian of the person.

4 (13) For purposes of this section:

5 (a) Upon conviction for a moving violation, the date of the
6 arrest for the violation shall be used in determining whether the
7 conviction occurred within a provisional licensure period under
8 this section.

9 (b) Upon entry of a civil infraction determination for a
10 moving violation, the date of issuance of a citation for a civil
11 infraction shall be used in determining whether the civil
12 infraction determination occurred within a provisional licensure
13 period under this section.

14 (c) The date of the official police report shall be used in
15 determining whether a licensee was driving a motor vehicle involved
16 in an accident for which the official police report indicates a
17 moving violation on the part of the licensee or indicates the
18 licensee had been drinking alcoholic liquor.

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