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BILL ANALYSIS

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Senate Bill 853 (as enacted)
Sponsor: Senator Judy E. Emmons
Senate Committee: Transportation
House Committee: Transportation

PUBLIC ACT 258 of 2012

Date Completed: 11-25-13

CONTENT

The bill amended the Driver Education Provider and Instructor Act to revise requirements for a criminal history check of instructors and providers' representatives, by requiring a fingerprint-based system that automatically provides notice of subsequent arrests.

The bill also refers to six, rather than seven, hours of behind-the-wheel experience in a section prescribing driver training curricula.

The bill took effect on July 2, 2012.

Criminal History Check

The Act requires a certified instructor and the designated representative or coordinator of a certified driver education provider to complete a criminal history check every four years. The criminal history check must be performed by the Michigan Department of State Police (MSP) and the FBI. Under the bill, the criminal history check must be fingerprint-based.

Under the Act, a person required to have a criminal history check must send a request to the MSP. The bill also requires the person to submit his or her fingerprints to the State Police.

Previously, the Act required the Department of Information Technology (now within the Department of Technology, Management, and Budget) to work with the Secretary of State and the MSP to develop and implement an automated program that does an annual comparison of the conviction information received by the MSP with a Secretary of State list of people holding a driver education provider or instructor certificate, and the people designated as a representative or coordinator of a provider. The bill deleted this requirement.

The bill requires the Department of Technology, Management, and Budget, in collaboration with the State Police, to establish an automated fingerprint identification system database that allows the MSP to store and maintain all fingerprints submitted under the Act, and that provides for automatic notification at the time a subsequent criminal arrest fingerprint card submitted into the system matches a set of prints previously submitted under the Act. Upon that notification, the MSP immediately must notify the Department of State, which must review the information in accordance with the criminal history record information criteria for an instructor under the Act.

The bill provides that information in the database is confidential, is not subject to disclosure under the Freedom of Information Act, and may not be disclosed to any person except for purposes of the Driver Education Provider and Instructor Act or law enforcement purposes.

Driver Training

Section 35 of the Act requires a driver education provider to use either a model curriculum prescribed by the Secretary of State or an approved alternative curriculum. Under a segment 1 curriculum and a segment 2 curriculum combined, each student must receive at least 30 hours of classroom instruction. Previously, each student also had to receive seven hours of behind-the-wheel experience. The bill refers, instead, to six hours of behind-the-wheel experience.

(Section 37 of the Act prescribes requirements for a segment 1 curriculum, including at least six hours of behind-the-wheel instruction or substitute hours. Section 39, which contains criteria for segment 2, does not include a behind-the-wheel instruction requirement.)

MCL 256.649 et al.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill made technical changes in order to make the background check language consistent with requirements for other professions and continue the Federal fingerprint-based process. There will be no new costs related to the bill.

Fiscal Analyst: Bruce Baker
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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.