

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 390

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 312a and 312b (MCL 257.312a and 257.312b),
section 312b as amended by 2004 PA 362.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 312a. (1) A person, before operating a motorcycle, **OTHER**
2 **THAN AN AUTOCYCLE**, upon a public street or highway in this state,
3 shall procure a motorcycle indorsement on ~~the~~ **HIS OR HER** operator's
4 or chauffeur's license. The license shall be issued, suspended,
5 revoked, canceled, or renewed in accordance with and governed by
6 this act.

7 (2) A person, before operating a moped upon a highway shall
8 procure a special restricted license to operate a moped unless the

1 person has a valid operator's or chauffeur's license. A special
2 restricted license to operate a moped may be issued to a person 15
3 years of age or older if the person satisfies the secretary of
4 state that he is competent to operate a moped with safety. The
5 secretary of state shall not require a road test before issuance of
6 a special restricted license to operate a moped.

7 (3) A special restricted license to operate a moped shall
8 expire on the birthday of the person to whom it is issued in the
9 fourth year following the date of issuance. A license shall not be
10 issued for a period longer than 4 years. A person issued a license
11 to operate a moped shall pay \$7.50 for an original license and
12 \$6.00 for a renewal license. The money received and collected under
13 this subsection shall be deposited in the state treasury to the
14 credit of the general fund. The secretary of state shall refund out
15 of the fees collected to each county or municipality, acting as an
16 examining officer, \$2.50 for each applicant examined for an
17 original license and \$1.00 for a renewal license.

18 Sec. 312b. (1) Before a person who is less than 18 years of
19 age is issued an original motorcycle endorsement on an operator's
20 or chauffeur's license, the person shall pass an examination as
21 required by this section and a motorcycle safety course as provided
22 in section 811a or 811b.

23 (2) Before a person who is 18 years of age or older is issued
24 an original motorcycle endorsement on an operator's or chauffeur's
25 license, the person shall pass an examination as required by this
26 section. A person who fails this examination 2 or more times is
27 required to successfully complete a motorcycle safety course as

1 provided in section 811a or 811b. Each written examination given an
2 applicant for a motorcycle endorsement on an operator's or
3 chauffeur's license as provided in section 309 shall also include
4 subjects designed to cover a motorcycle. A person shall pass an
5 examination that shall include a driving test designed to test the
6 competency of the applicant for the first motorcycle endorsement on
7 an operator's or chauffeur's license to operate a motorcycle upon
8 the roads and highways of this state with safety to himself or
9 herself and other persons and property. All examinations shall be
10 administered as provided in this act. The requirement of a
11 motorcycle driving skills test shall be waived for an applicant who
12 has successfully completed a motorcycle safety course conducted by
13 a school or business enterprise as provided in section 811a or
14 811b. The motorcycle safety course skills test shall meet or exceed
15 the motorcycle skills test from the secretary of state. The
16 requirement of a motorcycle driving skills test may be waived if
17 the applicant has a valid license or endorsement to operate a
18 motorcycle from another state.

19 (3) A motorcycle endorsement issued to a person who operates a
20 3-wheeled motorcycle ~~or an~~ **OTHER THAN AN** autocycle ~~shall be~~ **IS**
21 restricted to operation of that type of motorcycle and does not
22 permit operation of a 2-wheeled motorcycle. The secretary of state
23 shall develop a driving test specifically pertaining to ~~an~~
24 ~~autocycle or a 3-wheeled motorcycle~~ **OTHER THAN AN AUTOCYCLE.**

25 (4) The secretary of state is responsible for establishing and
26 conducting the motorcycle operator driving skills test and shall
27 promulgate rules under the administrative procedures act of 1969,

1 1969 PA 306, MCL 24.201 to 24.328, for purposes of this subsection.
2 An audit of the motorcycle safety fund shall be conducted by the
3 office of the auditor general to determine compliance with the
4 requirement that funds are being withdrawn only in relation to this
5 act. A copy of the audit shall be transmitted to the legislature
6 upon completion.

7 (5) The secretary of state may enter into an agreement with
8 another public or private corporation or agency to conduct a
9 driving skills test required under this section. Before the
10 secretary of state authorizes a person to administer a
11 corporation's or agency's driver skills testing operations or
12 authorizes an examiner to conduct a driving skills test, that
13 person or examiner must complete both a state and federal bureau of
14 investigation fingerprint based criminal history check through the
15 department of state police. In an agreement with another public or
16 private corporation or agency to conduct a driving skills test
17 under this section, the secretary of state shall prescribe the
18 method and examination criteria to be followed by the corporation,
19 agency, or examiner when conducting the driving skills test and the
20 form of the certification to be issued to a person who
21 satisfactorily completes a driving skills test. For administering
22 and overseeing a third party motorcycle testing program, the
23 secretary of state shall be reimbursed from the motorcycle safety
24 fund a total amount that does not exceed 50% of the department's
25 1995-1996 fiscal year appropriation for motorcycle testing under
26 this section.

27 (6) A person who corrupts or attempts to corrupt a

1 corporation, agency, or examiner that conducts a driving skills
2 test under an agreement entered into with the secretary of state
3 under this section by giving, offering, or promising any gift or
4 gratuity with the intent to influence the opinion or decision of
5 the corporation, agency, or examiner conducting the driving skills
6 test is guilty of a felony.

7 (7) A designated examining officer appointed or designated by
8 the secretary of state who conducts a driving skills test under an
9 agreement entered into under this section and who varies from,
10 shortens, or in any other way changes the method or examination
11 criteria prescribed to be followed under that agreement in
12 conducting a driving skills test under this section is guilty of a
13 felony.

14 (8) A person who forges, counterfeits, or alters a
15 satisfactorily completed driving skills test certification issued
16 by a designated examining officer appointed or designated by the
17 secretary of state under this section is guilty of a felony.