

# SENATE BILL No. 390

May 23, 2013, Introduced by Senators MOOLENAAR, BOOHER, BIEDA, CASPERSON, EMMONS, SCHUITMAKER, WALKER, BRANDENBURG, HANSEN, KOWALL and PAVLOV and referred to the Committee on Transportation.

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  
9 person has a valid operator's or chauffeur's license. A special

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

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

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

22 (2) Before a person who is 18 years of age or older is issued  
23 an original motorcycle endorsement on an operator's or chauffeur's  
24 license, the person shall pass an examination as required by this  
25 section. A person who fails this examination 2 or more times is  
26 required to successfully complete a motorcycle safety course as  
27 provided in section 811a or 811b. Each written examination given an

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

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

24 (4) The secretary of state is responsible for establishing and  
25 conducting the motorcycle operator driving skills test and shall  
26 promulgate rules under the administrative procedures act of 1969,  
27 1969 PA 306, MCL 24.201 to 24.328, for purposes of this subsection.

1 An audit of the motorcycle safety fund shall be conducted by the  
2 office of the auditor general to determine compliance with the  
3 requirement that funds are being withdrawn only in relation to this  
4 act. A copy of the audit shall be transmitted to the legislature  
5 upon completion.

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

26 (6) A person who corrupts or attempts to corrupt a  
27 corporation, agency, or examiner that conducts a driving skills

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

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

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