

SENATE BILL No. 1029

September 9, 2014, Introduced by Senators JONES, BIEDA and GREEN and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 306, 310e, and 811 (MCL 257.306, 257.310e,
and 257.811), section 306 as amended by 2014 PA 120, section 310e
as amended by 2011 PA 124, and section 811 as amended by 2006 PA
589, and by adding section 310f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 306. (1) The secretary of state, upon receiving an
2 application for a temporary instruction permit from a person who
3 is 18 years of age or older, may issue that permit entitling the
4 applicant, while carrying the permit, to drive a motor vehicle
5 other than a motor vehicle requiring an indorsement under section
6 312a or a vehicle group designation under section 312e upon the
7 highways for a period of 180 days when accompanied by a licensed

1 adult operator or chauffeur who is actually occupying a seat
2 beside the driver.

3 (2) The secretary of state may issue an original operator's
4 license and designate level 1, 2, or 3 graduated licensing
5 provisions to a person who is less than 18 years of age, has been
6 licensed in another state or country, and has satisfied the
7 applicable requirements of section 310e.

8 (3) A student enrolled in a driver education course as that
9 term is defined in section 3 of the driver education provider and
10 instructor act, 2006 PA 384, MCL 256.623, or a motorcycle safety
11 course approved by the department of state **OR RECEIVING DRIVER**
12 **EDUCATION INSTRUCTION IN A COURSE APPROVED UNDER SECTION 310F** may
13 operate a motor vehicle without holding an operator's license or
14 permit while under the direct supervision of the program
15 instructor.

16 (4) A student enrolled in a driver education course as that
17 term is defined in section 3 of the driver education provider and
18 instructor act, 2006 PA 384, MCL 256.623, **OR RECEIVING DRIVER**
19 **EDUCATION INSTRUCTION IN A COURSE APPROVED UNDER SECTION 310F** and
20 who has successfully completed 10 hours of classroom instruction
21 and the equivalent of 2 hours of behind-the-wheel training may be
22 issued a temporary driver education certificate furnished by the
23 department of state that authorizes ~~a~~**THE** student to drive a
24 motor vehicle, other than a motor vehicle requiring an
25 indorsement under section 312a or a vehicle group designation
26 under section 312e, when accompanied by a licensed parent or
27 guardian, or when accompanied by a nonlicensed parent or guardian

1 and a licensed adult for the purpose of receiving additional
2 instruction until the end of the student's driver education
3 course.

4 (5) Beginning January 1, 2015, the secretary of state, upon
5 receiving proper application from a person 16 or 17 years of age
6 who is enrolled in or has successfully completed an approved
7 motorcycle safety course under section 811a, or a person who is
8 18 years of age or older and who holds a valid operator's or
9 chauffeur's license, may issue a motorcycle temporary instruction
10 permit entitling the applicant, while carrying the permit, to
11 operate a motorcycle upon the public streets and highways for a
12 period of 180 days under the following conditions:

13 (a) The applicant shall operate the motorcycle under the
14 constant visual supervision of a licensed motorcycle operator who
15 is at least 18 years of age.

16 (b) The applicant shall not operate the motorcycle at night.

17 (c) The applicant shall not operate the motorcycle with a
18 passenger.

19 (d) The applicant shall not be eligible for more than 2
20 motorcycle temporary instruction permits in a 10-year period.

21 (6) Except as prohibited under federal law, the secretary of
22 state, upon receiving proper application from a person who is 18
23 years of age or older, who holds a valid operator's or
24 chauffeur's license other than a restricted license, and who has
25 passed the knowledge test for an original vehicle group
26 designation or indorsement, and, if the person is applying for a
27 hazardous material indorsement, the person has been approved for

1 the hazardous materials indorsement by the transportation
2 security administration, may issue a temporary instruction permit
3 entitling the person, while carrying the permit, to drive a
4 vehicle requiring a vehicle group designation or vehicle group
5 indorsement under section 312e upon the streets and highways for
6 a period of 180 days, but only when accompanied by a licensed
7 adult operator or chauffeur who is licensed with the appropriate
8 vehicle group designation and indorsement for the vehicle group
9 being driven and who is actually occupying a seat beside the
10 driver, or behind the driver if the permittee is driving a bus or
11 school bus. In addition, if a permittee is enrolled in a driver
12 training program for drivers of motor vehicles requiring a
13 vehicle group designation or vehicle group indorsement under
14 section 312e ~~, which program~~ **THAT** is conducted by a college, a
15 university, a school licensed by the department under the driver
16 education provider and instructor act, 2006 PA 384, MCL 256.621
17 to 256.705, or a local or intermediate school district, the
18 permittee may drive a vehicle requiring a vehicle group
19 designation or vehicle group indorsement on the streets and
20 highways of this state for a period of 180 days when accompanied
21 by an instructor licensed with the appropriate vehicle group
22 designation and indorsement for the vehicle being driven who is
23 either occupying the seat beside the driver or in direct visual
24 and audio communication with the permittee. A person issued a
25 temporary instruction permit under this section shall not operate
26 a vehicle designed to carry 16 or more passengers that is
27 transporting passengers except with an instructor licensed with

1 the appropriate vehicle group designation and indorsement for the
2 vehicle being driven or a driver skills test examiner.

3 Sec. 310e. (1) Except as otherwise provided in this act, an
4 operator's or chauffeur's license issued to a person who is 17
5 years of age or less shall be in a form as prescribed in section
6 310, and valid only upon the issuance of a graduated driver
7 license.

8 (2) The secretary of state shall designate graduated
9 licensing provisions in a manner that clearly indicates that the
10 person is subject to the appropriate provisions described in this
11 section.

12 (3) Except as otherwise provided in section 303, a person
13 who is not less than 14 years and 9 months of age may be issued a
14 level 1 graduated licensing status to operate a motor vehicle if
15 the person has satisfied all of the following conditions:

16 (a) Passed a vision test and met health standards as
17 prescribed by the secretary of state.

18 (b) Successfully completed segment 1 of a driver education
19 course as that term is defined in section 7 of the driver
20 education provider and instructor act, 2006 PA 384, MCL 256.627,
21 **OR ITS EQUIVALENT UNDER SECTION 310F**, including a minimum of 6
22 hours of on-the-road driving time with the instructor.

23 (c) Received written approval of a parent or legal guardian.

24 (4) A person issued a level 1 graduated licensing status may
25 operate a motor vehicle only when accompanied either by a
26 licensed parent or legal guardian or, with the permission of the
27 parent or legal guardian, a licensed driver 21 years of age or

1 older. Except as otherwise provided in this section, a person is
2 restricted to operating a motor vehicle with a level 1 graduated
3 licensing status for not less than 6 months.

4 (5) A person may be issued a level 2 graduated licensing
5 status to operate a motor vehicle if the person has satisfied all
6 of the following conditions:

7 (a) Had a level 1 graduated licensing status for not less
8 than 6 months.

9 (b) Successfully completed segment 2 of a driver education
10 course as that term is defined in section 7 of the driver
11 education provider and instructor act, 2006 PA 384, MCL 256.627,
12 **OR ITS EQUIVALENT UNDER SECTION 310F.**

13 (c) Not incurred a moving violation resulting in a
14 conviction or civil infraction determination or been involved in
15 an accident for which the official police report indicates a
16 moving violation on the part of the person during the 90-day
17 period immediately preceding application.

18 (d) Presented a certification by the parent or guardian that
19 the person, accompanied by his or her licensed parent or legal
20 guardian or, with the permission of the parent or legal guardian,
21 any licensed driver 21 years of age or older, has accumulated a
22 total of not less than 50 hours of behind-the-wheel experience
23 including not less than 10 nighttime hours.

24 (e) Successfully completed a secretary of state approved
25 driving skills test. The secretary of state may enter into an
26 agreement with another public or private corporation or agency to
27 conduct this driving skills test. Before the secretary of state

1 authorizes a person to administer a corporation's or agency's
2 driver skills testing operations or authorizes an examiner to
3 conduct a driving skills test, that person or examiner must
4 complete both a state and federal bureau of investigation
5 fingerprint based criminal history check through the department
6 of state police. This subdivision applies to a person 16 years of
7 age or over only if the person has satisfied subdivisions (a),
8 (b), (c), and (d).

9 (6) A person issued a level 2 graduated licensing status
10 under subsection (5) shall remain at level 2 for not less than 6
11 months. A person issued a level 2 graduated licensing status
12 under subsection (5) shall not operate a vehicle under the
13 following circumstances:

14 (a) Between the hours of 10 p.m. and 5 a.m. This subdivision
15 does not apply if either of the following applies:

16 (i) The person is accompanied by a parent or legal guardian
17 or a licensed driver 21 years of age or older designated by the
18 parent or legal guardian.

19 (ii) The person is operating the vehicle in the course of his
20 or her employment or while going to or from employment or while
21 going to or from an authorized activity.

22 (b) With more than 1 passenger in the vehicle who is less
23 than 21 years of age. This subdivision does not apply if any of
24 the following apply:

25 (i) The person is accompanied by a parent or legal guardian
26 or a licensed driver 21 years of age or older designated by the
27 parent or legal guardian.

1 (ii) Any additional passengers who are less than 21 years of
2 age are members of his or her immediate family.

3 (iii) The person is operating the vehicle in the course of his
4 or her employment or while going to or from employment or while
5 going to or from an authorized activity.

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

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

14 (b) An accident for which the official police report
15 indicates a moving violation on the part of the licensee.

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

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

19 (8) The provisional period described in subsection (4) shall
20 be extended under subsection (7) until the licensee completes 90
21 consecutive days without a moving violation, an accident in which
22 a moving violation resulted, accident, suspension, or provisional
23 period violation listed in subsection (7), or until age 18,
24 whichever occurs first. The provisional period described in
25 subsection (6) shall be extended under subsection (7) until the
26 licensee completes 12 consecutive months without a moving
27 violation, accident, suspension, or restricted period violation

1 listed in subsection (7) or until age 18, whichever occurs first.

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

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

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

14 (12) If a person is determined responsible for a violation
15 of subsection (4) or (6), the secretary of state shall send
16 written notification of any conviction or moving violation to a
17 designated parent or guardian of the person.

18 (13) For purposes of this section:

19 (a) Upon conviction for a moving violation, the date of the
20 arrest for the violation shall be used in determining whether the
21 conviction occurred within a provisional licensure period under
22 this section.

23 (b) Upon entry of a civil infraction determination for a
24 moving violation, the date of issuance of a citation for a civil
25 infraction shall be used in determining whether the civil
26 infraction determination occurred within a provisional licensure
27 period under this section.

1 (c) The date of the official police report shall be used in
2 determining whether a licensee was driving a motor vehicle
3 involved in an accident for which the official police report
4 indicates a moving violation on the part of the licensee or
5 indicates the licensee had been drinking alcoholic liquor.

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

11 (15) As used in this section, "authorized activity" means
12 any of the following:

13 (a) A school or a school-sanctioned event or activity. For
14 purposes of this subdivision, school means a public or private
15 school, including a home school.

16 (b) A sporting event or activity, or extracurricular event
17 or activity, that is not school-sanctioned but that is part of an
18 official sports league or association or an official
19 extracurricular club, or that is paid for as a service offered by
20 a business specializing in those events or activities or training
21 for those events or activities.

22 (c) A class or program of vocational instruction offered by
23 a college, community college, nonprofit association, or unit of
24 government or by a business specializing in vocational training.

25 (d) An event or activity sponsored by a religious
26 organization that is tax-exempt under federal law.

27 (e) Transporting an individual in need of immediate

1 emergency care or personal protection to a health care
2 professional, hospital, police station, domestic violence
3 shelter, or public safety location.

4 SEC. 310F. (1) THE DEPARTMENT SHALL PROVIDE FOR THE APPROVAL
5 OF DRIVER EDUCATION INSTRUCTION PROVIDED BY PARENTS AND GUARDIANS
6 TO THEIR OWN CHILDREN OR WARDS. IN APPROVING DRIVER EDUCATION
7 INSTRUCTION UNDER THIS SECTION, THE DEPARTMENT SHALL REQUIRE ALL
8 OF THE FOLLOWING:

9 (A) THE INSTRUCTION SHALL BE PROVIDED BY THE PARENT OR
10 GUARDIAN OF THE INDIVIDUAL WHO IS TO RECEIVE THE INSTRUCTION.

11 (B) THE PARENT OR GUARDIAN SHALL BE LICENSED IN THIS STATE
12 TO OPERATE A MOTOR VEHICLE.

13 (C) THE DRIVER EDUCATION INSTRUCTION SHALL MEET THE SAME
14 EDUCATIONAL REQUIREMENTS AS A DRIVER EDUCATION COURSE PROVIDED BY
15 A DRIVER TRAINING SCHOOL LICENSED UNDER THE DRIVER EDUCATION
16 PROVIDER AND INSTRUCTOR ACT, 2006 PA 384, MCL 256.621 TO 256.705,
17 EXCEPT AS FOLLOWS:

18 (i) THE CLASSROOM INSTRUCTION IS NOT REQUIRED TO BE PROVIDED
19 IN A ROOM HAVING PARTICULAR CHARACTERISTICS OR EQUIPMENT.

20 (ii) THE VEHICLE USED FOR THE BEHIND-THE-WHEEL INSTRUCTIONS
21 IS NOT REQUIRED TO HAVE EQUIPMENT OTHER THAN AS REQUIRED BY LAW
22 FOR A VEHICLE OPERATED UPON A HIGHWAY IN THIS STATE WHEN IT IS
23 NOT BEING USED FOR DRIVER TRAINING.

24 (iii) THE INSTRUCTOR IS NOT REQUIRED TO BE LICENSED UNDER THE
25 DRIVER EDUCATION PROVIDER AND INSTRUCTOR ACT, 2006 PA 384, MCL
26 256.621 TO 256.705.

27 (2) THE DEPARTMENT SHALL PROMULGATE RULES UNDER THE

ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328, TO IMPLEMENT THIS SECTION. THE RULES PROMULGATED BY THE DEPARTMENT UNDER THIS SECTION SHALL, AT A MINIMUM, ADDRESS THE REQUIREMENTS OF SUBSECTION (1) AND BOTH OF THE FOLLOWING:

(A) A METHOD FOR APPROVING DRIVER EDUCATION INSTRUCTION PROGRAMS THAT ARE READILY AVAILABLE FOR USE UNDER THIS SECTION BY PARENTS AND GUARDIANS.

(B) A FORM THAT A PARENT OR GUARDIAN WHO PROVIDES DRIVER EDUCATION INSTRUCTION TO AN INDIVIDUAL UNDER THIS SECTION CAN SIGN TO VERIFY THAT THE INDIVIDUAL HAS MET ALL OF HIS OR HER DRIVER EDUCATION REQUIREMENTS.

(3) SUCCESSFUL COMPLETION OF DRIVER EDUCATION INSTRUCTION APPROVED UNDER THIS SECTION IS FOR ALL PURPOSES OF THIS ACT THE SAME AS COMPLETING A DRIVER EDUCATION COURSE PROVIDED UNDER THE DRIVER EDUCATION PROVIDER AND INSTRUCTOR ACT, 2006 PA 384, MCL 256.621 TO 256.705.

Sec. 811. (1) An application for an original operator's or an original or renewal chauffeur's license as provided in sections 307 and 312 and an application for an original minor's restricted license as provided in section 312 shall be accompanied by the following fees:

Operator's license.....	\$25.00
Chauffeur's license.....	35.00
Minor's restricted license.....	25.00

The renewal fee for an operator's license renewed under this section is \$18.00. However, if an operator's license is expired

1 at the time of the renewal, the fee is the same as the original
2 fee, except as provided in subsection (4). The date of an
3 application for a renewal of an operator's license under this
4 section that is delivered to the secretary of state by regular
5 mail is the postmark date in determining the fee to be assessed.

6 (2) The secretary of state shall deposit the money received
7 and collected under subsection (1) in the state treasury to the
8 credit of the general fund. The secretary of state shall refund
9 out of the fees collected to each county or municipality acting
10 as an examining officer or examining bureau \$2.50 for each
11 applicant examined for an original license, \$1.00 for each
12 applicant examined for an original chauffeur's license, and \$1.00
13 for every other applicant examined, if the application is not
14 denied and the money refunded is paid to the county or local
15 treasurer and is appropriated to the county, municipality, or
16 officer or bureau receiving the money for the purpose of carrying
17 out this act. The state treasurer shall deposit the sum of \$4.00
18 in the traffic law enforcement and safety fund created in section
19 819a for each person examined for an original license, a renewal
20 operator's license, an original chauffeur's license, or a renewal
21 chauffeur's license, except that the sum deposited for each 2-
22 year operator's or 2-year chauffeur's license shall be \$2.00.

23 (3) Notwithstanding sections 306 and 308, an operator's
24 license shall not be issued to a person under 18 years of age
25 unless that person successfully passes a driver education course
26 and examination given by a school licensed under the driver
27 education and training schools act, 1974 PA 369, MCL 256.601 to

1 ~~256.612.~~ PROVIDER AND INSTRUCTOR ACT, 2006 PA 384, MCL 256.621 TO
2 256.705, OR UNDER SECTION 310F. A person who has been a holder of
3 a motor vehicle operator's license issued by any other state,
4 territory, or possession of the United States, or any other
5 sovereignty for 1 year immediately before application for an
6 operator's license under this act is not required to comply with
7 this subsection. Restricted licenses may be issued ~~pursuant to~~
8 **UNDER** section 312 without compliance with this subsection.

9 (4) A person who is on active military service at the time
10 his or her operator's license expires shall be charged the
11 renewal rate for renewing his or her operator's license under
12 this section if all of the following apply:

13 (a) He or she applies for renewal within 30 days of
14 returning to this state from active duty.

15 (b) He or she held a valid, unexpired operator's license
16 from this state immediately prior to leaving this state for
17 active military service.

18 (c) He or she presents ~~such documentation as~~ **REQUIRED BY** the
19 secretary of state ~~requires~~ to establish eligibility under this
20 subsection.