

DRIVER EDUCATION PROVIDER AND INSTRUCTOR ACT (EXCERPT)
Act 384 of 2006

256.637 Driver education instructor certificate; classification; investigation; evidence; stipulation of agreement to service of process; photograph of applicant; expiration; misdemeanor; penalty; completion of orientation and education program; preparation courses; behind-the-wheel commercial vehicle driver instructor certificate; theory commercial vehicle driver instructor certificate.

Sec. 17. (1) A person may apply to the secretary of state for a driver education instructor certificate in 1 or more of the following classifications:

- (a) Adult driver training.
- (b) Teen driver training.
- (c) Commercial vehicle driver training.

(2) The secretary of state shall not issue an original driver education instructor certificate under this act until an investigation is made of the applicant's qualification under this act.

(3) The secretary of state may issue a person an adult or teen driver education instructor certificate if the person presents satisfactory evidence to the secretary of state in a format and as prescribed by the secretary of state that the person meets all of the following requirements:

- (a) Submits a properly completed application signed by the applicant.
- (b) Is not less than 21 years of age on the date of application.
- (c) Provides the applicant's driver license number.
- (d) Possesses a valid driver license that has been in continuous effect for not less than 5 years immediately preceding the application.
- (e) Provides a statement indicating whether the applicant has ever applied for a driver education instructor certificate in this state or any other state, and the result of that application.
- (f) Provides a statement indicating whether the applicant has ever been the holder of a driver education instructor certificate that was revoked or suspended, in this state or any other state.
- (g) Completes a criminal history check as described in section 29 to the satisfaction of the secretary of state.
- (h) Certifies that the applicant does not have a pending criminal matter or an outstanding arrest, warrant, or conviction since submitting a request for a criminal history check under section 29.
- (i) Submits a nonrefundable application processing fee of \$45.00.
- (j) Submits a certified medical examination report that is not older than 90 days and that is prepared by a physician, a physician's assistant, or a certified nurse practitioner licensed to practice in this state or in the applicant's state of residence. The report must include a statement by the person that certified the report that the applicant is medically qualified to operate a motor vehicle and to train others to operate a motor vehicle.
- (k) Until December 31, 2007, for an original application for a driver education instructor certificate for teen driver training, submits an official transcript from an approved college or university that currently offers driver education instructor preparation programs. Beginning January 1, 2008, for an original application for a driver education instructor certificate for teen or adult driver training, submits an official transcript from an approved college, university, or person to verify the completion of the driver education instructor preparation courses required under the driver education instructor preparation program described in section 23. Except for a driver education instructor issued a temporary approval under former 1974 PA 369, an applicant approved as a driver education instructor by the secretary of state before December 31, 2007 is considered to have complied with this transcript requirement.

(l) An applicant who is not a resident of this state shall submit an up-to-date certified driving record from the applicant's state of residence to the secretary of state. The applicant shall agree in writing or electronically as prescribed by the secretary of state to submit an up-to-date certified driving record every 60 days for as long as the applicant is not a resident of this state.

(m) Other information and documents prescribed by the secretary of state to determine an applicant's qualifications for certification under this section.

(4) As a condition precedent to the granting of a certificate, an applicant shall file with the secretary of state, on a form prescribed by the secretary of state, an irrevocable written or electronic stipulation. The stipulation must be signed by the applicant and state the applicant agrees that legal process affecting the applicant, served on the secretary of state against the applicant or the applicant's successor in interest for a violation of this act, a rule promulgated under this act, or an order issued under this act, has the same effect as if personally served on the applicant. This appointment remains in force as long as the applicant has any outstanding liability within this state under this act.

(5) The secretary of state may require an applicant to submit a photograph of the applicant, may prescribe the size and format of the photograph, and may include a reproduction of the photograph on the driver education instructor certificate. The secretary of state may receive the applicant's written or electronic permission to use the image of the applicant captured and retained under section 307 of the Michigan vehicle code, 1949 PA 300, MCL 257.307, on the driver education instructor certificate.

(6) A person who engages or offers to engage in activity as a driver education instructor before being certified by the secretary of state is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$2,000.00, or both.

(7) The secretary of state may develop and prescribe an orientation and education program that a person must complete before receiving an original driver education instructor certificate issued under this act.

(8) Beginning December 31, 2007, an applicant for an original driver education instructor certificate is required to complete the driver education instructor preparation courses described in section 23. This subsection does not apply to an applicant for a driver education instructor certificate to conduct commercial vehicle driver training.

(9) The secretary of state may issue a person a behind-the-wheel commercial vehicle driver instructor certificate for behind-the-wheel instruction if, as prescribed by the secretary of state, the person presents satisfactory evidence that the person meets the requirements of a behind-the-wheel instructor as defined in 49 CFR 380.605.

(10) The secretary of state may issue a person a theory commercial vehicle driver instructor certificate for theory instruction if, as prescribed by the secretary of state, the person presents satisfactory evidence that the person meets the requirements of a theory instructor as defined in 49 CFR 380.605.

History: 2006, Act 384, Eff. Oct. 1, 2006;—Am. 2022, Act 192, Imd. Eff. Oct. 4, 2022.