

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

**256.649 Criminal history record information check.**

Sec. 29. (1) A fingerprint-based criminal history check required under this act shall be performed by the department of state police and the federal bureau of investigation.

(2) A person required to have a criminal history record information check shall submit his or her fingerprints and send a request for a criminal history record information check to the department of state police in a format and method determined by the department of state police. The person shall send the fees required by the department of state police and the federal bureau of investigation to conduct the criminal history check with his or her request for a criminal history record information check.

(3) The department of state police shall conduct a criminal history record information check within 45 days after receiving a proper request and the required fee for a criminal history record information check under this section. After conducting the criminal history record information check and within that same 45 days, the department of state police shall provide the secretary of state with a report of the criminal history record information check. The report shall contain any criminal history record information on the person maintained by the department of state police.

(4) Except as otherwise provided in this act, the secretary of state shall not approve an original or renewal driver education provider or driver education instructor certificate before receiving and reviewing the applicable criminal history record information checks from the department of state police and the federal bureau of investigation.

(5) The secretary of state shall use criminal history record information received under this act only for evaluating an applicant's qualifications to receive a driver education provider or driver education instructor certificate under this act. The secretary of state shall discuss the report or its contents only with staff of the department of state police or a person who was involved in the prosecution of a criminal matter noted in a report for purposes of clarifying whether an offense is a crime described in section 59. A person who uses criminal history record information in violation of this subsection is guilty of a misdemeanor punishable by a fine of not more than \$10,000.00.

(6) As used in this section, "criminal history record information" means that term as defined in section 1a of 1925 PA 289, MCL 28.241a.

**History:** 2006, Act 384, Eff. Oct. 1, 2006;—Am. 2012, Act 258, Imd. Eff. July 2, 2012.