

# HOUSE BILL No. 4184

February 15, 1989, Introduced by Reps. Law, Nye, Trim, Dolan, Bennett, Bankes, Sparks, Runco, Palamara, Martin, Middaugh, Stopczynski, Dunaskiss, London, Randall, Willis Bullard, Hoffman, Profit, Leland, Munsell, DeMars and Krause and referred to the Committee on Education.

A bill to amend sections 303 and 811 of Act No. 300 of the Public Acts of 1949, entitled as amended

"Michigan vehicle code,"

section 303 as amended by Act No. 346 of the Public Acts of 1988 and section 811 as amended by Act No. 232 of the Public Acts of 1987, being sections 257.303 and 257.811 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 303 and 811 of Act No. 300 of the  
2 Public Acts of 1949, section 303 as amended by Act No. 346 of the  
3 Public Acts of 1988 and section 811 as amended by Act No. 232 of  
4 the Public Acts of 1987, being sections 257.303 and 257.811 of  
5 the Michigan Compiled Laws, are amended to read as follows:

6       Sec. 303. (1) The secretary of state shall not issue a  
7 license under this act:

1 ~~(a) To a person, as an operator, who is 17 years of age or~~  
2 ~~less, except that the secretary of state may issue a license to a~~  
3 ~~person who is not less than 16 years of age and who has satisfac-~~  
4 ~~torily passed a driver education course and examination given by~~  
5 ~~a public school or nonpublic school of this or another state~~  
6 ~~offering a course approved by the department of education, or an~~  
7 ~~equivalent examination as prescribed in section 811. The secre-~~  
8 ~~tary of state may issue to a person not less than 14 years of age~~  
9 ~~a restricted license as provided in this act. This subdivision~~  
10 ~~shall not apply to a person who has been the holder of a valid~~  
11 ~~driver's license issued by another state, territory, or posses-~~  
12 ~~sion of the United States or another sovereignty for at least 1~~  
13 ~~year immediately before application for a driver's license under~~  
14 ~~this act.~~

15 ~~(b) To a person, as a chauffeur, who is 17 years of age or~~  
16 ~~less, except that the secretary of state may issue a license to a~~  
17 ~~person who is not less than 16 years of age and who has satisfac-~~  
18 ~~torily passed a driver education course and examination given by~~  
19 ~~a public school or nonpublic school of this or another state~~  
20 ~~offering a course approved by the department of education, or an~~  
21 ~~equivalent examination as prescribed in section 811.~~

22 (A) TO A PERSON, AS AN OPERATOR OR CHAUFFEUR, WHO IS LESS  
23 THAN 18 YEARS OF AGE, EXCEPT AS FOLLOWS:

24 (i) THE SECRETARY OF STATE MAY ISSUE TO A PERSON NOT LESS  
25 THAN 14 YEARS OF AGE A RESTRICTED LICENSE AS PROVIDED IN SECTION  
26 312. HOWEVER, THE SECRETARY OF STATE SHALL NOT ISSUE A  
27 RESTRICTED LICENSE TO A PERSON DENIED A LICENSE FOR FAILURE TO

1 COMPLY WITH SUBPARAGRAPH (ii)(B) OR (C) EXCEPT AS PROVIDED IN  
2 SUBPARAGRAPH (ii)(B).

3 (ii) IF ALL OF THE FOLLOWING CONDITIONS ARE MET:

4 (A) THE PERSON IS NOT LESS THAN 16 YEARS OF AGE AND HAS SAT-  
5 ISFACTORILY PASSED A DRIVER EDUCATION COURSE, AS DEFINED IN SEC-  
6 TION 811, AND EXAMINATION GIVEN BY A PUBLIC SCHOOL OR NONPUBLIC  
7 SCHOOL OF THIS OR ANOTHER STATE OFFERING A COURSE APPROVED BY THE  
8 DEPARTMENT OF EDUCATION, OR AN EQUIVALENT COURSE AND EXAMINATION  
9 GIVEN BY A LICENSED DRIVER TRAINING SCHOOL. THIS CONDITION DOES  
10 NOT APPLY TO A PERSON WHO HAS HELD A VALID DRIVER'S LICENSE  
11 ISSUED TO HIM OR HER BY ANOTHER STATE, TERRITORY, OR POSSESSION  
12 OF THE UNITED STATES OR ANOTHER SOVEREIGNTY FOR AT LEAST 1 YEAR  
13 IMMEDIATELY BEFORE APPLICATION FOR AN OPERATOR'S OR CHAUFFEUR'S  
14 LICENSE UNDER THIS ACT.

15 (B) THE PERSON HAS A HIGH SCHOOL DIPLOMA OR A GENERAL EDUCA-  
16 TION DEVELOPMENT CERTIFICATE, OR IS ENROLLED IN A GRADE 9 TO 12,  
17 IS CONFORMING TO THE ATTENDANCE POLICIES OF THE SCHOOL IN WHICH  
18 HE OR SHE IS ENROLLED, AND HAS NOT BEEN EXPELLED FROM SCHOOL PUR-  
19 SUANT TO SECTION 1311 OF THE SCHOOL CODE OF 1976, ACT NO. 451 OF  
20 THE PUBLIC ACTS OF 1976, BEING SECTION 380.1311 OF THE MICHIGAN  
21 COMPILED LAWS. HOWEVER, THE SECRETARY OF STATE MAY ISSUE A  
22 RESTRICTED LICENSE TO A PERSON DENIED A LICENSE FOR FAILURE TO  
23 COMPLY WITH THIS CONDITION OR THE CONDITION CONTAINED IN  
24 SUBPARAGRAPH (ii)(C) IF THE SECRETARY OF STATE DETERMINES THAT A  
25 PERSONAL OR FAMILY HARDSHIP EXISTS THAT REQUIRES THE PERSON TO  
26 OBTAIN AN OPERATOR'S OR CHAUFFEUR'S LICENSE FOR EMPLOYMENT OR  
27 MEDICALLY RELATED PURPOSES.

1 (C) THE PERSON PROVIDES TO THE SECRETARY OF STATE PROOF OF  
2 GRADUATION FROM HIGH SCHOOL, THE PERSON'S GENERAL EDUCATION  
3 DEVELOPMENT CERTIFICATE, OR A WRITTEN STATEMENT FROM EACH SCHOOL  
4 IN WHICH HE OR SHE HAS BEEN ENROLLED, FROM THE BEGINNING OF GRADE  
5 9 TO THE TIME OF THE APPLICATION, VERIFYING THAT THE PERSON CON-  
6 FORMED WITH THE ATTENDANCE POLICIES OF THE SCHOOL AND WAS NOT  
7 EXPELLED FROM SCHOOL. HOWEVER, THE SECRETARY OF STATE MAY ISSUE  
8 A RESTRICTED LICENSE AS PROVIDED IN SUBPARAGRAPH (ii)(B) TO A  
9 PERSON DENIED A LICENSE FOR FAILURE TO COMPLY WITH THIS  
10 CONDITION.

11 (B) ~~(c)~~ To a person whose license has been suspended  
12 during the period for which the license was suspended.

13 (C) ~~(d)~~ To a person whose license has been revoked under  
14 this act until the later of the following:

15 (i) The expiration of not less than 1 year after the license  
16 was revoked.

17 (ii) The expiration of not less than 5 years after the date  
18 of a subsequent revocation occurring within 7 years after the  
19 date of any prior revocation.

20 (D) ~~(e)~~ To a person who is an habitual violator of the  
21 criminal laws relating to operating a vehicle while impaired by  
22 or under the influence of intoxicating liquor or a controlled  
23 substance or a combination of intoxicating liquor and a con-  
24 trolled substance, or with a blood alcohol content of 0.10% or  
25 more by weight of alcohol. Convictions of any of the following,  
26 whether under a law of this state, a local ordinance  
27 substantially corresponding to a law of this state, or a law of

1 another state substantially corresponding to a law of this state,  
2 shall be prima facie evidence that the person is an habitual vio-  
3 lator as described in this subdivision:

4 (i) Two convictions under section 625(1) or (2), or 1 con-  
5 viction under section 625(1) and 1 conviction under section  
6 625(2) within 7 years.

7 (ii) Three convictions under section 625b within 10 years.

8 (E) ~~(f)~~ To a person who in the opinion of the secretary of  
9 state is afflicted with or suffering from a physical or mental  
10 disability or disease which prevents that person from exercising  
11 reasonable and ordinary control over a motor vehicle while oper-  
12 ating the motor vehicle upon the highways.

13 (F) ~~(g)~~ To a person who is unable to understand highway  
14 warning or direction signs in the English language.

15 (G) ~~(h)~~ To a person who is an habitually reckless driver.  
16 Four convictions of reckless driving under this act or any other  
17 law of this state relating to reckless driving or under a local  
18 ordinance of this state or a law of another state which defines  
19 the term "reckless driving" substantially similar to the law of  
20 this state shall be prima facie evidence that the person is an  
21 habitually reckless driver.

22 (H) ~~(i)~~ To a person who is an habitual criminal. Two con-  
23 victions of a felony involving the use of a motor vehicle in this  
24 or another state shall be prima facie evidence that the person is  
25 an habitual criminal.

26 (I) ~~(j)~~ To a person who is unable to pass a knowledge,  
27 skill, or ability test administered by the secretary of state in

1 connection with the issuance of an original operator's or  
2 chauffeur's license, original motorcycle indorsement, or an orig-  
3 inal or renewal of a vehicle group designation or vehicle  
4 indorsement.

5 (J) ~~-(\*)~~ To a person who has been convicted, received a  
6 probate court finding, or been determined responsible for 2 or  
7 more moving violations under a law of this state, a local ordi-  
8 nance substantially corresponding to a law of this state, or a  
9 law of another state substantially corresponding to a law of this  
10 state, within the preceding 3 years, if the violations occurred  
11 prior to the issuance of an original license to the person in  
12 this or another state.

13 (K) ~~-(\*)~~ To a nonresident.

14 (2) Upon receipt of the appropriate records of conviction,  
15 the secretary of state shall revoke the operator's or chauffeur's  
16 license of a person having any of the following convictions,  
17 whether under a law of this state, a local ordinance substan-  
18 tially corresponding to a law of this state, or a law of another  
19 state substantially corresponding to a law of this state:

20 (a) Four convictions of reckless driving within 7 years.

21 (b) Two convictions of a felony involving the use of a motor  
22 vehicle within 7 years.

23 (c) Two convictions under section 625(1) or (2), or 1 con-  
24 viction under section 625(1) and 1 conviction under section  
25 625(2) within 7 years.

26 (d) Three convictions under section 625b within 10 years.

1 (3) The secretary of state shall revoke a license under  
2 subsection (2) notwithstanding a court order issued under section  
3 625 or 625b, or a local ordinance substantially corresponding to  
4 section 625(1) or (2) or 625b.

5 Sec. 811. (1) An application for an operator's or  
6 chauffeur's license as provided in sections 307 and 312 and an  
7 application for a minor's restricted license as provided in sec-  
8 tion 312 shall be accompanied by the following fees:

9	Original license.....	\$ 12.00
10	Operator's license renewal.....	12.00
11	Original chauffeur's license (1-year).....	5.00
12	Original chauffeur's license (4-year).....	20.00
13	Chauffeur's license renewal.....	20.00
14	Minor's restricted license.....	5.00

15 (2) The money received and collected under subsection (1)  
16 shall be deposited by the secretary of state in the state trea-  
17 sury to the credit of the general fund. The secretary of state  
18 shall refund out of the fees collected to each county or munici-  
19 pality ~~—~~ acting as an examining officer or examining bureau ~~—~~  
20 \$2.50 for each applicant examined for an original license, \$1.00  
21 for an original chauffeur's license, and \$1.00 for every other  
22 applicant examined, whose application is not denied, on the con-  
23 dition that the money refunded is paid to the county or local  
24 treasurer and is appropriated to the county, municipality, or  
25 officer or bureau receiving the money for the purpose of carrying  
26 out this act. The sum of \$4.00 shall be deposited by the state  
27 treasurer in a driver education fund for each person examined for

1 an original license, a renewal operator's license, an original  
2 chauffeur's license, or a renewal chauffeur's license, except  
3 that the sum deposited for each 2-year operator's or 2-year  
4 chauffeur's license shall be \$2.00. Money in the driver educa-  
5 tion fund shall be used by the department of education for admin-  
6 istration of a driver education program, and for distribution to  
7 local school districts to be used for driver education programs.

8 (3) From the money credited to the driver education fund,  
9 the legislature shall annually appropriate the sum of \$100,000.00  
10 to the department of education for state administration of the  
11 program. In addition there shall be distributed to local public  
12 school districts from the driver education fund the amount of  
13 \$45.00 per student, but not to exceed the actual cost, for each  
14 student completing an approved driver education course. The  
15 driver education courses shall be conducted by the local public  
16 school district, or may be conducted for the local school dis-  
17 trict by the intermediate district at the request of the local  
18 district, and enrollment in driver education courses shall be  
19 open to children enrolled in the high school grades of public,  
20 parochial, and private schools as well as resident out-of-school  
21 youth. Reimbursement to local school districts shall be made on  
22 the basis of an application made by the local school district  
23 superintendent to the department of education.

24 (4) As used in this section, "driver education courses"  
25 include classroom instruction, behind the wheel instruction, and  
26 observation in an automobile under the supervision of a qualified  
27 teacher or licensed instructor. The department of education



1 shall not require that licensed driver training school teachers  
2 or instructors be certificated under THE SCHOOL CODE OF 1976, Act  
3 No. 451 of the Public Acts of 1976, as amended, being sections  
4 380.1 to 380.1852 of the Michigan Compiled Laws.

5 (5) The department of education may promulgate rules pursu-  
6 ant to THE ADMINISTRATIVE PROCEDURES ACT OF 1969, Act No. 306 of  
7 the Public Acts of 1969, as amended, being sections 24.201 to  
8 24.328 of the Michigan Compiled Laws, including instructional  
9 standards, teacher qualifications, reimbursement procedures, and  
10 other requirements to further implement this section.

11 (6) ~~Notwithstanding sections 301, 303, 306, and 308, an~~  
12 ~~operator's license shall not be issued to a person under 18 years~~  
13 ~~of age unless that person successfully passes a driver education~~  
14 ~~course and examination given by a public school, nonpublic~~  
15 ~~school, or an equivalent course approved by the department of~~  
16 ~~education given by a licensed driver training school. A person~~  
17 ~~who has been a holder of a motor vehicle operator's license~~  
18 ~~issued by any other state, territory, or possession of the United~~  
19 ~~States, or any other sovereignty for 1 year immediately before~~  
20 ~~application for an operator's license under this act, shall not~~  
21 ~~be required to comply with this subsection. Restricted licenses~~  
22 ~~may be issued pursuant to section 312 without compliance with~~  
23 ~~this subsection.~~ A driver education course shall be made avail-  
24 able for a person under 18 years of age within a time that will  
25 enable that person to qualify for a license before the time that  
26 the person is permitted by law to have a license.

1       (7) A charge or enrollment fee for a driver education course  
2 shall not be required to be paid by a student desiring to take  
3 the course as a duly enrolled student for the course in a school  
4 of the public school system.

5       (8) A PERSON LESS THAN 18 YEARS OF AGE SHALL NOT BE ISSUED A  
6 CERTIFICATE OF COMPLETION OF DRIVER EDUCATION COURSE UNLESS THE  
7 PERSON HAS A HIGH SCHOOL DIPLOMA OR A GENERAL EDUCATION DEVELOP-  
8 MENT CERTIFICATE, OR THE PERSON IS ENROLLED IN A GRADE 9 TO 12  
9 AND MEETS BOTH OF THE FOLLOWING CONDITIONS:

10       (A) THE PERSON IS CONFORMING TO THE ATTENDANCE POLICIES OF  
11 THE SCHOOL IN WHICH HE OR SHE IS ENROLLED.

12       (B) THE PERSON HAS NOT BEEN EXPELLED FROM SCHOOL PURSUANT TO  
13 SECTION 1311 OF THE SCHOOL CODE OF 1976, ACT NO. 451 OF THE  
14 PUBLIC ACTS OF 1976, BEING SECTION 380.1311 OF THE MICHIGAN  
15 COMPILED LAWS.