

HOUSE BILL No. 4236

February 21, 1989, Introduced by Reps. Trim, Hoffman, London, Law and DeMars and referred to the Committee on Education.

A bill to amend Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," as amended, being sections 257.1 to 257.923 of the Michigan Compiled Laws, by adding sections 319e, 319f, 319g, and 319h.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 300 of the Public Acts of 1949, as
2 amended, being sections 257.1 to 257.923 of the Michigan Compiled
3 Laws, is amended by adding sections 319e, 319f, 319g, and 319h to
4 read as follows:

5 SEC. 319E. THE SECRETARY OF STATE SHALL SEND WRITTEN NOTICE
6 BY REGISTERED MAIL TO AN INDIVIDUAL WHO IS 16 YEARS OF AGE OR
7 OLDER, BUT LESS THAN 18 YEARS OF AGE, IF THE SECRETARY OF STATE
8 IS NOTIFIED BY THE SUPERINTENDENT OF A PUBLIC OR PRIVATE
9 SECONDARY SCHOOL THAT THE INDIVIDUAL HAS WITHDRAWN FROM SCHOOL,

1 OR HAS BEEN ABSENT FROM SCHOOL WITHOUT EXCUSE FOR A PERIOD
2 EXCEEDING 10 CONSECUTIVE DAYS, OR THAT THE INDIVIDUAL HAS BEEN
3 SUSPENDED OR EXPELLED FROM SCHOOL FOR A PERIOD EXCEEDING 30
4 DAYS. THE NOTICE SHALL BE SENT WITHIN 7 DAYS AFTER RECEIVING THE
5 NOTIFICATION BY THE SUPERINTENDENT, AND SHALL BE ON A FORM PRE-
6 SCRIBED BY THE SECRETARY OF STATE, CONTAINING ALL OF THE FOLLOW-
7 ING INFORMATION:

8 (A) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE INDIVIDUAL.

9 (B) THE NAME AND ADDRESS OF THE PUBLIC OR PRIVATE SECONDARY
10 SCHOOL.

11 (C) ONE OF THE FOLLOWING:

12 (i) A STATEMENT THAT THE SECRETARY OF STATE HAS RECEIVED
13 INFORMATION FROM THE PUBLIC OR PRIVATE SECONDARY SCHOOL THAT THE
14 INDIVIDUAL HAS WITHDRAWN FROM SCHOOL.

15 (ii) A STATEMENT THAT THE SECRETARY OF STATE HAS RECEIVED
16 INFORMATION FROM THE PUBLIC OR PRIVATE SECONDARY SCHOOL THAT THE
17 INDIVIDUAL HAS BEEN ABSENT FROM SCHOOL WITHOUT EXCUSE FOR A
18 PERIOD EXCEEDING 10 CONSECUTIVE DAYS.

19 (iii) A STATEMENT THAT THE SECRETARY OF STATE HAS RECEIVED
20 INFORMATION FROM THE PUBLIC OR PRIVATE SECONDARY SCHOOL THAT THE
21 INDIVIDUAL HAS BEEN SUSPENDED OR EXPELLED FROM SCHOOL FOR A
22 PERIOD EXCEEDING 30 CONSECUTIVE DAYS.

23 (D) A STATEMENT THAT THE SECRETARY OF STATE SHALL NOT ISSUE
24 A TEMPORARY INSTRUCTION PERMIT OR A LICENSE TO OPERATE A MOTOR
25 VEHICLE TO THE INDIVIDUAL, AND SHALL SUSPEND THE TEMPORARY
26 INSTRUCTION PERMIT OR LICENSE TO OPERATE A MOTOR VEHICLE OF THE
27 INDIVIDUAL, UNLESS THE INDIVIDUAL REQUESTS A HEARING WITHIN 14

1 DAYS AFTER THE DATE OF THE NOTICE AND PROVES BY CLEAR AND
2 CONVINCING EVIDENCE THAT 1 OF THE FOLLOWING CIRCUMSTANCES
3 EXISTS:

4 (i) THE INDIVIDUAL IS 18 YEARS OF AGE OR OLDER.

5 (ii) THE INDIVIDUAL IS ENROLLED IN AND ATTENDING A PUBLIC OR
6 PRIVATE SECONDARY SCHOOL.

7 (iii) THE INDIVIDUAL HAS GRADUATED FROM A PUBLIC OR PRIVATE
8 SECONDARY SCHOOL OR HAS PASSED THE GENERAL EDUCATIONAL DEVELOP-
9 MENT TEST.

10 SEC. 319F. (1) THE SECRETARY OF STATE SHALL NOT ISSUE A
11 TEMPORARY INSTRUCTION PERMIT OR LICENSE TO OPERATE A MOTOR VEHI-
12 CLE TO AN INDIVIDUAL, AND SHALL SUSPEND THE TEMPORARY INSTRUCTION
13 PERMIT OR LICENSE TO OPERATE A MOTOR VEHICLE OF AN INDIVIDUAL, IF
14 EITHER OF THE FOLLOWING CIRCUMSTANCES EXISTS:

15 (A) A NOTICE WAS SENT TO THE INDIVIDUAL PURSUANT TO
16 SECTION 319E, AND THE INDIVIDUAL FAILED TO REQUEST A HEARING
17 WITHIN 14 DAYS OF THE DATE OF THE NOTICE.

18 (B) A NOTICE WAS SENT TO THE INDIVIDUAL PURSUANT TO
19 SECTION 319E, AND THE INDIVIDUAL REQUESTED A HEARING, BUT FAILED
20 TO PROVE BY CLEAR AND CONVINCING EVIDENCE THAT ANY OF THE FOLLOW-
21 ING CIRCUMSTANCES EXIST:

22 (i) HE OR SHE IS 18 YEARS OF AGE OR OLDER.

23 (ii) HE OR SHE IS ENROLLED IN AND ATTENDING A PUBLIC OR PRI-
24 VATE SECONDARY SCHOOL.

25 (iii) HE OR SHE HAS GRADUATED FROM A PUBLIC OR PRIVATE SEC-
26 ONDARY SCHOOL OR HAS PASSED THE GENERAL EDUCATIONAL DEVELOPMENT
27 TEST.

1 (2) THE SECRETARY OF STATE SHALL NOT DENY A TEMPORARY
2 INSTRUCTION PERMIT OR A LICENSE TO OPERATE A MOTOR VEHICLE TO AN
3 INDIVIDUAL, AND SHALL NOT SUSPEND THE TEMPORARY INSTRUCTION
4 PERMIT OR LICENSE TO OPERATE A MOTOR VEHICLE OF AN INDIVIDUAL, IF
5 THE INDIVIDUAL IS NOT REQUIRED TO ATTEND SCHOOL PURSUANT TO
6 SECTION 1561(3)(A) OR (B) OF THE SCHOOL CODE OF 1976, ACT NO. 451
7 OF THE PUBLIC ACTS OF 1976, BEING SECTION 380.1561 OF THE
8 MICHIGAN COMPILED LAWS.

9 SEC. 319G. (1) A HEARING CONDUCTED PURSUANT TO SECTION 319F
10 SHALL BE CONDUCTED IN THE SAME MANNER AND UNDER THE SAME CONDI-
11 TIONS AS A HEARING CONDUCTED PURSUANT TO SECTION 322. THE HEAR-
12 ING SHALL BE RESTRICTED TO THE FOLLOWING ISSUES:

13 (A) WHETHER THE INDIVIDUAL IS 18 YEARS OF AGE OR OLDER.

14 (B) WHETHER THE INDIVIDUAL IS REQUIRED TO ATTEND SCHOOL PUR-
15 SUANT TO SECTION 1561(3)(A) OR (B) OF THE SCHOOL CODE OF 1976,
16 ACT NO. 451 OF THE PUBLIC ACTS OF 1976, BEING SECTION 380.1561 OF
17 THE MICHIGAN COMPILED LAWS.

18 (C) WHETHER THE INDIVIDUAL IS ENROLLED IN AND ATTENDING A
19 PUBLIC OR PRIVATE SECONDARY SCHOOL.

20 (D) WHETHER THE INDIVIDUAL HAS GRADUATED FROM A PUBLIC OR
21 PRIVATE SECONDARY SCHOOL OR HAS PASSED THE GENERAL EDUCATIONAL
22 DEVELOPMENT TEST.

23 (2) A FINAL DETERMINATION MADE BY THE SECRETARY OF STATE
24 PURSUANT TO SECTION 319F MAY BE REVIEWED BY THE CIRCUIT COURT
25 PURSUANT TO SECTION 323.

26 SEC. 319H. THE SECRETARY OF STATE SHALL ISSUE A RESTRICTED
27 LICENSE TO AN INDIVIDUAL WHOSE LICENSE TO OPERATE A MOTOR VEHICLE

1 WAS DENIED OR SUSPENDED PURSUANT TO SECTION 319F, IF THE DENIAL
2 OR SUSPENSION WOULD CREATE UNDUE HARDSHIP FOR THAT INDIVIDUAL.

3 Section 2. This amendatory act shall not take effect unless
4 Senate Bill No. _____ or House Bill No. 4234 (request
5 no. 00810'89 a) of the 85th Legislature is enacted into law.