

HOUSE BILL No. 5870

June 11, 1990, Introduced by Reps. Martin, Keith, Bennett, Dolan, Ouwinga, Jaye, London, Strand and Stupak and referred to the Committee on Education.

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

"Michigan vehicle code,"

as amended by Act No. 299 of the Public Acts of 1989, being section 257.811 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 811 of Act No. 300 of the Public Acts of
2 1949, as amended by Act No. 299 of the Public Acts of 1989, being
3 section 257.811 of the Michigan Compiled Laws, is amended to read
4 as follows:

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
8 section 312 shall be accompanied by the following fees:

1 Operator's license.....\$ 12.00
 2 Chauffeur's license..... 20.00
 3 Minor's restricted license..... 5.00

4 (2) The money received and collected under subsection (1)
 5 shall be deposited by the secretary of state in the state trea-
 6 sury to the credit of the general fund. The secretary of state
 7 shall refund out of the fees collected to each county or munici-
 8 pality, acting as an examining officer or examining bureau, \$2.50
 9 for each applicant examined for an original license, \$1.00 for an
 10 original chauffeur's license, and \$1.00 for every other applicant
 11 examined, whose application is not denied, on the condition that
 12 the money refunded is paid to the county or local treasurer and
 13 is appropriated to the county, municipality, or officer or bureau
 14 receiving the money for the purpose of carrying out this act.
 15 The sum of \$4.00 shall be deposited by the state treasurer in a
 16 driver education fund for each person examined for an original
 17 license, a renewal operator's license, an original chauffeur's
 18 license, or a renewal chauffeur's license, except that the sum
 19 deposited for each 2-year operator's or 2-year chauffeur's
 20 license shall be \$2.00. Money in the driver education fund shall
 21 be used by the department of education for administration of a
 22 driver education program ~~—~~ and for distribution to local school
 23 districts to be used for driver education programs.

24 (3) From the money credited to the driver education fund,
 25 the legislature shall annually appropriate the sum of \$100,000.00
 26 to the department of education for state administration of the

1 program. In addition, there shall be distributed to local public
2 school districts from the driver education fund the amount of
3 \$45.00 per student, but not to exceed the actual cost, for each
4 student completing an approved driver education course. The
5 driver education courses shall be conducted by the local public
6 school district, or may be conducted for the local school dis-
7 trict by the intermediate district at the request of the local
8 district, and, SUBJECT TO ELIGIBILITY REQUIREMENTS ESTABLISHED
9 UNDER SECTION 1302 OF THE SCHOOL CODE OF 1976, ACT NO. 451 OF THE
10 PUBLIC ACTS OF 1976, BEING SECTION 380.1302 OF THE MICHIGAN
11 COMPILED LAWS, enrollment in driver education courses shall be
12 open to children enrolled in the high school grades of public,
13 parochial, and private schools as well as resident out-of-school
14 youth. Reimbursement to local school districts shall be made on
15 the basis of an application made by the local school district
16 superintendent to the department of education.

17 (4) As used in this section, "driver education courses"
18 include classroom instruction, behind the wheel instruction, and
19 observation in an automobile under the supervision of a qualified
20 teacher or licensed instructor. The department of education
21 shall not require that licensed driver training school teachers
22 or instructors be certificated under Act No. 451 of the Public
23 Acts of 1976, as amended, being sections 380.1 to 380.1852 of the
24 Michigan Compiled Laws.

25 (5) The department of education may promulgate rules pursu-
26 ant to THE ADMINISTRATIVE PROCEDURES ACT OF 1969, Act No. 306 of
27 the Public Acts of 1969, as amended, being sections 24.201 to

1 24.328 of the Michigan Compiled Laws, including instructional
2 standards, teacher qualifications, reimbursement procedures, and
3 other requirements to further implement this section.

4 (6) Notwithstanding sections 301, 303, 306, and 308, an
5 operator's license shall not be issued to a person under 18 years
6 of age unless that person successfully passes a driver education
7 course and examination given by a public school, nonpublic
8 school, or an equivalent course approved by the department of
9 education given by a licensed driver training school. A person
10 who has been a holder of a motor vehicle operator's license
11 issued by any other state, territory, or possession of the United
12 States, or any other sovereignty for 1 year immediately before
13 application for an operator's license under this act ~~, shall~~ IS
14 not ~~be~~ required to comply with this subsection. Restricted
15 licenses may be issued pursuant to section 312 without compliance
16 with this subsection. ~~A~~ SUBJECT TO ELIGIBILITY REQUIREMENTS
17 ESTABLISHED UNDER SECTION 1302 OF ACT NO. 451 OF THE PUBLIC ACTS
18 OF 1976, A driver education course shall be made available for a
19 person under 18 years of age within a time that will enable that
20 person to qualify for a license before the time that the person
21 is permitted by law to have a license.

22 (7) A charge or enrollment fee for a driver education course
23 ~~shall~~ IS not ~~be~~ required to be paid by a student desiring to
24 take the course as a duly enrolled student for the course in a
25 school of the public school system.

1 Section 2. This amendatory act shall not take effect unless
2 Senate Bill No. _____ or House Bill No. 5869 (request
3 no. 04973'90) of the 85th Legislature is enacted into law.