

HOUSE BILL No. 6197

November 8, 1990, Introduced by Rep. Griffin and referred to the Committee on Transportation.

A bill to amend sections 309 and 811 of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," section 309 as amended by Act No. 280 of the Public Acts of 1989 and section 811 as amended by Act No. 299 of the Public Acts of 1989, being sections 257.309 and 257.811 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 309 and 811 of Act No. 300 of the
2 Public Acts of 1949, section 309 as amended by Act No. 280 of the
3 Public Acts of 1989 and section 811 as amended by Act No. 299 of
4 the Public Acts of 1989, being sections 257.309 and 257.811 of
5 the Michigan Compiled Laws, are amended to read as follows:

6 Sec. 309. (1) Before issuing a license, the secretary of
7 state shall examine each applicant for an operator's or

1 chauffeur's license who at the time of the application is not the
2 holder of a valid, unrevoked operator's or chauffeur's license
3 under a law of this state providing for the licensing of
4 drivers. In all other cases, the secretary of state may waive
5 the examination, except that an examination shall not be waived
6 if it appears from the application, from the apparent physical or
7 mental condition of the applicant, or from any other information
8 which has come to the secretary of state from another source,
9 that the applicant does not possess the physical, mental, or
10 other qualifications necessary to operate a motor vehicle in a
11 manner as not to jeopardize the safety of persons or property; or
12 that the applicant is not entitled to a license under section
13 303. A licensee who applies for the renewal of his or her
14 license by mail pursuant to section 307 shall be required to cer-
15 tify to his or her physical capability to operate a motor
16 vehicle.

17 (2) Sheriffs, their deputies and the chiefs of police of
18 cities and villages having organized police departments within
19 this state and their duly authorized representatives, and employ-
20 ees of the secretary of state may be appointed examining officers
21 for the purpose of examining applicants for operator's and
22 chauffeur's licenses by the secretary of state. An examining
23 officer shall conduct examinations of applicants for operator's
24 and chauffeur's licenses, under this chapter, and in accordance
25 with the rules promulgated by the secretary of state under sub-
26 section (3). After conducting an examination an examining

1 officer shall make a written report of his or her findings and
2 recommendations to the secretary of state.

3 (3) The secretary of state shall promulgate rules pursuant
4 to the administrative procedures act of 1969, Act No. 306 of the
5 Public Acts of 1969, as amended, being sections 24.201 to 24.328
6 of the Michigan Compiled Laws, for the examination of the
7 applicant's physical and mental qualifications to operate a motor
8 vehicle in a manner as not to jeopardize the safety of persons or
9 property, and shall ascertain whether facts exist which would bar
10 the issuance of a license under section 303. The secretary of
11 state shall also ascertain whether the applicant has sufficient
12 knowledge of the English language to understand highway warnings
13 or direction signs written in that language. The examination
14 shall not include investigation of facts other than those facts
15 directly pertaining to the ability of the applicant to operate a
16 motor vehicle with safety or facts declared to be prerequisite to
17 the issuance of a license under this act.

18 (4) An original operator's or chauffeur's license without a
19 vehicle group designation or indorsement shall not be issued by
20 the secretary of state without an examination conducted by the
21 secretary of state or by a designated examining officer under
22 subsection (2). The fee for a behind-the-wheel road test for an
23 operator's or a chauffeur's license shall be \$11.00. An original
24 vehicle group designation or indorsement shall not be issued by
25 the secretary of state without a knowledge test conducted by the
26 secretary of state. Knowledge tests for original vehicle group
27 designations or indorsements conducted by the secretary of state

1 prior to April 1, 1992, shall be valid for 12 months from the
2 date of the test. Except as provided in section 312f(1), an
3 original vehicle group designation or passenger indorsement shall
4 not be issued by the secretary of state without a
5 behind-the-wheel road test conducted by an examiner appointed or
6 authorized by the secretary of state. While in the course of
7 taking a behind-the-wheel road test conducted by the examiner who
8 shall occupy a seat beside the applicant, an applicant for an
9 original vehicle group designation or passenger indorsement who
10 has been issued a temporary instruction permit to operate a com-
11 mercial motor vehicle shall be permitted to operate a vehicle
12 requiring a vehicle group designation or passenger indorsement
13 without a person licensed to operate a commercial motor vehicle
14 ~~occupying~~ OCCUPYING a seat beside him or her. The fee for a
15 behind-the-wheel road test for a vehicle group designation or
16 indorsement shall be \$60.00. A refund shall not be given ~~to an~~
17 ~~applicant who fails a behind the wheel~~ FOR A FAILED road test.
18 ~~Except for issuance of a vehicle group designation or passenger~~
19 ~~indorsement, unless the applicant qualifies under~~
20 ~~section 307(1)(d), a behind the wheel road test shall not be~~
21 ~~required of an applicant, if the applicant has successfully passed~~
22 ~~a driver education course and examination, within the year pre-~~
23 ~~ceding the application for license, the course and examination~~
24 ~~were given pursuant to section 811, and the course and examina-~~
25 ~~tion included on the street driver experience. As used in this~~
26 ~~subsection, "on the street driver experience" means that the~~
27 ~~applicant operated a motor vehicle as a part of the driver~~

~~1 education course on a freeway or other laned roadway for not less~~
~~2 than 1 hour.~~

3 (5) A person who fails a knowledge test or pretrip inspec-
4 tion for a vehicle group designation or an indorsement and a
5 person who cannot be scheduled for a behind-the-wheel road test
6 before his or her license expires may apply to the secretary of
7 state for a 90-day extension of his or her driving privileges.
8 If an extension is issued, it shall expire 90 days after the date
9 the license expired. A person making application under this sub-
10 section shall pay a license extension fee of \$5.00. The secre-
11 tary of state shall not issue more than one 90-day extension to a
12 person. This subsection shall apply until April 1, 1992.

13 (6) A PERSON WHO FAILS A BEHIND-THE-WHEEL ROAD TEST 3 TIMES
14 WITHIN 24 MONTHS IS NOT ELIGIBLE TO TAKE ANOTHER ROAD TEST UNLESS
15 1 OR MORE OF THE FOLLOWING CIRCUMSTANCES EXIST:

16 (A) THE PERSON SUCCESSFULLY COMPLETES A DRIVER EDUCATION
17 COURSE AND EXAMINATION GIVEN PURSUANT TO SECTION 811.

18 (B) ALL OF THE FOLLOWING CIRCUMSTANCES EXIST:

19 (i) THE PERSON IS ISSUED A TEMPORARY INSTRUCTION PERMIT
20 UNDER SECTION 306.

21 (ii) THE PERSON PRACTICES DRIVING ON THE TEMPORARY INSTRUC-
22 TION PERMIT FOR AT LEAST 6 CONSECUTIVE WEEKS.

23 (iii) A LICENSED INDIVIDUAL 18 YEARS OF AGE OR OLDER WHO HAS
24 ACCOMPANIED THE PERSON WHILE DRIVING ON THE PERMIT FOR A MINIMUM
25 OF 6 HOURS FURNISHES A WRITTEN STATEMENT TO THE SECRETARY OF
26 STATE IN THE MANNER PRESCRIBED BY THE SECRETARY OF STATE THAT THE
27 PERSON IS READY FOR ANOTHER ROAD TEST.

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

5 Operator's license.....	\$ 12.00
6 Chauffeur's license.....	20.00
7 Minor's restricted license.....	5.00

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

1 driver education program, and for distribution to local school
2 districts to be used for driver education programs.

3 (3) From the money credited to the driver education fund,
4 the legislature shall annually appropriate ~~the sum of~~
5 ~~\$100,000.00~~ to the department of education AN AMOUNT SUFFICIENT
6 for state administration of the program. In addition there shall
7 be distributed to local public school districts from the driver
8 education fund ~~the~~ AN amount ~~of \$45.00 per student~~ EQUAL TO
9 50% OF THE LOCAL PER PUPIL COST, but not to exceed ~~the actual~~
10 ~~cost,~~ 50% OF THE STATEWIDE AVERAGE PER PUPIL COST FOR THE PRE-
11 CEDING FISCAL YEAR for each ELIGIBLE student completing an
12 approved driver education course. The driver education courses
13 shall be conducted by the local public school district, or may be
14 conducted for the local school district by the intermediate dis-
15 trict at the request of the local district, and enrollment in
16 driver education courses shall be open to ~~children~~ STUDENTS
17 enrolled in ~~the high school grades of~~ public, parochial, and
18 private schools as well as resident out-of-school youth.
19 Reimbursement to local school districts shall be made on the
20 basis of an ANNUAL application made by the local school district
21 superintendent to the department of education.

22 (4) As used in this section, "driver education courses"
23 include classroom instruction, behind-the-wheel ~~instruction~~
24 TRAINING, and observation in ~~an automobile~~ A MOTOR VEHICLE
25 under the supervision of a qualified teacher or licensed
26 instructor. The department of education shall not require that
27 licensed driver training school teachers or instructors be

1 certificated under THE SCHOOL CODE OF 1976, Act No. 451 of the
2 Public Acts of 1976, as amended, being sections 380.1 to 380.1852
3 of the Michigan Compiled Laws.

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

10 (6) Notwithstanding sections 301, 303, 306, and 308, an
11 operator's license shall not be issued to a person under 18 years
12 of age unless that person successfully ~~passes~~ COMPLETES a
13 driver education course and examination given by a public school,
14 nonpublic school, or an equivalent course approved by the depart-
15 ment of education given by a licensed driver training school. A
16 person who has been a holder of a motor vehicle operator's
17 license issued by any other state, territory, or possession of
18 the United States, or any other sovereignty for 1 year immedi-
19 ately before application for an operator's license under this
20 act, shall not be required to comply with this subsection.

21 Restricted licenses may be issued pursuant to section 312 without
22 compliance with this subsection. A driver education course shall
23 be made available ~~for a person under 18 years of age within a~~
24 ~~time that will enable that person to qualify for a license before~~
25 ~~the time that the person is permitted by law to have a license~~
26 TO EACH ELIGIBLE RESIDENT INDIVIDUAL PRIOR TO HIS OR HER
27 SIXTEENTH BIRTHDAY.

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.