

**SUBSTITUTE FOR  
HOUSE BILL NO. 5845**

A bill to amend 2006 PA 384, entitled  
"Driver education provider and instructor act,"  
by amending sections 3, 7, 9, 35, 37, 39, 41, and 45 (MCL 256.623,  
256.627, 256.629, 256.655, 256.657, 256.659, 256.661, and 256.665),  
section 35 as amended by 2012 PA 258, section 37 as amended by 2018  
PA 277, and section 39 as amended by 2019 PA 34, and by adding  
sections 40 and 42.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1       Sec. 3. As used in this act:
- 2       (a) "Adult driver training" means instruction that is provided
- 3       to ~~a person~~ **an individual** 18 years of age or older in the operation
- 4       of a motor vehicle, other than a commercial motor vehicle as
- 5       defined in section 7a of the Michigan vehicle code, 1949 PA 300,



1 MCL 257.7a.

2 (b) "Behind-the-wheel instruction" means instruction in which  
3 a student is in control of a motor vehicle on a public street or  
4 highway in real and varied traffic situations and a driver  
5 education instructor is the only other occupant in the front  
6 passenger seating area with the student.

7 (c) "Classroom instruction" means that part of a driver  
8 education course that occurs in a classroom environment that  
9 enables a student to learn through varied instructional methods,  
10 under the direct guidance of a driver education instructor.

11 (d) "Conviction" means a conviction for a crime or attempted  
12 crime whether under a law of this state, a local ordinance  
13 substantially corresponding to a law of this state, or a law of  
14 another state substantially corresponding to a law of this state.

15 (e) "Coordinated segment 1 driver education course" means a  
16 segment 1 course provided by 2 or more certified driver education  
17 providers in the use of auxiliary aids and services as that term is  
18 defined in **section 12103 of** the Americans with disabilities act of  
19 1990, 42 ~~USCA 12102~~. **USC 12103**.

20 (f) "Curriculum" means a written plan that guides the  
21 instruction given in a driver education course and includes  
22 performance objectives, a content outline, detailed learning  
23 activities, and assessment tools.

24 (g) "Designated representative or coordinator" means the  
25 individual that a driver education provider employs, enlists, or  
26 appoints, or contracts with to supervise, manage, and administer  
27 the day-to-day responsibilities of the provider's driver education  
28 school operation. Often this individual is an owner, partner,  
29 officer, or director of the driver education provider.



1 (h) "Driver education course" means a program of study offered  
2 by a certified driver education provider, ~~which~~**that** enables a  
3 student to acquire the basic knowledge, skill, and attitude  
4 necessary to operate a motor vehicle upon a highway transportation  
5 system.

6 (i) "Driver education course certificate of completion" means  
7 a written or electronic authorization issued by a certified driver  
8 education provider to a student who has successfully completed  
9 segment 1 or segment 2 of a driver education course offered by the  
10 provider.

11 (j) "Driver education instructor" **or "instructor"** means a  
12 ~~person~~**an individual** who the secretary of state certifies has met  
13 the instructor qualifications of this act to instruct a student in  
14 a driver education course.

15 (k) "Driver education instructor certificate" means a written  
16 or electronic authorization issued by the secretary of state to  
17 indicate that a ~~person~~**an individual** has met the instructor  
18 qualifications of this act to instruct a student in a driver  
19 education course.

20 (l) **"Driver education proctor" or "proctor" means an individual**  
21 **who is not a certified driver education instructor but assists a**  
22 **driver education instructor during virtual instruction.**

23 Sec. 7. As used in this act:

24 (a) "Performance objective" means a certain level of knowledge  
25 and skill a student is expected to acquire to successfully complete  
26 a driver education course.

27 (b) "Person" means an individual, partnership, corporation,  
28 association, limited liability company, educational institution,  
29 governmental agency or other legal or commercial entity, and their



1 legal successors.

2 (c) "Practicum" means classroom **or virtual** and behind-the-  
3 wheel instruction in a driver education course under the direction  
4 of an instructor employed, enlisted, or appointed by a college or  
5 university or by a person approved by the secretary of state and a  
6 cooperating instructor, providing practical application of theory  
7 and experience for a student in an approved driver education  
8 instructor preparation program. As used in this subdivision,  
9 "cooperating instructor" means a driver education instructor  
10 approved by the secretary of state to participate in a practicum  
11 course to mentor an uncertified driver education instructor in the  
12 practicum.

13 (d) "Professional development requirements" means training  
14 prescribed by the secretary of state to update the instructional  
15 knowledge and skill of a driver education instructor.

16 (e) "Revocation" means the termination of a driver education  
17 provider's certification or a driver education instructor's  
18 certification.

19 (f) "Segment 1" means a teen driver education course that  
20 meets the requirements in section 37. ~~of this act.~~

21 (g) "Segment 2" means a teen driver education course that  
22 meets the requirements in section 39. ~~of this act.~~

23 (h) "Simulator device training" means that part of a driver  
24 education course where a driver education instructor uses  
25 interactive simulator units and programs to reproduce driving  
26 situations likely to occur in actual driving on a street and the  
27 student is required to evaluate risk, make decisions, and respond  
28 to the situations presented.

29 (i) "Suspension" means the temporary withdrawal of a person's



1 certification to engage or offer to engage in activities as a  
 2 driver education provider or a driver education instructor during  
 3 the period of suspension.

4 **(j) "Synchronous" means a virtual or in-person teaching method**  
 5 **where the student learns directly from an instructor in real time**  
 6 **but not necessarily in the same place.**

7 **(k) ~~(j)~~ "Teen driver training" means driver training**  
 8 **instruction provided through a segment 1 or segment 2 driver**  
 9 **education course that allows ~~a person~~ an individual 17 years of age**  
 10 **or less to apply for a level 1 or level 2 graduated driver license.**

11 **(l) ~~(k)~~ "Truck driver training" means instruction that is**  
 12 **provided to operate a commercial motor vehicle as that term is**  
 13 **defined in section 7a of the Michigan vehicle code, 1949 PA 300,**  
 14 **MCL 257.7a.**

15 **(m) "Virtual course" or "virtual instruction" means that part**  
 16 **of a driver education course provided electronically or online that**  
 17 **enables a student to learn synchronously from a driver education**  
 18 **instructor.**

19 Sec. 9. (1) A person may apply to the secretary of state for a  
 20 driver education provider certificate in 1 or more of the following  
 21 classifications:

22 (a) Adult driver training.

23 (b) Teen driver training.

24 (c) Truck driver training.

25 (2) The secretary of state shall not grant an original driver  
 26 education provider certificate under this act until an  
 27 investigation is made of the applicant's qualification.

28 (3) Except as provided in this act, an applicant must do or  
 29 submit evidence that he or she has done or will do, as applicable,



1 all of the following to be eligible to receive a driver education  
2 provider certificate:

3 (a) Submit a properly completed application signed by the  
4 applicant.

5 (b) Maintain an established office location.

6 (c) ~~Maintain~~ **Except for providers that only offer virtual**  
7 **instruction, maintain** classroom facilities in a public or  
8 commercial setting.

9 (d) Maintain the surety bond required under this section.

10 (e) Require each of their designated representatives or  
11 coordinators to complete a criminal history check as described in  
12 section 29.

13 (f) Provide the name and address of each designated  
14 representative or coordinator of the applicant, if applicable.

15 (g) Provide the name, address, date of birth, and ~~social~~  
16 ~~security~~ **Social Security** number of each owner or partner and, if a  
17 corporation, of each of the principal officers.

18 (h) Provide a statement of the previous history, record, and  
19 associations of the applicant and of each owner, partner, officer,  
20 director, and designated representative or coordinator. The  
21 statement ~~shall~~ **must** be sufficient to establish to the satisfaction  
22 of the secretary of state the business reputation and character of  
23 the applicant.

24 (i) Provide a statement indicating whether the applicant or  
25 its designated representative or coordinator has ever applied for a  
26 driver education provider certificate in this state or any other  
27 state, and the result of that application.

28 (j) Provide a statement indicating whether the applicant or  
29 its designated representative or coordinator has ever been denied a



1 driver education provider certificate or has ever been the holder  
2 of a certificate that was suspended or revoked.

3 (k) If the applicant is a corporation or partnership, provide  
4 a statement indicating whether a partner, employee, officer,  
5 director, or its designated representative or coordinator has ever  
6 been denied a driver education provider certificate or has ever  
7 been the holder of a certificate that was suspended or revoked.

8 (l) Certify that the applicant or another person named on the  
9 application is not acting as the alter ego of any other person ~~or~~  
10 ~~persons~~ in seeking the certificate. For the purpose of this  
11 subdivision, "alter ego" means a person who acts for and on behalf  
12 of, or in the place of, another person for purposes of obtaining a  
13 driver education provider certificate.

14 (m) Affirm that the established office location meets all  
15 applicable zoning and municipal requirements.

16 (n) ~~Obtain~~ **Except for providers that only offer virtual**  
17 **instruction, obtain** written or electronic verification from the  
18 state fire marshal or his or her representative that the proposed  
19 classroom facilities have been inspected and approved by the state  
20 fire marshal or his or her representative according to state and  
21 local building code and public occupancy requirements.

22 (o) Obtain written or electronic verification from an insurer  
23 that the applicant maintains or will maintain bodily injury and  
24 property damage liability insurance on each motor vehicle used in a  
25 driver education course.

26 (p) Except as otherwise provided in this subdivision, submit a  
27 nonrefundable application processing fee with each application for  
28 a separate established place of business where records will be  
29 maintained as follows:



1 (i) \$225.00 for a driver education provider ~~who~~**that** offers  
2 adult or teen driver training.

3 (ii) \$360.00 for a driver education provider ~~who~~**that** offers  
4 truck driver training.

5 (iii) A fee is not required for an additional location that is  
6 used for the sole purpose of conducting classroom **or virtual**  
7 instruction and at which records are not maintained, enrollments  
8 are not made, and staff is not ordinarily assigned, except for the  
9 purpose of conducting classroom **or virtual** instruction.

10 (q) Provide a statement indicating whether the applicant will  
11 use a multiple vehicle driving facility in a driver education  
12 course. If a facility will be used, both of the following apply:

13 (i) The statement ~~shall~~**must** include a detailed description of  
14 the facility as determined necessary by the secretary of state and  
15 its address.

16 (ii) A multiple vehicle driving facility review and approval  
17 fee of \$125.00 ~~shall~~**must** accompany the applicant's application for  
18 a driver education provider certificate.

19 (r) Provide other information and documents as prescribed by  
20 the secretary of state necessary to determine whether the applicant  
21 meets the requirements of this act.

22 (4) An application for an original driver education provider  
23 certificate ~~shall~~**must** include a properly executed surety bond or  
24 renewal certificate with the application. If a renewal certificate  
25 is used, the bond is considered renewed for each succeeding year in  
26 the same amount and with the same effect as an original bond. The  
27 bond or certificate ~~shall~~**must** be maintained continuously without  
28 interruption to protect the contractual rights of students. The  
29 bond or certificate of an adult or teen driver education provider





1 with 999 or fewer students in a calendar year ~~shall~~**must** be in the  
2 principal sum of \$20,000.00 with good and sufficient surety to be  
3 approved by the secretary of state. The bond or certificate of an  
4 adult or teen driver education provider with 1,000 or more students  
5 in a calendar year ~~shall~~**must** be in the principal sum of \$40,000.00  
6 with good and sufficient surety to be approved by the secretary of  
7 state. The bond or certificate of a truck driver education provider  
8 ~~shall~~**must** be in the principal sum of \$50,000.00 with good and  
9 sufficient surety to be approved by the secretary of state. The  
10 bond ~~shall~~**must** indemnify or reimburse a student, financing agency,  
11 or governmental agency for monetary loss caused through fraud,  
12 cheating, or misrepresentation in the conduct of the driver  
13 education provider's business where the fraud, cheating, or  
14 misrepresentation was made by the provider or by an employee,  
15 agent, instructor, or salesperson of the provider. The surety shall  
16 make indemnification or reimbursement for a monetary loss only  
17 after judgment based on fraud, cheating, or misrepresentation has  
18 been entered in a court of record against the provider. The  
19 aggregate liability of the surety ~~shall~~**must** not exceed the sum of  
20 the bond. The surety on the bond may cancel the bond by giving 30  
21 days' written or electronic notice to the secretary of state and  
22 after giving notice is not liable for a breach of condition  
23 occurring after the effective date of the cancellation.

24 (5) A driver education provider ~~who~~**that** offers adult driver  
25 training, teen driver training, and truck driver training shall  
26 furnish a separate bond for each driver education provider  
27 certificate issued by the secretary of state to the applicant. When  
28 the secretary of state receives written or electronic notice that a  
29 driver education provider's surety bond required under subsection



1 (4) or insurance coverage required under subsection (10) has been  
2 canceled, the secretary of state shall notify the provider that the  
3 provider's certificate shall be automatically canceled unless the  
4 secretary of state receives a new surety bond or a new insurance  
5 certificate within 30 days or less. If the provider fails to submit  
6 a new surety bond or insurance certificate to the secretary of  
7 state within 30 days or less, the secretary of state may  
8 automatically cancel the provider's certificate. A driver education  
9 provider who changes or terminates the provider's surety bond or  
10 the insurance coverage before the expiration date of the bond or  
11 insurance coverage shall immediately furnish the secretary of state  
12 with written or electronic notice as prescribed by the secretary of  
13 state of that change or termination and proof of a new bond or  
14 insurance coverage.

15 (6) As a condition precedent to the granting of a certificate,  
16 an applicant shall file with the secretary of state, on a form  
17 prescribed by the secretary of state, an irrevocable written or  
18 electronic stipulation. The stipulation ~~shall~~**must** be signed by the  
19 applicant and state that the applicant agrees that legal process  
20 affecting the applicant, served on the secretary of state against  
21 the applicant or the applicant's successor in interest for a  
22 violation of this act, a rule promulgated under this act, or an  
23 order issued under this act, has the same effect as if personally  
24 served on the applicant. This appointment remains in force as long  
25 as the provider has any outstanding liability within this state  
26 under this act.

27 (7) Subsections (3)(d), (g), and (p) and (4) do not apply to  
28 an educational institution or a governmental agency.

29 (8) Subsection (3)(c) does not apply to a classroom location



1 currently in use that was approved by the secretary of state in  
2 writing before the effective date of this act.

3 (9) ~~A-Except for providers that only offer virtual~~  
4 **instruction, a** classroom facility may not be located in a person's  
5 residence or a structure attached or adjacent to the person's  
6 residence unless the classroom facility was used and approved by  
7 the secretary of state in writing before the effective date of this  
8 act.

9 (10) A driver education provider shall maintain bodily injury  
10 and property damage liability insurance on a motor vehicle used in  
11 driver education course instruction. The insurance ~~shall~~**must**  
12 insure the liability of the driver education provider, the driver  
13 education instructors, and a person taking instruction in the  
14 amount of \$100,000.00 for bodily injury to or the death of 1 person  
15 in 1 accident, and, subject to the limit for 1 person; \$300,000.00  
16 for bodily injury to or the death of 2 or more persons in 1  
17 accident; and \$50,000.00 for damage to the property of others in 1  
18 accident. The insurer shall be authorized to do insurance business  
19 in this state. The insurer shall not cancel the insurance before  
20 its expiration date unless it gives the secretary of state written  
21 or electronic notice as prescribed by the secretary of state of the  
22 insurer's intent to cancel the insurance at least 30 days before  
23 the cancellation.

24 (11) The secretary of state shall review and, in writing,  
25 approve or deny the use of a multiple vehicle driving facility  
26 under this act as determined necessary by the secretary of state.  
27 The secretary of state shall approve a facility only if it meets  
28 criteria prescribed by the secretary of state. The secretary of  
29 state shall perform an on-site inspection of a multiple vehicle



1 driving facility as determined necessary by the secretary of state.

2 (12) The secretary of state may develop and prescribe an  
3 orientation and education program that a person must complete  
4 before the secretary of state issues that person an original driver  
5 education provider certificate under section 13.

6 (13) Nonrefundable application processing and multiple vehicle  
7 driving facility review and approval fees collected under this  
8 section ~~shall~~**must** be deposited into the driver education provider  
9 and instructor fund created in section 83.

10 Sec. 35. (1) The secretary of state shall prescribe a model  
11 curriculum for teen driver training under this act. After September  
12 1, 2007, a driver education provider classified for teen driver  
13 training shall use the secretary of state's prescribed model  
14 curriculum or may use an alternative curriculum only after it has  
15 been reviewed and approved by the secretary of state. The secretary  
16 of state may approve an alternative curriculum if it substantially  
17 meets or exceeds the standards of the secretary of state's  
18 prescribed model curriculum.

19 (2) Under a segment 1 curriculum and segment 2 curriculum  
20 combined, each student shall receive no less than 30 hours of  
21 classroom **or virtual** instruction and 6 hours of behind-the-wheel  
22 driver education course experience.

23 Sec. 37. (1) A segment 1 curriculum ~~shall~~**must** include both  
24 classroom **or virtual instruction** and behind-the-wheel driver  
25 education course experience. The classroom **or virtual** instruction  
26 and behind-the-wheel instruction ~~shall~~**must** be integrated, relate  
27 to each other, and meet the following requirements:

28 (a) Each student shall receive not less than 24 hours of  
29 classroom instruction. Classroom **or virtual** instruction ~~shall~~**must**



1 be scheduled to occur as follows:

2 (i) ~~Classroom instruction shall~~ **Instruction must not** occur ~~not~~  
3 more than 2 hours per day.

4 (ii) ~~Classroom instruction shall~~ **Instruction must** occur over  
5 the course of 3 or more weeks.

6 (iii) ~~Classroom instruction~~ **Instruction** of 4 or more hours ~~shall~~  
7 **must** be received before the student begins to receive behind-the-  
8 wheel instruction.

9 (iv) ~~Classroom instruction shall~~ **Instruction must** include not  
10 less than 1 hour of information concerning the laws pertaining to  
11 bicycles, motorcycles, and other vulnerable roadway users,  
12 including pedestrians, and ~~shall~~ emphasize awareness of their  
13 operation on the streets, roads, and highways of this state. The  
14 laws of this state pertaining to awareness of bicycles,  
15 motorcycles, and other vulnerable roadway users, including  
16 pedestrians, ~~shall~~ **must** also be incorporated into other subject  
17 areas of the curriculum where appropriate. The requirements of this  
18 subparagraph apply to both the model curriculum and an approved  
19 curriculum described in section 35. The information required by  
20 this subparagraph may be incorporated into the segment 1 curriculum  
21 or the segment 2 classroom **or virtual** course described in section  
22 39(b) .

23 (v) ~~Classroom instruction shall~~ **Instruction must** include  
24 information concerning the proper actions to be taken by a driver  
25 during a traffic stop.

26 (vi) Behind-the-wheel instruction of 3 or more hours ~~shall~~ **must**  
27 be completed before classroom instruction terminates.

28 (b) Each student shall receive not less than 6 hours of  
29 behind-the-wheel instruction or substitute hours permitted under



1 this subsection. Behind-the-wheel instruction ~~shall~~**must** be  
2 scheduled to occur as follows:

3 (i) A student shall receive not more than 1 hour of behind-the-  
4 wheel instruction per day.

5 (ii) Not more than 1 student shall occupy the front seat of the  
6 vehicle with the instructor.

7 (iii) A driver education motor vehicle ~~shall~~**must not** contain  
8 ~~not~~ more than 4 students during behind-the-wheel instruction.

9 (iv) Not later than ~~3 weeks~~**90 days** after the last classroom **or**  
10 **virtual** instruction has been completed, a student shall complete  
11 any remaining required behind-the-wheel instruction.

12 (v) Except as otherwise provided in this section, a student  
13 may receive instruction while operating a motor vehicle at a  
14 multiple vehicle driving facility. One hour of instruction received  
15 at a multiple vehicle driving facility may substitute as credit for  
16 1 hour of behind-the-wheel experience. A maximum of 2 hours of  
17 behind-the-wheel experience can be substituted with instruction  
18 received at a multiple vehicle driving facility.

19 (c) A student shall receive 4 or more hours of behind-the-  
20 wheel observation time.

21 (2) A driver education provider classified for teen driver  
22 training shall not substitute behind-the-wheel instruction with  
23 multiple vehicle driving facility experience until the secretary of  
24 state gives the provider written approval for that substitution as  
25 provided in this act.

26 (3) A driver education provider classified for teen driver  
27 training shall not substitute behind-the-wheel driving experience  
28 with simulator device training.

29 (4) As used in this section:



1 (a) "Integrated" means classroom **or virtual** and behind-the-  
2 wheel instruction scheduled to include a mix of classroom **or**  
3 **virtual** and behind-the-wheel instruction throughout the duration of  
4 the driver education course, except as otherwise provided in this  
5 section.

6 (b) "Observation time" means the time a student in a driver  
7 education course sits in the rear seat of a vehicle and observes  
8 another student in the front seat behind the wheel operating the  
9 controls of the vehicle, responding to driving situations, and with  
10 an instructor sitting in the front seat.

11 (5) This section shall be known and may be cited as the  
12 "Nathan Bower act".

13 Sec. 39. A segment 2 curriculum course provided under this act  
14 must meet all of the following requirements:

15 (a) Be offered only to a student who has done all of the  
16 following:

17 (i) Successfully completed a segment 1 curriculum driver  
18 education course.

19 (ii) Held a valid level 1 graduated driver license for not less  
20 than 3 continuous months.

21 (iii) Acquired 30 or more hours driving experience on a level 1  
22 graduated driver license that includes, except as otherwise  
23 provided in this subparagraph, not less than 2 hours of night  
24 driving with a licensed parent or legal guardian, or with the  
25 permission of a parent or legal guardian, with any licensed driver  
26 who is 21 years of age or older. The nighttime hours requirement  
27 does not apply to ~~a person~~ **an individual** who has been issued a  
28 graduated driver license that permits daylight driving only as  
29 provided in R 257.3 of the Michigan Administrative Code.



(b) Contain 6 or more hours of classroom **or virtual** instruction that is scheduled so the student receives not more than 2 hours of classroom **or virtual** instruction per day.

(c) Provide instruction explaining the right to make an anatomical gift in the event of death under part 101 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10123. Instructional materials to effectuate this subdivision must be developed in cooperation with the federally designated organ procurement organization for this state and must include information on how to join the state organ, tissue, and eye donor registry. The following apply to instruction provided under this subdivision:

(i) If instruction material is provided at no cost to the driver education provider in an electronic medium and the provider uses a compatible type of electronic medium in providing instruction under this section, the provider shall show the instruction material to its students.

(ii) If instruction material is provided at no cost to the driver education provider in the form of a brochure or other written material, the provider shall provide the material to its students.

**Sec. 40. (1) A homeschooled student seeking a level 1 or 2 graduated driver license under section 310e of the Michigan vehicle code, 1949 PA 300, MCL 257.310e, is exempt from teen driver training under this act.**

**(2) As used in this section, "homeschooled student" means a child being educated at the child's home by his or her parent or legal guardian in accordance with section 1561(4) of the revised school code, 1976 PA 451, MCL 380.1561.**

Sec. 41. (1) Except as otherwise provided in this section, a





1 segment 1 or segment 2 classroom ~~shall~~**must** not contain more than  
2 36 students when classroom instruction is given.

3 (2) A segment 2 class size may exceed 36 students with the  
4 prior approval of the secretary of state. The secretary of state  
5 may approve a segment 2 class size to exceed 36 students for up to  
6 60 minutes per day when justified by a special presentation.

7 (3) The number of students in a ~~class shall~~**classroom must** not  
8 exceed the number of students allowed by the fire marshal.

9 (4) If there is only 1 instructor, a segment 1 or segment 2  
10 virtual course must not contain more than 20 students. If there is  
11 1 instructor and 1 proctor, a segment 1 or segment 2 virtual course  
12 must not contain more than 36 students.

13 Sec. 42. (1) Virtual instruction may only be provided for 2  
14 years after the effective date of the amendatory act that added  
15 this section.

16 (2) Except as otherwise provided in this act, virtual  
17 instruction provided by a driver education provider must meet the  
18 following requirements:

19 (a) A driver education instructor or proctor shall be able to  
20 see, identify, and visually confirm the attendance and  
21 participation of a student throughout the class.

22 (b) Class sessions must be recorded and made available for  
23 review by the department upon request for at least 6 months after  
24 the class session.

25 (c) Technical assistance must be available during each virtual  
26 course session. If the instructor cannot provide technical  
27 assistance, then an alternate solution must be available for a  
28 student. If a technical issue prevents a student from receiving  
29 instruction or participating, that time does not count toward his



1 or her required instruction time.

2 (d) A student shall have the ability to interact with the  
3 instructor during class in real time.

4 (3) A driver education provider may use a driver education  
5 proctor to assist the driver education instructor, provide  
6 technical assistance, and monitor virtual student participation.  
7 The proctor may not provide any instruction unless he or she is a  
8 certified instructor.

9 Sec. 45. (1) Before holding a class, a driver education  
10 provider shall file a projected driver education course schedule  
11 report with and as prescribed by the secretary of state. The course  
12 schedule report ~~shall~~**must** contain:

13 (a) The name of the school.

14 (b) The dates and times of the class.

15 (c) ~~The~~**Except for providers that only offer virtual**  
16 **instruction, the** classroom location.

17 (d) The names of the instructors.

18 (e) **For virtual courses, access information to each class**  
19 **session for possible real-time monitoring by the department.**

20 (f) ~~(e)~~Any other information the secretary of state  
21 determines is needed to administer this act or ensure the health,  
22 safety, and welfare of a student or the public.

23 (2) If a change occurs in the information contained in a  
24 report filed under subsection (1), the driver education provider  
25 shall immediately file an updated projected driver education course  
26 report with the secretary of state or later if authorized by the  
27 secretary of state.

28 (3) Upon completion of a class, a driver education provider  
29 shall file a course completion report with and as prescribed by the



1 secretary of state. The course completion report ~~shall~~**must**  
2 contain:

3 (a) The name of the school.

4 (b) The dates the class was held.

5 (c) The name, address, and birth date of each student issued a  
6 certificate of completion.

7 (d) The inventory control number of each certificate of  
8 completion issued to a student.

9 (e) Any other information the secretary of state determines is  
10 needed to administer this act or ensure the health, safety, and  
11 welfare of a student or the public.

12 (4) A driver education provider classified for truck driver  
13 training shall file a report with and as prescribed by the  
14 secretary of state on April 15 and October 15 of each year. Each  
15 report ~~shall~~**must** contain:

16 (a) The name, address, and driver license number of each  
17 student enrolled since the provider's last report under this  
18 subsection.

19 (b) The name of each student who completed a training program.

20 (c) Any other information the secretary of state determines is  
21 needed to administer this act or ensure the health, safety, and  
22 welfare of a student or the public.

23 (5) A driver education provider shall file a year-end report  
24 with and as prescribed by the secretary of state on or before  
25 January 31 of each year. The year-end report ~~shall~~**must** contain all  
26 of the following:

27 (a) The name of the school.

28 (b) The number of students who passed and failed each type of  
29 instruction given.



1 (c) A list of the instructors who taught during the year.

2 (d) ~~A-Except for providers that only offer virtual~~  
3 **instruction, a** list of classroom locations utilized during the  
4 year.

5 (e) The tuition charged for each type of instruction.

6 (f) Any other information the secretary of state determines is  
7 needed to administer this act or ensure the health, safety, and  
8 welfare of a student or the public.

9 (6) A driver education provider shall maintain a record of the  
10 instruction given to a student as prescribed by the secretary of  
11 state. A student instruction record ~~shall~~**must** contain all of the  
12 following:

13 (a) The dates and number of hours of classroom **or virtual** and  
14 behind-the-wheel instruction given the student, signed by the  
15 instructors that gave the instruction.

16 (b) Complete registration and achievement records for the  
17 student.

18 (c) A list of the student's payments for tuition, fees, and  
19 purchase or rental of supplies or equipment.

20 (d) A copy of the signed contract between the school and the  
21 student.

22 (e) The information contained on a course completion report  
23 for the student.

24 (f) Any other information the secretary of state determines is  
25 needed to administer this act or ensure the health, safety, and  
26 welfare of a student or the public.

27 (7) The secretary of state shall prescribe the manner and  
28 method that any information, forms, reports, and other documents  
29 required in this act are submitted to the secretary of state,



1 including electronic submission.

2 Enacting section 1. This amendatory act does not take effect  
3 unless House Bill No. 6320 of the 100th Legislature is enacted into  
4 law.

