



# HOUSE BILL No. 6112

November 9, 2000, Introduced by Reps. Bogardus, Hale, Clark, Garza, Bovin, Jamnick, Gielegem, Schauer, Clarke, Basham, Rison, LaForge, Tesanovich, Schermesser, DeHart, Neumann, Rivet, Callahan, Brater, Kowall and Daniels and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 310e (MCL 257.310e), as amended by 1999 PA 40.

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

1       Sec. 310e. (1) Except as otherwise provided in this act, an  
2 operator's or chauffeur's license issued to a person who is 17  
3 years of age or less is valid only upon the issuance of a special  
4 provisional card.

5       (2) The secretary of state shall designate graduated licens-  
6 ing provisions in a manner that clearly indicates that the person  
7 is subject to the appropriate provisions described in this  
8 section.

9       (3) A person who is not less than 14 years and 9 months of  
10 age may be issued a level 1 graduated licensing status to operate

1 a motor vehicle if the person has satisfied all of the following  
2 conditions:

3 (a) Passed a vision test and met health standards as pre-  
4 scribed by the secretary of state.

5 (b) Successfully completed segment 1 of a driver education  
6 course approved by the department of education including a mini-  
7 mum of 6 hours of on-the-road driving time with the instructor.

8 (c) Received written approval of a parent or legal  
9 guardian.

10 (4) A person issued a level 1 graduated licensing status may  
11 operate a motor vehicle only when accompanied either by a  
12 licensed parent or legal guardian or, with the permission of the  
13 parent or legal guardian, a licensed driver 21 years of age or  
14 older. Except as otherwise provided in this section, a person is  
15 restricted to operating a motor vehicle with a level 1 graduated  
16 licensing status for not less than 6 months.

17 (5) A person may be issued a level 2 graduated licensing  
18 status to operate a motor vehicle if the person has satisfied all  
19 of the following conditions:

20 (a) Had a level 1 graduated licensing status for not less  
21 than 6 months.

22 (b) Successfully completed segment 2 of a driver education  
23 course approved by the department of education.

24 (c) Not incurred a moving violation resulting in a convic-  
25 tion or civil infraction determination or been involved in an  
26 accident for which the official police report indicates a moving

1 violation on the part of the person during the 90-day period  
2 immediately preceding application.

3 (d) Presented a certification by the parent or guardian that  
4 he or she, accompanied by his or her licensed parent or legal  
5 guardian or, with the permission of the parent or legal guardian,  
6 any licensed driver 21 years of age or older, has accumulated a  
7 total of not less than 50 hours of behind-the-wheel experience  
8 including not less than 10 nighttime hours.

9 (e) Successfully completed a secretary of state approved  
10 performance road test. The secretary of state may enter into an  
11 agreement with another public or private person or agency,  
12 including a city, village, or township, to conduct this per-  
13 formance road test. This subdivision applies to a person 16  
14 years of age or over only if the person has satisfied subdivi-  
15 sions (a), (b), (c), and (d).

16 (6) A person issued a level 2 graduated licensing status  
17 under subsection (5) shall remain at level 2 for not less than 6  
18 months and shall not operate a motor vehicle within this state  
19 from 12 midnight to 5 a.m. unless accompanied by a parent or  
20 legal guardian or a licensed driver over the age of 21 designated  
21 by the parent or legal guardian, or except when going to or from  
22 employment.

23 (7) The provisions and provisional period described in  
24 subsection (4) or (6) shall be expanded or extended, or both,  
25 beyond the periods described in subsection (4) or (6) if any of  
26 the following occur and are recorded on the licensee's driving

1 record during the provisional periods described in subsection (4)  
2 or (6) or any additional periods imposed under this subsection:

3 (a) A moving violation resulting in a conviction, civil  
4 infraction determination, or probate court disposition.

5 (b) An accident for which the official police report indi-  
6 cates a moving violation on the part of the licensee.

7 (c) A license suspension for a reason other than a mental or  
8 physical disability.

9 (d) A violation of subsection (4) or (6).

10 (8) The provisional period described in subsection (4) shall  
11 be extended under subsection (7) until the licensee completes 90  
12 consecutive days without a moving violation, an accident in which  
13 a moving violation resulted, accident, suspension, or provisional  
14 period violation listed in subsection (7) or until age 18, which-  
15 ever occurs first. The provisional period described in  
16 subsection (6) shall be extended under subsection (7) until the  
17 licensee completes 12 consecutive months without a moving viola-  
18 tion, accident, suspension, or restricted period violation listed  
19 in subsection (7) or until age 18, whichever occurs first.

20 (9) A person who is not less than 17 years of age may be  
21 issued a level 3 graduated licensing status under this subsection  
22 if the person has completed 12 consecutive months without a  
23 moving violation, an accident in which a moving violation  
24 resulted, accident, suspension, or restricted period violation  
25 listed in subsection (7) while the person was issued a level 2  
26 graduated licensing status under subsection (5).

1 (10) Notice shall be given by first-class mail to the last  
2 known address of a licensee if the provisions are expanded or  
3 extended as described in subsection (7).

4 (11) A person who violates subsection (4) or (6) is respon-  
5 sible for a civil infraction.

6 (12) If a person is determined responsible for a violation  
7 of subsection (4) or (6), the secretary of state shall send writ-  
8 ten notification of any conviction or moving violation to a des-  
9 ignated parent or guardian of the person.

10 (13) For purposes of this section:

11 (a) Upon conviction for a moving violation, the date of the  
12 arrest for the violation shall be used in determining whether the  
13 conviction occurred within a provisional licensure period under  
14 this section.

15 (b) Upon entry of a civil infraction determination for a  
16 moving violation, the date of issuance of a citation for a civil  
17 infraction shall be used in determining whether the civil infrac-  
18 tion determination occurred within a provisional licensure period  
19 under this section.

20 (c) The date of the official police report shall be used in  
21 determining whether a licensee was driving a motor vehicle  
22 involved in an accident for which the official police report  
23 indicates a moving violation on the part of the licensee or indi-  
24 cates the licensee had been drinking intoxicating liquor.

25 (14) A person shall have his or her graduated licensing  
26 status in his or her immediate possession at all times when  
27 operating a motor vehicle, and shall display the card upon demand

1 of a police officer. A person who violates this subsection is  
2 responsible for a civil infraction.

3       (15) ~~This section does not apply to a person 15 years of~~  
4 ~~age or older who is currently enrolled but has not completed a~~  
5 ~~driver education course on April 1, 1997 or who has completed a~~  
6 ~~driver education course but has not acquired his or her driver~~  
7 ~~license on April 1, 1997.~~ A PERSON WHO OPERATES A MOTOR VEHICLE  
8 WHILE ACCOMPANIED BY A LICENSED PARENT OR GUARDIAN OR OTHER DES-  
9 IGNATED ADULT DRIVER 21 YEARS OF AGE OR OLDER UNDER LEVEL 1 OR  
10 LEVEL 2 GRADUATED LICENSING STATUS SHALL PLACE IN A PROMINENT  
11 POSITION ON THAT MOTOR VEHICLE A SIGN INDICATING "BEGINNING  
12 DRIVER--PLEASE BE PATIENT" OR SIMILAR WORDING FOR THE INFORMATION  
13 AND ASSISTANCE OF OTHER DRIVERS. THE SECRETARY OF STATE SHALL  
14 DESIGN AND PROVIDE AT EACH BRANCH OFFICE A SUITABLE NUMBER OF  
15 STANDARDIZED SIGNS AT A COST OF NOT MORE THAN \$2.00 PER SIGN TO  
16 BE USED FOR THE PURPOSES OF THIS SUBSECTION. THE SIGN MAY BE IN  
17 THE FORM OF A DECAL THAT MAY BE PLACED ON THE WINDOW OF THE  
18 VEHICLE.