

# HOUSE BILL No. 4576

April 21, 2011, Introduced by Rep. Jenkins 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 2010 PA 268.

**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 shall be in a form as prescribed in section  
4 310, and valid only upon the issuance of a graduated driver  
5 license.

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

9           (3) Except as otherwise provided in section 303, a person who  
10 is not less than 14 years and 9 months of age may be issued a level  
11 1 graduated licensing status to operate a motor vehicle if the

1 person has satisfied all of the following conditions:

2 (a) Passed a vision test and met health standards as  
3 prescribed by the secretary of state.

4 (b) Successfully completed segment 1 of a driver education  
5 course as that term is defined in section 7 of the driver education  
6 provider and instructor act, 2006 PA 384, MCL 256.627, including a  
7 minimum of 6 hours of on-the-road driving time with the instructor.

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

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

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

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

21 (b) Successfully completed segment 2 of a driver education  
22 course as that term is defined in section 7 of the driver education  
23 provider and instructor act, 2006 PA 384, MCL 256.627.

24 (c) Not incurred a moving violation resulting in a conviction  
25 or civil infraction determination or been involved in an accident  
26 for which the official police report indicates a moving violation  
27 on the part of the person during the 90-day period immediately

1 preceding application.

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

8 (e) Successfully completed a secretary of state approved  
9 driving skills test. The secretary of state may enter into an  
10 agreement with another public or private corporation or agency to  
11 conduct this driving skills test. Before the secretary of state  
12 authorizes a person to administer a corporation's or agency's  
13 driver skills testing operations or authorizes an examiner to  
14 conduct a driving skills test, that person or examiner must  
15 complete both a state and federal bureau of investigation  
16 fingerprint based criminal history check through the department of  
17 state police. This subdivision applies to a person 16 years of age  
18 or over only if the person has satisfied subdivisions (a), (b),  
19 (c), and (d).

20 (6) A person issued a level 2 graduated licensing status under  
21 subsection (5) shall remain at level 2 for not less than 6 months  
22 and shall not operate a motor vehicle ~~within this state from 10~~  
23 ~~p.m. to 5 a.m. unless accompanied by a parent or legal guardian or~~  
24 ~~a licensed driver over the age of 21 designated by the parent or~~  
25 ~~legal guardian, or except when going to or from employment. A~~  
26 ~~person issued a level 2 graduated licensing status under subsection~~  
27 ~~(5) shall not, during the entire period of his or her level 2~~

1 ~~graduated licensing status, operate a motor vehicle carrying~~ UNDER  
2 THE FOLLOWING CIRCUMSTANCES:

3 (A) WITH more than 1 passenger who is less than 21 years of  
4 age. ~~except as follows.~~ THIS SUBDIVISION DOES NOT APPLY IF ANY OF  
5 THE FOLLOWING CONDITIONS APPLY:

6 (i) ~~(a)~~ The passengers less than 21 years of age are members of  
7 his or her immediate family.

8 (ii) ~~(b)~~ The person is traveling to or from school or a school-  
9 sanctioned event.

10 (B) BETWEEN THE HOURS OF 10 P.M. AND 5 A.M., EXCEPT AS  
11 FOLLOWS:

12 (i) THE PERSON IS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN OR  
13 A LICENSED DRIVER OVER THE AGE OF 21 DESIGNATED BY THE PARENT OR  
14 LEGAL GUARDIAN.

15 (ii) THE PERSON IS GOING TO OR FROM HIS OR HER EMPLOYMENT.

16 (iii) THE PERSON IS GOING TO OR FROM A SCHOOL-SANCTIONED EVENT  
17 AND WITH THE WRITTEN PERMISSION OF HIS OR HER PARENT OR GUARDIAN.  
18 IF THIS SUBPARAGRAPH APPLIES, THE PERSON MAY OPERATE THE MOTOR  
19 VEHICLE UNTIL NO LATER THAN 12 MIDNIGHT.

20 (7) The provisions and provisional period described in  
21 subsection (4) or (6) shall be expanded or extended, or both,  
22 beyond the periods described in subsection (4) or (6) if any of the  
23 following occur and are recorded on the licensee's driving record  
24 during the provisional periods described in subsection (4) or (6)  
25 or any additional periods imposed under this subsection:

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

1 (b) An accident for which the official police report indicates  
2 a moving violation on the part of the licensee.

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

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

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

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

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

26 (11) A person who violates subsection (4) or (6) is  
27 responsible for a civil infraction.

1           (12) If a person is determined responsible for a violation of  
2 subsection (4) or (6), the secretary of state shall send written  
3 notification of any conviction or moving violation to a designated  
4 parent or guardian of the person.

5           (13) For purposes of this section:

6           (a) Upon conviction for a moving violation, the date of the  
7 arrest for the violation shall be used in determining whether the  
8 conviction occurred within a provisional licensure period under  
9 this section.

10           (b) Upon entry of a civil infraction determination for a  
11 moving violation, the date of issuance of a citation for a civil  
12 infraction shall be used in determining whether the civil  
13 infraction determination occurred within a provisional licensure  
14 period under this section.

15           (c) The date of the official police report shall be used in  
16 determining whether a licensee was driving a motor vehicle involved  
17 in an accident for which the official police report indicates a  
18 moving violation on the part of the licensee or indicates the  
19 licensee had been drinking alcoholic liquor.

20           (14) A person shall have his or her graduated licensing status  
21 in his or her immediate possession at all times when operating a  
22 motor vehicle, and shall display the card upon demand of a police  
23 officer. A person who violates this subsection is responsible for a  
24 civil infraction.