

**SUBSTITUTE FOR
SENATE BILL NO. 192**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 310e (MCL 257.310e), as amended by 2015 PA 11.

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

1 is not less than 14 years and 9 months of age may be issued a level
2 1 graduated licensing status to operate a motor vehicle if the
3 person has satisfied all of the following conditions:

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

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

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

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

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

21 (a) Had a level 1 graduated licensing status for not less than
22 6 months.

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

26 (c) Not incurred a moving violation resulting in a conviction
27 or civil infraction determination or been involved in an accident
28 for which the official police report indicates a moving violation
29 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, **except as otherwise provided in this subdivision**, not
8 less than 10 nighttime hours. **The nighttime hours requirement does**
9 **not apply to a person who has been issued a graduated driver**
10 **license that permits daylight driving only as provided in R 257.3**
11 **of the Michigan Administrative Code.**

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

24 (6) A person issued a level 2 graduated licensing status under
25 subsection (5) shall remain at level 2 for not less than 6 months.
26 A person issued a level 2 graduated licensing status under
27 subsection (5) shall not operate a vehicle under the following
28 circumstances:

29 (a) Between the hours of 10 p.m. and 5 a.m. This subdivision

1 does not apply if either of the following applies:

2 (i) The person is accompanied by a parent or legal guardian or
3 a licensed driver 21 years of age or older designated by the parent
4 or legal guardian.

5 (ii) The person is operating the vehicle in the course of his
6 or her employment or while going to or from employment or while
7 going to or from an authorized activity.

8 (b) With more than 1 passenger in the vehicle who is less than
9 21 years of age. This subdivision does not apply if any of the
10 following apply:

11 (i) The person is accompanied by a parent or legal guardian or
12 a licensed driver 21 years of age or older designated by the parent
13 or legal guardian.

14 (ii) Any additional passengers who are less than 21 years of
15 age are members of his or her immediate family.

16 (iii) The person is operating the vehicle in the course of his
17 or her employment or while going to or from employment or while
18 going to or from an authorized activity.

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

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

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

29 (c) A license suspension for a reason other than a mental or

1 physical disability.

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

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

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

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

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

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

29 (13) For purposes of this section:

1 (a) Upon conviction for a moving violation, the date of the
2 arrest for the violation shall be used in determining whether the
3 conviction occurred within a provisional licensure period under
4 this section.

5 (b) Upon entry of a civil infraction determination for a
6 moving violation, the date of issuance of a citation for a civil
7 infraction shall be used in determining whether the civil
8 infraction determination occurred within a provisional licensure
9 period under this section.

10 (c) The date of the official police report shall be used in
11 determining whether a licensee was driving a motor vehicle involved
12 in an accident for which the official police report indicates a
13 moving violation on the part of the licensee or indicates the
14 licensee had been drinking alcoholic liquor.

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

20 (15) As used in this section, "authorized activity" means any
21 of the following:

22 (a) A school or a school-sanctioned event or activity. For
23 purposes of this subdivision, school means a public or private
24 school, including a home school.

25 (b) A sporting event or activity, or extracurricular event or
26 activity, that is not school-sanctioned but that is part of an
27 official sports league or association or an official
28 extracurricular club, or that is paid for as a service offered by a
29 business specializing in those events or activities or training for

1 those events or activities.

2 (c) A class or program of vocational instruction offered by a
3 college, community college, nonprofit association, or unit of
4 government or by a business specializing in vocational training.

5 (d) An event or activity sponsored by a religious organization
6 that is tax-exempt under federal law.

7 (e) Transporting an individual in need of immediate emergency
8 care or personal protection to a health care professional,
9 hospital, police station, domestic violence shelter, or public
10 safety location.