

HOUSE BILL NO. 6320

November 05, 2020, Introduced by Rep. Cole and referred to the Committee on Government Operations.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 310e (MCL 257.310e), as amended by 2019 PA 33.

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

6 (2) The secretary of state shall designate graduated licensing

provisions in a manner that clearly indicates that the person is subject to the appropriate provisions described in this section.

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

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

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

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

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

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

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

(b) ~~Successfully~~ **Either is a home schooled student or successfully** completed segment 2 of a driver education course as that term is defined in section 7 of the driver education provider

1 and instructor act, 2006 PA 384, MCL 256.627.

2 (c) Not incurred a moving violation resulting in a conviction
3 or civil infraction determination or been involved in an accident
4 for which the official police report indicates a moving violation
5 on the part of the person during the 90-day period immediately
6 preceding application.

7 (d) Presented a certification by the parent or guardian that
8 the person, accompanied by his or her licensed parent or legal
9 guardian or, with the permission of the parent or legal guardian,
10 any licensed driver 21 years of age or older, has accumulated a
11 total of not less than 50 hours of behind-the-wheel experience
12 including, except as otherwise provided in this subdivision, not
13 less than 10 nighttime hours. The nighttime hours requirement does
14 not apply to a person who has been issued a graduated driver
15 license that permits daylight driving only as provided in R 257.3
16 of the Michigan Administrative Code.

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

29 (6) A person issued a level 2 graduated licensing status under

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

(a) Between the hours of 10 p.m. and 5 a.m. This subdivision does not apply if either of the following applies:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(13) For purposes of this section:

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

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

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

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

(15) As used in this section: ~~—"authorized~~

(a) "Authorized activity" means any of the following:

(i) ~~(a)~~—A school or a school-sanctioned event or activity. For purposes of this subdivision, school means a public or private school, including a home school.

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

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

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

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

(b) "Home schooled student" means a child being educated at the child's home by his or her parent or legal guardian under section 1561(4) of the revised school code, 1976 PA 451, MCL 380.1561.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 5845 of the 100th Legislature is enacted into law.