

# SENATE BILL NO. 192

March 12, 2019, Introduced by Senators VICTORY, BARRETT and JOHNSON and referred to the Committee on Transportation and Infrastructure.

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

1 license.

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

5 (3) Except as otherwise provided in section 303, a person who  
6 is not less than 14 years and 9 months of age may be issued a level  
7 1 graduated licensing status to operate a motor vehicle if the  
8 person has satisfied all of the following conditions:

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

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

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

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

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

26 (a) Had a level 1 graduated licensing status for not less than  
27 6 months.

28 (b) Successfully completed segment 2 of a driver education  
29 course as that term is defined in section 7 of the driver education

1 provider 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

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

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

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

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

13 (b) With more than 1 passenger in the vehicle who is less than  
14 21 years of age. This subdivision does not apply if any of the  
15 following apply:

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

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

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

24 (7) The provisions and provisional period described in  
25 subsection (4) or (6) shall be expanded or extended, or both,  
26 beyond the periods described in subsection (4) or (6) if any of the  
27 following occur and are recorded on the licensee's driving record  
28 during the provisional periods described in subsection (4) or (6)  
29 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 be extended under subsection (7) until the licensee completes 90  
10 consecutive days without a moving violation, an accident in which a  
11 moving violation resulted, suspension, or provisional period  
12 violation listed in subsection (7), or until age 18, whichever  
13 occurs first. The provisional period described in subsection (6)  
14 shall be extended under subsection (7) until the licensee completes  
15 12 consecutive months without a moving violation, suspension, or  
16 restricted period violation listed in subsection (7) or until age  
17 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 be given by first-class mail to the last  
26 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.

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.

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

27           (a) A school or a school-sanctioned event or activity. For  
28 purposes of this subdivision, school means a public or private  
29 school, including a home school.

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

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

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

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

16 Enacting section 1. This amendatory act shall be known as the  
17 "Jack Robert Carrier law".