



SENATE BILL No. 492

May 3, 1995, Introduced by Senators BERRYMAN, CHERRY,
SCHWARZ and NORTH and referred to the Committee on
Transportation and Tourism.

A bill to amend sections 303, 306, 308, 310c, 310d, 320a,
and 811 of Act No. 300 of the Public Acts of 1949, entitled as
amended

"Michigan vehicle code,"

section 303 as amended by Act No. 449 of the Public Acts of 1994,
section 306 as amended by Act No. 346 of the Public Acts of 1988,
section 308 as amended by Act No. 404 of the Public Acts of 1988,
section 310d as amended by Act No. 99 of the Public Acts of 1991,
section 320a as amended by Act No. 211 of the Public Acts of
1994, and section 811 as amended by Act No. 235 of the Public
Acts of 1992, being sections 257.303, 257.306, 257.308, 257.310c,
257.310d, 257.320a, and 257.811 of the Michigan Compiled Laws;
and to add section 310e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 303, 306, 308, 310c, 310d, 320a, and
2 811 of Act No. 300 of the Public Acts of 1949, section 303 as
3 amended by Act No. 449 of the Public Acts of 1994, section 306 as
4 amended by Act No. 346 of the Public Acts of 1988, section 308 as
5 amended by Act No. 404 of the Public Acts of 1988, section 310d
6 as amended by Act No. 99 of the Public Acts of 1991, section 320a
7 as amended by Act No. 211 of the Public Acts of 1994, and section
8 811 as amended by Act No. 235 of the Public Acts of 1992, being
9 sections 257.303, 257.306, 257.308, 257.310c, 257.310d, 257.320a,
10 and 257.811 of the Michigan Compiled Laws, are amended and sec-
11 tion 310e is added to read as follows:

12 Sec. 303. (1) The secretary of state shall not issue a
13 license under this act to any of the following:

14 (a) A person, as an operator, who is less than 18 years of
15 age, except ~~the secretary of state may issue a license to a~~
16 ~~person who is not less than 16 years of age and who has satisfac-~~
17 ~~torily passed a driver education course and examination given by~~
18 ~~a public school or nonpublic school of this or another state~~
19 ~~offering a course approved by the department of education, or an~~
20 ~~equivalent course and examination as prescribed in section 811.~~
21 ~~The secretary of state may issue a restricted license to a person~~
22 ~~not less than 14 years of age as provided in this act. This sub-~~
23 ~~division does not apply to a person who has held a valid driver's~~
24 ~~license issued by another state, territory, or possession of the~~
25 ~~United States or another sovereignty for at least 1 year immedi-~~
26 ~~ately before application for a driver's license under this act.~~
27 AS OTHERWISE PROVIDED IN THIS ACT.

1 (b) A person, as a chauffeur, who is less than 18 years of
2 age, except ~~the secretary of state may issue a license to a~~
3 ~~person who is not less than 16 years of age and who has satisfac-~~
4 ~~torily passed a driver education course and examination given by~~
5 ~~a public school or nonpublic school of this or another state~~
6 ~~offering a course approved by the department of education, or an~~
7 ~~equivalent course and examination as prescribed in section 811-~~
8 AS OTHERWISE PROVIDED IN THIS ACT.

9 (c) A person whose license has been suspended during the
10 period for which the license was suspended.

11 (d) A person who has been convicted of or received a probate
12 court disposition for section 625(4) or (5).

13 (e) A person who has been convicted of or received a probate
14 court disposition for negligent homicide, manslaughter, or murder
15 resulting from the operation of a motor vehicle.

16 (f) A person who is an habitual violator of the criminal
17 laws relating to operating a vehicle while impaired by or under
18 the influence of intoxicating liquor or a controlled substance or
19 a combination of intoxicating liquor and a controlled substance,
20 or with an alcohol content of 0.10 grams or more per 100 millili-
21 ters of blood, per 210 liters of breath, or per 67 milliliters of
22 urine. Convictions of any of the following, whether under a law
23 of this state, a local ordinance substantially corresponding to a
24 law of this state, or a law of another state substantially corre-
25 sponding to a law of this state, are prima facie evidence that
26 the person is an habitual violator as described in this
27 subdivision:

1 (i) Any combination of 2 convictions within 7 years for 1 or
2 more of the following:

3 (A) A violation of section 625(1), (4), or (5).

4 (B) A violation of former section 625(1) or (2).

5 (ii) Any combination of 3 convictions within 10 years for 1
6 or more of the following if any of the convictions resulted from
7 an arrest on or after January 1, 1992:

8 (A) A violation of section 625(1), (3), (4), or (5).

9 (B) A violation of former section 625(1) or (2) or former
10 section 625b.

11 (g) A person who in the opinion of the secretary of state is
12 afflicted with or suffering from a physical or mental disability
13 or disease preventing that person from exercising reasonable and
14 ordinary control over a motor vehicle while operating the motor
15 vehicle upon the highways.

16 (h) A person who is unable to understand highway warning or
17 direction signs in the English language.

18 (i) A person who is an habitually reckless driver. Two con-
19 victions within 7 years of reckless driving under this act or any
20 other law of this state relating to reckless driving or under a
21 local ordinance of this state or a law of another state that
22 defines the term "reckless driving" substantially similarly to
23 the law of this state are prima facie evidence that the person is
24 an habitually reckless driver.

25 (j) A person who is an habitual criminal. Two convictions
26 of a felony in which a motor vehicle was used in this or another

1 state are prima facie evidence that the person is an habitual
2 criminal.

3 (k) A person who is unable to pass a knowledge, skill, or
4 ability test administered by the secretary of state in connection
5 with the issuance of an original operator's or chauffeur's
6 license, original motorcycle indorsement, or an original or
7 renewal of a vehicle group designation or vehicle indorsement.

8 (l) A person who has been convicted of, has received a pro-
9 bate court disposition for, or has been determined responsible
10 for 2 or more moving violations under a law of this state, a
11 local ordinance substantially corresponding to a law of this
12 state, or a law of another state substantially corresponding to a
13 law of this state, within the preceding 3 years, if the viola-
14 tions occurred before issuance of an original license to the
15 person in this or another state.

16 (m) A nonresident.

17 (n) A person not licensed under this act who has been con-
18 victed of, has received a probate court disposition for, or has
19 been determined responsible for a crime or civil infraction
20 described in section 319, 324, or 904. A person shall be denied
21 a license under this subdivision for the length of time corre-
22 sponding to the period of the licensing sanction that would have
23 been imposed under section 319, 324, or 904 if the person had
24 been licensed at the time of the violation.

25 (o) A person not licensed under this act who has been con-
26 victed of or received a probate court disposition for committing
27 a crime described in section 319e. A person shall be denied a

1 license under this subdivision for the length of time that
2 corresponds to the period of the licensing sanction that would
3 have been imposed under section 319e if the person had been
4 licensed at the time of the violation.

5 (p) A person not licensed under this act who is determined
6 to have violated section 33b(1) of the Michigan Liquor Control
7 Act, Act No. 8 of the Public Acts of the Extra Session of 1933,
8 being section 436.33b of the Michigan Compiled Laws, or section
9 624b. The person shall be denied a license under this subdivi-
10 sion for a period of time that corresponds to the period of the
11 licensing sanction that would have been imposed under those sec-
12 tions had the person been licensed at the time of the violation.

13 (2) Upon receipt of the appropriate records of conviction,
14 the secretary of state shall revoke the operator's or chauffeur's
15 license of a person having any of the following, whether under a
16 law of this state, a local ordinance substantially corresponding
17 to a law of this state, or a law of another state substantially
18 corresponding to a law of this state:

19 (a) Two convictions of reckless driving in violation of sec-
20 tion 626 within 7 years.

21 (b) Two convictions of a felony in which a motor vehicle was
22 used within 7 years.

23 (c) Any combination of 2 convictions within 7 years for any
24 of the following:

25 (i) A violation of section 625(1).

26 (ii) A violation of former section 625(1) or (2).

1 (iii) A violation of section 625(4) or (5).

2 (iv) Negligent homicide, manslaughter, or murder resulting
3 from the operation of a motor vehicle.

4 (d) One conviction under section 625(4) or (5).

5 (e) One conviction of negligent homicide, manslaughter, or
6 murder resulting from the operation of a motor vehicle.

7 (f) Any combination of 3 convictions within 10 years for any
8 of the following if any of the convictions resulted from an
9 arrest on or after January 1, 1992:

10 (i) A violation of section 625(1), (3), (4), or (5).

11 (ii) A violation of former section 625(1) or (2) or former
12 section 625b.

13 (iii) Negligent homicide, manslaughter, or murder resulting
14 from the operation of a motor vehicle.

15 (3) The secretary of state shall revoke a license under sub-
16 section (2) notwithstanding a court order issued under section
17 625, section 625b, former section 625(1) or (2), or former sec-
18 tion 625b or a local ordinance substantially corresponding to
19 section 625, section 625b, former section 625(1) or (2), or
20 former section 625b.

21 (4) The secretary of state shall not issue a license under
22 this act to a person whose license has been revoked under this
23 act or denied under subsection (1)(d), (e), (f), (i), or (j)
24 until both of the following occur:

25 (a) The later of the following:

26 (i) The expiration of not less than 1 year after the license
27 was revoked or denied.

1 (ii) The expiration of not less than 5 years after the date
2 of a subsequent revocation or denial occurring within 7 years
3 after the date of any prior revocation or denial.

4 (b) The person meets the requirements of the department.

5 (5) Multiple convictions or civil infraction determinations
6 resulting from the same incident shall be treated as a single
7 violation for purposes of denial or revocation of a license under
8 this section.

9 (6) As used in this section, "felony in which a motor vehi-
10 cle was used" means a felony during the commission of which the
11 person operated a motor vehicle and while operating the vehicle
12 presented real or potential harm to persons or property and 1 or
13 more of the following circumstances existed:

14 (a) The vehicle was used as an instrument of the felony.

15 (b) The vehicle was used to transport a victim of the
16 felony.

17 (c) The vehicle was used to flee the scene of the felony.

18 (d) The vehicle was necessary for the commission of the
19 felony.

20 Sec. 306. (1) The secretary of state upon receiving from a
21 person ~~+6 or +7 years of age who has successfully completed a~~
22 ~~driver education course and examination offered pursuant to sec-~~
23 ~~tion 811; who has been licensed in another state or country for~~
24 ~~at least 1 year and is less than 18 years of age; or~~ who is 18
25 years of age or older, an application for a temporary instruction
26 permit may issue that permit entitling the applicant, while
27 carrying the permit, to drive a motor vehicle other than a motor

1 vehicle requiring an indorsement under section 312a or a vehicle
2 group designation under section 312e upon the highways for a
3 period of ~~+50-~~ 180 days when accompanied by a licensed adult
4 operator or chauffeur who is actually occupying a seat beside the
5 driver.

6 (2) THE SECRETARY OF STATE MAY ISSUE AN ORIGINAL OPERATOR'S
7 LICENSE AND LEVEL 1, 2, OR 3 RESTRICTION CARD TO A PERSON WHO IS
8 LESS THAN 18 YEARS OF AGE, HAS BEEN LICENSED IN ANOTHER STATE OR
9 COUNTRY, AND HAS SATISFIED THE APPLICABLE REQUIREMENTS OF
10 SECTION 310E.

11 (3) ~~-(2)-~~ A student enrolled in a driver education program
12 or a motorcycle safety course approved by the department of edu-
13 cation may operate a motor vehicle without holding an operator's
14 license or permit while under the direct supervision of the pro-
15 gram instructor.

16 (4) ~~-(3)-~~ A student enrolled in an approved driver education
17 program and who has successfully completed 10 hours of classroom
18 instruction and the equivalent of 2 hours of behind-the-wheel
19 training may be issued a temporary driver education certificate
20 furnished by the department of education which authorizes a stu-
21 dent to drive a motor vehicle, other than a motor vehicle requir-
22 ing an indorsement pursuant to section 312a or a vehicle group
23 designation pursuant to section 312e, when accompanied by a
24 licensed parent or guardian, or when accompanied by a nonlicensed
25 parent or guardian and a licensed adult for the purpose of
26 receiving additional instruction until the end of the student's
27 driver education course.

1 ~~(4) Upon successful completion of an approved driver~~
2 ~~education course the secretary of state may validate a driver~~
3 ~~education certificate issued to an applicant. The driver educa-~~
4 ~~tion certificate authorizes the holder to drive a motor vehicle,~~
5 ~~except a motor vehicle requiring an indorsement under section~~
6 ~~312a or a vehicle group designation under section 312e, when~~
7 ~~accompanied by a licensed parent or guardian, or when accompanied~~
8 ~~by a nonlicensed parent or guardian and a licensed adult for the~~
9 ~~purpose of additional instruction until reaching 18 years of~~
10 ~~age.~~

11 (5) The secretary of state, upon receiving proper applica-
12 tion from a person 16 or 17 years of age who is enrolled in or
13 has successfully completed an approved motorcycle safety course
14 under section 811a, or a person who is 18 years of age or older
15 and who holds a valid operator's or chauffeur's license, may
16 issue a motorcycle temporary instruction permit, entitling the
17 applicant, while carrying the permit, to operate a motorcycle
18 upon the public streets and highways for a period of 150 days,
19 but only when under the constant visual supervision of a licensed
20 motorcycle operator at least 18 years of age. The applicant
21 shall not operate the motorcycle at night or with a passenger.

22 (6) The secretary of state, upon receiving proper applica-
23 tion from a person who is 18 years of age or older, who holds a
24 valid operator's or chauffeur's license, may issue a temporary
25 instruction permit entitling the person while carrying the permit
26 to drive a vehicle requiring a vehicle group designation or
27 vehicle group indorsement under section 312e upon the streets and

1 highways, for a period of 150 days, but only when accompanied by
2 a licensed adult operator or chauffeur who is licensed with the
3 appropriate vehicle group designation and indorsement for the
4 vehicle group being driven and who is actually occupying a seat
5 beside the driver, or behind the driver if the permittee is driv-
6 ing a bus or school bus. In addition, if a permittee is enrolled
7 in a driver training program for drivers of motor vehicles
8 requiring a vehicle group designation or vehicle group indorse-
9 ment under section 312e, which program is conducted by a college;
10 university; commercial driver training school licensed by the
11 department pursuant to Act No. 369 of the Public Acts of 1974, as
12 amended, being sections 256.601 to 256.609 of the Michigan
13 Compiled Laws; or a local or intermediate school district, the
14 permittee may drive a vehicle requiring a vehicle group designa-
15 tion or vehicle group indorsement on the streets and highways of
16 this state for a period of 150 days when accompanied by an
17 instructor licensed with the appropriate vehicle group designa-
18 tion and indorsement for the vehicle being driven who is either
19 occupying the seat beside the driver or in direct visual and
20 audio communication with the permittee.

21 Sec. 308. (1) The secretary of state shall not approve the
22 application of a ~~minor~~ PERSON WHO IS 17 YEARS OF AGE OR LESS
23 for an operator's license unless the application is signed by the
24 ~~father, mother,~~ PARENT or guardian of the applicant AND THE
25 PERSON HAS SATISFIED THE APPROPRIATE REQUIREMENTS OF
26 SECTION 310E, or if ~~a minor has no father, mother,~~ THE PERSON
27 DOES NOT HAVE A PARENT or guardian, then a license shall not be

1 granted to the ~~minor~~ PERSON unless the application is signed by
 2 another responsible adult AND THE PERSON HAS SATISFIED THE APPRO-
 3 PRIATE REQUIREMENTS OF SECTION 310E. ~~This~~

4 (2) EXCEPT FOR THE GRADUATED LICENSURE REQUIREMENTS OF THIS
 5 ACT, THIS section shall not apply to minors emancipated pursuant
 6 to Act No. 293 of the Public Acts of 1968, being sections 722.1
 7 to 722.6 of the Michigan Compiled Laws.

8 Sec. 310c. (1) ~~No~~ THE SECRETARY OF STATE SHALL NOT ISSUE
 9 AN operator's or chauffeur's license ~~shall be issued~~ to ~~any~~ A
 10 person who IS 18 YEARS OF AGE OR OLDER AND has not been previ-
 11 ously licensed in this or any other state or country until ~~30~~
 12 90 days after he OR SHE has obtained a temporary instruction
 13 permit. ~~or a validated driver education certificate except any~~

14 (2) THIS SECTION DOES NOT APPLY TO A person WHO IS on active
 15 duty in the armed forces of the United States ~~while~~ IF HE OR
 16 SHE IS on furlough and ~~possessing~~ POSSESSES a valid United
 17 States government motor vehicle operator's identification card
 18 and furlough papers.

19 Sec. 310d. (1) A license issued under this act EITHER to a
 20 person 18 YEARS OF AGE OR OLDER not previously licensed in this
 21 or in another state OR TO A PERSON WHO HAS ATTAINED THE AGE OF 18
 22 YEARS AND WHO HAS SATISFIED ALL OF THE REQUIREMENTS OF SECTION
 23 310E shall be ~~designated~~ CLASSIFIED as probationary for 3 years
 24 after the date of issuance. During the first 12 months of proba-
 25 tion, the license may be suspended or probationary terms and con-
 26 ditions may be imposed upon failure of the licensee to appear
 27 before a magistrate, as provided in this chapter, or upon

1 conviction of the licensee or determination of the licensee's
2 responsibility for a moving violation in this state. The period
3 of suspension or the probationary terms and conditions shall not
4 be for more than 12 months and shall be determined by the secre-
5 tary of state at an examination of the driver by the secretary of
6 state.

7 (2) If a license is suspended or probationary terms and con-
8 ditions are imposed by a probate judge, the period during which
9 the suspension or probationary terms and conditions are in effect
10 shall be deducted from the period of suspension or probationary
11 terms and conditions imposed at an examination of the driver by
12 the secretary of state pursuant to subsection (1). If a license
13 is suspended or probationary terms and conditions are imposed by
14 the probate judge, the probate court shall include the suspen-
15 sion, probationary terms, and conditions, and the period during
16 which the suspension, probationary terms, and conditions apply,
17 on the abstract which the court forwards to the secretary of
18 state.

19 (3) Upon completion of the first 12 months of probation, the
20 secretary of state may require a licensee to be reexamined by the
21 secretary of state if the licensee's driving record contains any
22 of the following:

23 (a) A conviction, civil infraction determination, or probate
24 court disposition of a moving violation which was assessed 4 or
25 more points as provided in section 320a.

26 (b) Three convictions, 3 civil infraction determinations, 3
27 probate court dispositions, or a combination of convictions,

1 civil infraction determinations, and probate court dispositions
2 which equals 3, for moving violations.

3 (c) A total of 6 or more points as provided in section
4 320a.

5 (d) A conviction, civil infraction determination, or probate
6 court disposition of a moving violation and an accident for which
7 the official police report indicates the licensee had been drink-
8 ing intoxicating liquor.

9 (e) A conviction, civil infraction determination, or probate
10 court disposition of a moving violation and an accident for which
11 the official police report indicates a moving violation on the
12 part of the licensee.

13 (f) Three accidents for which the official police report
14 indicates a moving violation on the part of the licensee.

15 (g) A suspension pursuant to section 625f.

16 (4) The probationary period shall be extended beyond 3 years
17 and the secretary of state may reexamine a licensee as provided
18 in subsection (3), if any of the following occur and are recorded
19 on the licensee's driving record during the last 10 months of the
20 probationary period:

21 (a) A moving violation resulting in a conviction or civil
22 infraction determination.

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

25 (c) An accident for which the official police report indi-
26 cates the licensee had been drinking intoxicating liquor.

1 (d) A license suspension for a reason other than a mental or
2 physical disability.

3 (5) The probationary period shall be extended pursuant to
4 subsection (4) until the licensee completes 10 consecutive months
5 without a moving violation, accident, or suspension enumerated in
6 subsection (4).

7 (6) The secretary of state, upon completion of a reexamina-
8 tion, may suspend or impose probationary terms and conditions on
9 the license of a probationary licensee, except that a reexamina-
10 tion for subsection (3)(d), (e), or (f) shall not result in a
11 license suspension or the imposition of probationary terms or
12 conditions.

13 (7) For 24 months immediately after a licensee's probation-
14 ary period, the secretary of state may require the licensee to be
15 reexamined by the secretary of state if the licensee's driver
16 record has a total of 9 or more points, as provided in section
17 320a, imposed in a period of 2 years and if the licensee's record
18 contains 1 or more of the following:

19 (a) A conviction or probate court disposition, for a viola-
20 tion of section 625(1) or former section 625(1) or (2), a local
21 ordinance substantially corresponding to section 625(1) or former
22 section 625(1) or (2), or a law of another state substantially
23 corresponding to section 625(1) or former section 625(1) or (2).

24 (b) A conviction or probate court disposition for driving
25 while visibly impaired due to consumption of intoxicating liquor,
26 a controlled substance, or a combination of intoxicating liquor
27 and a controlled substance.

1 (c) A suspension of the licensee's license pursuant to
2 section 625f.

3 (d) An accident for which the official police report indi-
4 cates a moving violation on the part of the licensee.

5 (e) An accident for which the official police report indi-
6 cates the licensee had been drinking intoxicating liquor.

7 (8) The secretary of state, upon completion of a reexamina-
8 tion pursuant to subsection (7), may suspend the license of the
9 licensee, except that a reexamination for subsection (7)(d) or
10 (e) shall not result in a license suspension or restriction.

11 (9) If a licensee fails to appear for a reexamination sched-
12 uled by the secretary of state pursuant to this section, the
13 licensee's license may be suspended immediately and remain sus-
14 pended until the licensee appears for a reexamination by the sec-
15 retary of state.

16 (10) Notice of a reexamination required under this section
17 shall be given by first class mail to the last known address of
18 the licensee.

19 (11) For purposes of this section:

20 (a) Upon conviction for a moving violation, the date of the
21 arrest for the violation shall be used in determining whether the
22 conviction occurred within the probationary period.

23 (b) Upon entry of a civil infraction determination for a
24 moving violation, the date of issuance of a citation for a civil
25 infraction shall be used in determining whether the civil infrac-
26 tion determination occurred within the probationary period.

1 (c) Information of a reexamination shall not be placed on a
2 driver's record unless the secretary of state suspends a license
3 or imposes probationary terms and conditions.

4 (d) A suspension shall be considered part of a driving
5 record from the date the suspension is imposed until the suspen-
6 sion is terminated.

7 (e) The date of the official police report shall be used in
8 determining whether a licensee was driving a motor vehicle
9 involved in an accident for which the official police report
10 indicates a moving violation on the part of the licensee or indi-
11 cates the licensee had been drinking intoxicating liquor.

12 SEC. 310E. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, AN
13 OPERATOR'S LICENSE ISSUED TO A PERSON WHO IS 17 YEARS OF AGE OR
14 LESS IS VALID ONLY UPON THE ISSUANCE OF A SPECIAL RESTRICTION
15 CARD.

16 (2) THE SECRETARY OF STATE SHALL ISSUE A SPECIAL RESTRICTION
17 CARD IN A MANNER WHICH CLEARLY INDICATES THAT THE PERSON IS
18 SUBJECT TO THE APPROPRIATE RESTRICTIONS DESCRIBED IN THIS
19 SECTION.

20 (3) A PERSON WHO IS NOT LESS THAN 15 YEARS OF AGE MAY BE
21 ISSUED A LEVEL 1 RESTRICTION CARD TO OPERATE A MOTOR VEHICLE IF
22 THE PERSON HAS SATISFIED ALL OF THE FOLLOWING CONDITIONS:

23 (A) PASSED A VISION TEST AT A SECRETARY OF STATE BRANCH
24 OFFICE.

25 (B) SUCCESSFULLY COMPLETED A LEVEL 1 DRIVER EDUCATION COURSE
26 APPROVED BY THE DEPARTMENT OF EDUCATION.

1 (C) RECEIVED WRITTEN APPROVAL OF A PARENT OR LEGAL
2 GUARDIAN.

3 (4) A PERSON ISSUED A LEVEL 1 RESTRICTION CARD MAY OPERATE A
4 MOTOR VEHICLE ONLY WHEN ACCOMPANIED EITHER BY A LICENSED PARENT
5 OR LEGAL GUARDIAN OR, WITH THE PERMISSION OF THE PARENT OR LEGAL
6 GUARDIAN, A LICENSED DRIVER 21 YEARS OF AGE OR OLDER. EXCEPT AS
7 OTHERWISE PROVIDED IN THIS SECTION, A PERSON IS RESTRICTED TO
8 OPERATING A MOTOR VEHICLE WITH A LEVEL 1 RESTRICTION CARD FOR NOT
9 LESS THAN 6 MONTHS.

10 (5) A PERSON MAY BE ISSUED A LEVEL 2 RESTRICTION CARD TO
11 OPERATE A MOTOR VEHICLE IF THE PERSON HAS SATISFIED ALL OF THE
12 FOLLOWING CONDITIONS:

13 (A) HAD A LEVEL 1 RESTRICTION CARD FOR NOT LESS THAN 6
14 MONTHS.

15 (B) SUCCESSFULLY COMPLETED LEVEL 2 OF A DRIVER EDUCATION
16 COURSE APPROVED BY THE DEPARTMENT OF EDUCATION.

17 (C) NOT INCURRED A MOVING VIOLATION RESULTING IN A CONVIC-
18 TION OR CIVIL INFRACTION DETERMINATION OR BEEN INVOLVED IN AN
19 ACCIDENT FOR WHICH THE OFFICIAL POLICE REPORT INDICATES A MOVING
20 VIOLATION ON THE PART OF THE PERSON DURING THE 90-DAY PERIOD
21 IMMEDIATELY PRECEDING APPLICATION.

22 (D) PRESENTED A CERTIFICATION BY THE PARENT OR GUARDIAN THAT
23 HE OR SHE, ACCOMPANIED BY HIS OR HER LICENSED PARENT OR LEGAL
24 GUARDIAN OR, WITH THE PERMISSION OF THE PARENT OR LEGAL GUARDIAN,
25 ANY LICENSED DRIVER 21 YEARS OF AGE OR OLDER, HAS ACCUMULATED A
26 TOTAL OF NOT LESS THAN 50 HOURS OF BEHIND-THE-WHEEL EXPERIENCE OF
27 WHICH NOT LESS THAN 10 HOURS SHALL BE AT NIGHT.

1 (E) SUCCESSFULLY COMPLETED A SECRETARY OF STATE APPROVED
2 PERFORMANCE ROAD TEST. THIS SUBDIVISION APPLIES TO A PERSON 16
3 YEARS OF AGE OR OVER ONLY IF THE PERSON HAS SATISFIED SUBDIVI-
4 SIONS (A), (B), (C), AND (D).

5 (6) A PERSON ISSUED A LEVEL 2 RESTRICTION CARD UNDER SUBSEC-
6 TION (5) IS RESTRICTED AT LEVEL 2 FOR NOT LESS THAN 12 MONTHS AND
7 SHALL NOT DO EITHER OF THE FOLLOWING:

8 (A) OPERATE A MOTOR VEHICLE WITHIN THIS STATE FROM 11 P.M.
9 TO 5 A.M. UNLESS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN OR
10 EXCEPT WHEN GOING TO OR FROM EMPLOYMENT ALONE OR WITH OTHER
11 EMPLOYEES.

12 (B). OPERATE A MOTOR VEHICLE WITHIN THIS STATE FROM 5 A.M.
13 TO 11 P.M. WHEN ACCOMPANIED BY MORE THAN 1 NONFAMILY PASSENGER
14 EXCEPT WHEN GOING TO OR FROM EMPLOYMENT ALONE OR WITH OTHER
15 EMPLOYEES.

16 (7) THE RESTRICTIONS AND RESTRICTED PERIOD DESCRIBED IN
17 SUBSECTION (4) OR (6) MAY BE EXPANDED OR EXTENDED, OR BOTH,
18 BEYOND THE PERIODS DESCRIBED IN SUBSECTION (4) OR (6) IF ANY OF
19 THE FOLLOWING OCCUR AND ARE RECORDED ON THE LICENSEE'S DRIVING
20 RECORD DURING THE RESTRICTED PERIODS DESCRIBED IN SUBSECTION (4)
21 OR (6) OR ANY ADDITIONAL PERIODS IMPOSED UNDER THIS SUBSECTION:

22 (A) A MOVING VIOLATION RESULTING IN A CONVICTION, CIVIL
23 INFRACTION DETERMINATION, OR PROBATE COURT DISPOSITION.

24 (B) AN ACCIDENT FOR WHICH THE OFFICIAL POLICE REPORT INDI-
25 CATES A MOVING VIOLATION ON THE PART OF THE LICENSEE.

26 (C) A LICENSE SUSPENSION FOR A REASON OTHER THAN A MENTAL OR
27 PHYSICAL DISABILITY.

1 (D) A VIOLATION OF SUBSECTION (4) OR (6).

2 (8) THE RESTRICTED PERIOD DESCRIBED IN SUBSECTION (4) SHALL
3 BE EXTENDED UNDER SUBSECTION (7) UNTIL THE LICENSEE COMPLETES 90
4 CONSECUTIVE DAYS WITHOUT A MOVING VIOLATION, ACCIDENT, SUSPEN-
5 SION, OR RESTRICTED PERIOD VIOLATION LISTED IN SUBSECTION (7) OR
6 UNTIL AGE 18, WHICHEVER OCCURS FIRST. THE RESTRICTED PERIOD
7 DESCRIBED IN SUBSECTION (6) SHALL BE EXTENDED UNDER
8 SUBSECTION (7) UNTIL THE LICENSE COMPLETES 12 CONSECUTIVE MONTHS
9 WITHOUT A MOVING VIOLATION, ACCIDENT, SUSPENSION, OR RESTRICTED
10 PERIOD VIOLATION LISTED IN SUBSECTION (7) OR UNTIL AGE 18, WHICH-
11 EVER OCCURS FIRST.

12 (9) A PERSON WHO IS NOT LESS THAN 17 YEARS OF AGE MAY BE
13 ISSUED A LEVEL 3 RESTRICTION CARD UNDER THIS SUBSECTION IF THE
14 PERSON HAS COMPLETED 12 CONSECUTIVE MONTHS WITHOUT A MOVING VIO-
15 LATION, ACCIDENT, SUSPENSION, OR RESTRICTED PERIOD VIOLATION
16 LISTED IN SUBSECTION (7) DURING THE TIME IN WHICH THE PERSON WAS
17 ISSUED A LEVEL 2 RESTRICTION CARD UNDER SUBSECTION (5).

18 (10) A PERSON ISSUED AN OPERATOR'S LICENSE UNDER THIS SEC-
19 TION SHALL NOT BE CLASSIFIED AS A PROBATIONARY LICENSEE UNDER
20 SECTION 310D UPON ATTAINING 18 YEARS OF AGE UNTIL THE PERSON HAS
21 NOT LESS THAN 90 DAYS' EXPERIENCE UNDER THE LEVEL 1 RESTRICTION
22 CARD REQUIREMENTS.

23 (11) NOTICE SHALL BE GIVEN BY FIRST-CLASS MAIL TO THE LAST
24 KNOWN ADDRESS OF A LICENSEE WHEN 1 OR MORE OF THE FOLLOWING
25 OCCUR:

1 (A) THE RESTRICTIONS DESCRIBED IN SUBSECTION (4) NO LONGER
2 APPLY TO THE LICENSEE AND THE RESTRICTIONS DESCRIBED IN
3 SUBSECTION (6) APPLY TO THE LICENSEE.

4 (B) THE RESTRICTIONS DESCRIBED IN SUBSECTION (6) NO LONGER
5 APPLY TO THE LICENSEE.

6 (C) THE RESTRICTIONS ARE EXPANDED OR EXTENDED AS DESCRIBED
7 IN SUBSECTION (7).

8 (12) A PERSON WHO VIOLATES SUBSECTION (4) OR (6) IS RESPON-
9 SIBLE FOR A CIVIL INFRACTION.

10 (13) IF A PERSON IS DETERMINED RESPONSIBLE FOR A VIOLATION
11 OF SUBSECTION (4) OR (6), THE SECRETARY OF STATE SHALL SEND WRIT-
12 TEN NOTIFICATION OF ANY CONVICTION OR MOVING VIOLATION TO 1 OR
13 BOTH PARENTS OR A GUARDIAN OF THE PERSON.

14 (14) FOR PURPOSES OF THIS SECTION:

15 (A) UPON CONVICTION FOR A MOVING VIOLATION, THE DATE OF THE
16 ARREST FOR THE VIOLATION SHALL BE USED IN DETERMINING WHETHER THE
17 CONVICTION OCCURRED WITHIN A PROVISIONAL RESTRICTED LICENSURE
18 PERIOD UNDER THIS SECTION.

19 (B) UPON ENTRY OF A CIVIL INFRACTION DETERMINATION FOR A
20 MOVING VIOLATION, THE DATE OF ISSUANCE OF A CITATION FOR A CIVIL
21 INFRACTION SHALL BE USED IN DETERMINING WHETHER THE CIVIL INFRAC-
22 TION DETERMINATION OCCURRED WITHIN A PROVISIONAL RESTRICTED
23 LICENSURE PERIOD UNDER THIS SECTION.

24 (C) THE DATE OF THE OFFICIAL POLICE REPORT SHALL BE USED IN
25 DETERMINING WHETHER A LICENSEE WAS DRIVING A MOTOR VEHICLE
26 INVOLVED IN AN ACCIDENT FOR WHICH THE OFFICIAL POLICE REPORT

1 INDICATES A MOVING VIOLATION ON THE PART OF THE LICENSEE OR
 2 INDICATES THE LICENSEE HAD BEEN DRINKING INTOXICATING LIQUOR.

3 (15) A PERSON SHALL HAVE HIS OR HER RESTRICTION CARD IN HIS
 4 OR HER IMMEDIATE POSSESSION AT ALL TIMES WHEN OPERATING A MOTOR
 5 VEHICLE, AND SHALL DISPLAY THE CARD UPON DEMAND OF A POLICE
 6 OFFICER. A PERSON WHO VIOLATES THIS SUBSECTION IS RESPONSIBLE
 7 FOR A CIVIL INFRACTION.

8 Sec. 320a. (1) The secretary of state, within 10 days after
 9 the receipt of a properly prepared abstract from this or another
 10 state, shall record the date of conviction, civil infraction
 11 determination, or probate court disposition, and the number of
 12 points for each, based on the following formula, except as other-
 13 wise provided in this section and section 629c:

14 (a) Manslaughter, negligent homicide, or a felony
 15 resulting from the operation of a motor vehicle..... 6 points

16 (b) A violation of section 625(1) or a law or
 17 ordinance substantially corresponding to section 625(1) 6 points

18 (c) A violation or attempted violation of section
 19 625(4) or (5)..... 6 points

20 (d) Failing to stop and disclose identity at the
 21 scene of an accident when required by law..... 6 points

22 (e) Operating a motor vehicle in a reckless manner 6 points

23 (f) Violation of any law or ordinance pertaining
 24 to speed by exceeding the lawful maximum by more than
 25 15 miles per hour..... 4 points

1	(g) Violation of section 625(3) or (6) or a law or	
2	ordinance substantially corresponding to section 625(3)	
3	or (6).....	4 points
4	(h) Fleeing or eluding an officer.....	6 points
5	(i) Violation of section 626a or a law or ordi-	
6	nance substantially corresponding to section 626a.....	4 points
7	(j) Violation of any law or ordinance pertaining	
8	to speed by exceeding the lawful maximum by more than	
9	10 but not more than 15 miles per hour or careless	
10	driving in violation of section 626b or a law or ordi-	
11	nance substantially corresponding to section 626b.....	3 points
12	(k) Violation of any law or ordinance pertaining	
13	to speed by exceeding the lawful maximum by 10 miles	
14	per hour or less.....	2 points
15	(l) Disobeying a traffic signal or stop sign, or	
16	improper passing.....	3 points
17	(m) Violation of section 624a or a law or ordi-	
18	nance substantially corresponding to section 624a.....	2 points
19	(N) VIOLATION OF SECTION 310E(4) OR (6) OR A LAW	
20	OR ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION	
21	310E(4) OR (6).....	2 POINTS
22	(O) (n) All other moving violations pertaining	
23	to the operation of motor vehicles reported under this	
24	section.....	2 points
25	(P) (o) A refusal by a person less than 21 years	
26	of age to submit to a preliminary breath test required	
27	by a peace officer under section 625a.....	2 points

1 (2) Points shall not be entered for a violation of
2 section 310E(15), 311, 625m, 658, 717, 719, 719a, or 723.

3 (3) Points shall not be entered for bond forfeitures.

4 (4) Points shall not be entered for overweight loads or for
5 defective equipment.

6 (5) If more than 1 conviction, civil infraction determina-
7 tion, or probate court disposition results from the same inci-
8 dent, points shall be entered only for the violation that
9 receives the highest number of points under this section.

10 (6) If a person has accumulated 9 points as provided in this
11 section, the secretary of state may call the person in for an
12 interview as to the person's driving ability and record after due
13 notice as to time and place of the interview. If the person
14 fails to appear as provided in this subsection, the secretary of
15 state shall add 3 points to the person's record.

16 (7) If a person is determined to be responsible for a civil
17 infraction for a violation of a law or ordinance pertaining to
18 speed by exceeding the lawful maximum on a street or highway as
19 that maximum was reduced by Act No. 28 of the Public Acts of
20 1974, then points shall be entered as follows:

21 (a) Sixty miles per hour to the lawful maximum in
22 effect before being reduced by Act No. 28 of the Public
23 Acts of 1974..... 1 point

24 (b) Exceeding the lawful maximum in effect before
25 being reduced by Act No. 28 of the Public Acts of 1974,
26 by 10 miles per hour or less..... 2 points

1 (c) Exceeding the lawful maximum in effect before
2 being reduced by Act No. 28 of the Public Acts of 1974,
3 by more than 10 but not more than 15 miles per hour.... 3 points

4 (d) Exceeding the lawful maximum in effect before
5 being reduced by Act No. 28 of the Public Acts of 1974,
6 by more than 15 miles per hour..... 4 points

7 (8) Notwithstanding subsection (7), if a person violates a
8 speed restriction established by an executive order issued during
9 a state of energy emergency as provided by Act No. 191 of the
10 Public Acts of 1982, being sections 10.81 to 10.89 of the
11 Michigan Compiled Laws, the secretary of state shall enter points
12 for the violation pursuant to subsection (1).

13 (9) The secretary of state shall enter 6 points upon the
14 record of a person whose license is suspended or denied pursuant
15 to section 625f. However, if a conviction, civil infraction
16 determination, or probate court disposition results from the same
17 incident, additional points for that offense shall not be
18 entered.

19 (10) If a Michigan driver commits a violation in another
20 state that would be a civil infraction if committed in Michigan,
21 and a conviction results solely because of the failure of the
22 Michigan driver to appear in that state to contest the violation,
23 upon receipt of the abstract of conviction by the secretary of
24 state, the violation shall be noted on the driver's record, but
25 no points shall be assessed against his or her driver's license.

26 Sec. 811. (1) An application for an operator's or
27 chauffeur's license as provided in sections 307 and 312 and an

1 application for a minor's restricted license as provided in
 2 section 312 shall be accompanied by the following fees:

3	Operator's license.....	\$ 12.00
4	Chauffeur's license.....	20.00
5	Minor's restricted license.....	5.00

6 (2) The secretary of state shall deposit the money received
 7 and collected under subsection (1) in the state treasury to the
 8 credit of the general fund. The secretary of state shall refund
 9 out of the fees collected to each county or municipality acting
 10 as an examining officer or examining bureau \$2.50 for each appli-
 11 cant examined for an original license, \$1.00 for each applicant
 12 examined for an original chauffeur's license, and \$1.00 for every
 13 other applicant examined, if the application is not denied and
 14 the money refunded is paid to the county or local treasurer and
 15 is appropriated to the county, municipality, or officer or bureau
 16 receiving the money for the purpose of carrying out this act.
 17 The state treasurer shall deposit the sum of \$4.00 in a driver
 18 education fund for each person examined for an original license,
 19 a renewal operator's license, an original chauffeur's license, or
 20 a renewal chauffeur's license, except that the sum deposited for
 21 each 2-year operator's or 2-year chauffeur's license shall be
 22 \$2.00. The department of education shall use the money in the
 23 driver education fund for administration of a driver education
 24 program and for distribution to local school districts to be used
 25 for driver education programs. Any unexpended and unencumbered
 26 balance remaining in the driver education fund at the end of the

1 fiscal year in excess of \$150,000.00 shall revert to the general
2 fund.

3 (3) From the money credited to the driver education fund,
4 the legislature shall appropriate annually funds to the depart-
5 ment of education for state administration of the program. In
6 addition, the department of education shall distribute to local
7 public school districts from the driver education fund 50% of the
8 previous fiscal year's statewide average cost per student, as
9 determined by the department of education, or the actual cost per
10 student, whichever is less, for each student completing an
11 approved driver education course. The driver education courses
12 shall be conducted by the local public school district, or may be
13 conducted for the local school district by the intermediate dis-
14 trict at the request of the local district, and, subject to eli-
15 gibility requirements established under section 1302 of the
16 school code of 1976, Act No. 451 of the Public Acts of 1976,
17 being section 380.1302 of the Michigan Compiled Laws, enrollment
18 in driver education courses shall be open to children enrolled in
19 the high school grades of public, parochial, and private schools
20 as well as resident out-of-school youth. Reimbursement to local
21 school districts shall be made on the basis of an application
22 made by the local school district superintendent to the depart-
23 ment of education. If money appropriated from the driver educa-
24 tion fund is not sufficient to provide for state administration
25 of the driver education program and to reimburse local school
26 districts for each student completing an approved driver
27 education course, then payments made to local school districts

1 shall be prorated to the amount that is appropriated and
2 available in the fund.

3 (4) As used in this section, "driver education courses"
4 ~~include~~ INCLUDES classroom instruction, behind the wheel
5 instruction, and observation in an automobile under the supervi-
6 sion of a qualified teacher or licensed instructor. The depart-
7 ment of education shall not require that licensed driver training
8 school teachers or instructors be certificated under Act No. 451
9 of the Public Acts of 1976, as amended, being sections 380.1 to
10 380.1852 of the Michigan Compiled Laws.

11 (5) The department of education ~~may~~ SHALL promulgate rules
12 pursuant to the administrative procedures act of 1969, Act
13 No. 306 of the Public Acts of 1969, ~~as amended,~~ being sections
14 24.201 to 24.328 Michigan Compiled Laws, ~~including~~ TO IMPLEMENT
15 THIS SECTION. THE RULES SHALL INCLUDE, AT A MINIMUM, instruc-
16 tional standards, teacher qualifications, reimbursement proce-
17 dures, and ~~other requirements to further implement this section~~
18 A REQUIREMENT THAT A PARENT OR GUARDIAN OF A STUDENT ATTEND AN
19 ORIENTATION PROGRAM REGARDING THE DRIVER EDUCATION COURSE.

20 (6) Notwithstanding sections 301, 303, 306, and 308, an
21 operator's license shall not be issued to a person under 18 years
22 of age unless that person successfully passes a driver education
23 course and examination given by a public school, nonpublic
24 school, or an equivalent course approved by the department of
25 education given by a licensed driver training school. A person
26 who has been a holder of a motor vehicle operator's license
27 issued by any other state, territory, or possession of the United

1 States, or any other sovereignty for 1 year immediately before
2 application for an operator's license under this act is not
3 required to comply with this subsection. Restricted licenses may
4 be issued pursuant to section 312 without compliance with this
5 subsection. Subject to eligibility requirements established
6 under section 1302 of Act No. 451 of the Public Acts of 1976, a
7 driver education course shall be made available for a person
8 under 18 years of age within a time that will enable that person
9 to qualify for a license before the time that the person is per-
10 mitted by law to have a license.

11 (7) A public school system shall not impose a charge or
12 enrollment fee for a driver education course upon a student
13 desiring to take the course as a duly enrolled student for the
14 course in a school of the public school system.

15 (8) Not later than ~~5 years after the effective date of the~~
16 ~~amendatory act that added this subsection~~ DECEMBER 30, 1996, the
17 secretary of state shall prepare and submit to the legislature a
18 report comparing aggregate driver record information for drivers
19 trained in driver education programs for which eligibility
20 requirements have been established under section 1302 of Act
21 No. 451 of the Public Acts of 1976 to aggregate driver record
22 information for drivers trained in driver education programs for
23 which such eligibility requirements have not been established.

24 Section 2. This amendatory act shall take effect July 1,
25 1996.