

SENATE BILL No. 886

December 10, 2003, Introduced by Senator THOMAS and referred to the Committee on Transportation.

A bill to amend 1974 PA 369, entitled

"An act to regulate the business of conducting a driver training school; to require licenses in relation thereto; to prescribe certain fees; to prescribe the powers and duties of certain persons and state departments; and to prescribe remedies and penalties,"

by amending section 5 (MCL 256.605), as amended by 2000 PA 285.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) A driver training school licensee shall not
2 employ a person as an instructor unless the person is licensed as
3 an instructor.

4 (2) A driver training school licensee shall annually file an
5 application with the department for licensing of its employees as
6 instructors. For each employee for which licensure as an
7 instructor is sought, the application shall include all of the
8 following:

9 (a) The name and address of the employee.

1 (b) The driver's license number of the employee. An
2 application for a nonresident employee shall also include a
3 certified copy of his or her driving record from his or her state
4 of residence.

5 (c) A dated medical examination report that is not more than
6 2 years old and is completed by a physician licensed to practice
7 in this state. An application for a nonresident employee
8 fulfills the requirement of this subdivision if the application
9 includes a report completed by a physician licensed to practice
10 in the employee's state of residence.

11 (d) A fee of \$25.00 for each employee seeking licensure as an
12 instructor.

13 (e) Except as otherwise provided in section 5b, an
14 authorization to be signed by a prospective employee to be hired
15 as a driving instructor permitting the licensee to request a
16 criminal history check from the department of state police and
17 the federal bureau of investigation.

18 (3) The department shall issue a license certificate to the
19 driver training school licensee for each of its employees who
20 meet the requirements of this act for licensure as an
21 instructor. A license certificate expires on December 31 of the
22 year for which it is issued.

23 (4) The department may issue a license certificate to an
24 applicant for a driving instructor's license after the favorable
25 criminal history check from the department of state police **or,**
26 **for good cause shown, pending that criminal history check,** but on
27 the condition that the license shall be canceled or revoked if

1 the criminal history check from the federal bureau of
2 investigation reveals that the applicant does not satisfy the
3 qualifications for a license. The department shall immediately
4 notify the driver training school licensee, which shall require
5 the applicant to surrender the license certificate.

6 (5) In order to qualify as an instructor, a person shall meet
7 all of the following requirements:

8 (a) Be physically able to operate a motor vehicle and to
9 train others in the operation of motor vehicles.

10 (b) Have a driving record that indicates competence to
11 operate a motor vehicle consistent with standards set forth in
12 rules promulgated by the secretary of state.

13 (c) Be 21 years of age or older on the date the person's
14 license application is submitted to the secretary of state.

15 (d) Have a driving record, within the 5 years immediately
16 preceding submission of an instructor license application to the
17 secretary of state, that does not contain a conviction for any
18 violation for which 4 or 6 points are assessed, other than points
19 assessed for a violation of a speeding law or ordinance, pursuant
20 to section 320a of the Michigan vehicle code, 1949 PA 300,
21 MCL 257.320a. This subdivision only applies to an applicant who
22 was not licensed as a driver training school instructor on
23 October 1, 1992.

24 (e) Not have a prior felony or misdemeanor conviction for
25 criminal sexual conduct ~~pursuant to~~ **in violation of** sections
26 520b to 520g of the Michigan penal code, 1931 PA 328,
27 MCL 750.520b to 750.520g, or a felony conviction for a crime in

1 which an element of the crime is the use or threat of use of
2 physical force. If the person is issued a license under
3 subsection (4) pending a criminal history check under section 5b,
4 the requirements of this subdivision may be met by a notarized
5 statement signed by the person under oath stating that he or she
6 does not have a prior felony or misdemeanor conviction described
7 under this subdivision.