

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 1066

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
(MCL 257.1 to 257.923) by adding sections 3a and 320d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 3A. "BASIC DRIVER IMPROVEMENT COURSE" MEANS A COURSE OF
2 STUDY THAT SATISFIES ALL OF THE FOLLOWING CONDITIONS:

3 (A) IT MEETS OR EXCEEDS THE CURRICULUM STANDARDS SET FORTH IN
4 THE DEFENSIVE DRIVING COURSE INSTRUCTOR MANUAL, EIGHTH EDITION,
5 PUBLISHED BY THE NATIONAL SAFETY COUNCIL.

6 (B) IT PROVIDES DOCUMENTED EVIDENCE FROM A FEDERAL, STATE, OR
7 LOCAL AGENCY OF COURSE EFFECTIVENESS IN REDUCING COLLISIONS, MOVING
8 VIOLATIONS, OR BOTH.

9 (C) IT CONTAINS SUCH OTHER INFORMATION AS IS APPROVED BY THE

1 SECRETARY OF STATE AND THAT IS OFFERED OVER THE INTERNET OR THROUGH
2 CLASSROOM INSTRUCTION.

3 SEC. 320D. (1) THE SECRETARY OF STATE SHALL NOT ENTER THE
4 POINTS CORRESPONDING TO A MOVING VIOLATION COMMITTED BY AN
5 INDIVIDUAL THE SECRETARY OF STATE DETERMINES TO BE ELIGIBLE UNDER
6 THIS SECTION ON THE INDIVIDUAL'S DRIVING RECORD OR MAKE INFORMATION
7 CONCERNING THAT VIOLATION AVAILABLE TO ANY INSURANCE COMPANY IF THE
8 INDIVIDUAL ATTENDS AND SUCCESSFULLY COMPLETES A BASIC DRIVER
9 IMPROVEMENT COURSE UNDER THIS SECTION AND PROVIDES A CERTIFICATE OF
10 SUCCESSFUL COMPLETION OF THAT COURSE TO THE SECRETARY OF STATE
11 WITHIN 60 DAYS OF THE DATE ON WHICH THE SECRETARY OF STATE NOTIFIED
12 THE INDIVIDUAL THAT HE OR SHE WAS ELIGIBLE TO TAKE A BASIC DRIVER
13 IMPROVEMENT COURSE.

14 (2) THE SECRETARY OF STATE SHALL DETERMINE IF AN INDIVIDUAL IS
15 ELIGIBLE UNDER SUBSECTION (3) TO ATTEND A BASIC DRIVER IMPROVEMENT
16 COURSE UPON RECEIPT OF AN ABSTRACT OF A MOVING VIOLATION. IF THE
17 SECRETARY OF STATE DETERMINES THAT AN INDIVIDUAL IS ELIGIBLE TO
18 ATTEND A BASIC DRIVER IMPROVEMENT COURSE, THE SECRETARY OF STATE
19 SHALL DO ALL OF THE FOLLOWING:

20 (A) EXCEPT AS OTHERWISE PROVIDED UNDER SUBSECTION (8),
21 POSTPONE BOTH OF THE FOLLOWING FOR A PERIOD OF NOT LESS THAN 10
22 BUSINESS DAYS:

23 (i) THE ENTRY OF POINTS UNDER SECTION 320A FOR THE MOVING
24 VIOLATION.

25 (ii) MAKING INFORMATION CONTAINED IN THE ABSTRACT OF THE MOVING
26 VIOLATION AVAILABLE TO THE INDIVIDUAL'S INSURANCE COMPANY.

27 (B) NOTIFY THE INDIVIDUAL OF HIS OR HER ELIGIBILITY BY FIRST-

1 CLASS MAIL AT THE INDIVIDUAL'S LAST KNOWN ADDRESS AS INDICATED ON
2 THE INDIVIDUAL'S OPERATOR'S OR CHAUFFEUR'S LICENSE, AND INFORM THE
3 INDIVIDUAL OF THE LOCATION OF BASIC DRIVER IMPROVEMENT COURSES, AND
4 INFORM THE INDIVIDUAL OF THE MANNER AND TIME WITHIN WHICH THE
5 INDIVIDUAL IS REQUIRED TO NOTIFY THE SECRETARY OF STATE OF THE
6 INDIVIDUAL'S INTENT TO ATTEND A BASIC DRIVER IMPROVEMENT COURSE.

7 (C) NOTIFY THE INDIVIDUAL THAT IF THE INDIVIDUAL FAILS TO
8 NOTIFY THE SECRETARY OF STATE OF THE INDIVIDUAL'S INTENT TO ATTEND
9 A BASIC DRIVER IMPROVEMENT COURSE AS DESCRIBED UNDER SUBDIVISION
10 (B), POINTS WILL BE ENTERED FOR THE MOVING VIOLATION AS DESCRIBED
11 IN SUBSECTION (8).

12 (3) AN INDIVIDUAL IS INELIGIBLE TO TAKE A BASIC DRIVER
13 IMPROVEMENT COURSE IF ANY OF THE FOLLOWING APPLY:

14 (A) THE VIOLATION OCCURRED WHILE THE INDIVIDUAL WAS OPERATING
15 A COMMERCIAL MOTOR VEHICLE OR WAS LICENSED AS A COMMERCIAL DRIVER
16 WHILE OPERATING A NONCOMMERCIAL MOTOR VEHICLE AT THE TIME OF THE
17 OFFENSE.

18 (B) THE VIOLATION IS A CRIMINAL OFFENSE.

19 (C) THE VIOLATION IS A VIOLATION FOR WHICH 4 OR MORE POINTS
20 MAY BE ASSESSED UNDER SECTION 320A.

21 (D) THE VIOLATION IS A VIOLATION OF SECTION 626B, 627(9),
22 627A, OR 682.

23 (E) THE INDIVIDUAL WAS CITED FOR MORE THAN 1 MOVING VIOLATION
24 ARISING FROM THE SAME INCIDENT.

25 (F) THE INDIVIDUAL'S LICENSE WAS SUSPENDED UNDER SECTION
26 321A(2) IN CONNECTION WITH THE VIOLATION.

27 (G) THE INDIVIDUAL PREVIOUSLY SUCCESSFULLY COMPLETED A BASIC

1 DRIVER IMPROVEMENT COURSE.

2 (H) THE INDIVIDUAL HAS 3 OR MORE POINTS ON HIS OR HER DRIVING
3 RECORD.

4 (I) THE INDIVIDUAL'S OPERATOR'S OR CHAUFFEUR'S LICENSE IS
5 RESTRICTED, SUSPENDED, OR REVOKED, OR THE INDIVIDUAL WAS NOT ISSUED
6 AN OPERATOR'S OR CHAUFFEUR'S LICENSE.

7 (4) THE SECRETARY OF STATE SHALL MAINTAIN A COMPUTERIZED
8 DATABASE OF THE FOLLOWING:

9 (A) INDIVIDUALS WHO HAVE ATTENDED A BASIC DRIVER IMPROVEMENT
10 COURSE.

11 (B) INDIVIDUALS WHO HAVE SUCCESSFULLY COMPLETED A BASIC DRIVER
12 IMPROVEMENT COURSE.

13 (5) THE DATABASE MAINTAINED UNDER SUBSECTION (4) SHALL ONLY BE
14 USED FOR DETERMINING ELIGIBILITY UNDER SUBSECTION (3). THE
15 SECRETARY OF STATE SHALL ONLY MAKE THE INFORMATION CONTAINED IN THE
16 DATABASE AVAILABLE TO APPROVED SPONSORS UNDER SUBSECTION (10).
17 INFORMATION IN THIS DATABASE CONCERNING AN INDIVIDUAL SHALL BE
18 MAINTAINED FOR THE LIFE OF THAT INDIVIDUAL.

19 (6) AN INDIVIDUAL SHALL BE CHARGED A FEE OF NOT MORE THAN
20 \$100.00 TO PARTICIPATE IN A BASIC DRIVER IMPROVEMENT COURSE AND, IF
21 APPLICABLE, TO OBTAIN A CERTIFICATE IN A FORM AS APPROVED BY THE
22 SECRETARY OF STATE DEMONSTRATING THAT HE OR SHE SUCCESSFULLY
23 COMPLETED THE COURSE.

24 (7) FEES COLLECTED UNDER THIS SUBSECTION SHALL BE CREDITED TO
25 THE BASIC DRIVER IMPROVEMENT COURSE FUND CREATED UNDER SUBSECTION
26 (9).

27 (8) THE SECRETARY OF STATE SHALL IMMEDIATELY ENTER THE POINTS

1 FOR THE MOVING VIOLATION ON THE INDIVIDUAL'S DRIVING RECORD AS
2 FOLLOWS:

3 (A) TEN BUSINESS DAYS AFTER AN INDIVIDUAL DESCRIBED IN
4 SUBSECTION (2) FAILS TO NOTIFY THE SECRETARY OF STATE THAT HE OR
5 SHE DESIRES TO ATTEND A BASIC DRIVER IMPROVEMENT COURSE.

6 (B) SIXTY DAYS AFTER AN INDIVIDUAL DESCRIBED IN SUBSECTION (2)
7 WHO HAS PROPERLY NOTIFIED THE SECRETARY OF STATE THAT HE OR SHE
8 DESIRES TO ATTEND A BASIC DRIVER IMPROVEMENT COURSE BUT HAS FAILED
9 TO SUBMIT A CERTIFICATE OF SUCCESSFUL COMPLETION OF A BASIC DRIVER
10 IMPROVEMENT COURSE.

11 (9) THE BASIC DRIVER IMPROVEMENT COURSE FUND IS CREATED WITHIN
12 THE STATE TREASURY. THE STATE TREASURER MAY RECEIVE MONEY OR OTHER
13 ASSETS FROM ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE
14 TREASURER SHALL DIRECT THE INVESTMENT OF THE FUND. MONEY IN THE
15 FUND AT THE CLOSE OF THE FISCAL YEAR SHALL REMAIN IN THE FUND AND
16 SHALL NOT LAPSE TO THE GENERAL FUND. THE SECRETARY OF STATE SHALL
17 BE THE ADMINISTRATOR OF THE FUND FOR AUDITING PURPOSES. THE
18 SECRETARY OF STATE SHALL EXPEND MONEY FROM THE FUND, UPON
19 APPROPRIATION, ONLY TO PAY THE COSTS OF ADMINISTERING THIS SECTION.

20 (10) AN APPROVED SPONSOR SHALL CONDUCT A STUDY OF THE EFFECT,
21 IF ANY, THAT THE SUCCESSFUL COMPLETION OF ITS BASIC DRIVER
22 IMPROVEMENT COURSE HAS ON REDUCING COLLISIONS, MOVING VIOLATIONS,
23 OR BOTH FOR STUDENTS COMPLETING ITS COURSE IN THIS STATE. AN
24 APPROVED SPONSOR SHALL CONDUCT THIS STUDY EVERY 5 YEARS ON EACH OF
25 THE COURSE DELIVERY MODALITIES EMPLOYED BY THE APPROVED SPONSOR.
26 THE SECRETARY OF STATE SHALL MAKE ALL OF THE FOLLOWING INFORMATION
27 AVAILABLE TO THE APPROVED COURSE SPONSOR FOR THAT PURPOSE, SUBJECT

1 TO APPLICABLE STATE AND FEDERAL LAWS GOVERNING THE RELEASE OF
2 INFORMATION:

3 (A) THE NUMBER OF INDIVIDUALS WHO SUCCESSFULLY COMPLETE A
4 BASIC DRIVER IMPROVEMENT COURSE UNDER THIS SECTION.

5 (B) THE NUMBER OF INDIVIDUALS WHO ARE ELIGIBLE TO TAKE A BASIC
6 DRIVER IMPROVEMENT COURSE UNDER THIS SECTION BUT WHO DO NOT
7 SUCCESSFULLY COMPLETE THAT COURSE.

8 (C) THE NUMBER AND TYPE OF MOVING VIOLATIONS COMMITTED BY
9 INDIVIDUALS AFTER SUCCESSFULLY COMPLETING A BASIC DRIVER
10 IMPROVEMENT COURSE UNDER THIS SECTION IN COMPARISON TO THE NUMBER
11 AND TYPE OF MOVING VIOLATIONS COMMITTED BY INDIVIDUALS WHO HAVE NOT
12 TAKEN A BASIC DRIVER IMPROVEMENT COURSE.

13 (11) THE SECRETARY OF STATE SHALL REPORT ON THE FINDINGS OF
14 ALL STUDIES CONDUCTED UNDER SUBSECTION (10) TO THE STANDING
15 COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE ON
16 TRANSPORTATION ISSUES.

17 (12) THE SECRETARY OF STATE SHALL APPROVE BASIC DRIVER
18 IMPROVEMENT COURSE SPONSORS IF THE BASIC DRIVER IMPROVEMENT COURSE
19 OFFERED BY THAT SPONSOR SATISFIES THE REQUIREMENTS LISTED IN
20 SECTION 3A.

21 (13) AS USED IN THIS SECTION, "APPROVED SPONSOR" MEANS A
22 SPONSOR OF A BASIC DRIVER IMPROVEMENT COURSE THAT IS APPROVED BY
23 THE SECRETARY OF STATE UNDER SUBSECTION (12).

24 Enacting section 1. This amendatory act takes effect December
25 31, 2010.