

DRIVER EDUCATION PROVIDER AND INSTRUCTOR ACT (EXCERPT)
Act 384 of 2006

256.689 Sanctions.

Sec. 69.

(1) Except as otherwise provided in this act, the secretary of state may impose 1 or more of the sanctions in subsection (2) after notice and opportunity for a hearing if the secretary of state determines that a person, a driver education provider, a driver education instructor, or an applicant for either a provider or instructor certificate did 1 or more of the following:

- (a) Failed to meet a requirement under this act or a rule promulgated under this act.
- (b) Violated this act or a rule promulgated under this act.
- (c) Made an untrue or misleading statement of a material fact to the secretary of state or concealed a material fact in connection with an application for a provider or instructor certificate.
- (d) Permitted fraud or engaged in a fraudulent method, act, or practice in connection with a driver license or temporary driving permit application submitted to the secretary of state, or induced or countenanced fraud or a fraudulent method, act, or practice on the part of an applicant for a driver license or permit.
- (e) Engaged in an unfair or deceptive method, act, or practice or made an untrue statement of a material fact.
- (f) Violated a condition of probation or suspension or an order issued under this act.
- (g) Failed to maintain good moral character as defined and determined under 1974 PA 381, MCL 338.41 to 338.47, in connection with business operations.

(2) After the secretary of state determines that a person, a driver education provider, a driver education instructor, or an applicant for a provider or instructor certificate committed a violation listed in subsection (1), the secretary of state may impose upon the person, provider, instructor, or applicant 1 or more of the following sanctions:

- (a) Denial of an application for a driver education provider certificate or a driver education instructor certificate.
- (b) Suspension or revocation of a driver education provider certificate or a driver education instructor certificate.
- (c) An administrative fine paid to the secretary of state in an amount not to exceed \$1,000.00 for each violation.
- (d) A requirement to take the affirmative action determined necessary by the secretary of state, including payment of restitution to a student or to an injured person.

(3) A sanction may be imposed under subsection (2) in addition to criminal penalties otherwise imposed for the same violation under this act or by law. The remedies and sanctions under this act are independent and cumulative.

History: 2006, Act 384, Eff. Oct. 1, 2006