



SENATE BILL No. 22

January 13, 1993, Introduced by Senator EHLERS and referred to the Committee on Transportation and Tourism.

A bill to amend the title and sections 13 and 320e of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," section 320e as amended by Act No. 98 of the Public Acts of 1991, being sections 257.13 and 257.320e of the Michigan Compiled Laws; to add sections 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, and 373; and to repeal certain parts of the act on specific dates.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 13 and 320e of Act
2 No. 300 of the Public Acts of 1949, section 320e as amended by
3 Act No. 98 of the Public Acts of 1991, being sections 257.13 and
4 257.320e of the Michigan Compiled Laws, are amended and
5 sections 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360,

1 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, and
2 373 are added to read as follows:

3 TITLE

4 An act to provide for the registration, titling, sale,
5 transfer, and regulation of certain vehicles operated upon the
6 public highways of this state or any other place open to the gen-
7 eral public or generally accessible to motor vehicles and dis-
8 tressed vehicles; to provide for the licensing of dealers; TO
9 PROVIDE FOR THE LICENSING OF DRIVER IMPROVEMENT SCHOOLS AND
10 DRIVER IMPROVEMENT INSTRUCTORS; to provide for the examination,
11 licensing, and control of operators and chauffeurs; to provide
12 for the giving of proof of financial responsibility and security
13 by owners and operators of vehicles; to provide for the imposi-
14 tion, levy, and collection of specific taxes on vehicles, and the
15 levy and collection of sales and use taxes, license fees, and
16 permit fees; to provide for the regulation and use of streets and
17 highways; to create certain funds; to provide penalties and sanc-
18 tions for a violation of this act; to provide for civil liability
19 of owners and operators of vehicles and service of process on
20 residents and nonresidents; to provide for the levy of certain
21 assessments; to provide for the enforcement of this act; to pro-
22 vide for the creation of and to prescribe the powers and duties
23 of certain state and local agencies; to repeal all other acts or
24 parts of acts inconsistent with this act or contrary to this act;
25 and to repeal certain parts of this act on a specific date.

26 Sec. 13. (1) "Driver" means every person who drives or is
27 in actual physical control of a vehicle.

1 (2) "DRIVER IMPROVEMENT INSTRUCTION" MEANS A COURSE OF
2 INSTRUCTION APPROVED BY THE SECRETARY OF STATE PERTAINING TO THE
3 OPERATION OF A MOTOR VEHICLE PRESENTED FOR:

4 (A) A PERSON WHO IS REQUIRED TO ATTEND TO COMPLY WITH SEC-
5 TION 320E.

6 (B) A PERSON WHO IS REFERRED TO A SCHOOL BY A COURT HAVING
7 JURISDICTION OVER TRAFFIC VIOLATIONS.

8 (C) A PERSON WHO VOLUNTARILY CHOOSES TO ATTEND.

9 (D) A PERSON WHO POSSESSES A PROBATIONARY DRIVER LICENSE
10 UNDER SECTION 310D, OR A PERSON REQUIRED TO ATTEND A REEXAMINA-
11 TION UNDER SECTION 320, WHO IS REQUIRED BY THE SECRETARY OF STATE
12 TO ATTEND AND SUCCESSFULLY COMPLETE A DRIVER IMPROVEMENT COURSE.

13 (3) "DRIVER IMPROVEMENT INSTRUCTOR" MEANS AN INDIVIDUAL WHO
14 IS LICENSED BY THE SECRETARY OF STATE TO PROVIDE DRIVER IMPROVE-
15 MENT INSTRUCTION ON BEHALF OF A DRIVER IMPROVEMENT SCHOOL.

16 (4) "DRIVER IMPROVEMENT SCHOOL" MEANS A PERSON WHO EMPLOYS 1
17 OR MORE DRIVER IMPROVEMENT INSTRUCTORS, AND WHO IS LICENSED BY
18 THE SECRETARY OF STATE TO ENGAGE IN THE BUSINESS OF PROVIDING
19 DRIVER IMPROVEMENT INSTRUCTION.

20 Sec. 320e. (1) A person whose operator's or chauffeur's
21 license is suspended, revoked, or restricted pursuant to section
22 303, 319, 320, 324, 625, 625b, 625f, or 904 shall pay a license
23 reinstatement fee of \$125.00 to the secretary of state before a
24 license is issued or returned to the person. The increase in the
25 reinstatement fee from \$60.00 to \$125.00 shall be imposed for a
26 license that is issued or returned on or after October 1, 1991
27 regardless of when the license was suspended, revoked, or

1 restricted. Of the increase in the reinstatement fee from \$60.00
2 to \$125.00, \$25.00 shall be allocated to the department of state,
3 \$10.00 shall be deposited by the department of treasury in the
4 drunk driving prevention equipment and training fund created
5 under section 625h(1), and \$30.00 shall be deposited by the
6 department of treasury in the drunk driving caseflow assistance
7 fund created under section 625h(5). The fee shall be waived if
8 the license was suspended or restricted because of the person's
9 mental or physical infirmity or disability.

10 (2) A PERSON WHOSE OPERATOR'S OR CHAUFFEUR'S LICENSE IS SUS-
11 PENDED, REVOKED, OR RESTRICTED PURSUANT TO SECTION 303, 319, 320,
12 324, 625, 625B, 625F, OR 904 SHALL ATTEND AND SUCCESSFULLY COM-
13 PLETE A COURSE OF DRIVER IMPROVEMENT INSTRUCTION AT A LICENSED
14 DRIVER IMPROVEMENT SCHOOL BEFORE A LICENSE IS ISSUED OR RETURNED
15 TO THE PERSON. THIS SUBSECTION DOES NOT APPLY TO A PERSON WHOSE
16 OPERATOR'S OR CHAUFFEUR'S LICENSE IS SUSPENDED, REVOKED, OR
17 RESTRICTED BECAUSE OF THE PERSON'S MENTAL OR PHYSICAL INFIRMITY
18 OR DISABILITY.

19 (3) ~~-(2)-~~ The secretary of state shall assess points and
20 take licensing action, including suspending, revoking, or denying
21 a license under section 303 or 319, according to the law in
22 effect at the time the offense was committed or attempted or the
23 civil infraction occurred.

24 (4) ~~-(3)-~~ Judicial review of an administrative licensing
25 sanction under section 303 shall be governed by the law in effect
26 at the time the offense was committed or attempted.

1 SEC. 350. (1) A PERSON SHALL NOT ENGAGE IN THE BUSINESS OF
2 CONDUCTING A DRIVER IMPROVEMENT SCHOOL BEFORE OBTAINING A DRIVER
3 IMPROVEMENT SCHOOL LICENSE.

4 (2) A DRIVER IMPROVEMENT SCHOOL SHALL NOT ALLOW A PERSON TO
5 CONDUCT TRAINING AS A DRIVER IMPROVEMENT INSTRUCTOR UNLESS THE
6 PERSON HAS A VALID DRIVER IMPROVEMENT INSTRUCTOR LICENSE.

7 SEC. 351. THE SECRETARY OF STATE SHALL DO ALL OF THE
8 FOLLOWING:

9 (A) DEVELOP PROGRAMS TO INFORM MOTOR VEHICLE OPERATORS OF
10 THE AVAILABILITY AND BENEFITS OF DRIVER IMPROVEMENT INSTRUCTION.

11 (B) HONOR A DRIVER IMPROVEMENT SCHOOL'S CERTIFICATE OF COM-
12 PLETION PRESENTED BY AN INDIVIDUAL WHO SUCCESSFULLY COMPLETED A
13 COURSE OF DRIVER IMPROVEMENT INSTRUCTION PROVIDED IN A STATE WITH
14 DRIVER IMPROVEMENT INSTRUCTION STANDARDS COMPARABLE TO THOSE
15 REQUIRED PURSUANT TO THIS ACT.

16 (C) PROMULGATE RULES PURSUANT TO THE ADMINISTRATIVE PROCE-
17 DURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC ACTS OF 1969, BEING
18 SECTIONS 24.201 TO 24.328 OF THE MICHIGAN COMPILED LAWS, AS ARE
19 NECESSARY TO IMPLEMENT THIS ACT PERTAINING TO DRIVER IMPROVEMENT
20 SCHOOLS AND INSTRUCTORS.

21 (D) THREE YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY
22 ACT THAT ADDED THIS SECTION, SUBMIT A REPORT TO THE LEGISLATURE
23 ON THE EFFECTIVENESS OF THE DRIVER IMPROVEMENT INSTRUCTION
24 PROGRAM.

25 SEC. 352. (1) THE SECRETARY OF STATE SHALL ISSUE A LICENSE
26 TO AN APPLICANT TO OPERATE A DRIVER IMPROVEMENT SCHOOL IF ALL OF
27 THE FOLLOWING CONDITIONS ARE MET:

1 (A) THE APPLICANT PROPERLY APPLIES TO THE SECRETARY OF STATE
2 ON A FORM PRESCRIBED BY THE SECRETARY OF STATE FOR A LICENSE TO
3 OPERATE A DRIVER IMPROVEMENT SCHOOL.

4 (B) THE APPLICANT IDENTIFIES AS PRESCRIBED BY THE SECRETARY
5 OF STATE THE DRIVER IMPROVEMENT SCHOOL'S ESTABLISHED PLACE OF
6 BUSINESS.

7 (C) THE APPLICANT PAYS THE SECRETARY OF STATE AN APPLICATION
8 FEE OF \$200.00 FOR AN ORIGINAL LICENSE OR A LICENSE APPLICATION
9 FEE OF \$150.00 FOR THE ANNUAL RENEWAL OF AN ORIGINAL LICENSE.
10 THE LICENSE APPLICATION FEES COLLECTED BY THE SECRETARY OF STATE
11 SHALL BE DEPOSITED IN THE GENERAL FUND AND USED FIRST TO DEFRAY
12 THE COSTS OF THE SECRETARY OF STATE IN ADMINISTERING THIS ACT
13 PERTAINING TO DRIVER IMPROVEMENT SCHOOLS AND INSTRUCTORS.

14 (D) THE APPLICANT SCHEDULES WITH THE SECRETARY OF STATE A
15 DATE, TIME, AND PLACE FOR A SECRETARY OF STATE REPRESENTATIVE TO
16 REVIEW THE COMPLETE COURSE, INCLUDING ADMINISTRATIVE PROCEDURES,
17 CERTIFICATE OF COMPLETION, AND STUDENT AND RECORD-KEEPING
18 SYSTEMS.

19 (E) THE APPLICANT MEETS THE STANDARDS FOR OBTAINING A
20 LICENSE TO OPERATE A DRIVER IMPROVEMENT SCHOOL AS SET FORTH IN
21 THIS ACT OR RULES PROMULGATED PURSUANT TO THIS ACT.

22 (2) THE SECRETARY OF STATE SHALL ISSUE A CERTIFICATE OF
23 LICENSURE TO EACH APPLICANT TO WHOM A LICENSE TO OPERATE A DRIVER
24 IMPROVEMENT SCHOOL IS GRANTED.

25 (3) A LICENSE TO OPERATE A DRIVER IMPROVEMENT SCHOOL SHALL
26 EXPIRE 1 YEAR FROM THE DATE OF ISSUANCE.

1 SEC. 353. A DRIVER IMPROVEMENT SCHOOL SHALL NOTIFY THE
2 SECRETARY OF STATE, BY CERTIFIED MAIL, WITHIN 5 BUSINESS DAYS
3 AFTER EITHER OF THE FOLLOWING:

4 (A) A CHANGE IN THE SCHOOL'S OWNERS, OFFICERS, OR PARTNERS.
5 IF THE SCHOOL IS A STOCK CORPORATION, THIS SUBDIVISION SHALL
6 APPLY TO OWNERS OF 10% OR MORE OF THE CORPORATION'S STOCK.

7 (B) A CESSATION OF THE SCHOOL'S BUSINESS AND CLASSROOM
8 OPERATIONS. A NOTICE OF A SCHOOL'S CLOSING SHALL INCLUDE THE
9 RETURN OF ALL DRIVER IMPROVEMENT SCHOOL LICENSES ISSUED TO THE
10 SCHOOL BY THE SECRETARY OF STATE, IDENTIFY THE LOCATION WHERE ALL
11 SCHOOL RECORDS SHALL BE AVAILABLE FOR INSPECTION AS REQUIRED BY
12 SECTION 362, AND INCLUDE THE SUBMISSION OF THE SEMIANNUAL REPORT
13 REQUIRED BY SECTION 361. THE SCHOOL SHALL ALSO NOTIFY THE SECRE-
14 TARY OF STATE OF EACH INDIVIDUAL WHO HAS ENROLLED IN A DRIVER
15 IMPROVEMENT COURSE AT THE SCHOOL BUT WHO DID NOT RECEIVE INSTRU-
16 TION AT THE TIME OF THE SCHOOL'S CLOSING. THE AMOUNT OF ANY PAY-
17 MENTS NOT RETURNED TO A STUDENT SHALL BE IDENTIFIED.

18 SEC. 354. (1) THE SECRETARY OF STATE SHALL ISSUE A LICENSE
19 TO AN INDIVIDUAL AS A DRIVER IMPROVEMENT INSTRUCTOR IF, AT A MIN-
20 IMUM, ALL OF THE FOLLOWING STANDARDS ARE MET:

21 (A) THE INDIVIDUAL IS 21 YEARS OF AGE OR OLDER ON THE DATE
22 HIS OR HER LICENSE APPLICATION IS SUBMITTED TO THE SECRETARY OF
23 STATE.

24 (B) THE INDIVIDUAL HAS HAD A VALID DRIVER'S LICENSE WHICH
25 HAS BEEN IN CONTINUOUS EFFECT IN THIS OR ANOTHER STATE FOR THE 3
26 YEARS IMMEDIATELY PRECEDING SUBMISSION OF THE INSTRUCTOR LICENSE
27 APPLICATION. FOR AN INDIVIDUAL WHO HAS AN OUT-OF-STATE DRIVER'S

1 LICENSE, A CERTIFIED COPY OF THE INDIVIDUAL'S DRIVING RECORD FROM
2 THAT STATE SHALL ACCOMPANY THE APPLICATION.

3 (C) THE INDIVIDUAL HAS SUCCESSFULLY COMPLETED A SECRETARY OF
4 STATE APPROVED DRIVER IMPROVEMENT INSTRUCTOR TRAINING PROGRAM.

5 (D) THE INDIVIDUAL HAS DEMONSTRATED COMPETENCY IN THE FOL-
6 LOWING AREAS:

7 (i) BASIC CONTENT MATERIALS TAUGHT IN DRIVER EDUCATION
8 PROGRAMS.

9 (ii) ADDITIONAL CONTENT MATERIALS DIRECTLY RELATED TO ACCI-
10 DENT PREVENTION, INCLUDING, BUT NOT LIMITED TO, THE EFFECTS OF
11 THE USE OF ALCOHOL, DRUGS, AND NARCOTICS ON TRAFFIC SAFETY.

12 (iii) TEACHING METHODOLOGY AND ADMINISTRATIVE PRACTICES AS
13 THEY RELATE TO DRIVER AND TRAFFIC SAFETY EDUCATION.

14 (iv) PSYCHOLOGICAL ASPECTS OF THE DRIVER.

15 (v) MICHIGAN TRAFFIC LAW.

16 (E) THE INDIVIDUAL HAS A DRIVING RECORD WHICH INDICATES COM-
17 PETENCE TO OPERATE A MOTOR VEHICLE PURSUANT TO THIS SECTION AND
18 WHICH DOES NOT CONTAIN ANY OF THE FOLLOWING:

19 (i) A CONVICTION OF ANY OFFENSE FOR WHICH 4 OR 6 POINTS ARE
20 ASSESSED PURSUANT TO SECTION 320A WITHIN THE 10 YEARS IMMEDIATELY
21 PRECEDING SUBMISSION OF THE INSTRUCTOR LICENSE APPLICATION.

22 (ii) MORE THAN 3 POINTS ASSESSED PURSUANT TO SECTION 320A
23 WITHIN THE 2 YEARS IMMEDIATELY PRECEDING SUBMISSION OF THE
24 INSTRUCTOR LICENSE APPLICATION.

25 (iii) A DRIVER LICENSE RESTRICTION, SUSPENSION, OR REVOC-
26 TION IMPOSED PURSUANT TO SECTION 303, 310D, 319, 320, 321A, 324,

1 625, 625B, 625F, OR 904 WITHIN THE 5 YEARS IMMEDIATELY PRECEDING
2 SUBMISSION OF THE INSTRUCTOR LICENSE APPLICATION.

3 (iv) CONVICTION OF 4 OR MORE MOVING VIOLATIONS DURING A
4 3-YEAR PERIOD.

5 (v) AN ACCIDENT RESULTING IN THE DEATH OF A PERSON IF THE
6 APPLICANT WAS CONVICTED OF A 3 OR MORE POINT VIOLATION IN CON-
7 JUNCTION WITH THE ACCIDENT WITHIN THE 7 YEARS IMMEDIATELY PRECED-
8 ING SUBMISSION OF THE INSTRUCTOR LICENSE APPLICATION.

9 (vi) THREE ACCIDENTS WITHIN THE PRECEDING 2-YEAR PERIOD FOR
10 WHICH THE APPLICANT WAS CONVICTED OF A TRAFFIC VIOLATION IN CON-
11 JUNCTION WITH EACH ACCIDENT.

12 (F) THE INDIVIDUAL OR HIS OR HER EMPLOYER PAYS TO THE SECRE-
13 TARY OF STATE AN ANNUAL LICENSE APPLICATION FEE OF \$25.00.

14 (G) THE INDIVIDUAL PROPERLY APPLIES TO THE SECRETARY OF
15 STATE ON A FORM PRESCRIBED BY THE SECRETARY OF STATE FOR A
16 LICENSE TO BE A DRIVER IMPROVEMENT INSTRUCTOR.

17 (2) THE SECRETARY OF STATE SHALL ISSUE A CERTIFICATE OF
18 LICENSURE TO EACH APPLICANT TO WHOM A DRIVER IMPROVEMENT
19 INSTRUCTOR'S LICENSE IS GRANTED.

20 (3) A DRIVER IMPROVEMENT INSTRUCTOR'S LICENSE SHALL EXPIRE 1
21 YEAR FROM THE DATE OF ISSUANCE.

22 SEC. 355. IN THE EVENT OF LOSS, DESTRUCTION, OR MUTILATION
23 OF A DRIVER IMPROVEMENT SCHOOL'S LICENSE OR DRIVER IMPROVEMENT
24 INSTRUCTOR'S LICENSE, THE PERSON TO WHOM IT WAS ISSUED MAY OBTAIN
25 A DUPLICATE COPY UPON FURNISHING SATISFACTORY PROOF OF THE LOSS,
26 DESTRUCTION, OR MUTILATION AND PAYING THE SECRETARY OF STATE A
27 FEE OF \$10.00. THE FEES SHALL BE DEPOSITED IN THE GENERAL FUND

1 AND USED FIRST TO DEFRAY THE COSTS OF THE SECRETARY OF STATE IN
2 ADMINISTERING THIS ACT PERTAINING TO DRIVER IMPROVEMENT SCHOOLS
3 AND INSTRUCTORS.

4 SEC. 356. (1) A LICENSE FOR A DRIVER IMPROVEMENT SCHOOL OR
5 A DRIVER IMPROVEMENT INSTRUCTOR SHALL BE RENEWED ANNUALLY. A
6 SCHOOL OR INSTRUCTOR MAY FILE AN APPLICATION FOR RENEWAL WITH THE
7 SECRETARY OF STATE UP TO 30 DAYS PRIOR TO THE EXPIRATION OF THE
8 SCHOOL'S OR INSTRUCTOR'S LICENSE.

9 (2) A DRIVER IMPROVEMENT SCHOOL MAY CONTINUE TO OPERATE
10 AFTER THE EXPIRATION DATE OF ITS LICENSE OR A DRIVER IMPROVEMENT
11 INSTRUCTOR MAY CONTINUE TO INSTRUCT AFTER THE EXPIRATION OF HIS
12 OR HER LICENSE, PENDING APPROVAL OF A RENEWAL APPLICATION, IF THE
13 RENEWAL APPLICATION HAS BEEN RECEIVED BY THE SECRETARY OF STATE
14 ON OR BEFORE THE EXPIRATION DATE OF THE LICENSE. IF A RENEWAL
15 APPLICATION IS FILED AFTER THE EXPIRATION DATE OF THE LICENSE,
16 THE SCHOOL OR INSTRUCTOR MAY OPERATE FROM THE DAY ON WHICH THE
17 APPLICATION IS RECEIVED BY THE SECRETARY OF STATE, PENDING
18 APPROVAL OF THE RENEWAL APPLICATION. A LATE FEE OF \$50.00 FOR A
19 DRIVER IMPROVEMENT SCHOOL LICENSE OR A LATE FEE OF \$15.00 FOR A
20 DRIVER IMPROVEMENT INSTRUCTOR LICENSE SHALL BE IMPOSED ON THE
21 APPLICANT BY THE SECRETARY OF STATE IF THE LICENSE RENEWAL APPLI-
22 CATION IS RECEIVED BY THE SECRETARY OF STATE AFTER THE EXPIRATION
23 DATE OF THE LICENSE. THE LATE FEES COLLECTED BY THE SECRETARY OF
24 STATE SHALL BE DEPOSITED IN THE GENERAL FUND AND USED FIRST TO
25 DEFRAY THE COSTS OF THE SECRETARY OF STATE IN ADMINISTERING THIS
26 ACT.

1 SEC. 357. THE SECRETARY OF STATE MAY REQUIRE A PERSON WHO
2 POSSESSES A PROBATIONARY DRIVER'S LICENSE UNDER SECTION 310D OR A
3 PERSON REQUIRED TO ATTEND A REEXAMINATION UNDER SECTION 320 TO
4 ATTEND AND SUCCESSFULLY COMPLETE A COURSE OF DRIVER IMPROVEMENT
5 INSTRUCTION AT A LICENSED DRIVER IMPROVEMENT SCHOOL.

6 SEC. 358. IF A PERSON HAS BEEN CONVICTED, RECEIVED A PRO-
7 BATE COURT FINDING, OR BEEN DETERMINED RESPONSIBLE FOR A CIVIL
8 INFRACTION IN ANY COURT IN THIS STATE FOR ANY MOVING TRAFFIC VIO-
9 LATION, THE COURT MAY, IN ADDITION TO THE PENALTY PROVIDED BY LAW
10 FOR THE OFFENSE AND AS A PART OF THE JUDGMENT OF CONVICTION, PRO-
11 BATE COURT DETERMINATION, OR CIVIL JUDGMENT, OR AS A CONDITION OF
12 PROBATION, REQUIRE THE PERSON, AT HIS OR HER EXPENSE, IF ANY, TO
13 ATTEND AND SATISFACTORILY COMPLETE A COURSE OF DRIVER IMPROVEMENT
14 INSTRUCTION AT ANY LICENSED DRIVER IMPROVEMENT SCHOOL.

15 SEC. 359. (1) A PERSON MAY VOLUNTARILY ENROLL IN A DRIVER
16 IMPROVEMENT SCHOOL.

17 (2) A PERSON WHO VOLUNTARILY ENROLLS IN A DRIVER IMPROVEMENT
18 SCHOOL MAY RECEIVE A 2-POINT REDUCTION ON HIS OR HER DRIVING
19 RECORD IF THE PERSON PRESENTS TO THE SECRETARY OF STATE A DRIVER
20 IMPROVEMENT SCHOOL CERTIFICATE FROM THE VOLUNTARY ENROLLMENT
21 WITHIN 60 DAYS OF THE DATE OF COMPLETION ON THE CERTIFICATE.

22 (3) IF A PERSON HAS 8 OR MORE POINTS ON HIS OR HER DRIVING
23 RECORD AT THE TIME OF A VOLUNTARY ENROLLMENT UNDER THIS SECTION
24 AND IN THE IMMEDIATELY FOLLOWING 12 MONTHS COMMITS A VIOLATION
25 FOR WHICH POINTS ARE ASSESSED UNDER SECTION 320A, THE POINTS
26 REMOVED UNDER SUBSECTION (2) SHALL BE REESTABLISHED ON THE

1 DRIVING RECORD OF THE PERSON AND HAVE THE SAME EFFECT AS IF THE
2 POINTS WERE NEVER REMOVED.

3 (4) A PERSON MAY RECEIVE A 2-POINT REDUCTION UNDER THIS SEC-
4 TION NOT MORE THAN ONCE IN A 4-YEAR PERIOD.

5 (5) FOR THE PURPOSE OF THIS SECTION, "VOLUNTARILY ENROLL"
6 MEANS THE PERSON WENT TO THE DRIVER IMPROVEMENT SCHOOL ON HIS OR
7 HER OWN INITIATIVE AND NOT PURSUANT TO A REQUIREMENT UNDER THIS
8 ACT OR A COURT ORDER.

9 SEC. 360. A PERSON SHALL NOT DO ANY OF THE FOLLOWING:

10 (A) ALTER OR FORGE A DRIVER IMPROVEMENT SCHOOL CERTIFICATE,
11 DRIVER IMPROVEMENT SCHOOL LICENSE, OR DRIVER IMPROVEMENT SCHOOL
12 INSTRUCTOR LICENSE.

13 (B) HOLD OR USE A DRIVER IMPROVEMENT SCHOOL CERTIFICATE,
14 DRIVER IMPROVEMENT SCHOOL LICENSE, OR DRIVER IMPROVEMENT SCHOOL
15 INSTRUCTOR LICENSE, KNOWING IT IS ALTERED OR FORGED.

16 (C) PROCURE, ATTEMPT TO PROCURE, PASS, OR ATTEMPT TO PASS A
17 DRIVER IMPROVEMENT SCHOOL CERTIFICATE, DRIVER IMPROVEMENT SCHOOL
18 LICENSE, OR DRIVER IMPROVEMENT SCHOOL INSTRUCTOR LICENSE, KNOWING
19 OR HAVING REASON TO BELIEVE THAT THE CERTIFICATE OR LICENSE IS
20 ALTERED, FORGED, OR STOLEN.

21 (D) SELL, OR OFFER TO SELL, IN THIS STATE A DRIVER IMPROVE-
22 MENT SCHOOL CERTIFICATE, DRIVER IMPROVEMENT SCHOOL LICENSE, OR
23 DRIVER IMPROVEMENT SCHOOL INSTRUCTOR LICENSE, ON WHICH THE CON-
24 TROL NUMBER PRESCRIBED BY THE SECRETARY OF STATE IS DESTROYED,
25 REMOVED, COVERED, ALTERED, OR DEFACED, WITH KNOWLEDGE OF THE
26 DESTRUCTION, REMOVAL, COVERING, ALTERATION, OR DEFACEMENT OF THE
27 CONTROL NUMBER.

1 (E) USE A FALSE OR FICTITIOUS NAME, GIVE A FALSE OR
2 FICTITIOUS ADDRESS, OR MAKE A FALSE STATEMENT IN AN APPLICATION
3 FOR ENROLLMENT IN A DRIVER IMPROVEMENT SCHOOL, FOR A DRIVER
4 IMPROVEMENT SCHOOL LICENSE, OR DRIVER IMPROVEMENT SCHOOL INSTRU-
5 TOR LICENSE.

6 (F) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDE-
7 MEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR
8 A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

9 SEC. 361. A DRIVER IMPROVEMENT SCHOOL SHALL DO ALL OF THE
10 FOLLOWING:

11 (A) MAINTAIN AN ESTABLISHED PLACE OF BUSINESS OPEN TO THE
12 PUBLIC. ALL BUSINESS AND STUDENT RECORDS SHALL BE KEPT AT THE
13 SCHOOL'S ESTABLISHED PLACE OF BUSINESS AND SHALL BE AVAILABLE FOR
14 INSPECTION BY THE SECRETARY OF STATE. THE PLACE OF BUSINESS
15 SHALL BE OWNED OR LEASED BY THE SCHOOL OWNER AND SHALL COMPLY
16 WITH LOCAL ZONING ORDINANCES. THE SCHOOL OWNER SHALL POST A SIGN
17 AT THE MAIN ENTRANCE OF THE PLACE OF BUSINESS IDENTIFYING THE
18 DRIVER IMPROVEMENT SCHOOL'S NAME AND SPECIFYING ITS BUSINESS
19 OFFICE HOURS.

20 (B) PROVIDE 1 OR MORE CLASSROOM FACILITIES FOR INSTRUCTION
21 TO STUDENTS ENROLLED IN THE SCHOOL. THE DRIVER IMPROVEMENT
22 SCHOOL'S LICENSE SHALL BE DISPLAYED IN A CONSPICUOUS LOCATION AT
23 THE SCHOOL'S ESTABLISHED PLACE OF BUSINESS. A DRIVER IMPROVEMENT
24 SCHOOL SHALL PRESENT EVIDENCE THAT EACH CLASSROOM FACILITY USED
25 BY THE SCHOOL MEETS LOCAL HEALTH AND SAFETY REQUIREMENTS. THE
26 MAXIMUM NUMBER OF STUDENTS PERMITTED IN ATTENDANCE AT EACH
27 CLASSROOM LOCATION SHALL BE ESTABLISHED IN ACCORDANCE WITH LOCAL

1 HEALTH AND SAFETY REQUIREMENTS. THE MAXIMUM NUMBER OF STUDENTS
2 PERMITTED IN EACH CLASSROOM FACILITY SHALL BE IDENTIFIED ON THE
3 SCHOOL'S LICENSE APPLICATION.

4 (C) EMPLOY 1 OR MORE DRIVER IMPROVEMENT INSTRUCTORS, EACH
5 LICENSED BY THE SECRETARY OF STATE AS A DRIVER IMPROVEMENT
6 INSTRUCTOR.

7 (D) PROVIDE STUDENTS WITH A DRIVER IMPROVEMENT INSTRUCTION
8 COURSE APPROVED BY THE SECRETARY OF STATE. EACH COURSE SHALL
9 INCLUDE A MINIMUM OF 6 CLOCK HOURS OF DRIVER IMPROVEMENT
10 INSTRUCTION.

11 (E) FURNISH CORE CURRICULUM MATERIALS APPROVED BY THE SECRE-
12 TARY OF STATE TO STUDENTS ENROLLED IN THE SCHOOL.

13 (F) FURNISH A DRIVER IMPROVEMENT CERTIFICATE TO EACH STUDENT
14 WHO SUCCESSFULLY COMPLETES THE COURSE OF DRIVER IMPROVEMENT
15 INSTRUCTION. THE CERTIFICATE SHALL BE FURNISHED TO THE STUDENT
16 WITHIN 7 DAYS AFTER THE DATE THE STUDENT COMPLETED THE COURSE OR
17 WITHIN 7 DAYS AFTER RECEIPT BY THE SCHOOL OF THE FINAL PAYMENT
18 FOR THE COURSE IF THE STUDENT HAS NOT COMPLETED PAYING THE SCHOOL
19 IN FULL FOR THE COURSE, WHICHEVER IS LATER. THE CERTIFICATE
20 SHALL BE ON A FORM PRESCRIBED BY THE SECRETARY OF STATE AND SHALL
21 INCLUDE THE FOLLOWING INFORMATION:

22 (i) THE NAME OF THE DRIVER IMPROVEMENT SCHOOL.

23 (ii) THE ADDRESS OF THE SCHOOL'S ESTABLISHED PLACE OF
24 BUSINESS.

25 (iii) THE TELEPHONE NUMBER OF THE SCHOOL.

26 (iv) THE DRIVER IMPROVEMENT SCHOOL'S LICENSE NUMBER.

1 (v) THE NAME OF THE STUDENT.

2 (vi) THE DRIVER LICENSE NUMBER OF THE STUDENT.

3 (vii) THE DATE ON WHICH DRIVER IMPROVEMENT INSTRUCTION WAS
4 COMPLETED BY THE STUDENT.

5 (viii) A CONTROL NUMBER AS PRESCRIBED BY THE SECRETARY OF
6 STATE.

7 (ix) A STATEMENT PRINTED IN NOT LESS THAN 10-POINT TYPE ON
8 THE FACE OF THE CERTIFICATE WHICH READS: "I CERTIFY THE ABOVE
9 NAMED STUDENT HAS SUCCESSFULLY COMPLETED DRIVER IMPROVEMENT
10 INSTRUCTION AT THIS LICENSED DRIVER IMPROVEMENT SCHOOL IN ACCORD-
11 ANCE WITH THE LAWS OF THE STATE OF MICHIGAN". THE STATEMENT
12 SHALL BE DATED AND SIGNED BY THE DRIVER IMPROVEMENT SCHOOL OWNER
13 OR HIS OR HER DESIGNATED REPRESENTATIVE.

14 (G) IN ADDITION TO THE COURSE FEE, COLLECT A FEE OF \$5.00
15 FROM EACH DRIVER IMPROVEMENT SCHOOL STUDENT AND ON THE FIRST DAY
16 OF EACH MONTH FORWARD THOSE FEES TO THE SECRETARY OF STATE. THE
17 FEES SHALL BE DEPOSITED IN THE GENERAL FUND AND USED FIRST TO
18 DEFRAY THE COSTS OF THE SECRETARY OF STATE IN ADMINISTERING THIS
19 ACT PERTAINING TO DRIVER IMPROVEMENT SCHOOLS AND INSTRUCTORS.

20 (H) PROVIDE THE SECRETARY OF STATE WITH A REPORT, BY
21 FEBRUARY 15 AND AUGUST 15 OF EACH YEAR, ON A FORM PRESCRIBED BY
22 THE SECRETARY OF STATE. THE REPORT SHALL CONTAIN, BUT NOT BE
23 LIMITED TO, ALL OF THE FOLLOWING:

24 (i) THE COMPLETE NAME, ADDRESS, AND DRIVER LICENSE NUMBER OF
25 EACH STUDENT WHO ENROLLED IN THE DRIVER IMPROVEMENT SCHOOL.

26 (ii) THE NAME AND LICENSE NUMBER OF EACH DRIVER IMPROVEMENT
27 INSTRUCTOR WHO PROVIDED INSTRUCTION TO THE STUDENT.

1 (iii) INFORMATION CONCERNING WHETHER THE STUDENT
2 SUCCESSFULLY COMPLETED THE DRIVER IMPROVEMENT INSTRUCTION.

3 (iv) THE DATE THE STUDENT SUCCESSFULLY COMPLETED THE
4 COURSE.

5 (v) THE DATE ON WHICH A DRIVER IMPROVEMENT CERTIFICATE WAS
6 ISSUED TO THE STUDENT AND THE CONTROL NUMBER ON THE CERTIFICATE.

7 (I) PROVIDE THE SECRETARY OF STATE WITH AN ANNUAL REPORT AS
8 A PRECONDITION TO THE RENEWAL OF THE SCHOOL'S LICENSE. THE
9 REPORT SHALL CONSIST OF RESEARCH DOCUMENTATION AS PRESCRIBED BY
10 THE SECRETARY OF STATE TO ASSIST THE SECRETARY'S RESEARCH SHOWING
11 EVIDENCE OF PRECOURSE AND POSTCOURSE COMPLETION EFFECTIVENESS IN
12 TERMS OF REDUCED VEHICULAR ACCIDENTS AND REDUCED MOVING VIOLATION
13 CONVICTIONS BY COURSE GRADUATES.

14 SEC. 362. (1) A DRIVER IMPROVEMENT SCHOOL SHALL MAINTAIN AT
15 THE SCHOOL'S ESTABLISHED PLACE OF BUSINESS RECORDS AS REQUIRED BY
16 THIS ACT OR RULES PROMULGATED TO CARRY OUT THIS ACT. THE RECORDS
17 SHALL BE MAINTAINED FOR NOT LESS THAN 5 YEARS AND SHALL BE OPEN
18 TO INSPECTION BY THE SECRETARY OF STATE OR BY HIS OR HER REPRESENTATIVE DURING REASONABLE OR ESTABLISHED BUSINESS HOURS. THE
19 RECORDS SHALL CONTAIN ALL THE FOLLOWING INFORMATION:

21 (A) THE NAME, ADDRESS, AND DRIVER LICENSE NUMBER OF EACH
22 STUDENT WHO HAS BEEN ENROLLED IN THE DRIVER IMPROVEMENT SCHOOL.

23 (B) THE DATE AND NUMBER OF HOURS OF CLASSROOM INSTRUCTION
24 PROVIDED EACH STUDENT, AND THE NAME AND SIGNATURE OF EACH
25 INSTRUCTOR PROVIDING INSTRUCTION TO THE STUDENT.

26 (C) A LISTING BY DATE OF EVERY PAYMENT MADE BY A STUDENT AND
27 ANY REFUNDS ISSUED TO A STUDENT.

1 (D) INFORMATION CONCERNING WHETHER OR NOT A STUDENT
2 COMPLETED THE COURSE OF DRIVER IMPROVEMENT INSTRUCTION, THE DATE
3 ON WHICH A CERTIFICATE WAS ISSUED, IF ANY, AND THE CONTROL NUMBER
4 ON THE CERTIFICATE.

5 (E) A SIGNED COPY OF THE CONTRACT BETWEEN THE SCHOOL AND
6 EACH STUDENT.

7 (2) A PERSON SHALL NOT HINDER, OBSTRUCT, OR OTHERWISE PRE-
8 VENT AN INSPECTION BY THE SECRETARY OF STATE OR HIS OR HER REPRESENTATIVE UNDER SUBSECTION (1).

10 SEC. 363. A DRIVER IMPROVEMENT SCHOOL SHALL NOT PROVIDE
11 INSTRUCTION TO A STUDENT UNTIL ALL TERMS OF A CONTRACT BETWEEN
12 THE SCHOOL AND THE STUDENT ARE SPECIFIED IN A WRITTEN CONTRACT.
13 BEFORE INSTRUCTION, THE CONTRACT SHALL BE DATED AND SIGNED BY A
14 REPRESENTATIVE OF THE SCHOOL AND THE STUDENT. A FULLY EXECUTED
15 ORIGINAL SHALL BE GIVEN TO THE STUDENT. THE CONTRACT SHALL CONTAIN
16 ALL OF THE FOLLOWING INFORMATION:

17 (A) THE NAME OF THE SCHOOL.

18 (B) THE ADDRESS OF THE SCHOOL'S ESTABLISHED PLACE OF
19 BUSINESS.

20 (C) THE ADDRESS WHERE THE STUDENT WILL BE GIVEN CLASSROOM
21 INSTRUCTION IF DIFFERENT FROM THE SCHOOL'S ESTABLISHED PLACE OF
22 BUSINESS.

23 (D) THE TELEPHONE NUMBER OF THE SCHOOL.

24 (E) THE OFFICE HOURS OF THE SCHOOL.

25 (F) THE DRIVER IMPROVEMENT SCHOOL'S LICENSE NUMBER ISSUED BY
26 THE SECRETARY OF STATE.

1 (G) THE DISCLOSURE OF ANY CONCESSION AGREEMENT AND THE
2 LIMITS OF RESPONSIBILITY AND LIABILITY CONTAINED IN THE
3 CONCESSION AGREEMENT. AS USED IN THIS SUBDIVISION, "CONCESSION
4 AGREEMENT" MEANS A CONTRACT, FRANCHISE, AGREEMENT, OR THE GRANT-
5 ING OF A PRIVILEGE, WRITTEN OR ORAL, BETWEEN 2 BUSINESS ENTITIES
6 PERMITTING 1 OF THE ENTITIES TO OPERATE A DRIVER TRAINING SCHOOL
7 UNDER THE SPONSORSHIP, NAME, AUSPICES OF, OR ON THE PREMISES OF
8 THE OTHER ENTITY.

9 (H) THE NAME, ADDRESS, TELEPHONE NUMBER, DATE OF BIRTH, AND
10 DRIVER LICENSE NUMBER OF THE STUDENT.

11 (I) THE NUMBER OF CLOCK HOURS TO BE PROVIDED IN THE DRIVER
12 IMPROVEMENT INSTRUCTION COURSE AND THE FEES CHARGED FOR THE
13 INSTRUCTION.

14 (J) THE FEES CHARGED FOR MATERIALS AND SUPPLIES.

15 (K) THE FEE PAYMENT PLAN.

16 (L) IN CASE OF AN UNEMANCIPATED MINOR, THE SIGNATURE OF THE
17 STUDENT'S PARENT OR GUARDIAN.

18 (M) A STATEMENT PRINTED IN NOT LESS THAN 10-POINT TYPE ON
19 THE FACE OF THE CONTRACT WHICH READS AS FOLLOWS:

20 "NOTICE: THIS DRIVER IMPROVEMENT SCHOOL IS REQUIRED TO BE
21 LICENSED BY THE MICHIGAN DEPARTMENT OF STATE. IF YOU HAVE A COM-
22 PLAINT REGARDING THIS SCHOOL, WRITE: MICHIGAN DEPARTMENT OF
23 STATE, LANSING, MICHIGAN 48918."

24 (N) A STATEMENT OF THE SCHOOL'S REFUND OR CANCELLATION
25 POLICY, IF ANY.

26 (O) OTHER INFORMATION REQUIRED BY THE SECRETARY OF STATE.

1 SEC. 364. THE SECRETARY OF STATE MAY DENY THE APPLICATION
2 OF ANY PERSON FOR A LICENSE AS A DRIVER IMPROVEMENT SCHOOL OR
3 DRIVER IMPROVEMENT INSTRUCTOR AND REFUSE TO ISSUE THE PERSON A
4 LICENSE AS A DRIVER IMPROVEMENT SCHOOL OR INSTRUCTOR, OR MAY SUS-
5 PEND OR REVOKE A LICENSE ALREADY ISSUED, OR MAY ISSUE OR IMPOSE
6 CONDITIONS OF PROBATION, OR MAY LEVY A FINE, OR MAY ISSUE AN
7 ORDER REQUIRING THE SCHOOL OR INSTRUCTOR TO TAKE SUCH AFFIRMATIVE
8 ACTION AS IS APPROPRIATE IN THE JUDGMENT OF THE SECRETARY OF
9 STATE, OR MAY IMPOSE ANY APPROPRIATE COMBINATION OF THE PRECED-
10 ING, IF, AFTER NOTICE AND OPPORTUNITY FOR A HEARING, THE SECRE-
11 TARY FINDS THAT THE APPLICANT OR LICENSEE HAS DONE OR FAILED TO
12 DO 1 OR MORE OF THE FOLLOWING:

13 (A) HAS MADE AN UNTRUE STATEMENT OF A MATERIAL FACT IN HIS
14 OR HER APPLICATION FOR A SCHOOL OR INSTRUCTOR LICENSE.

15 (B) HAS NOT COMPLIED WITH THE PROVISIONS OF THIS ACT FOR
16 OBTAINING THE SCHOOL OR INSTRUCTOR LICENSE OR RETAINING THE
17 LICENSE.

18 (C) HAS BEEN GUILTY OF A FRAUDULENT ACT IN CONNECTION WITH
19 CONTRACTING FOR OR PROVIDING DRIVER IMPROVEMENT INSTRUCTION.

20 (D) HAS NO ESTABLISHED PLACE OF BUSINESS WHICH IS USED OR
21 WILL BE USED FOR THE PURPOSE OF PROVIDING DRIVER IMPROVEMENT
22 INSTRUCTION.

23 (E) HAS ACQUIRED ON THE APPLICANT'S OR LICENSEE'S DRIVING
24 RECORD ANY OF THE CONDITIONS IDENTIFIED IN SECTION 354 EITHER
25 PRECEDING THE SUBMISSION OF THE LICENSE APPLICATION OR DURING
26 LICENSURE AS A DRIVER IMPROVEMENT INSTRUCTOR.

1 (F) ENGAGED IN A METHOD, ACT, OR PRACTICE THAT IS UNFAIR OR
2 DECEPTIVE OR UNCONSCIONABLE.

3 (G) MADE AN UNTRUE STATEMENT OF A MATERIAL FACT TO ANY
4 PERSON IN CONNECTION WITH PROVIDING DRIVER IMPROVEMENT
5 INSTRUCTION.

6 (H) VIOLATED A PROVISION OF THIS ACT PERTAINING TO DRIVER
7 IMPROVEMENT SCHOOLS OR INSTRUCTORS OR A RULE PROMULGATED UNDER
8 THIS ACT PERTAINING TO DRIVER IMPROVEMENT SCHOOLS OR
9 INSTRUCTORS.

10 (I) REFUSED TO PROVIDE A DRIVER IMPROVEMENT COURSE OF
11 INSTRUCTION.

12 (J) VIOLATED A CONDITION OF PROBATION OR THE TERMS OF A SUS-
13 PENSION ORDER OR OTHER AGREEMENT.

14 (K) IF THE APPLICANT OR LICENSEE IS A CORPORATION OR PART-
15 NERSHIP, AND ANY INDIVIDUAL STOCKHOLDER, OFFICER, DIRECTOR, OR
16 PARTNER OF THE APPLICANT OR LICENSEE HAS BEEN GUILTY OF ANY ACT
17 OR OMISSION WHICH WOULD BE CAUSE FOR REFUSING, SUSPENDING, REVOK-
18 ING, OR OTHERWISE SANCTIONING A LICENSE ISSUED TO THE STOCKHOLD-
19 ER, OFFICER, DIRECTOR, OR PARTNER AS AN INDIVIDUAL.

20 (L) FAILED TO COMPLY WITH THE TERMS OF A FINAL CEASE AND
21 DESIST ORDER.

22 (M) CAUSED OR ALLOWED AN INDIVIDUAL TO PROVIDE DRIVER
23 IMPROVEMENT INSTRUCTION WITHOUT A LICENSE.

24 (N) OPERATED A DRIVER IMPROVEMENT SCHOOL WITHOUT BEING
25 LICENSED AS REQUIRED BY THIS ACT.

26 (O) FAILED TO PROVIDE A STUDENT REFUND DUE IN CONFORMITY
27 WITH SCHOOL REFUND POLICY.

1 (P) FAILED TO COMPLY WITH THE TERMS OF A CONTRACT BETWEEN
2 THE SCHOOL AND A STUDENT.

3 SEC. 365. IT SHALL BE AN UNFAIR OR DECEPTIVE OR UNCONSCIO-
4 NABLE METHOD, ACT, OR PRACTICE FOR A DRIVER IMPROVEMENT SCHOOL TO
5 DO ANY OF THE FOLLOWING:

6 (A) VIOLATE THIS ACT PERTAINING TO DRIVER IMPROVEMENT
7 SCHOOLS OR A RULE PROMULGATED UNDER THIS ACT PERTAINING TO DRIVER
8 IMPROVEMENT SCHOOLS.

9 (B) MISREPRESENT OR FAIL TO DISCLOSE THE TOTAL INITIAL AND
10 DEFERRED PRICE OR THE HOURLY RATE, IF APPLICABLE, OF INSTRU-
11 TIONS, SERVICES, OR MATERIALS PROVIDED TO A STUDENT.

12 (C) MISREPRESENT THE QUANTITY OR QUALITY OF THE INSTRUCTION
13 PROVIDED.

14 (D) FAIL TO DELIVER TO THE STUDENT A COPY OF ALL EXECUTED
15 CONTRACTS AND ALL APPLICABLE POLICIES.

16 (E) FAIL TO DISCLOSE TO A STUDENT THE EXISTENCE OF ANY
17 APPLICABLE CONCESSION AGREEMENT OR REFUND POLICY.

18 (F) FAIL TO PROMPTLY RESTORE TO A STUDENT ENTITLED THERETO
19 ANY DEPOSIT, DOWN PAYMENT, OR OTHER PAYMENT WHEN A CONTRACT IS
20 RESCINDED, CANCELED, OR OTHERWISE TERMINATED IN ACCORDANCE WITH
21 THE TERMS OF THE CONTRACT OR APPLICABLE LAW OR RULE.

22 (G) TAKE ADVANTAGE OF A STUDENT'S OR POTENTIAL STUDENT'S
23 INABILITY TO REASONABLY PROTECT HIS OR HER INTEREST BECAUSE OF A
24 DISABILITY, ILLITERACY, OR AN INABILITY TO UNDERSTAND THE LAN-
25 GUAGE OF A CONTRACT, IF THE LICENSEE KNOWS OR REASONABLY SHOULD
26 HAVE KNOWN OF THE STUDENT'S INABILITY.

1 (H) FAIL, AS THE RESULT OF THE LICENSEE'S ACTION OR
2 INACTION, TO PROVIDE INSTRUCTION AGREED TO IN THE CONTRACT OR AS
3 REQUIRED FOR THE CERTIFICATE FOR SUCCESSFULLY COMPLETING THE
4 DRIVER IMPROVEMENT INSTRUCTION.

5 (I) ISSUE A CERTIFICATE TO A STUDENT WHO HAS NOT FULFILLED
6 THE REQUIRED HOURS OR CONDITIONS FOR THE CERTIFICATE.

7 (J) FALSIFY DOCUMENTS, AGREEMENTS, RECORDS, REPORTS, OR
8 CERTIFICATES.

9 (K) ALLOW A STUDENT TO SIGN A DOCUMENT IN BLANK.

10 (L) PROVIDE INSTRUCTION TO A STUDENT BY OTHER THAN A
11 LICENSED INSTRUCTOR.

12 (M) FAIL TO MAINTAIN RECORDS AS REQUIRED BY THIS ACT.

13 (N) REPRESENT THE SCHOOL, AN INSTRUCTOR, HIMSELF OR HERSELF
14 AS AN AGENT OR EMPLOYEE OF THE STATE OR USE ADVERTISING DESIGNED
15 TO LEAD, OR WHICH WOULD REASONABLY HAVE THE EFFECT OF LEADING,
16 PERSONS TO BELIEVE THAT THE LICENSEE OR AN INSTRUCTOR IS AN
17 EMPLOYEE OR REPRESENTATIVE OF THE STATE.

18 (O) PROVIDE OR ATTEMPT TO PROVIDE DRIVER IMPROVEMENT
19 INSTRUCTION THROUGH A CORRESPONDENCE PROGRAM.

20 SEC. 366. THE SECRETARY OF STATE MAY COMMENCE A HEARING TO
21 DETERMINE WHETHER A VIOLATION OF THIS ACT PERTAINING TO A DRIVER
22 IMPROVEMENT SCHOOL OR INSTRUCTOR, OR OF A PROMULGATED RULE PURSU-
23 ANT TO THIS ACT PERTAINING TO A DRIVER IMPROVEMENT SCHOOL OR
24 INSTRUCTOR, HAS OCCURRED. THE HEARING SHALL BE CONDUCTED IN
25 ACCORDANCE WITH THE PROCEDURES SET FORTH IN CHAPTER 4 OF THE
26 ADMINISTRATIVE PROCEDURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC
27 ACTS OF 1969, BEING SECTIONS 24.271 TO 24.287 OF THE MICHIGAN

1 COMPILED LAWS. UPON WRITTEN REQUEST OF A PARTY, THE HEARING
2 OFFICER MAY SIGN AND ISSUE A SUBPOENA. IF AFTER A HEARING THE
3 SECRETARY OF STATE DETERMINES THAT A VIOLATION OF THIS ACT PER-
4 TAINING TO A DRIVER IMPROVEMENT SCHOOL OR INSTRUCTOR OR OF A RULE
5 PROMULGATED PURSUANT TO THIS ACT PERTAINING TO A DRIVER IMPROVE-
6 MENT SCHOOL OR INSTRUCTOR HAS OCCURRED, THE SECRETARY OF STATE
7 MAY ISSUE AN ORDER AND INSTITUTE AN ACTION AUTHORIZED BY THIS ACT
8 PERTAINING TO A DRIVER IMPROVEMENT SCHOOL OR INSTRUCTOR AND
9 IMPOSE A FINE FOR EACH VIOLATION. A FINAL DECISION AND ORDER
10 ISSUED BY THE SECRETARY OF STATE IS SUBJECT TO JUDICIAL REVIEW AS
11 PROVIDED BY CHAPTER 6 OF THE ADMINISTRATIVE PROCEDURES ACT OF
12 1969, ACT NO. 306 OF THE PUBLIC ACTS OF 1969, BEING
13 SECTIONS 24.301 TO 24.306 OF THE MICHIGAN COMPILED LAWS. A FINE
14 IMPOSED UNDER THIS ACT WHICH REMAINS UNPAID FOR MORE THAN 180
15 DAYS MAY BE REFERRED TO THE DEPARTMENT OF TREASURY FOR
16 COLLECTION. THE DEPARTMENT OF TREASURY MAY COLLECT THE FINE BY
17 DEDUCTING THE AMOUNT OWED FROM A PAYROLL OR TAX REFUND WARRANT.
18 THE SECRETARY OF STATE MAY BRING AN ACTION IN CIRCUIT COURT TO
19 RECOVER THE AMOUNT OF A FINE.

20 SEC. 367. (1) UPON RECEIPT OF AN AFFIDAVIT SUBMITTED BY A
21 PERSON FAMILIAR WITH THE FACTS SET FORTH IN THE AFFIDAVIT STATING
22 THAT THERE IS A VIOLATION OF THIS ACT PERTAINING TO A DRIVER
23 IMPROVEMENT SCHOOL OR DRIVER IMPROVEMENT INSTRUCTOR OR OF A RULE
24 PERTAINING TO A DRIVER IMPROVEMENT SCHOOL OR DRIVER IMPROVEMENT
25 INSTRUCTOR, THE SECRETARY OF STATE MAY ORDER A SUMMARY SUSPENSION
26 OF THE DRIVER IMPROVEMENT SCHOOL'S OR DRIVER IMPROVEMENT
27 INSTRUCTOR'S LICENSE PURSUANT TO SECTION 92 OF THE ADMINISTRATIVE

1 PROCEDURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC ACTS OF 1969,
2 BEING SECTION 24.292 OF THE MICHIGAN COMPILED LAWS.

3 (2) A DRIVER IMPROVEMENT SCHOOL OR DRIVER IMPROVEMENT
4 INSTRUCTOR TO WHOM AN ORDER IS DIRECTED UNDER SUBSECTION (1) MAY,
5 WITHIN 5 BUSINESS DAYS AFTER RECEIPT OF THE SUMMARY SUSPENSION
6 ORDER, REQUEST THE SECRETARY OF STATE TO CONDUCT A HEARING TO
7 REVIEW THE ORDER. IF REQUESTED, A REVIEW HEARING SHALL BE CON-
8 DUCTED PURSUANT TO ACT NO. 306 OF THE PUBLIC ACTS OF 1969, BEING
9 SECTIONS 24.201 TO 24.328 OF THE MICHIGAN COMPILED LAWS, WITHIN
10 30 DAYS AFTER RECEIPT OF THE REQUEST.

11 (3) THE ORDER OF SUMMARY SUSPENSION SHALL BE SET ASIDE, CON-
12 TINUED, OR MODIFIED WITHIN 30 DAYS FOLLOWING THE HEARING.

13 SEC. 368. THE EXPIRATION OR ABSENCE OF A LICENSE OF A
14 DRIVER IMPROVEMENT SCHOOL, INSTRUCTOR, OR PERSON SHALL NOT PRE-
15 VENT THE SECRETARY OF STATE FROM PROCEEDING WITH AN INVESTIGA-
16 TION, PETITION, DISCIPLINARY PROCEEDING, OR OTHER ACTION AUTHO-
17 RIZED BY THIS ACT WITH RESPECT TO A DRIVER IMPROVEMENT SCHOOL OR
18 A DRIVER IMPROVEMENT INSTRUCTOR.

19 SEC. 369. (1) THE SECRETARY OF STATE SHALL, ON HIS OR HER
20 OWN INITIATIVE OR IN RESPONSE TO A COMPLAINT, MAKE REASONABLE AND
21 NECESSARY PUBLIC OR PRIVATE INVESTIGATIONS WITHIN OR OUTSIDE OF
22 THIS STATE AND GATHER EVIDENCE RELATING TO AN ACTUAL OR ALLEGED
23 VIOLATION OF THIS ACT, A RULE, OR ORDER UNDER THIS ACT PERTAINING
24 TO A DRIVER IMPROVEMENT SCHOOL OR A DRIVER IMPROVEMENT
25 INSTRUCTOR.

26 (2) THE SECRETARY OF STATE MAY DO ANY OF THE FOLLOWING:

1 (A) REQUIRE OR PERMIT A PERSON TO FILE A STATEMENT IN
2 WRITING OR OTHERWISE AS THE SECRETARY OF STATE DETERMINES AS TO
3 ALL THE FACTS AND CIRCUMSTANCES CONCERNING THE MATTER TO BE OR
4 BEING INVESTIGATED.

5 (B) MEDIATE DISPUTES BETWEEN PARTIES ARISING FROM ACTUAL OR
6 ALLEGED VIOLATIONS OF THIS ACT OR A RULE PROMULGATED UNDER THIS
7 ACT PERTAINING TO DRIVER IMPROVEMENT SCHOOLS OR INSTRUCTORS.

8 (C) DEVELOP CONDITIONS OF PROBATION OR OPERATION FOR THE
9 SCHOOL OR INSTRUCTOR. TO BE EFFECTIVE, THESE CONDITIONS SHALL BE
10 MUTUALLY AGREED UPON AND EVIDENCED IN A WRITING SIGNED BY THE
11 SCHOOL OR INSTRUCTOR AND THE SECRETARY OF STATE. THE CONDITIONS
12 SHALL TAKE EFFECT INSTEAD OF FURTHER DISCIPLINARY ACTION.

13 (D) ON HIS OR HER OWN INITIATIVE, CONDUCT SPOT CHECK INVES-
14 TIGATIONS OF DRIVER IMPROVEMENT SCHOOLS OR INSTRUCTORS LICENSED
15 OR REQUIRED TO BE LICENSED THROUGHOUT THE STATE TO DETERMINE
16 WHETHER OR NOT THE SCHOOL OR INSTRUCTOR IS IN COMPLIANCE WITH
17 THIS ACT AND RULES PROMULGATED UNDER THIS ACT PERTAINING TO
18 DRIVER IMPROVEMENT SCHOOLS OR INSTRUCTORS.

19 SEC. 370. IN MEDIATING A DISPUTE BETWEEN PARTIES ARISING
20 FROM A VIOLATION OR ALLEGED VIOLATION OF THIS ACT PERTAINING TO
21 DRIVER IMPROVEMENT SCHOOLS OR INSTRUCTORS OR A RULE PERTAINING TO
22 DRIVER IMPROVEMENT SCHOOLS OR INSTRUCTORS, THE SECRETARY OF STATE
23 MAY TAKE FROM A SCHOOL OR INSTRUCTOR A VOLUNTARY ASSURANCE THAT
24 THE SCHOOL OR INSTRUCTOR WILL DISCONTINUE AN ALLEGED VIOLATION OF
25 THIS ACT OR A RULE. THE ASSURANCE SHALL BE FILED IN THE RECORDS
26 OF THE SECRETARY OF STATE AND SHALL BE OPEN FOR PUBLIC
27 INSPECTION. THE ASSURANCE SHALL NOT CONSTITUTE ON THE PART OF

1 THE SCHOOL OR INSTRUCTOR MAKING THE ASSURANCE AN ADMISSION OF ANY
2 ISSUE OF LAW OR FACT. THE ASSURANCE, SUBJECT TO AGREEMENT BY ALL
3 PARTIES, MAY CONTAIN PROVISIONS WHEREBY:

4 (A) THE SCHOOL WILL REFUND TO A STUDENT OR PAYOR AN AMOUNT
5 OF MONEY AGREED UPON BY THE PARTIES.

6 (B) A SCHOOL OR INSTRUCTOR SHALL TAKE SUCH AFFIRMATIVE
7 ACTION AS IS APPROPRIATE IN THE JUDGMENT OF THE SECRETARY OF
8 STATE TO CORRECT AN ALLEGED VIOLATION OF THIS ACT OR A RULE.

9 (C) A SCHOOL SHALL PLACE IN ESCROW A SUM OF MONEY FOR THE
10 PURPOSES OF RESTITUTION TO AN AGGRIEVED CONSUMER PENDING THE OUT-
11 COME OF AN ACTION PURSUANT TO THIS ACT. IF THE SCHOOL ACCEPTS
12 THE SECRETARY OF STATE'S SUGGESTIONS AND PERFORMS ACCORDINGLY,
13 THAT FACT SHALL BE GIVEN DUE CONSIDERATION IN ANY SUBSEQUENT DIS-
14 CIPLINARY PROCEEDING. THE ASSURANCE SHALL CONSTITUTE A CONTRACT
15 WHICH MAY BE ENFORCED BY THE PARTIES IN CIRCUIT COURT UPON APPLI-
16 CATION BEING MADE TO THE COURT FOR THAT PURPOSE.

17 SEC. 371. (1) IF THE SECRETARY OF STATE DETERMINES AFTER
18 NOTICE AND A HEARING OR AN OPPORTUNITY FOR A HEARING THAT A
19 PERSON HAS VIOLATED THIS ACT OR A RULE PROMULGATED PURSUANT TO
20 IT, PERTAINING TO OPERATING A DRIVER IMPROVEMENT SCHOOL OR TO
21 BEING A DRIVER IMPROVEMENT INSTRUCTOR, OR ENGAGED IN AN UNFAIR OR
22 DECEPTIVE METHOD, ACT, OR PRACTICE, DIRECTLY OR THROUGH AN AGENT
23 OR EMPLOYEE, PERTAINING TO OPERATING A DRIVER IMPROVEMENT SCHOOL
24 OR TO BEING A DRIVER IMPROVEMENT INSTRUCTOR, THE SECRETARY MAY
25 ISSUE AN ORDER REQUIRING THE PERSON TO CEASE AND DESIST FROM THE
26 UNLAWFUL ACT OR PRACTICE OR TO TAKE SUCH AFFIRMATIVE ACTION AS IN

1 THE JUDGMENT OF THE SECRETARY WILL CARRY OUT THE PURPOSES OF THIS
2 ACT.

3 (2) IF THE SECRETARY OF STATE MAKES A FINDING OF FACT IN
4 WRITING THAT THE PUBLIC INTEREST WILL BE IRREPARABLY HARMED BY
5 DELAY IN ISSUING AN ORDER, IT MAY ISSUE A TEMPORARY CEASE AND
6 DESIST ORDER. BEFORE ISSUING THE TEMPORARY CEASE AND DESIST
7 ORDER, THE SECRETARY OF STATE OR HIS OR HER AUTHORIZED REPRESENTATIVE WHEN POSSIBLE BY TELEPHONE OR OTHERWISE SHALL GIVE NOTICE
8 OF THE PROPOSAL TO ISSUE A TEMPORARY CEASE AND DESIST ORDER TO
9 THE DRIVER IMPROVEMENT SCHOOL OR INSTRUCTOR. A TEMPORARY CEASE
10 AND DESIST ORDER SHALL INCLUDE IN ITS TERMS A PROVISION THAT UPON
11 REQUEST A HEARING SHALL BE HELD WITHIN 30 DAYS TO DETERMINE
12 WHETHER OR NOT THE ORDER SHALL BECOME PERMANENT. A DECISION IN
13 SUCH A HEARING SHALL BE ISSUED WITHIN 30 DAYS FOLLOWING THE
14 HEARING.

15
16 SEC. 372. A PERSON FOUND RESPONSIBLE FOR A VIOLATION OF
17 THIS ACT PERTAINING TO DRIVER IMPROVEMENT SCHOOLS OR INSTRUCTORS
18 MAY IN THE DISCRETION OF THE SECRETARY OF STATE BE ASSESSED A
19 CIVIL FINE OF NOT MORE THAN \$1,000.00.

20 SEC. 373. A LICENSE FEE, STUDENT INSTRUCTION FEE, OR CIVIL
21 FINE COLLECTED UNDER THIS ACT BY THE SECRETARY OF STATE PERTAINING TO DRIVER IMPROVEMENT SCHOOLS, INSTRUCTORS, OR INSTRUCTION
22 SHALL BE DEPOSITED IN THE GENERAL FUND AND BE USED FIRST TO
23 DEFRAID THE COST OF ADMINISTERING THIS ACT PERTAINING TO DRIVER
24 IMPROVEMENT SCHOOLS AND INSTRUCTORS.

1 Section 2. Section 320b of Act No. 300 of the Public Acts
2 of 1949, being section 257.320b of the Michigan Compiled Laws, is
3 repealed effective December 31, 1993.