

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4533

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 310e (MCL 257.310e), as amended by 2010 PA 268.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 310e. (1) Except as otherwise provided in this act, an
2 operator's or chauffeur's license issued to a person who is 17
3 years of age or less shall be in a form as prescribed in section
4 310, and valid only upon the issuance of a graduated driver
5 license.

6 (2) The secretary of state shall designate graduated licensing
7 provisions in a manner that clearly indicates that the person is
8 subject to the appropriate provisions described in this section.

1 (3) Except as otherwise provided in section 303, a person who
2 is not less than 14 years and 9 months of age may be issued a level
3 1 graduated licensing status to operate a motor vehicle if the
4 person has satisfied all of the following conditions:

5 (a) Passed a vision test and met health standards as
6 prescribed by the secretary of state.

7 (b) Successfully completed segment 1 of a driver education
8 course as that term is defined in section 7 of the driver education
9 provider and instructor act, 2006 PA 384, MCL 256.627, including a
10 minimum of 6 hours of on-the-road driving time with the instructor.

11 (c) Received written approval of a parent or legal guardian.

12 (4) A person issued a level 1 graduated licensing status may
13 operate a motor vehicle only when accompanied either by a licensed
14 parent or legal guardian or, with the permission of the parent or
15 legal guardian, a licensed driver 21 years of age or older. Except
16 as otherwise provided in this section, a person is restricted to
17 operating a motor vehicle with a level 1 graduated licensing status
18 for not less than 6 months.

19 (5) A person may be issued a level 2 graduated licensing
20 status to operate a motor vehicle if the person has satisfied all
21 of the following conditions:

22 (a) Had a level 1 graduated licensing status for not less than
23 6 months.

24 (b) Successfully completed segment 2 of a driver education
25 course as that term is defined in section 7 of the driver education
26 provider and instructor act, 2006 PA 384, MCL 256.627.

27 (c) Not incurred a moving violation resulting in a conviction

1 or civil infraction determination or been involved in an accident
2 for which the official police report indicates a moving violation
3 on the part of the person during the 90-day period immediately
4 preceding application.

5 (d) Presented a certification by the parent or guardian that
6 the person, accompanied by his or her licensed parent or legal
7 guardian or, with the permission of the parent or legal guardian,
8 any licensed driver 21 years of age or older, has accumulated a
9 total of not less than 50 hours of behind-the-wheel experience
10 including not less than 10 nighttime hours.

11 (e) Successfully completed a secretary of state approved
12 driving skills test. The secretary of state may enter into an
13 agreement with another public or private corporation or agency to
14 conduct this driving skills test. Before the secretary of state
15 authorizes a person to administer a corporation's or agency's
16 driver skills testing operations or authorizes an examiner to
17 conduct a driving skills test, that person or examiner must
18 complete both a state and federal bureau of investigation
19 fingerprint based criminal history check through the department of
20 state police. This subdivision applies to a person 16 years of age
21 or over only if the person has satisfied subdivisions (a), (b),
22 (c), and (d).

23 (6) A person issued a level 2 graduated licensing status under
24 subsection (5) shall remain at level 2 for not less than 6 months.
25 ~~and shall not operate a motor vehicle within this state from 10~~
26 ~~p.m. to 5 a.m. unless accompanied by a parent or legal guardian or~~
27 ~~a licensed driver over the age of 21 designated by the parent or~~

1 ~~legal guardian, or except when going to or from employment. A~~
 2 ~~person issued a level 2 graduated licensing status under subsection~~
 3 ~~(5) shall not, during the entire period of his or her level 2~~
 4 ~~graduated licensing status, operate a motor vehicle carrying more~~
 5 ~~than 1 passenger who is less than 21 years of age except as~~
 6 ~~follows:~~

7 ~~— (a) The passengers less than 21 years of age are members of~~
 8 ~~his or her immediate family.~~

9 ~~— (b) The person is traveling to or from school or a school-~~
 10 ~~sanctioned event.~~ OPERATE A VEHICLE UNDER THE FOLLOWING

11 CIRCUMSTANCES:

12 (A) BETWEEN THE HOURS OF 10 P.M. AND 5 A.M. THIS SUBDIVISION
 13 DOES NOT APPLY IF EITHER OF THE FOLLOWING APPLIES:

14 (i) THE PERSON IS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN OR
 15 A LICENSED DRIVER 21 YEARS OF AGE OR OLDER DESIGNATED BY THE PARENT
 16 OR LEGAL GUARDIAN.

17 (ii) THE PERSON IS OPERATING THE VEHICLE IN THE COURSE OF HIS
 18 OR HER EMPLOYMENT OR WHILE GOING TO OR FROM EMPLOYMENT OR WHILE
 19 GOING TO OR FROM AN AUTHORIZED ACTIVITY.

20 (B) WITH MORE THAN 1 PASSENGER IN THE VEHICLE WHO IS LESS THAN
 21 21 YEARS OF AGE. THIS SUBDIVISION DOES NOT APPLY IF ANY OF THE
 22 FOLLOWING APPLY:

23 (i) THE PERSON IS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN OR
 24 A LICENSED DRIVER 21 YEARS OF AGE OR OLDER DESIGNATED BY THE PARENT
 25 OR LEGAL GUARDIAN.

26 (ii) ANY ADDITIONAL PASSENGERS WHO ARE LESS THAN 21 YEARS OF
 27 AGE ARE MEMBERS OF HIS OR HER IMMEDIATE FAMILY.

1 (iii) THE PERSON IS OPERATING THE VEHICLE IN THE COURSE OF HIS
2 OR HER EMPLOYMENT OR WHILE GOING TO OR FROM EMPLOYMENT OR WHILE
3 GOING TO OR FROM AN AUTHORIZED ACTIVITY.

4 (7) The provisions and provisional period described in
5 subsection (4) or (6) shall be expanded or extended, or both,
6 beyond the periods described in subsection (4) or (6) if any of the
7 following occur and are recorded on the licensee's driving record
8 during the provisional periods described in subsection (4) or (6)
9 or any additional periods imposed under this subsection:

10 (a) A moving violation resulting in a conviction, civil
11 infraction determination, or probate court disposition.

12 (b) An accident for which the official police report indicates
13 a moving violation on the part of the licensee.

14 (c) A license suspension for a reason other than a mental or
15 physical disability.

16 (d) A violation of subsection (4) or (6).

17 (8) The provisional period described in subsection (4) shall
18 be extended under subsection (7) until the licensee completes 90
19 consecutive days without a moving violation, an accident in which a
20 moving violation resulted, accident, suspension, or provisional
21 period violation listed in subsection (7), or until age 18,
22 whichever occurs first. The provisional period described in
23 subsection (6) shall be extended under subsection (7) until the
24 licensee completes 12 consecutive months without a moving
25 violation, accident, suspension, or restricted period violation
26 listed in subsection (7) or until age 18, whichever occurs first.

27 (9) A person who is not less than 17 years of age may be

1 issued a level 3 graduated licensing status under this subsection
2 if the person has completed 12 consecutive months without a moving
3 violation, an accident in which a moving violation resulted,
4 accident, suspension, or restricted period violation listed in
5 subsection (7) while the person was issued a level 2 graduated
6 licensing status under subsection (5).

7 (10) Notice shall be given by first-class mail to the last
8 known address of a licensee if the provisions are expanded or
9 extended as described in subsection (7).

10 (11) A person who violates subsection (4) or (6) is
11 responsible for a civil infraction.

12 (12) If a person is determined responsible for a violation of
13 subsection (4) or (6), the secretary of state shall send written
14 notification of any conviction or moving violation to a designated
15 parent or guardian of the person.

16 (13) For purposes of this section:

17 (a) Upon conviction for a moving violation, the date of the
18 arrest for the violation shall be used in determining whether the
19 conviction occurred within a provisional licensure period under
20 this section.

21 (b) Upon entry of a civil infraction determination for a
22 moving violation, the date of issuance of a citation for a civil
23 infraction shall be used in determining whether the civil
24 infraction determination occurred within a provisional licensure
25 period under this section.

26 (c) The date of the official police report shall be used in
27 determining whether a licensee was driving a motor vehicle involved

1 in an accident for which the official police report indicates a
2 moving violation on the part of the licensee or indicates the
3 licensee had been drinking alcoholic liquor.

4 (14) A person shall have his or her graduated licensing status
5 in his or her immediate possession at all times when operating a
6 motor vehicle, and shall display the card upon demand of a police
7 officer. A person who violates this subsection is responsible for a
8 civil infraction.

9 (15) AS USED IN THIS SECTION, "AUTHORIZED ACTIVITY" MEANS ANY
10 OF THE FOLLOWING:

11 (A) A SCHOOL OR A SCHOOL-SANCTIONED EVENT OR ACTIVITY. FOR
12 PURPOSES OF THIS SUBDIVISION, SCHOOL MEANS A PUBLIC OR PRIVATE
13 SCHOOL, INCLUDING A HOME SCHOOL.

14 (B) A SPORTING EVENT OR ACTIVITY, OR EXTRACURRICULAR EVENT OR
15 ACTIVITY, THAT IS NOT SCHOOL-SANCTIONED BUT THAT IS PART OF AN
16 OFFICIAL SPORTS LEAGUE OR ASSOCIATION OR AN OFFICIAL
17 EXTRACURRICULAR CLUB, OR THAT IS PAID FOR AS A SERVICE OFFERED BY A
18 BUSINESS SPECIALIZING IN THOSE EVENTS OR ACTIVITIES OR TRAINING FOR
19 THOSE EVENTS OR ACTIVITIES.

20 (C) A CLASS OR PROGRAM OF VOCATIONAL INSTRUCTION OFFERED BY A
21 COLLEGE, COMMUNITY COLLEGE, NONPROFIT ASSOCIATION, OR UNIT OF
22 GOVERNMENT OR BY A BUSINESS SPECIALIZING IN VOCATIONAL TRAINING.

23 (D) AN EVENT OR ACTIVITY SPONSORED BY A RELIGIOUS ORGANIZATION
24 THAT IS TAX-EXEMPT UNDER FEDERAL LAW.

25 (E) TRANSPORTING AN INDIVIDUAL IN NEED OF IMMEDIATE EMERGENCY
26 CARE OR PERSONAL PROTECTION TO A HEALTH CARE PROFESSIONAL,
27 HOSPITAL, POLICE STATION, DOMESTIC VIOLENCE SHELTER, OR PUBLIC

1 SAFETY LOCATION.