

**SUBSTITUTE FOR
SENATE BILL NO. 192**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 310e (MCL 257.310e), as amended by 2015 PA 11.

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.

9 (3) Except as otherwise provided in section 303, a person who
10 is not less than 14 years and 9 months of age may be issued a level

1 1 graduated licensing status to operate a motor vehicle if the
2 person has satisfied all of the following conditions:

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

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

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

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

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

20 (a) Had a level 1 graduated licensing status for not less than
21 6 months.

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

25 (c) Not incurred a moving violation resulting in a conviction
26 or civil infraction determination or been involved in an accident
27 for which the official police report indicates a moving violation

1 on the part of the person during the 90-day period immediately
2 preceding application.

3 (d) Presented a certification by the parent or guardian that
4 the person, accompanied by his or her licensed parent or legal
5 guardian or, with the permission of the parent or legal guardian,
6 any licensed driver 21 years of age or older, has accumulated a
7 total of not less than 50 hours of behind-the-wheel experience
8 including, **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION**, not
9 less than 10 nighttime hours. **THE NIGHTTIME HOURS REQUIREMENT DOES**
10 **NOT APPLY TO A PERSON WHO HAS BEEN ISSUED A GRADUATED DRIVER**
11 **LICENSE THAT PERMITS DAYLIGHT DRIVING ONLY AS PROVIDED IN R 257.3**
12 **OF THE MICHIGAN ADMINISTRATIVE CODE.**

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

25 (6) A person issued a level 2 graduated licensing status under
26 subsection (5) shall remain at level 2 for not less than 6 months.
27 A person issued a level 2 graduated licensing status under

1 subsection (5) shall not operate a vehicle under the following
2 circumstances:

3 (a) Between the hours of 10 p.m. and 5 a.m. This subdivision
4 does not apply if either of the following applies:

5 (i) The person is accompanied by a parent or legal guardian or
6 a licensed driver 21 years of age or older designated by the parent
7 or legal guardian.

8 (ii) The person is operating the vehicle in the course of his
9 or her employment or while going to or from employment or while
10 going to or from an authorized activity.

11 (b) With more than 1 passenger in the vehicle who is less than
12 21 years of age. This subdivision does not apply if any of the
13 following apply:

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) Any additional passengers who are less than 21 years of
18 age are members of his or her immediate family.

19 (iii) The person is operating the vehicle in the course of his
20 or her employment or while going to or from employment or while
21 going to or from an authorized activity.

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

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

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

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

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

8 (8) The provisional period described in subsection (4) shall
9 be extended under subsection (7) until the licensee completes 90
10 consecutive days without a moving violation, an accident in which a
11 moving violation resulted, suspension, or provisional period
12 violation listed in subsection (7), or until age 18, whichever
13 occurs first. The provisional period described in subsection (6)
14 shall be extended under subsection (7) until the licensee completes
15 12 consecutive months without a moving violation, suspension, or
16 restricted period violation listed in subsection (7) or until age
17 18, whichever occurs first.

18 (9) A person who is not less than 17 years of age may be
19 issued a level 3 graduated licensing status under this subsection
20 if the person has completed 12 consecutive months without a moving
21 violation, an accident in which a moving violation resulted,
22 suspension, or restricted period violation listed in subsection (7)
23 while the person was issued a level 2 graduated licensing status
24 under subsection (5).

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

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

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

7 (13) For purposes of this section:

8 (a) Upon conviction for a moving violation, the date of the
9 arrest for the violation shall be used in determining whether the
10 conviction occurred within a provisional licensure period under
11 this section.

12 (b) Upon entry of a civil infraction determination for a
13 moving violation, the date of issuance of a citation for a civil
14 infraction shall be used in determining whether the civil
15 infraction determination occurred within a provisional licensure
16 period under this section.

17 (c) The date of the official police report shall be used in
18 determining whether a licensee was driving a motor vehicle involved
19 in an accident for which the official police report indicates a
20 moving violation on the part of the licensee or indicates the
21 licensee had been drinking alcoholic liquor.

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

27 (15) As used in this section, "authorized activity" means any

1 of the following:

2 (a) A school or a school-sanctioned event or activity. For
3 purposes of this subdivision, school means a public or private
4 school, including a home school.

5 (b) A sporting event or activity, or extracurricular event or
6 activity, that is not school-sanctioned but that is part of an
7 official sports league or association or an official
8 extracurricular club, or that is paid for as a service offered by a
9 business specializing in those events or activities or training for
10 those events or activities.

11 (c) A class or program of vocational instruction offered by a
12 college, community college, nonprofit association, or unit of
13 government or by a business specializing in vocational training.

14 (d) An event or activity sponsored by a religious organization
15 that is tax-exempt under federal law.

16 (e) Transporting an individual in need of immediate emergency
17 care or personal protection to a health care professional,
18 hospital, police station, domestic violence shelter, or public
19 safety location.