



Senate Fiscal Agency  
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Senate Bills 192 and 193 (as reported without amendment)  
Sponsor: Senator Roger Victory  
Committee: Transportation and Infrastructure

Date Completed: 5-9-19

### **RATIONALE**

Michigan's graduated driver's license has three tiers: level 1, which allows a person above the age of 14 years and nine months to drive under the supervision of a parent or legal guardian; level 2, which allows a person above the age of 16 to drive without a licensed parent or legal guardian (subject to certain restrictions); and level 3, which grants full privileges as a driver. Before acquiring a level 2 graduated driver's license, a person must be issued a level 1 graduated license. Among other requirements to acquire a level 1 graduated license, a prospective licensee must pass a vision test. The Secretary of State evaluates the vision test to determine if he or she will receive an unrestricted driver's license or a restricted driver's license. A person may be issued a restricted driver's license permitting daytime driving only if the person submits a statement from an ophthalmologist or optometrist stating that he or she does not meet certain visual acuity thresholds.

A person may be issued a level 2 graduated license if, among other things, the person presents a certification by a parent or guardian that demonstrates that he or she has accumulated a total of at least 50 hours of behind-the-wheel experience, including at least 10 nighttime hours. This provision applies to all applicants for a level 2 graduated license, regardless of whether he or she holds an unrestricted or restricted designation. However, a person who has been issued a restricted driver's license permitting daytime driving only is restricted from completing the nighttime hours requirement and, therefore, may not be issued a level 2 graduated license. Some people believe that the nighttime driving requirements unnecessarily restrict people who have been issued a license that permits daylight driving only. Accordingly, it has been suggested that applicants for a level 2 graduated license who have been issued a graduated driver's license that permits daylight driving only be exempt from the nighttime hour's requirement.

### **CONTENT**

**Senate Bill 192 would amend the Michigan Vehicle Code to specify that the nighttime hours requirement for the issuance of a level 2 graduated license would not apply to a person who had been issued a graduated driver license that permitted daylight driving only.**

**Senate Bill 193 would amend the Driver Education Provider and Instructor Act to specify that the nighttime hours requirement for a student's admission into a Segment 2 curriculum course would not apply to a person who had been issued a graduated driver license that permitted daylight driving only.**

Senate Bill 193 is tie-barred to Senate Bill 192. Senate Bill 192 would be known as the "Jack Robert Carrier law".

### **Senate Bill 192**

Under the Code, an operator's license issued to a person under 17 years of age must be a graduated driver license. A person may be issued a level 2 graduated licensing status to operate a motor vehicle if the person has satisfied all of the following conditions:

- Had a level 1 graduated licensing status for at least six months.
- Successfully completed Segment 2 of a driver education course.
- Not incurred a moving violation resulting in a conviction or civil infraction determination or been involved in an accident for which the official police report indicates a moving violation on the part of the person during the 90-day period immediately preceding application.
- Successfully completed a Secretary of State-approved driving skills test.

The person also must present a certification by the parent or guardian that he or she, accompanied by his or her licensed parent or legal guardian or, with the permission of the parent or legal guardian, any licensed driver 21 years of age or older, has accumulated a total of at least 50 hours of behind-the-wheel experience including not less than 10 nighttime hours. Under the bill, the nighttime hours requirement would not apply to a person who had been issued a graduated driver license that permitted daylight driving only as provided in R 257.3 of the Michigan Administrative Code.

(Rule 257.3 specifies that a restricted driver's license permitting daylight driving may be issued only if an applicant or licensee submits a statement from an ophthalmologist or optometrist stating one of the following: 1) the applicant has visual acuity less than 20/50 to and including 20/70 with no recognizable progressive abnormalities affecting vision; 2) he or she has visual acuity less than 20/50 to and including 20/60 with recognizable abnormalities affecting vision.)

### **Senate Bill 193**

Under the Act, a Segment 2 curriculum course must contain six or more hours of classroom instruction, and must provide instruction explaining the right to make an anatomical gift in the event of death. Also, the course must only be offered to a student who has done all of the following:

- Successfully completed a Segment 1 curriculum driver education course.
- Held a valid level 1 graduated driver license for at least three continuous months.

The student also must have acquired 30 or more hours driving experience on a level 1 graduated driver license that includes at least two hours of night driving with a licensed parent or legal guardian, or with the permission of a parent or legal guardian, with any licensed driver who is 21 years of age or older. Under the bill, the nighttime hours requirement would not apply to a person who had been issued a graduated driver's license that permitted daylight driving only as provided under R 257.3 of the Michigan Administrative Code.

MCL 257.310e (S.B. 192)  
256.659 (S.B. 193)

### **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

#### **Supporting Argument**

According to testimony before the Senate Committee on Transportation and Infrastructure, individuals born with certain vision conditions are able to receive a restricted driver's license, and can drive with the assistance of a bioptic device. This is a useful option for individuals with certain conditions, such as ocular albinism, a genetic condition that affects the pigmentation of a person's eyes and significantly reduces vision acuity and depth perception. With a bioptic device, however,

a person who has this condition is able to drive despite the condition. The device, when paired with medically prescribed corrective lenses, heightens the vision of the driver through magnification. Learning to use this device while driving requires specialized driving instruction, which contributes to an applicant's preparation for driving without the supervision of a parent or guardian. Given that a person granted a restricted driver's license for daytime driving only has fulfilled all other requirements for the issuance of a level 2 graduated license, and would be unable to drive legally at night, there is little reason to require that individual to accumulate nighttime driving hours. The bill would allow a person under these circumstances more independence to drive to and from school or work, and would allow more people to participate in the graduated license program.

Legislative Analyst: Tyler VanHuysse

### **FISCAL IMPACT**

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.