

SENATE BILL No. 192

March 12, 2019, Introduced by Senators VICTORY, BARRETT and JOHNSON and referred to the Committee on Transportation and Infrastructure.

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

1 is not less than 14 years and 9 months of age may be issued a level
2 1 graduated licensing status to operate a motor vehicle if the
3 person has satisfied all of the following conditions:

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

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

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

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

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

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

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

26 (c) Not incurred a moving violation resulting in a conviction
27 or civil infraction determination or been involved in an accident

1 for which the official police report indicates a moving violation
2 on the part of the person during the 90-day period immediately
3 preceding application.

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

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

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

1 A person issued a level 2 graduated licensing status under
2 subsection (5) shall not operate a vehicle under the following
3 circumstances:

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

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

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

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

15 (i) The person is accompanied by a parent or legal guardian or
16 a licensed driver 21 years of age or older designated by the parent
17 or legal guardian.

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

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

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

1 or any additional periods imposed under this subsection:

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

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

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

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

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

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

26 (10) Notice shall be given by first-class mail to the last
27 known address of a licensee if the provisions are expanded or

1 extended as described in subsection (7).

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

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

8 (13) For purposes of this section:

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

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

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

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

1 (15) As used in this section, "authorized activity" means any
2 of the following:

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

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

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

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

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

21 Enacting section 1. This amendatory act shall be known as the
22 "Jack Robert Carrier law".