

SENATE BILL No. 1262

April 14, 2010, Introduced by Senators PAPPAGEORGE and KAHN and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 320d (MCL 257.320d), as added by 2008 PA 568; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 320d. (1) ~~The~~**NOTWITHSTANDING SECTION 320A, THE** secretary
 2 of state shall not enter the points corresponding to a moving
 3 violation committed by an individual the secretary of state
 4 determines to be eligible under this section on the individual's
 5 driving record or make information concerning that violation
 6 available to any insurance company if the individual attends and
 7 successfully completes a basic driver improvement course under this
 8 section and **AN APPROVED SPONSOR** provides a certificate of

1 successful completion of that course to the secretary of state
2 within 60 days of the date on which the secretary of state notified
3 the individual that he or she was eligible to take a basic driver
4 improvement course.

5 (2) The secretary of state shall determine if an individual is
6 eligible under subsection (3) to attend a basic driver improvement
7 course upon receipt of an abstract of a moving violation. If the
8 secretary of state determines that an individual is eligible to
9 attend a basic driver improvement course, the secretary of state
10 shall do all of the following:

11 ~~—— (a) Except as otherwise provided under subsection (8),~~
12 ~~postpone both of the following for a period of not less than 10~~
13 ~~business days:~~

14 ~~—— (i) The entry of points under section 320a for the moving~~
15 ~~violation.~~

16 ~~—— (ii) Making information contained in the abstract of the moving~~
17 ~~violation available to the individual's insurance company.~~

18 (A) ~~(b)~~ Notify the individual of his or her eligibility by
19 first-class mail at the individual's last known address as
20 indicated on the individual's operator's or chauffeur's license,
21 and inform the individual of the location of basic driver
22 improvement courses, and inform the individual of the manner and
23 time within which the individual is required to notify the
24 secretary of state of the individual's intent to attend a basic
25 driver improvement course.

26 ~~—— (c) Notify the individual that if the individual fails to~~
27 ~~notify the secretary of state of the individual's intent to attend~~

1 ~~a basic driver improvement course as described under subdivision~~
2 ~~(b), points will be entered for the moving violation as described~~
3 ~~in subsection (8).~~

4 (B) IF AN APPROVED SPONSOR DOES NOT PROVIDE NOTICE OF
5 SUCCESSFUL COMPLETION OF THE COURSE BY THE INDIVIDUAL WITHIN THE 60
6 DAYS, THE SECRETARY OF STATE SHALL ENTER THE POINTS REQUIRED UNDER
7 SECTION 320A.

8 (3) An individual is ineligible to take a basic driver
9 improvement course if any of the following apply:

10 (a) The violation occurred while the individual was operating
11 a commercial motor vehicle or was licensed as a commercial driver
12 while operating a noncommercial motor vehicle at the time of the
13 offense.

14 (b) The violation is a criminal offense.

15 (c) The violation is a violation for which 4 or more points
16 may be assessed under section 320a.

17 (d) The violation is a violation of section 626b, 627(9),
18 627a, or 682.

19 (e) The individual was cited for more than 1 moving violation
20 arising from the same incident.

21 (f) The individual's license was suspended under section
22 321a(2) in connection with the violation.

23 (g) The individual previously successfully completed a basic
24 driver improvement course.

25 (h) The individual has 3 or more points on his or her driving
26 record.

27 (i) The individual's operator's or chauffeur's license is

1 restricted, suspended, or revoked, or the individual was not issued
2 an operator's or chauffeur's license.

3 **(4) THE INDIVIDUAL IS NOT ELIGIBLE TO TAKE A DRIVER**
4 **IMPROVEMENT COURSE FOR A SECOND OR SUBSEQUENT VIOLATION AN**
5 **INDIVIDUAL RECEIVES WITHIN THE 60-DAY PERIOD ALLOWED UNDER**
6 **SUBSECTIONS (1) AND (2).**

7 **(5) ~~(4)~~**—The secretary of state shall maintain a computerized
8 database of the following:

9 (a) Individuals who have attended a basic driver improvement
10 course.

11 (b) Individuals who have successfully completed a basic driver
12 improvement course.

13 **(6) ~~(5)~~**—The database maintained under subsection ~~(4)~~ **(5)** shall
14 only be used for determining eligibility under ~~subsection~~
15 **SUBSECTIONS (3) AND (4)**. The secretary of state shall only make the
16 information contained in the database available to approved
17 sponsors under subsection (10). Information in this database
18 concerning an individual shall be maintained for the life of that
19 individual.

20 **(7) ~~(6)~~**—An individual shall be charged a fee of not more than
21 \$100.00 **BY AN APPROVED SPONSOR** to participate in a basic driver
22 improvement course and, if applicable, to obtain a certificate in a
23 form as approved by the secretary of state demonstrating that he or
24 she successfully completed the course. **AN APPROVED SPONSOR SHALL**
25 **REMIT A PORTION OF THE FEE, AS DETERMINED ANNUALLY BY THE SECRETARY**
26 **OF STATE, TO COVER THE COSTS OF IMPLEMENTING AND ADMINISTERING THIS**
27 **COURSE PROGRAM.**

1 (8) ~~(7) Fees collected~~ **REMITTED** under this subsection **BY AN**
2 **APPROVED SPONSOR** shall be credited to the basic driver improvement
3 course fund created under subsection (9).

4 ~~(8) The secretary of state shall immediately enter the points~~
5 ~~for the moving violation on the individual's driving record as~~
6 ~~follows:~~

7 ~~(a) Ten business days after an individual described in~~
8 ~~subsection (2) fails to notify the secretary of state that he or~~
9 ~~she desires to attend a basic driver improvement course.~~

10 ~~(b) Sixty days after an individual described in subsection (2)~~
11 ~~who has properly notified the secretary of state that he or she~~
12 ~~desires to attend a basic driver improvement course but has failed~~
13 ~~to submit a certificate of successful completion of a basic driver~~
14 ~~improvement course.~~

15 (9) The basic driver improvement course fund is created within
16 the state treasury. The state treasurer may receive money or other
17 assets from any source for deposit into the fund. The state
18 treasurer shall direct the investment of the fund. Money in the
19 fund at the close of the fiscal year shall remain in the fund and
20 shall not lapse to the general fund. The secretary of state shall
21 be the administrator of the fund for auditing purposes. The
22 secretary of state shall expend money from the fund ~~, upon~~
23 ~~appropriation,~~ only to pay the costs of administering this section.

24 (10) An approved sponsor shall conduct a study of the effect,
25 if any, that the successful completion of its basic driver
26 improvement course has on reducing collisions, moving violations,
27 or both for students completing its course in this state. An

1 approved sponsor shall conduct this study every 5 years on each of
2 the course delivery modalities employed by the approved sponsor.
3 The secretary of state shall make all of the following information
4 available to the approved course sponsor for that purpose, subject
5 to applicable state and federal laws governing the release of
6 information:

7 (a) The number of individuals who successfully complete a
8 basic driver improvement course under this section.

9 (b) The number of individuals who are eligible to take a basic
10 driver improvement course under this section but who do not
11 successfully complete that course.

12 (c) The number and type of moving violations committed by
13 individuals after successfully completing a basic driver
14 improvement course under this section in comparison to the number
15 and type of moving violations committed by individuals who have not
16 taken a basic driver improvement course.

17 (11) The secretary of state shall report on the findings of
18 all studies conducted under subsection (10) to the standing
19 committees of the house of representatives and senate on
20 transportation issues.

21 (12) The secretary of state shall approve basic driver
22 improvement course sponsors if the basic driver improvement course
23 offered by that sponsor satisfies the requirements listed in
24 section 3a.

25 (13) As used in this section, "approved sponsor" means a
26 sponsor of a basic driver improvement course that is approved by
27 the secretary of state under subsection (12).

1 Enacting section 1. Enacting section 1 of 2008 PA 568 is
2 repealed.

3 Enacting section 2. This amendatory act takes effect October
4 1, 2010.