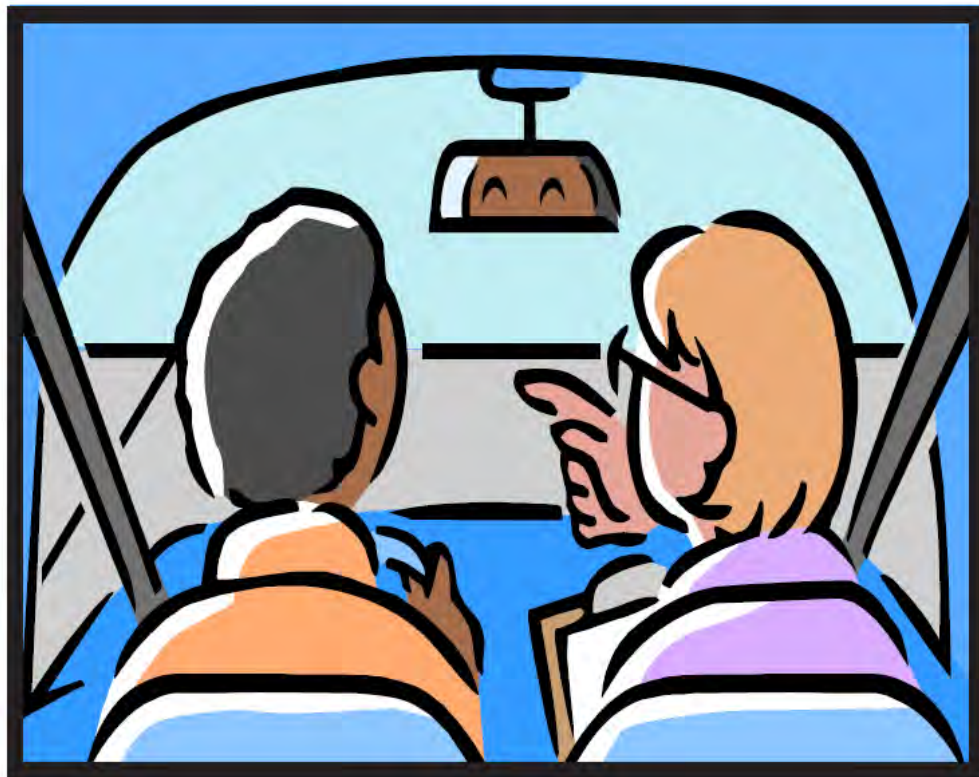


DRIVER EDUCATION PROVIDER MANUAL



"DOING IT RIGHT"

**Michigan Department of State
Driver Programs Division
Driver Education Section**

March 2019

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INTRODUCTION

The Secretary of State certifies and regulates driver education providers and instructors. This Driver Education Provider Manual will equip you with information to assist you with following the prescribed guidelines and conforming to the laws that govern driver education, most notably PA 384 of 2006, commonly referred to as the Driver Education Provider and Instructor Act (DEPIA). This manual is also designed to provide instructions for certification, as well as reporting and record keeping.

PLEASE KEEP THIS MANUAL AT HAND AND READ IT WHEN QUESTIONS ARISE.

The manual is provided in electronic form, available on the Secretary of State website, and is always the most current version. If you prefer to keep a printed manual, be aware that updates are made periodically, and that you may need to update pages and/or sections as changes are made.

It is recommended that you create a shortcut on your desktop computer or add it as a Favorite, so as to access the manual and other important information that will assist you with operating your school.

To find the manual on the Secretary of State webpage, www.Michigan.gov/DriverEd once here, search for **“Driver Education Provider Manual”**.

All providers and instructors must be familiar with the laws and regulations that govern driver education. If you have a question, check this manual first. It is written in an easy-to-follow format, with information arranged by topic, and includes a table of contents, indexes for each section, and links to forms and documents that can be found on-line.

All of the forms (both numbered and samples) that are referenced in the manual are listed on the department webpages and includes the most current form (noted by revision date). Simply click on www.Michigan.gov/DriverEd which will take you to the Secretary of State Webpage where all driver education forms can be found.

If you decide to print the Manual (and/or forms), realize changes may occur, which would require you to update your printed copy, as well as any form that is revised. If a form is revised, the revised form will include the revision date. “Driver Education Provider Manual Updates” are periodically made and posted on the website near the Provide Manual bullet.

The material in this Driver Education Provider Manual is not protected by copyright. Anyone may reproduce the manual or any part of it, as needed.

If you have questions after reading this manual, contact:

Michigan Department of State DPD – Driver Education Section 430 W. Allegan St. Lansing MI 48918	Email: drivered@michigan.gov	Telephone: (517) 241-6850
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Important Note: If a conflict occurs between the language of this manual and the language of Michigan law, the law will prevail. Please refer to the specific statute or consult an attorney where any conflict is perceived or encountered. Because of limitations of space, this manual only highlights the basic requirements for driver education providers and instructors and does not attempt to identify or explain every requirement of applicable law, rule, or policy.

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To view or print a Public Act, go to www.Legislature.mi.gov and then select “Public Act (Signed Bills)” from the left navigation menu and enter the Act number and year.

To view or print an MCL section, go to www.Legislature.mi.gov and enter the section (i.e. “257.303”) in the MCL Section “Search” box.

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DRIVER EDUCATION PROVIDER AND INSTRUCTOR ACT

Act 384 of 2006

AN ACT to provide for the certification of driver education providers; to prescribe certain record-keeping and program requirements for driver education providers; to provide for the certification of driver education instructors; to prescribe the powers and duties of certain persons and departments; to prescribe certain fees; to establish a fund in the state treasury; to prescribe remedies, sanctions, and penalties; and to rescind administrative rules.

The People of the State of Michigan enact:

256.621 Short title.

Sec. 1.

This act shall be known and may be cited as the "driver education provider and instructor act".

256.623 Definitions; A to D.

Sec. 3.

As used in this act:

- (a) "Adult driver training" means instruction that is provided to a person 18 years of age or older in the operation of a motor vehicle, other than a commercial motor vehicle as defined in section 7a of the Michigan vehicle code, 1949 PA 300, MCL 257.7a.
- (b) "Behind-the-wheel instruction" means instruction in which a student is in control of a motor vehicle on a public street or highway in real and varied traffic situations and a driver education instructor is the only other occupant in the front passenger seating area with the student.
- (c) "Classroom instruction" means that part of a driver education course that occurs in a classroom environment that enables a student to learn through varied instructional methods, under the direct guidance of a driver education instructor.
- (d) "Conviction" means a conviction for a crime or attempted crime whether under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state.
- (e) "Coordinated segment 1 driver education course" means a segment 1 course provided by 2 or more certified driver education providers in the use of auxiliary aids and services as that term is defined in the Americans with disabilities act of 1990, 42 USCA 12102.
- (f) "Curriculum" means a written plan that guides the instruction given in a driver education course and includes performance objectives, a content outline, detailed learning activities, and assessment tools.

- (g) "Designated representative or coordinator" means the individual that a driver education provider employs, enlists, or appoints, or contracts with to supervise, manage, and administer the day-to-day responsibilities of the provider's driver education school operation. Often this individual is an owner, partner, officer, or director of the driver education provider.
- (h) "Driver education course" means a program of study offered by a certified driver education provider, which enables a student to acquire the basic knowledge, skill, and attitude necessary to operate a motor vehicle upon a highway transportation system.
- (i) "Driver education course certificate of completion" means a written or electronic authorization issued by a certified driver education provider to a student who has successfully completed segment 1 or segment 2 of a driver education course offered by the provider.
- (j) "Driver education instructor" means a person who the secretary of state certifies has met the instructor qualifications of this act to instruct a student in a driver education course.
- (k) "Driver education instructor certificate" means a written or electronic authorization issued by the secretary of state to indicate that a person has met the instructor qualifications of this act to instruct a student in a driver education course.

256.625 Definitions; D to M.

Sec. 5.

As used in this act:

- (a) "Driver education instructor preparation program" means a program of driver education instructor preparation courses offered by a college or university or by a person approved by the secretary of state.
- (b) Except as otherwise provided in this act, "driver education instructor preparation courses" means the courses that are required to obtain a driver education instructor certificate.
- (c) "Driver education provider" or "provider" means a person who meets the requirements in subparagraph (i), if not excluded under subparagraph (ii), as follows:
- (i) Maintains or obtains the facilities and certified instructors to give instruction in the driving of a motor vehicle or maintains or obtains the facilities and certified instructors to prepare an applicant for an exam given by the secretary of state for a license as defined in section 25 of the Michigan vehicle code, 1949 PA 300, MCL 257.25, or a vehicle indorsement issued under former section 312e of the Michigan vehicle code, 1949 PA 300.
- (ii) Driver education provider does not include a person who provides instruction as follows:
- (A) Only for the benefit of its employees if that instruction is not open to the public.
- (B) In the driving or operating of a motorcycle as defined in section 31 of the Michigan vehicle code, 1949 PA 300, MCL 257.31, or the preparing of an applicant for an exam given by the secretary of state for a motorcycle indorsement issued under section 312a of the Michigan vehicle code, 1949 PA 300, MCL 257.312a.
- (C) On an unpaid, casual basis to a relative or friend.
- (d) "Driver education provider certificate" means a written or electronic authorization issued by the secretary of state to indicate that a person has met the driver education provider qualifications of this act.

- (e) "Educational institution" means a public school, nonpublic school, or public school academy as those terms are defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5; a consortium that is defined to mean a partnership, association, or alliance of 2 or more school districts in a common venture; a community college, a 4-year college, a university, or any other body of higher education.
- (f) "Established office location" means a building that meets all of the following requirements:
- (i) Is of a permanent nature where the provider's communications and notices are received.
 - (ii) Is heated, lighted, and ventilated and contains appropriate space to properly store and preserve the information, records, or other documents required to be maintained under this act.
 - (iii) Complies with applicable zoning and municipal requirements.
- (g) "Governmental agency" means an agency of the federal government, a state government, a county, city, village, or township, or a combination of any of these entities.
- (h) "Graduated driver license" means a license issued by the secretary of state under section 310e of the Michigan vehicle code, 1949 PA 300, MCL 257.310e.
- (i) "Multiple vehicle driving facility" means that part of a driver education course that enables the driver education instructor, from a position outside the vehicle, and using electronic or oral communication, to teach and supervise several students simultaneously, each of whom is operating a vehicle at an off-street facility specifically designed for that type of instruction.

256.627 Definitions; P to T.

Sec. 7.

As used in this act:

- (a) "Performance objective" means a certain level of knowledge and skill a student is expected to acquire to successfully complete a driver education course.
- (b) "Person" means an individual, partnership, corporation, association, limited liability company, educational institution, governmental agency or other legal or commercial entity, and their legal successors.
- (c) "Practicum" means classroom and behind-the-wheel instruction in a driver education course under the direction of an instructor employed, enlisted, or appointed by a college or university or by a person approved by the secretary of state and a cooperating instructor, providing practical application of theory and experience for a student in an approved driver education instructor preparation program. As used in this subdivision, "cooperating instructor" means a driver education instructor approved by the secretary of state to participate in a practicum course to mentor an uncertified driver education instructor in the practicum.
- (d) "Professional development requirements" means training prescribed by the secretary of state to update the instructional knowledge and skill of a driver education instructor.
- (e) "Revocation" means the termination of a driver education provider's certification or a driver education instructor's certification.
- (f) "Segment 1" means a teen driver education course that meets the requirements in section 37 of this act.
- (g) "Segment 2" means a teen driver education course that meets the requirements in section 39 of this act.

- (h) "Simulator device training" means that part of a driver education course where a driver education instructor uses interactive simulator units and programs to reproduce driving situations likely to occur in actual driving on a street and the student is required to evaluate risk, make decisions, and respond to the situations presented.
- (i) "Suspension" means the temporary withdrawal of a person's certification to engage or offer to engage in activities as a driver education provider or a driver education instructor during the period of suspension.
- (j) "Teen driver training" means driver training instruction provided through a segment 1 or segment 2 driver education course that allows a person 17 years of age or less to apply for a level 1 or level 2 graduated driver license.
- (k) "Truck driver training" means instruction that is provided to operate a commercial motor vehicle as that term is defined in section 7a of the Michigan vehicle code, 1949 PA 300, MCL 257.7a.

256.629 Driver education provider certificate; application; classifications; investigation; eligibility requirements; evidence; bond or renewal certificate; stipulation of agreement to service of process; applicability of subsection (3); classroom facility; liability insurance; multiple driving facility; orientation and education program; fees.

Sec. 9.

(1) A person may apply to the secretary of state for a driver education provider certificate in 1 or more of the following classifications:

- (a) Adult driver training.
- (b) Teen driver training.
- (c) Truck driver training.

(2) The secretary of state shall not grant an original driver education provider certificate under this act until an investigation is made of the applicant's qualification.

(3) Except as provided in this act, an applicant must do or submit evidence that he or she has done or will do, as applicable, all of the following to be eligible to receive a driver education provider certificate:

- (a) Submit a properly completed application signed by the applicant.
- (b) Maintain an established office location.
- (c) Maintain classroom facilities in a public or commercial setting.
- (d) Maintain the surety bond required under this section.
- (e) Require each of their designated representatives or coordinators to complete a criminal history check as described in section 29.
- (f) Provide the name and address of each designated representative or coordinator of the applicant, if applicable.
- (g) Provide the name, address, date of birth, and social security number of each owner or partner and, if a corporation, of each of the principal officers.
- (h) Provide a statement of the previous history, record, and associations of the applicant and of each owner, partner, officer, director, and designated representative or coordinator. The statement shall be sufficient to establish to the satisfaction of the secretary of state the business reputation and character of the applicant.

-
- (i) Provide a statement indicating whether the applicant or its designated representative or coordinator has ever applied for a driver education provider certificate in this state or any other state, and the result of that application.
- (j) Provide a statement indicating whether the applicant or its designated representative or coordinator has ever been denied a driver education provider certificate or has ever been the holder of a certificate that was suspended or revoked.
- (k) If the applicant is a corporation or partnership, provide a statement indicating whether a partner, employee, officer, director, or its designated representative or coordinator has ever been denied a driver education provider certificate or has ever been the holder of a certificate that was suspended or revoked.
- (l) Certify that the applicant or another person named on the application is not acting as the alter ego of any other person or persons in seeking the certificate. For the purpose of this subdivision, "alter ego" means a person who acts for and on behalf of, or in the place of, another person for purposes of obtaining a driver education provider certificate.
- (m) Affirm that the established office location meets all applicable zoning and municipal requirements.
- (n) Obtain written or electronic verification from the state fire marshal or his or her representative that the proposed classroom facilities have been inspected and approved by the state fire marshal or his or her representative according to state and local building code and public occupancy requirements.
- (o) Obtain written or electronic verification from an insurer that the applicant maintains or will maintain bodily injury and property damage liability insurance on each motor vehicle used in a driver education course.
- (p) Except as otherwise provided in this subdivision, submit a nonrefundable application processing fee with each application for a separate established place of business where records will be maintained as follows:
- (i) \$225.00 for a driver education provider who offers adult or teen driver training.
 - (ii) \$360.00 for a driver education provider who offers truck driver training.
 - (iii) A fee is not required for an additional location that is used for the sole purpose of conducting classroom instruction and at which records are not maintained, enrollments are not made, and staff is not ordinarily assigned, except for the purpose of conducting classroom instruction.
- (q) Provide a statement indicating whether the applicant will use a multiple vehicle driving facility in a driver education course. If a facility will be used, both of the following apply:
- (i) The statement shall include a detailed description of the facility as determined necessary by the secretary of state and its address.
 - (ii) A multiple vehicle driving facility review and approval fee of \$125.00 shall accompany the applicant's application for a driver education provider certificate.
- (r) Provide other information and documents as prescribed by the secretary of state necessary to determine whether the applicant meets the requirements of this act.
- (4) An application for an original driver education provider certificate shall include a properly executed surety bond or renewal certificate with the application. If a renewal certificate is used, the bond is considered renewed for each succeeding year in the same amount and with the same effect as an original bond. The bond or certificate shall be maintained continuously without interruption to protect the contractual rights of students. The bond or certificate of an adult or teen driver education provider with 999 or fewer students in a calendar year shall be in the principal sum of \$20,000.00 with good and sufficient surety to be approved by the secretary of

state. The bond or certificate of an adult or teen driver education provider with 1,000 or more students in a calendar year shall be in the principal sum of \$40,000.00 with good and sufficient surety to be approved by the secretary of state. The bond or certificate of a truck driver education provider shall be in the principal sum of \$50,000.00 with good and sufficient surety to be approved by the secretary of state. The bond shall indemnify or reimburse a student, financing agency, or governmental agency for monetary loss caused through fraud, cheating, or misrepresentation in the conduct of the driver education provider's business where the fraud, cheating, or misrepresentation was made by the provider or by an employee, agent, instructor, or salesperson of the provider. The surety shall make indemnification or reimbursement for a monetary loss only after judgment based on fraud, cheating, or misrepresentation has been entered in a court of record against the provider. The aggregate liability of the surety shall not exceed the sum of the bond. The surety on the bond may cancel the bond by giving 30 days' written or electronic notice to the secretary of state and after giving notice is not liable for a breach of condition occurring after the effective date of the cancellation.

(5) A driver education provider who offers adult driver training, teen driver training, and truck driver training shall furnish a separate bond for each driver education provider certificate issued by the secretary of state to the applicant. When the secretary of state receives written or electronic notice that a driver education provider's surety bond required under subsection (4) or insurance coverage required under subsection (10) has been canceled, the secretary of state shall notify the provider that the provider's certificate shall be automatically canceled unless the secretary of state receives a new surety bond or a new insurance certificate within 30 days or less. If the provider fails to submit a new surety bond or insurance certificate to the secretary of state within 30 days or less, the secretary of state may automatically cancel the provider's certificate. A driver education provider who changes or terminates the provider's surety bond or the insurance coverage before the expiration date of the bond or insurance coverage shall immediately furnish the secretary of state with written or electronic notice as prescribed by the secretary of state of that change or termination and proof of a new bond or insurance coverage.

(6) As a condition precedent to the granting of a certificate, an applicant shall file with the secretary of state, on a form prescribed by the secretary of state, an irrevocable written or electronic stipulation. The stipulation shall be signed by the applicant and state that the applicant agrees that legal process affecting the applicant, served on the secretary of state against the applicant or the applicant's successor in interest for a violation of this act, a rule promulgated under this act, or an order issued under this act, has the same effect as if personally served on the applicant. This appointment remains in force as long as the provider has any outstanding liability within this state under this act.

(7) Subsections (3)(d), (g), and (p) and (4) do not apply to an educational institution or a governmental agency.

(8) Subsection (3)(c) does not apply to a classroom location currently in use that was approved by the secretary of state in writing before the effective date of this act.

(9) A classroom facility may not be located in a person's residence or a structure attached or adjacent to the person's residence unless the classroom facility was used and approved by the secretary of state in writing before the effective date of this act.

(10) A driver education provider shall maintain bodily injury and property damage liability insurance on a motor vehicle used in driver education course instruction. The insurance shall insure the liability of the driver education provider, the driver education instructors, and a person taking instruction in the amount of \$100,000.00 for bodily injury to or the death of 1 person in 1 accident, and, subject to the limit for 1 person; \$300,000.00 for bodily injury to or the death of 2 or more persons in 1 accident; and \$50,000.00 for damage to the property of others in 1 accident. The insurer shall be authorized to do insurance business in this state. The insurer shall not cancel the insurance before its expiration date unless it gives the secretary of state written or electronic notice as prescribed by the secretary of state of the insurer's intent to cancel the insurance at least 30 days before the cancellation.

(11) The secretary of state shall review and, in writing, approve or deny the use of a multiple vehicle driving facility under this act as determined necessary by the secretary of state. The secretary of state shall approve a facility only if it meets criteria prescribed by the secretary of state. The secretary of state shall perform an on-site inspection of a multiple vehicle driving facility as determined necessary by the secretary of state.

(12) The secretary of state may develop and prescribe an orientation and education program that a person must complete before the secretary of state issues that person an original driver education provider certificate under section 13.

(13) Nonrefundable application processing and multiple vehicle driving facility review and approval fees collected under this section shall be deposited into the driver education provider and instructor fund created in section 83.

256.631 Renewal application; criminal history check; effect of expired certificate; review and approval or denial of multiple vehicle driving facility; fees.

Sec. 11.

(1) A certified driver education provider may apply for the renewal of a driver education provider certificate. The renewal application shall be submitted to the secretary of state every other year in a format and as prescribed by the secretary of state. A renewal application shall include all of the following:

(a) A properly completed application signed by the applicant.

(b) A nonrefundable application processing fee as follows:

(i) \$225.00 for a driver education provider who offers adult or teen driver training.

(ii) \$360.00 for a driver education provider who offers truck driver training.

(c) If applicable, either of the following:

(i) A certification that the applicant has used a multiple vehicle driving facility in a driver education course and that the facility has not been altered or changed since the secretary of state inspected that facility after the effective date of this act. A nonrefundable multiple vehicle driving facility review and approval fee of \$75.00 shall accompany the applicant's application for a renewal of its driver education provider certificate.

(ii) A statement that the applicant will use a multiple vehicle driving facility in a driver education course, a detailed description of the facility as determined necessary by the secretary of state, and its address. A multiple vehicle driving facility review and approval fee of \$125.00 shall accompany the applicant's application for a renewal of its driver education provider certificate.

- (d) Other information and documents prescribed by the secretary of state as needed to determine whether the applicant meets the requirements of this act.
- (2) The designated representative or coordinator of a certified driver education provider shall complete a criminal history check as described in section 29 to the satisfaction of the secretary of state every 4 years on an application to renew the driver education provider's certificate.
- (3) If the secretary of state receives a properly completed renewal application before the applicant's driver education provider's current certificate expires, the certificate continues in full force and effect until the secretary of state either approves or denies the renewal application. If the secretary of state does not receive a properly completed renewal application before the driver education provider certificate expires, the driver education provider shall not offer to engage or engage in the activity of a driver education provider until the secretary of state issues the holder of the expired certificate an original or renewal driver education provider certificate as provided in this act.
- (4) The secretary of state shall not issue a renewal certificate more than 30 days after a driver education provider certificate expires unless the provider has submitted a properly completed renewal application within 30 days after the certificate's expiration date. A provider that applies for a certificate renewal later than 30 days after the certificate expires shall apply to the secretary of state for an original driver education provider certificate.
- (5) The secretary of state shall review and, in writing, approve or deny the use of a multiple vehicle driving facility under this act as determined necessary by the secretary of state. The secretary of state may only approve a facility that meets criteria prescribed by the secretary of state. The secretary of state shall perform an on-site inspection of a multiple vehicle driving facility as determined necessary by the secretary of state.
- (6) Subsection (1)(b) does not apply to an educational institution or a governmental agency.
- (7) Nonrefundable application processing and multiple vehicle driving facility review and approval fees collected under this section shall be deposited into the driver education provider and instructor fund created under section 83.

256.633 Original or renewal driver education provider certificate; issuance; identifying number; classification; validity; duration; transfer or assignment prohibited.

Sec. 13.

- (1) The secretary of state may issue an original or renewal driver education provider certificate if the secretary of state is satisfied the applicant meets the requirements for that certificate under this act. The secretary of state may assign an identifying number to a driver education provider and put that number on the provider's certificate. The secretary of state may indicate the adult, teen, or truck driver training classification applicable on the driver education provider's certificate.
- (2) A driver education provider certificate issued under this act is valid for 2 years. The original expiration date is exactly 2 years from the date the secretary of state issues the provider an original certificate. A provider's renewal certificate expires 2 years after its issuance on the same day and month that the original certificate expired.

(3) A person licensed as a driver training school by the secretary of state under former 1974 PA 369 or who has been approved for segment 1 and segment 2 driver education course performance objectives under former 1974 PA 369, and who submits an original driver education provider certificate application in accordance with this act to the secretary of state on or before June 1, 2007, may provide driver education instruction in accordance with this act while the secretary of state processes the application. If an application is received after June 1, 2007, the driver education provider shall not provide instruction until the secretary of state processes the application and issues the certificate. The certificate expires exactly 2 years from the date of issuance.

(4) A person shall not transfer or assign a driver education provider certificate to another person, and any purported transfer or assignment is not effective.

256.635 Change in owner, partner, officer, director, or designated representative or coordinator; change in address; notification; duties of person who stops operating as driver education provider; noncompliance as misdemeanor; penalty.

Sec. 15.

(1) A driver education provider shall immediately notify the secretary of state in a manner prescribed by the secretary of state of a change in an owner, partner, officer, director, or the designated representative or coordinator of the provider. Immediately upon notifying the secretary of state, the provider shall also submit a request to the department of state police for a criminal history check as described in section 29 of the changed owner, partner, officer, director, or the designated representative or coordinator of the provider.

(2) A driver education provider shall immediately notify the secretary of state in a manner prescribed by the secretary of state of a change of address for the established office location or the classroom facilities of the provider. The provider shall also submit with that address change notification any information, record, report, or other document prescribed by the secretary of state or required under this act.

(3) A person who stops operating as a driver education provider or no longer qualifies as a certified driver education provider shall immediately in a format prescribed by the secretary of state do all of the following:

(a) Return the certificate issued under section 13 to the secretary of state.

(b) Prepare a final inventory listing each segment 1 or segment 2 driver education course certificate of completion that the secretary of state issued to the provider during the past year.

(c) Return to the secretary of state each segment 1 or segment 2 driver education course certificate of completion in the provider's possession that the provider did not issue to a student.

(d) Inform the secretary of state of the location where the information, records, or other documents that the provider is required to maintain under this act will be stored for no less than 4 years after the provider stops operating as a driver education provider or fails to qualify for certification as a provider.

(4) A person who fails to immediately comply with subsection (3)(a), (b), or (c) is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$2,000.00, or both.

256.637 Driver education instructor certificate; classification; investigation; evidence; stipulation of agreement to service of process; photograph of applicant; expiration; misdemeanor; penalty; completion of orientation and education program; preparation courses.

Sec. 17.

(1) A person may apply to the secretary of state for a driver education instructor certificate in 1 or more of the following classifications:

- (a) Adult driver training.
- (b) Teen driver training.
- (c) Truck driver training.

(2) The secretary of state shall not issue an original driver education instructor certificate under this act until an investigation is made of the applicant's qualification under this act.

(3) The secretary of state may issue a person a driver education instructor certificate if the person presents satisfactory evidence to the secretary of state in a format and as prescribed by the secretary of state that the person meets all of the following requirements:

- (a) Submits a properly completed application signed by the applicant.
- (b) Is not less than 21 years of age on the date of application.
- (c) Provides the applicant's driver license number.
- (d) Possesses a valid driver license that has been in continuous effect for not less than 5 years immediately preceding the application.
- (e) Provides a statement indicating whether the applicant has ever applied for a driver education instructor certificate in this state or any other state, and the result of that application.
- (f) Provides a statement indicating whether the applicant has ever been the holder of a driver education instructor certificate that was revoked or suspended, in this state or any other state.
- (g) Completes a criminal history check as described in section 29 to the satisfaction of the secretary of state.
- (h) Certifies that the applicant does not have a pending criminal matter or an outstanding arrest, warrant, or conviction since submitting a request for a criminal history check under section 29.
- (i) Submits a nonrefundable application processing fee of \$45.00.
- (j) Submits a certified medical examination report that is not older than 90 days and that is prepared by a physician, a physician's assistant, or a certified nurse practitioner licensed to practice in this state or in the applicant's state of residence. The report shall include a statement by the person that certified the report that the applicant is medically qualified to operate a motor vehicle and to train others to operate a motor vehicle.
- (k) Until December 31, 2007, for an original application for a driver education instructor certificate for teen driver training, submits an official transcript from an approved college or university that currently offers driver education instructor preparation programs. Beginning January 1, 2008, for an original application for a driver education instructor certificate for teen or adult driver training, submits an official transcript from an approved college, university, or person to verify the completion of the driver education instructor preparation courses required under the driver education instructor preparation program described in section 23. Except for a driver education instructor issued a temporary approval under the driver education and training schools act, 1974 PA 369, MCL 256.601 to 256.612, an applicant approved as a driver education

instructor by the secretary of state before December 31, 2007 is considered to have complied with this transcript requirement.

(l) An applicant who is not a resident of this state shall submit an up-to-date certified driving record from the applicant's state of residence to the secretary of state. The applicant shall agree in writing or electronically as prescribed by the secretary of state to submit an up-to-date certified driving record every 60 days for as long as the applicant is not a resident of this state.

(m) Other information and documents prescribed by the secretary of state to determine an applicant's qualifications for certification under this section.

(4) As a condition precedent to the granting of a certificate, an applicant shall file with the secretary of state, on a form prescribed by the secretary of state, an irrevocable written or electronic stipulation. The stipulation shall be signed by the applicant and state the applicant agrees that legal process affecting the applicant, served on the secretary of state against the applicant or the applicant's successor in interest for a violation of this act, a rule promulgated under this act, or an order issued under this act, has the same effect as if personally served on the applicant. This appointment remains in force as long as the applicant has any outstanding liability within this state under this act.

(5) The secretary of state may require an applicant to submit a photograph of the applicant, may prescribe the size and format of the photograph, and may include a reproduction of the photograph on the driver education instructor certificate. The secretary of state may receive the applicant's written or electronic permission to use the image of the applicant captured and retained under section 307 of the Michigan vehicle code, 1949 PA 300, MCL 257.307, on the driver education instructor certificate.

(6) A person licensed as a driver training school instructor by the secretary of state or who has been approved as an instructor for segment 1 and segment 2 driver education performance objectives under former 1974 PA 369, and who submits an original driver education instructor certificate application in accordance with this act to the secretary of state on or before June 1, 2007, may provide driver education instruction in accordance with this act while the secretary of state processes the application. If an application is received after June 1, 2007, the driver education provider shall not provide instruction until the secretary of state processes the application and issues the certificate. The certificate expires exactly 2 years from the date of issuance.

(7) A person who engages or offers to engage in activity as a driver education instructor before being certified by the secretary of state is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$2,000.00, or both.

(8) The secretary of state may develop and prescribe an orientation and education program that a person must complete before receiving an original driver education instructor certificate issued under this act.

(9) Beginning December 31, 2007, an applicant for an original driver education instructor certificate is required to complete the driver education instructor preparation courses described in section 23. This subsection does not apply to an applicant for a driver education instructor certificate to conduct truck driver training.

256.639 Original or renewal driver education instructor certificate; issuance; requirements; display of driver education certificate card.

Sec. 19.

(1) The secretary of state may issue a person an original or renewal driver education instructor certificate if the secretary of state is satisfied that the person meets the requirements for that certificate under this act. A certificate may include the following:

- (a) The name of the instructor.
- (b) An image of the instructor.
- (c) An identification number assigned to the instructor.
- (d) One or more driver education training classifications.
- (e) Other information determined necessary by the secretary of state.

(2) A driver education instructor shall display the driver education instructor certificate card issued by the secretary of state to that instructor at all times while providing instruction to a student. A driver education instructor shall provide a copy of his or her certificate to a driver education provider who utilizes the instructor's services.

256.641 Renewal of driver education instructor certificate; application; format; effect of expired certificate; criminal history check; validity and duration of certificate; fee.

Sec. 21.

(1) A certified driver education instructor may apply to the secretary of state for renewal of his or her driver education instructor certificate. The application shall be in a format as prescribed by the secretary of state and shall include all of the following:

- (a) A properly completed application signed by the applicant.
- (b) A certification that the applicant complies with the professional development requirements of this act and any additional verification regarding compliance with the professional development requirements of this act as prescribed by the secretary of state.
- (c) A nonrefundable application processing fee of \$45.00.
- (d) Every 2 years, a new certified medical examination report that is not older than 90 days and that is prepared by a physician, a physician's assistant, or a certified nurse practitioner licensed to practice in this state or in the applicant's state of residence. The report shall include a statement by the person that certified the report that the applicant is medically qualified to operate a motor vehicle and to train others to operate a motor vehicle.
- (e) Other information and documents prescribed by the secretary of state.

(2) If the secretary of state receives a properly completed renewal application before the applicant's driver education instructor's current certificate expires, the certificate continues in full force and effect until the secretary of state either approves or denies the renewal application. If the secretary of state does not receive a properly completed renewal application before the driver education instructor certificate expires, the driver education instructor shall not offer to engage or engage in the activity of a driver education instructor until the secretary of state issues the holder of the expired certificate an original or renewal driver education instructor certificate as provided in this act.

- (3) The secretary of state shall not issue a renewal certificate more than 30 days after a driver education instructor certificate expires unless the instructor has submitted a properly completed renewal application within 30 days after the certificate's expiration date. An instructor that applies for a certificate renewal later than 30 days after the certificate expires shall apply to the secretary of state for an original driver education instructor certificate.
- (4) A certified driver education instructor shall complete a criminal history check as described in section 29 to the satisfaction of the secretary of state every 4 years on a renewal application for a driver education instructor certificate.
- (5) A driver education instructor certificate issued under this act is valid for 2 years. The original expiration date is exactly 2 years from the date the secretary of state issues the instructor an original certificate. An instructor's renewal certificate expires 2 years after its issuance on the same day and month that the original certificate expired.
- (6) A nonrefundable application processing fee collected under this section shall be deposited into the driver education provider and instructor fund created under section 83.

256.643 Driver education instructor preparation program.

Sec. 23.

- (1) A college or university or a person approved by the secretary of state may present a driver education instructor preparation program. A college, university, or person shall not offer to engage or engage in the activity of presenting a driver education instructor preparation program without the prior approval of the secretary of state.
- (2) A college, university, or person may apply to the secretary of state for approval to conduct a driver education instructor preparation program. A college, university, or person seeking approval shall present satisfactory evidence to the secretary of state as prescribed by the secretary of state that the college's, university's, or person's proposed program meets the requirements of this section.
- (3) The secretary of state shall review and approve a driver education instructor preparation program that meets the requirements of this section. The secretary of state shall give the college, university, or person requesting approval a written notice of the secretary of state's approval or denial, including the reason for any denial.
- (4) The secretary of state shall prepare a driver education instructor preparation program guide as a model for how to conduct a driver education instructor preparation program. The model program guide shall identify the content of each course identified in subsection (7).
- (5) Beginning September 1, 2007, a driver education instructor preparation program shall consist of not less than 4 driver education preparation courses.
- (6) A college, university, or person seeking approval of a driver education instructor preparation course shall present evidence satisfactory to the secretary of state that the proposed course meets the requirements of this section. The secretary of state shall review a driver education instructor preparation course and determine whether that course meets the requirements of this act. The secretary of state shall prescribe the administration and curriculum of a driver education instructor preparation course. The secretary of state shall give the college, university, or person requesting approval written notice of the secretary of state's approval or denial, including the reason for any denial.

(7) A driver education instructor preparation program shall consist of not less than 4 driver education instructor preparation courses. The 4 required courses shall each concentrate on only 1 of the following concepts, and all of the following concepts shall be covered in the minimum 4 courses required:

- (a) Driver task analysis.
- (b) Developing classroom and program knowledge.
- (c) Developing vehicle operation skills.
- (d) Practicum.

(8) A driver education instructor preparation course shall consist of not less than 2 semester hours per course or the equivalent of not less than 2 semester hours per course as approved by the secretary of state. A driver education instructor preparation course shall extend for not less than 3 weeks.

(9) An instructor who teaches a driver education instructor preparation course shall meet the following requirements:

- (a) Have a master's degree in education from an accredited college or university.
- (b) Hold a valid driver education instructor certificate issued by the secretary of state.
- (c) Any other requirement the secretary of state determines is necessary to determine instructor qualifications.

(10) A college, university, or person approved by the secretary of state that offers a driver education instructor preparation course shall include in the course registration material information explaining the driver education instructor qualifications required under this act.

(11) The secretary of state shall review each driver education instructor preparation program approved under this section at least once every 3 years.

(12) A driver education preparation course credit earned through a college, university, or another entity in another state may be accepted on the same basis as the equivalent credit earned through a driver education instructor preparation program conducted by a college or university or by a person approved by the secretary of state, if approved by the secretary of state. A person seeking approval of a driver education course credit earned in another state shall present satisfactory evidence to the secretary of state that the other state's course substantially meets the requirements of this state. The secretary of state shall review a driver education preparation course credit earned in another state and determine whether that course content meets the requirements of this act. The secretary of state shall give the person a written notice of the secretary of state's approval or denial, including the reason for any denial.

(13) This section does not apply to an applicant for a driver education instructor certificate that is limited to the truck driver training classification.

256.645 Conditional driver education instructor certificate; issuance; requirements.

Sec. 25.

(1) A person shall not participate in a practicum course conducted by a college or university or by a person approved by the secretary of state unless the person possesses a conditional driver education instructor certificate.

(2) A person shall apply to the secretary of state for a conditional driver education instructor certificate. The secretary of state may issue a person a conditional driver education instructor certificate after the person presents satisfactory evidence to the secretary of state that the applicant complies with both of the following:

(a) Meets all of the driver education instructor application requirements under section 17 except for completion of a practicum course.

(b) Is enrolled in a practicum course conducted by a college or university or by a person approved by the secretary of state.

(3) This section does not apply to an applicant for a driver education instructor certificate that is limited to the truck driver training classification.

256.647 Professional development requirements; establishment; publication; provisions.

Sec. 27.

Beginning January 1, 2008, the secretary of state shall establish professional development requirements for a certified driver education instructor. The secretary of state shall publish the requirements in a format and manner prescribed by the secretary of state. Professional development requirements shall provide the following:

(a) The criteria a driver education instructor shall follow to select an activity to meet the professional development requirements.

(b) The date by which an instructor shall complete the professional development requirements.

256.649 Criminal history check.

Sec. 29.

(1) A criminal history check required under this act shall be performed by the department of state police and the federal bureau of investigation.

(2) A person required to have a criminal history check shall send a request for a criminal history check to the department of state police in a format and as prescribed by the department of state police. The fees required by the department of state police and the federal bureau of investigation to conduct the criminal history check shall accompany a request for a criminal history check.

(3) The department of state police shall conduct a criminal history check within 45 days after receiving a proper request and the required fee for a criminal history check under this section. After conducting the criminal history check and within that same 45 days, the department of state police shall provide the secretary of state with a report of the criminal history check. The report shall contain any criminal history record information on the person maintained by the department of state police.

(4) Except as otherwise provided in this act, the secretary of state shall not approve an original or renewal driver education provider or driver education instructor certificate before receiving and reviewing the applicable criminal history checks from the department of state police and the federal bureau of investigation.

(5) The secretary of state shall use criminal history record information received under this section only for evaluating an applicant's qualifications to receive a driver education provider or driver education instructor certificate under this act. The secretary of state shall discuss the report or its contents only with staff of the department of state police or a person who was involved in the prosecution of a criminal matter noted in a report for purposes of clarifying whether an offense meets 1 of the crimes described in section 59. A person who uses criminal history record information in violation of this subsection is guilty of a misdemeanor punishable by a fine of not more than \$10,000.00.

(6) As used in this section, "criminal history record information" means that term as defined in section 1a of 1925 PA 289, MCL 28.241a.

256.651 Use of motor vehicle; requirements.

Sec. 31.

(1) A motor vehicle used by a driver education provider shall:

(a) Comply with the motor vehicle safety standards required under both federal law and the laws of this state when used as a driver education vehicle.

(b) Display an identity, in a size and design prescribed by the secretary of state, that the vehicle is used in a driver education course.

(c) Display a driver education provider's identity, in a size and design prescribed by the secretary of state, that uses the vehicle in a driver education course.

(2) A driver education provider shall not allow a driver education instructor to use a motor vehicle in a driver education course with more occupants than the number of safety belts installed in the vehicle.

(3) A passenger motor vehicle used by a driver education provider in a driver education course shall be a dual-controlled vehicle. For the purpose of this subsection, a "dual-controlled vehicle" means a motor vehicle that is equipped with a duplicate brake or, if applicable, a duplicate brake and clutch pedal that is positioned on the right front floorboard of the vehicle.

256.653 Teen driver training; duties of driver education provider.

Sec. 33.

A driver education provider issued a driver education provider certificate that is classified for teen driver training under this act shall comply with all of the following:

(a) Verify that a person enrolled in a driver education course complies with the following:

(i) Is 14 years, 8 months of age or older before beginning a segment 1 curriculum. A student's initial attendance or participation in a class shall not begin or commence on a date after the first day of that scheduled class without good cause. Except as otherwise provided in this subsection, the student being less than 14 years and 8 months on the first day of class is not good cause.

(ii) If less than 14 years, 8 months of age, that the secretary of state has issued the person an approval, as prescribed by the secretary of state, for a minor restricted driver license under section 312 of the Michigan vehicle code, 1949 PA 300, MCL 257.312.

- (iii) Meets the physical or mental requirements for a motor vehicle operator's license under section 309 of the Michigan vehicle code, 1949 PA 300, MCL 257.309.
- (b) Provide a driver education course that has been approved by the secretary of state under this act.
- (c) Administer a knowledge test approved by the secretary of state under this act to each student at the completion of a driver education course in accordance with the standards prescribed by the secretary of state under this act.
- (d) For a student or customer who is less than 18 years of age, sign a written agreement with the student or customer or the student's or customer's parent or legal guardian. The agreement shall provide that the driver education provider shall have not less than 2 students in the vehicle used by the student or customer during behind-the-wheel instruction. A student's or customer's parent or legal guardian may waive this requirement only in writing.

256.655 Teen driver training; model curriculum.

Sec. 35.

- (1) The secretary of state shall prescribe a model curriculum for teen driver training under this act. After September 1, 2007, a driver education provider classified for teen driver training shall use the secretary of state's prescribed model curriculum or may use an alternative curriculum only after it has been reviewed and approved by the secretary of state. The secretary of state may approve an alternative curriculum if it substantially meets or exceeds the standards of the secretary of state's prescribed model curriculum.
- (2) Under a segment 1 curriculum and segment 2 curriculum combined, each student shall receive no less than 30 hours of classroom instruction and 7 hours of behind-the-wheel driver education course experience.

256.657 Teen driver training; segment 1 curriculum; definitions.

Sec. 37.

- (1) A segment 1 curriculum shall include both classroom and behind-the-wheel driver education course experience. The classroom instruction and behind-the-wheel instruction shall be integrated, relate to each other, and meet the following requirements:
- (a) Each student shall receive not less than 24 hours of classroom instruction. Classroom instruction shall be scheduled to occur as follows:
- (i) Classroom instruction shall occur not more than 2 hours per day.
 - (ii) Classroom instruction shall occur over the course of 3 or more weeks.
 - (iii) Classroom instruction of 4 or more hours shall be received before the student begins to receive behind-the-wheel instruction.
 - (iv) Behind-the-wheel instruction of 3 or more hours shall be completed before classroom instruction terminates.
- (b) Each student shall receive not less than 6 hours of behind-the-wheel instruction or substitute hours permitted under this subsection. Behind-the-wheel instruction shall be scheduled to occur as follows:
- (i) A student shall receive not more than 1 hour of behind-the-wheel instruction per day.

- (ii) Not more than 1 student shall occupy the front seat of the vehicle with the instructor.
- (iii) A driver education motor vehicle shall contain not more than 4 students during behind-the-wheel instruction.
- (iv) Not later than 3 weeks after the last classroom instruction has been completed, a student shall complete any remaining required behind-the-wheel instruction.
- (v) Except as otherwise provided in this section, a student may receive instruction while operating a motor vehicle at a multiple vehicle driving facility. One hour of instruction received at a multiple vehicle driving facility may substitute as credit for 1 hour of behind-the-wheel experience. A maximum of 2 hours of behind-the-wheel experience can be substituted with instruction received at a multiple vehicle driving facility.
- (c) A student shall receive 4 or more hours of behind-the-wheel observation time.
- (2) A driver education provider classified for teen driver training shall not substitute behind-the-wheel instruction with multiple vehicle driving facility experience until the secretary of state gives the provider written approval for that substitution as provided in this act.
- (3) A driver education provider classified for teen driver training shall not substitute behind-the-wheel driving experience with simulator device training.
- (4) As used in this section:
 - (a) "Integrated" means classroom and behind-the-wheel instruction scheduled to include a mix of classroom and behind-the-wheel instruction throughout the duration of the driver education course, except as otherwise provided in this section.
 - (b) "Observation time" means the time a student in a driver education course sits in the rear seat of a vehicle and observes another student in the front seat behind the wheel operating the controls of the vehicle, responding to driving situations, and with an instructor sitting in the front seat.

256.659 Segment 2 curriculum course.

Sec. 39.

A segment 2 curriculum course provided under this act shall meet all of the following requirements:

- (a) Be offered only to a student who has done all of the following:
 - (i) Successfully completed a segment 1 curriculum driver education course.
 - (ii) Held a valid level 1 graduated driver license for not less than 3 continuous months.
 - (iii) Acquired 30 or more hours driving experience on a level 1 graduated driver license that includes not less than 2 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.
- (b) Contain 6 or more hours of classroom instruction that is scheduled so the student receives not more than 2 hours of classroom instruction per day.
- (c) Provide instruction explaining the right to make an anatomical gift in the event of death under part 101 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10123. Instructional materials to effectuate this subdivision shall be developed in cooperation with the federally designated organ procurement organization for this state and shall include information on how to

join the state organ, tissue, and eye donor registry. The following apply to instruction provided under this subdivision:

- (i) If instruction material is provided at no cost to the driver education provider in an electronic medium and the provider uses a compatible type of electronic medium in providing instruction under this section, the provider shall show the instruction material to its students.
- (ii) If instruction material is provided at no cost to the driver education provider in the form of a brochure or other written material, the provider shall provide the material to its students.

256.661 Classroom instruction; number of students; limitation.

Sec. 41.

- (1) Except as otherwise provided in this section, a segment 1 or segment 2 classroom shall not contain more than 36 students when classroom instruction is given.
- (2) A segment 2 class size may exceed 36 students with the prior approval of the secretary of state. The secretary of state may approve a segment 2 class size to exceed 36 students for up to 60 minutes per day when justified by a special presentation.
- (3) The number of students in a class shall not exceed the number of students allowed by the fire marshal.

256.663 Driver education course certificate of completion; issuance to student.

Sec. 43.

- (1) A driver education provider classified to provide teen driver training shall issue a driver education course certificate of completion to a student who successfully passes a written knowledge test prescribed by the secretary of state for that segment and successfully completes the other course work for that segment. The secretary of state shall prescribe the knowledge test administered to a teen student, including establishing a passing score and the maximum number of times a student may take the test.
- (2) A driver education provider shall not issue a driver education course certificate of completion for segment 1 if the student is not eligible for a graduated driver license.
- (3) A driver education provider shall not issue a driver education course certificate of completion for segment 2 to a student unless the student has been issued a graduated driver license.

256.665 Course schedule report, course completion report; requirements.

Sec. 45.

- (1) Before holding a class, a driver education provider shall file a projected driver education course schedule report with and as prescribed by the secretary of state. The course schedule report shall contain:
 - (a) The name of the school.
 - (b) The dates and times of the class.

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- (c) The classroom location.
 - (d) The names of the instructors.
 - (e) Any other information the secretary of state determines is needed to administer this act or ensure the health, safety, and welfare of a student or the public.
- (2) If a change occurs in the information contained in a report filed under subsection (1), the driver education provider shall immediately file an updated projected driver education course report with the secretary of state or later if authorized by the secretary of state.
- (3) Upon completion of a class, a driver education provider shall file a course completion report with and as prescribed by the secretary of state. The course completion report shall contain:
- (a) The name of the school.
 - (b) The dates the class was held.
 - (c) The name, address, and birth date of each student issued a certificate of completion.
 - (d) The inventory control number of each certificate of completion issued to a student.
 - (e) Any other information the secretary of state determines is needed to administer this act or ensure the health, safety, and welfare of a student or the public.
- (4) A driver education provider classified for truck driver training shall file a report with and as prescribed by the secretary of state on April 15 and October 15 of each year. Each report shall contain:
- (a) The name, address, and driver license number of each student enrolled since the provider's last report under this subsection.
 - (b) The name of each student who completed a training program.
 - (c) Any other information the secretary of state determines is needed to administer this act or ensure the health, safety, and welfare of a student or the public.
- (5) A driver education provider shall file a year-end report with and as prescribed by the secretary of state on or before January 31 of each year. The year-end report shall contain all of the following:
- (a) The name of the school.
 - (b) The number of students who passed and failed each type of instruction given.
 - (c) A list of the instructors who taught during the year.
 - (d) A list of classroom locations utilized during the year.
 - (e) The tuition charged for each type of instruction.
 - (f) Any other information the secretary of state determines is needed to administer this act or ensure the health, safety, and welfare of a student or the public.
- (6) A driver education provider shall maintain a record of the instruction given to a student as prescribed by the secretary of state. A student instruction record shall contain all of the following:
- (a) The dates and number of hours of classroom and behind-the-wheel instruction given the student, signed by the instructors that gave the instruction.
 - (b) Complete registration and achievement records for the student.
 - (c) A list of the student's payments for tuition, fees, and purchase or rental of supplies or equipment.
 - (d) A copy of the signed contract between the school and the student.
 - (e) The information contained on a course completion report for the student.
 - (f) Any other information the secretary of state determines is needed to administer this act or ensure the health, safety, and welfare of a student or the public.

(7) The secretary of state shall prescribe the manner and method that any information, forms, reports, and other documents required in this act are submitted to the secretary of state, including electronic submission.

256.667 Written agreement between provider and student; terms.

Sec. 47.

(1) A driver education provider shall have a written agreement with each of its students. A driver education provider shall not give instruction to a student until after the provider and the student have entered into the written agreement. The agreement shall be dated and signed by both the provider and the student. The agreement shall contain all the terms of the agreement between the provider and the student and include all of the following:

- (a) The student's name, address, birth date, and telephone number.
- (b) If the student is a minor, the parent's or legal guardian's name, address, and telephone number.
- (c) A description of the instruction to be given by that provider.
- (d) The amount of the fee or tuition charged and paid for the instruction.
- (e) A notice statement prescribed by the secretary of state.
- (f) Other information prescribed by the secretary of state.

(2) Before instruction begins, the driver education provider shall give the student a signed copy of the agreement, accompanied by a copy of all of the provider's applicable policies.

(3) This section does not apply to an educational institution or a governmental agency that does not charge a student a fee for driver education instruction.

256.669 Coordinated segment 1 driver education course; approval of secretary of state; written agreement between provider and student; terms.

Sec. 49.

(1) The secretary of state may approve the giving of a coordinated segment 1 driver education course. A driver education provider shall not give a coordinated segment 1 driver education course without the prior written approval of the secretary of state. The provider shall file a request for approval with the secretary of state in a format as prescribed by the secretary of state. The secretary of state may review a request on a case-by-case basis.

(2) A driver education provider shall not give instruction under this section until after the provider and the student have entered into a written agreement as provided in this subsection. The agreement shall be dated and signed by both the provider and the student. The agreement shall contain all the terms of agreement between the provider and the student and include all of the following:

- (a) The student's name, address, birth date, and telephone number.
- (b) If the student is a minor, the parent's or legal guardian's name, address, and telephone number.
- (c) The name of each provider that will give instruction.

- (d) A description of the instruction that each provider will give.
 - (e) A description of the assessment or test to be administered by each provider.
 - (f) The amount of the fee or tuition charged and paid for the instruction.
 - (g) The name of the provider responsible for issuing a segment 1 driver education course certificate of completion.
 - (h) A statement of who is responsible for maintaining each part of the student's records as required under this act.
 - (i) Other information prescribed by the secretary of state.
- (3) Before instruction begins, the driver education provider shall give the student a signed copy of the agreement.
- (4) This section does not apply to an educational institution or a governmental agency that does not charge a student a fee for driver education instruction.

256.671 Reports; maintenance; format; manner; availability; failure to comply; duration.

Sec. 51.

- (1) The secretary of state may require that information, a record, or any document required to be maintained under this act be maintained in a format and manner prescribed by the secretary of state.
- (2) The secretary of state may prescribe the format, manner, and deadline for filing a report with the secretary of state under this act. Except as otherwise provided in this act, the secretary of state shall notify a person required to file a report with the secretary of state of the applicable filing deadline. The secretary of state shall provide that notice not less than 15 days before the report is due, unless the secretary of state has reason to believe the report is needed more quickly to protect the health, safety, and welfare of a student or the public or to properly administer this act.
- (3) The secretary of state may require information, a record, or other document that is required to be maintained or filed under this act to be maintained or filed electronically or as prescribed by the secretary of state.
- (4) A driver education provider shall maintain information, a record, a report, or other document required under this act at its established office location.
- (5) A driver education provider shall make information, a record, or other document maintained under this act available for inspection by the secretary of state or his or her authorized representative at reasonable times.
- (6) If a driver education provider fails to make information, a record, or other document required under this act available for inspection at reasonable times, the secretary of state may suspend the driver education provider's certificate after notice and opportunity for a hearing.
- (7) A driver education provider shall maintain a record required under this act for not less than 4 calendar years after the student has ceased receiving instruction from the provider.

256.673 Verification of instructor's certificate status.

Sec. 53.

- (1) A driver education provider shall verify that a driver education instructor possesses a valid driver education instructor certificate issued under this act, before employing, hiring, contracting, or otherwise engaging the person as an instructor for a driver education course.
- (2) The secretary of state may prescribe the method and manner that a driver education provider shall use to verify an instructor's certificate status.

256.675 Instruction to adult or truck driver training student; verification of valid temporary instruction permit.

Sec. 55.

- (1) Before a driver education provider shall provide behind-the-wheel driver education course instruction to an adult or truck driver training student, the provider shall verify that the student has a valid temporary instruction permit issued by the secretary of state under section 306 of the Michigan vehicle code, 1949 PA 300, MCL 257.306.
- (2) The secretary of state may prescribe the method and manner that a driver education provider shall use to verify a student's temporary instruction permit under this section.

256.677 Conviction of violation; notification to secretary of state.

Sec. 57.

A certified driver education provider or instructor or a provider's designated representative or coordinator shall immediately notify the secretary of state if convicted of a violation or attempted violation listed in section 59. A certified driver education instructor or designated representative or coordinator of a provider shall also notify his or her driver education provider employer. A notice required under this section shall be in a format as prescribed by the secretary of state and comply with all of the following:

- (a) Identify the conviction.
- (b) Identify the date of the conviction.
- (c) Identify the court that imposed the conviction.
- (d) Contain other information as prescribed by the secretary of state.

256.679 Conviction information; automatic denial or revocation of application or certificate.

Sec. 59.

(1) Except as otherwise provided in this section, the secretary of state shall automatically deny an original or renewal application for a driver education provider or instructor certificate and shall automatically immediately revoke a certificate issued to a person as a driver education provider or driver education instructor without the necessity for notice and an opportunity for a hearing if a criminal history check indicates that the applicant, instructor, provider, or the designated representative or coordinator of the applicant or provider has been convicted of a violation or attempted violation, or the secretary of state receives reliable notice under this section or section 57 of a conviction for a violation or attempted violation of any of the following:

(a) Criminal sexual conduct, assault with intent to commit criminal sexual conduct, or an attempt to commit criminal sexual conduct, in any degree under sections 520b to 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b to 750.520g.

(b) A felony involving a criminal assault or battery on an individual.

(c) A crime involving felonious assault on a child, child abuse in the first degree, cruelty, torture, or indecent exposure involving a child.

(d) A felony involving the manufacture, distribution, or dispensing of a controlled substance or possession with intent to manufacture, distribute, or dispense a controlled substance.

(e) A felony conviction involving fraud as an element of the crime.

(2) A denial or revocation imposed under this section shall continue for not less than 10 years from the date of the conviction.

(3) The department of information technology shall work with the secretary of state and the department of state police to develop and implement an automated program that does an annual comparison of the conviction information received by the department of state police with a secretary of state list of persons holding a driver education provider or instructor certificate and the persons designated as a representative or coordinator of a provider. This comparison shall only include persons who are actually certified as a driver education provider or instructor or who are the designated representative or coordinator of an actually certified provider at the time of the comparison. Unless otherwise prohibited by law, this comparison shall include convictions contained in a nonpublic record. The department of state police shall take all reasonable and necessary measures using the available technology to ensure the accuracy of this comparison before transmitting the information under this subsection to the secretary of state. The secretary of state shall take all reasonable and necessary measures using the available technology to ensure the accuracy of this comparison before notifying a provider, a provider's designated representative or coordinator, or an instructor of a conviction that results in an automatic and immediate revocation of a provider or instructor certificate under this section.

(4) When the secretary of state receives reliable notice of a conviction for a violation or attempted violation under this section or section 57 by an applicant's or provider's designated representative or coordinator, the secretary of state shall automatically deny an original or renewal application for a driver education provider certificate or automatically immediately revoke a provider's certificate under this section if the applicant or provider fails to immediately terminate the designated representative's or coordinator's designation or employment as the provider's designated representative or coordinator.

256.681 Automatic denial or revocation of application or certificate; duration.

Sec. 61.

(1) Except as otherwise provided in this section, the secretary of state shall automatically deny a driver education provider or instructor application or revoke a provider's or instructor's certificate without notice and an opportunity for a hearing. The denial or revocation shall remain in effect until the applicant, instructor, provider, or the designated representative or coordinator of the applicant or provider completes 5 consecutive years without a conviction for a violation or attempted violation for which 4 or more points are assessed under section 320a of the Michigan vehicle code, 1949 PA 300, MCL 257.320a.

(2) The secretary of state shall automatically deny a driver education provider or instructor application or revoke a provider's or instructor's certificate without notice and an opportunity for a hearing until the driving record of the applicant, instructor, provider, or the designated representative or coordinator of the applicant or provider does not have within the prior 2 years 1 or more of the following:

(a) Three or more driver license denials, suspensions, or revocations, or any combination of 3 or more denials, suspensions, or revocations, imposed by the secretary of state for the failure to appear in court or a failure to comply with a court judgment under section 321a of the Michigan vehicle code, 1949 PA 300, MCL 257.321a.

(b) A conviction or finding of responsibility for a traffic violation in connection with 2 or more motor vehicle accidents.

(c) An accumulation of 6 or more points under section 320(a) of the Michigan vehicle code, 1949 PA 300, MCL 257.320.

(d) A conviction under section 624a, 625(6), or 626b of the Michigan vehicle code, 1949 PA 300, MCL 257.624a, 257.625, and 257.626b.

(3) When the driving record of an applicant's or provider's designated representative or coordinator is the cause for the secretary of state to deny an application or revoke a certificate under this section, the secretary of state shall automatically deny an original or renewal application for a driver education provider certificate or automatically revoke a provider's certificate under this section if the applicant or provider fails to immediately terminate the designated representative's or coordinator's designation or employment as the provider's designated representative or coordinator.

256.683 Denial, suspension, revocation, or cancellation of driver license; suspension or revocation of driver education instructor's certificate; reinstatement.

Sec. 63.

(1) The secretary of state shall automatically suspend or revoke a driver education instructor's certificate without notice and an opportunity for a hearing if the instructor's driver license is denied, suspended, revoked, or canceled by this state or another state. A driver education instructor whose driver license is denied, suspended, revoked, or canceled by this state or another state shall immediately return his or her instructor's certificate to the secretary of state.

(2) The secretary of state may reinstate a driver education instructor's certificate suspended under this section if the instructor's driver license denial, suspension, revocation, or cancellation terminates before the instructor's certificate expires and the instructor submits a written request to the secretary of state, as prescribed by the secretary of state, for that reinstatement.

(3) The secretary of state shall not reinstate a driver education instructor certificate that is revoked under this section. A driver education instructor whose certificate is revoked may apply to the secretary of state for an original driver education instructor certificate.

256.685 Investigation; complaint; mediation; conditions for probation.

Sec. 65.

(1) The secretary of state may make, on its own initiative or in response to a complaint, a reasonable and necessary investigation within or outside this state and gather evidence against a person that violated, allegedly violated, or is about to violate this act, a rule promulgated under this act, or an order issued under this act, concerning whether a person, an applicant, a driver education provider, or a driver education instructor is in compliance with this act or a rule promulgated under this act.

(2) A person may file a complaint against a person, an applicant, a driver education provider, or a driver education instructor with the secretary of state. A complaint shall be made in a format as prescribed by the secretary of state. The complaint shall be based upon a violation or attempted violation of this act or a rule promulgated under this act and shall contain all of the following information:

(a) The complainant's name, address, and telephone number.

(b) A complete statement describing the basis for the complaint.

(c) A copy of any record, report, or document that is the basis for the complaint, including a copy of the student contract, driver education course certificate of completion issued, or other documents.

(d) The complainant's signature and the date the complaint was signed.

(e) Other information as prescribed by the secretary of state.

(3) The secretary of state may mediate a dispute between a driver education provider or driver education instructor and a student or the student's parent or legal guardian when a dispute arises from a violation or attempted violation of this act or a rule promulgated under this act.

(4) The secretary of state may develop conditions of probation for the operation of a driver education provider or the training conducted by a driver education instructor. Conditions shall be set forth in a written agreement and signed by the driver education provider or driver education instructor and the secretary of state. Conditions of probation may be agreed to in place of further disciplinary proceedings.

256.687 Deceptive or unconscionable methods, acts, or practices.

Sec. 67.

A driver education provider or instructor shall not engage in a deceptive or unconscionable method, act, or practice. The following are deceptive or unconscionable methods, acts, or practices:

- (a) Using, adopting, or conducting business under a name that is the same as, like, or deceptively similar to, the name of another driver education provider.
- (b) Except as otherwise provided in this subsection, using the word "state", "government", "municipal", "city", or "county" as part of the name of the driver education provider. This provision does not apply to an educational institution or a governmental agency.
- (c) Advertising, representing, or implying that a driver education provider is supervised, recommended, or endorsed by, or affiliated or associated with, or employed by, or an agent or representative of this state, the secretary of state, or a bureau of the secretary of state.
- (d) Advertising or publicizing under a name other than the provider's full business name as identified on the provider's application for a driver education provider certificate.
- (e) Advertising that the provider is open for business before the secretary of state issues a driver education provider certificate to the provider.
- (f) Soliciting business on the premises of any facility rented, leased, owned, or used by the secretary of state.
- (g) Misrepresenting the quantity or quality of the instruction provided or the requirements for a driver license, endorsement, minor restricted or temporary permit, or driver education certificate.
- (h) Failing to promptly restore any deposit, down payment, or other payment that a person is entitled to after an agreement is rescinded, canceled, or otherwise terminated as required under the agreement or applicable law.
- (i) Taking advantage of a student's or potential student's inability to reasonably protect his or her interest because of a disability, illiteracy, or inability to understand the language of an agreement, if the driver education provider knows or reasonably should have known of the student's or potential student's inability.
- (j) Failing to honor a term of a student's, parent's, or legal guardian's agreement.
- (k) Falsifying a document, agreement, record, report, or certificate required under this act or a rule promulgated under this act.
- (l) Causing or allowing a student, parent, or legal guardian to sign a document in blank.

256.689 Sanctions.

Sec. 69.

(1) Except as otherwise provided in this act, the secretary of state may impose 1 or more of the sanctions in subsection (2) after notice and opportunity for a hearing if the secretary of state determines that a person, a driver education provider, a driver education instructor, or an applicant for either a provider or instructor certificate did 1 or more of the following:

- (a) Failed to meet a requirement under this act or a rule promulgated under this act.
- (b) Violated this act or a rule promulgated under this act.

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- (c) Made an untrue or misleading statement of a material fact to the secretary of state or concealed a material fact in connection with an application for a provider or instructor certificate.
 - (d) Permitted fraud or engaged in a fraudulent method, act, or practice in connection with a driver license or temporary driving permit application submitted to the secretary of state, or induced or countenanced fraud or a fraudulent method, act, or practice on the part of an applicant for a driver license or permit.
 - (e) Engaged in an unfair or deceptive method, act, or practice or made an untrue statement of a material fact.
 - (f) Violated a condition of probation or suspension or an order issued under this act.
 - (g) Failed to maintain good moral character as defined and determined under 1974 PA 381, MCL 338.41 to 338.47, in connection with business operations.
- (2) After the secretary of state determines that a person, a driver education provider, a driver education instructor, or an applicant for a provider or instructor certificate committed a violation listed in subsection (1), the secretary of state may impose upon the person, provider, instructor, or applicant 1 or more of the following sanctions:
- (a) Denial of an application for a driver education provider certificate or a driver education instructor certificate.
 - (b) Suspension or revocation of a driver education provider certificate or a driver education instructor certificate.
 - (c) An administrative fine paid to the secretary of state in an amount not to exceed \$1,000.00 for each violation.
 - (d) A requirement to take the affirmative action determined necessary by the secretary of state, including payment of restitution to a student or to an injured person.
- (3) A sanction may be imposed under subsection (2) in addition to criminal penalties otherwise imposed for the same violation under this act or by law. The remedies and sanctions under this act are independent and cumulative.

256.691 Cease and desist order; temporary cease and desist order.

Sec. 71.

- (1) If the secretary of state determines after notice and opportunity for a hearing that a person has committed a violation listed in section 69(1), the secretary of state may issue an order requiring the person to cease and desist from the unlawful method, act, or practice or to take an affirmative action that in the judgment of the secretary of state will carry out the purposes of this act, including, but not limited to, payment of restitution to a customer.
- (2) If the secretary of state makes a finding of fact in writing that the public interest will be irreparably harmed by a delay in issuing an order, the secretary of state may issue a temporary cease and desist order. Before issuing a temporary cease and desist order, the secretary of state, when possible by telephone or otherwise, shall notify the person, the driver education provider, or the driver education instructor of the secretary of state's intention to issue a temporary cease and desist order. A temporary cease and desist order shall include in its terms a provision stating that upon request a hearing shall be held within 30 days to determine whether or not the order shall become permanent.

256.695 Summary suspension; hearing; resolution.

Sec. 75.

(1) The secretary of state may order a summary suspension of a driver education provider or driver education instructor certificate pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, upon an affidavit by a person familiar with the facts set forth in the affidavit alleging a violation or attempted violation of this act, a rule promulgated under this act, or a deceptive or unconscionable method, act, or practice.

(2) The driver education provider or driver education instructor to whom the order is directed may apply to the secretary of state and shall be granted a hearing within 30 days of application pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(3) At the hearing, the order of summary suspension shall be set aside, continued, or modified by the secretary of state.

(4) If the order of summary suspension concerns the issuance or authorization of driver education course certificates of completion, the secretary of state may discontinue accepting certificates of completion issued or authorized by the provider for students receiving or completing instruction after the effective date of the order. The secretary of state may decide to resolve the summary suspension matter before determining a driver license issue that involves 1 or more of the certificates of completion.

256.697 Expiration or absence of certificate; proceeding with investigation, disciplinary proceeding, or other action.

Sec. 77.

The expiration or absence of a driver education provider certificate or a driver education instructor certificate does not prevent the secretary of state from proceeding with an investigation, disciplinary proceeding, or other action authorized by this act against a person, a driver education provider, or a driver education instructor.

256.699 Certificate required; violation as misdemeanor; penalty; administrative fine.

Sec. 79.

A person shall not engage in or offer to engage in activity as a driver education provider or a driver education instructor unless the person holds a valid certificate under this act. A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$2,000.00, or both. In addition to any other remedies provided by law, the secretary of state may impose an administrative fine of \$100.00 for each day the person is found to have engaged in activity as a driver education provider or a driver education instructor without being certified under this act.

256.701 Reimbursement; disposition.

Sec. 81.

In a court proceeding involving a violation of this act, the court may order the person found guilty of violating this act to reimburse the secretary of state for the reasonable costs of the secretary of state's investigation that resulted in the conviction in addition to any other civil or criminal penalties allowed by law. Any costs collected under this section shall be deposited into the driver education provider and instructor fund created under section 83.

256.703 Driver education provider and instructor fund; creation; expenditures; investment; accounting; administration of act.

Sec. 83.

(1) The driver education provider and instructor fund is created as a separate fund in the department of treasury. The fund shall be expended only as provided in this section. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall annually present to the secretary of state an accounting of the amount of money in the fund. Any unexpended and unencumbered money in the fund at the close of a fiscal year shall remain in the fund and shall not lapse or be transferred to the general fund.

(2) A nonrefundable application processing fee, a multiple vehicle driving facility review and approval fee, and an administrative fine collected under this act shall be transferred by the secretary of state to the state treasurer, who shall credit the money to the fund created under this section.

(3) The secretary of state shall expend money in the fund to administer this act. The secretary of state may deduct money from the fund to develop a driver education provider and instructor program. The secretary of state may deduct from the fund the actual administrative costs to administer this act, including any administrative costs to perform inspections, conduct investigations, or hold administrative hearings.

256.704 Deposit of revenue balance into traffic law enforcement and safety fund.

Sec. 84.

After deducting the actual administrative costs of the department, the balance of the revenue from the fees collected under this act, up to an annual total of \$15,000.00, shall be deposited in the traffic law enforcement and safety fund created in section 819a of the Michigan vehicle code, 1949 PA 300, MCL 257.819a.

256.705 Rules.

Sec. 85.

The secretary of state may promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to carry out this act.

VARIOUS MICHIGAN COMPILED LAWS (MCL) SECTIONS

257.303 Operator's or chauffeur's license; issuance; prohibitions and restrictions; revocation; "felony in which a motor vehicle was used" defined.

Sec. 303.

(1) The secretary of state shall not issue a license under this act to any of the following persons described in subdivisions (a) through (l):

(a) A person, as an operator, who is less than 18 years of age, except as otherwise provided in this act.

(b) A person, as a chauffeur, who is less than 18 years of age, except as otherwise provided in this act.

(c) A person whose license is suspended, revoked, denied, or canceled in any state. If the suspension, revocation, denial, or cancellation is not from the jurisdiction that issued the last license to the person, the secretary of state may issue a license after the expiration of 5 years from the effective date of the most recent suspension, revocation, denial, or cancellation.

(d) A person who in the opinion of the secretary of state is afflicted with or suffering from a physical or mental disability or disease preventing that person from exercising reasonable and ordinary control over a motor vehicle while operating the motor vehicle upon the highways.

(e) A person who is unable to understand highway warning or direction signs in the English language.

(f) A person who is unable to pass a knowledge, skill, or ability test administered by the secretary of state in connection with the issuance of an original operator's or chauffeur's license, original motorcycle endorsement, or an original or renewal of a vehicle group designation or vehicle endorsement.

(g) A person who has been convicted of, has received a juvenile disposition for, or has been determined responsible for 2 or more moving violations under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state within the preceding 3 years, if the violations occurred before issuance of an original license to the person in this or another state.

(h) A nonresident including a foreign exchange student.

(i) A person who has failed to answer a citation or notice to appear in court or for any matter pending or fails to comply with an order or judgment of the court, including, but not limited to, paying all fines, costs, fees, and assessments, in violation of section 321a, until that person answers the citation or notice to appear in court or for any matter pending or complies with an order or judgment of the court, including, but not limited to, paying all fines, costs, fees, and assessments, as provided under section 321a.

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- (j) A person not licensed under this act who has been convicted of, has received a juvenile disposition for, or has been determined responsible for a crime or civil infraction described in section 319, 324, or 904. A person shall be denied a license under this subdivision for the length of time corresponding to the period of the licensing sanction that would have been imposed under section 319, 324, or 904 if the person had been licensed at the time of the violation.
- (k) A person not licensed under this act who has been convicted of or received a juvenile disposition for committing a crime described in section 319e. A person shall be denied a license under this subdivision for the length of time that corresponds to the period of the licensing sanction that would have been imposed under section 319e if the person had been licensed at the time of the violation.
- (l) A person not licensed under this act who is determined to have violated section 33b(1) of former 1933 (Ex Sess) PA 8, section 703(1) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or section 624a or 624b of this act. The person shall be denied a license under this subdivision for a period of time that corresponds to the period of the licensing sanction that would have been imposed under those sections had the person been licensed at the time of the violation.
- (m) The secretary of state may deny issuance of an operator's license until the age of 17 to a person not licensed under this act who was convicted of or received a juvenile disposition for violating or attempting to violate section 411a(2) of the Michigan penal code, 1931 PA 328, MCL 750.411a, involving a school when he or she was less than 14 years of age. A person not issued a license under this subdivision is not eligible to begin graduated licensing training until he or she attains 16 years of age.
- (n) The secretary of state may deny issuance of an operator's license to a person less than 21 years of age not licensed under this act who was convicted of or has received a juvenile disposition for violating or attempting to violate section 411a(2) of the Michigan penal code, 1931 PA 328, MCL 750.411a, involving a school when he or she was 14 years of age or older, until 3 years after the date of the conviction or juvenile disposition. A person not issued a license under this subdivision is not eligible to begin graduated licensing training or otherwise obtain an original operator's or chauffeur's license until 3 years after the date of the conviction or juvenile disposition.
- (2) Upon receiving the appropriate records of conviction, the secretary of state shall revoke the operator's or chauffeur's license of a person and deny issuance of an operator's or chauffeur's license to a person having any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:
- (a) Any combination of 2 convictions within 7 years for reckless driving in violation of section 626.
- (b) Any combination of 2 or more convictions within 7 years for any of the following:

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- (i) A felony in which a motor vehicle was used.
- (ii) A violation or attempted violation of section 601b(2) or (3), section 601c(1) or (2), section 602a(4) or (5), section 617, section 653a(3) or (4), or section 904(4) or (5).
- (iii) Negligent homicide, manslaughter, or murder resulting from the operation of a vehicle or an attempt to commit any of those crimes.
- (iv) A violation or attempted violation of section 479a(4) or (5) of the Michigan penal code, 1931 PA 328, MCL 750.479a.
- (c) Any combination of 2 convictions within 7 years for any of the following or a combination of 1 conviction for a violation or attempted violation of section 625(6) and 1 conviction for any of the following within 7 years:
- (i) A violation or attempted violation of section 625, except a violation of section 625(2), or a violation of any prior enactment of section 625 in which the defendant operated a vehicle while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled substance, or while visibly impaired, or with an unlawful bodily alcohol content.
- (ii) A violation or attempted violation of section 625m.
- (iii) Former section 625b.
- (d) One conviction for a violation or attempted violation of section 315(5), section 601b(3), section 601c(2), section 602a(4) or (5), section 617, section 625(4) or (5), section 653a(4), or section 904(4) or (5).
- (e) One conviction of negligent homicide, manslaughter, or murder resulting from the operation of a vehicle or an attempt to commit any of those crimes.
- (f) One conviction for a violation or attempted violation of section 479a(4) or (5) of the Michigan penal code, 1931 PA 328, MCL 750.479a.
- (g) Any combination of 3 convictions within 10 years for any of the following or 1 conviction for a violation or attempted violation of section 625(6) and any combination of 2 convictions for any of the following within 10 years, if any of the convictions resulted from an arrest on or after January 1, 1992:
- (i) A violation or attempted violation of section 625, except a violation of section 625(2), or a violation of any prior enactment of section 625 in which the defendant operated a vehicle while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled substance, or while visibly impaired, or with an unlawful bodily alcohol content.

(ii) A violation or attempted violation of section 625m.

(iii) Former section 625b.

(3) The secretary of state shall revoke a license under subsection (2) notwithstanding a court order unless the court order complies with section 323.

(4) The secretary of state shall not issue a license under this act to a person whose license has been revoked under this act or revoked and denied under subsection (2) until all of the following occur, as applicable:

(a) The later of the following:

(i) The expiration of not less than 1 year after the license was revoked or denied.

(ii) The expiration of not less than 5 years after the date of a subsequent revocation or denial occurring within 7 years after the date of any prior revocation or denial.

(b) For a denial under subsection (2)(a), (b), (c), and (g), the person rebuts by clear and convincing evidence the presumption resulting from the prima facie evidence that he or she is a habitual offender. The convictions that resulted in the revocation and denial constitute prima facie evidence that he or she is a habitual offender.

(c) The person meets the requirements of the department.

(5) Multiple convictions or civil infraction determinations resulting from the same incident shall be treated as a single violation for purposes of denial or revocation of a license under this section.

(6) As used in this section, "felony in which a motor vehicle was used" means a felony during the commission of which the person operated a motor vehicle and while operating the vehicle presented real or potential harm to persons or property and 1 or more of the following circumstances existed:

(a) The vehicle was used as an instrument of the felony.

(b) The vehicle was used to transport a victim of the felony.

(c) The vehicle was used to flee the scene of the felony.

(d) The vehicle was necessary for the commission of the felony.

257.306 Temporary instruction permit; operation of motor vehicle without operator's license or permit; temporary driver education certificate; motorcycle temporary instruction permit; temporary instruction permit to drive vehicle requiring vehicle group designation or vehicle group indorsement.

Sec. 306.

(1) The secretary of state, upon receiving an application for a temporary instruction permit from a person who is 18 years of age or older, may issue that permit entitling the applicant, while carrying the permit, to drive a motor vehicle other than a motor vehicle requiring an indorsement under section 312a or a vehicle group designation under section 312e upon the highways for a period of 180 days when accompanied by a licensed adult operator or chauffeur who is actually occupying a seat beside the driver.

(2) The secretary of state may issue an original operator's license and designate level 1, 2, or 3 graduated licensing provisions to a person who is less than 18 years of age, has been licensed in another state or country, and has satisfied the applicable requirements of section 310e.

(3) A student enrolled in a driver education course as that term is defined in section 3 of the driver education provider and instructor act, 2006 PA 384, MCL 256.623, or a motorcycle safety course approved by the department of state may operate a motor vehicle without holding an operator's license or permit while under the direct supervision of the program instructor.

(4) A student enrolled in a driver education course as that term is defined in section 3 of the driver education provider and instructor act, 2006 PA 384, MCL 256.623, and who has successfully completed 10 hours of classroom instruction and the equivalent of 2 hours of behind-the-wheel training may be issued a temporary driver education certificate furnished by the department of state that authorizes a student to drive a motor vehicle, other than a motor vehicle requiring an indorsement pursuant to section 312a or a vehicle group designation pursuant to section 312e, when accompanied by a licensed parent or guardian, or when accompanied by a nonlicensed parent or guardian and a licensed adult for the purpose of receiving additional instruction until the end of the student's driver education course.

(5) The secretary of state, upon receiving proper application from a person 16 or 17 years of age who is enrolled in or has successfully completed an approved motorcycle safety course under section 811a, or a person who is 18 years of age or older and who holds a valid operator's or chauffeur's license, may issue a motorcycle temporary instruction permit entitling the applicant, while carrying the permit, to operate a motorcycle upon the public streets and highways for a period of 180 days, but only when under the constant visual supervision of a licensed motorcycle operator at least 18 years of age. The applicant shall not operate the motorcycle at night or with a passenger.

(6) Except as prohibited under federal law, the secretary of state, upon receiving proper application from a person who is 18 years of age or older, who holds a valid operator's or chauffeur's license other than a restricted license, and who has passed the knowledge test for an original vehicle group designation or indorsement, and, if the person is applying for a hazardous material indorsement, the person has been approved for the hazardous materials indorsement by the transportation security administration, may issue a temporary instruction permit entitling the person, while carrying the permit, to drive a vehicle requiring a vehicle group designation or vehicle group indorsement under section 312e upon the streets and highways for a period of 180 days, but only when accompanied by a licensed adult operator or chauffeur who is licensed with

the appropriate vehicle group designation and indorsement for the vehicle group being driven and who is actually occupying a seat beside the driver, or behind the driver if the permittee is driving a bus or school bus. In addition, if a permittee is enrolled in a driver training program for drivers of motor vehicles requiring a vehicle group designation or vehicle group indorsement under section 312e, which program is conducted by a college, a university, a school licensed by the department under the driver education provider and instructor act, 2006 PA 384, MCL 256.621 to 256.705, or a local or intermediate school district, the permittee may drive a vehicle requiring a vehicle group designation or vehicle group indorsement on the streets and highways of this state for a period of 180 days when accompanied by an instructor licensed with the appropriate vehicle group designation and indorsement for the vehicle being driven who is either occupying the seat beside the driver or in direct visual and audio communication with the permittee. A person issued a temporary instruction permit under this section shall not operate a vehicle designed to carry 16 or more passengers that is transporting passengers except with an instructor licensed with the appropriate vehicle group designation and indorsement for the vehicle being driven or a driver skills test examiner.

257.309 Examination of applicant for operator's or chauffeur's license; waiver; exception; certification of licensee applying for renewal of license by mail; examining officers; conducting examinations; report of findings and recommendations; rules; issuance of original operator's or chauffeur's license without vehicle group designation or endorsement; behind-the-wheel road test; waiver; prohibited conduct.

Sec. 309.

(1) Before issuing a license, the secretary of state shall examine each applicant for an operator's or chauffeur's license who at the time of the application is not the holder of a valid, unrevoked operator's or chauffeur's license under a law of this state providing for the licensing of drivers. In all other cases, the secretary of state may waive the examination, except that an examination shall not be waived if it appears from the application, from the apparent physical or mental condition of the applicant, or from any other information which has come to the secretary of state from another source, that the applicant does not possess the physical, mental, or other qualifications necessary to operate a motor vehicle in a manner as not to jeopardize the safety of persons or property; or that the applicant is not entitled to a license under section 303. A licensee who applies for the renewal of his or her license by mail pursuant to section 307 shall certify to his or her physical capability to operate a motor vehicle.

(2) The secretary of state may appoint sheriffs, their deputies, the chiefs of police of cities and villages having organized police departments within this state, their duly authorized representatives, or employees of the secretary of state as examining officers for the purpose of examining applicants for operator's and chauffeur's licenses. An examining officer shall conduct examinations of applicants for operator's and chauffeur's licenses in accordance with this chapter and the rules promulgated by the secretary of state under subsection (3). After conducting an examination an examining officer shall make a written report of his or her findings and recommendations to the secretary of state.

(3) The secretary of state shall promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for the examination of the applicant's physical and mental qualifications to operate a motor vehicle in a manner as not to jeopardize the safety of persons or property, and shall ascertain whether facts exist that would bar the issuance of a license under section 303. The secretary of state shall also ascertain whether the applicant has sufficient knowledge of the English language to understand highway warnings or direction signs written in that language. The examination shall not include investigation of facts other than those facts directly pertaining to the ability of the applicant to operate a motor vehicle with safety or facts declared to be prerequisite to the issuance of a license under this act.

(4) The secretary of state shall not issue an original operator's or chauffeur's license without a vehicle group designation or endorsement without an examination that includes a driving skills test conducted by the secretary of state or by a designated examining officer under subsection (2) or section 310e. The secretary of state may enter into an agreement with another public or private person or agency to conduct a driving skills test conducted under this section. In an agreement with another person or agency to conduct a driving skills test, the secretary of state may prescribe the method and examination criteria to be followed by the person or agency when conducting the driving skills test and the form of the certification to be issued to a person who satisfactorily completes a driving skills test. An original vehicle group designation or endorsement shall not be issued by the secretary of state without a knowledge test conducted by the secretary of state. Except as provided in section 312f(1), an original vehicle group designation or passenger endorsement shall not be issued by the secretary of state without a driving skills test conducted by an examiner appointed or authorized by the secretary of state. While in the course of taking a driving skills test conducted by the examiner who shall occupy a seat beside the applicant, an applicant for an original vehicle group designation or passenger endorsement who has been issued a temporary instruction permit to operate a commercial motor vehicle is permitted to operate a vehicle requiring a vehicle group designation or passenger endorsement without a person licensed to operate a commercial motor vehicle occupying a seat beside him or her.

(5) Except as otherwise provided in this act, the secretary of state may waive the requirement of a driving skills test, knowledge test, or road sign test of an applicant for an original operator's or chauffeur's license without a vehicle group designation or endorsement who at the time of the application is the holder of a valid, unrevoked operator's or chauffeur's license issued by another state or country.

(6) A driving skills test conducted under this section shall include a behind-the-wheel road test. A behind-the-wheel road test for an original vehicle group designation or passenger endorsement shall not be conducted unless the applicant has been issued a temporary instruction permit.

(7) A person who corrupts or attempts to corrupt a designated examining officer appointed or designated by the secretary of state under this section or section 310e by giving, offering, or promising any gift or gratuity with the intent to influence the opinion or decision of the examining officer conducting the test is guilty of a felony.

(8) A designated examining officer appointed or designated by the secretary of state who conducts a driving skills test under an agreement entered into under this section or section 310e and who varies from, shortens, or in any other way changes the method or examination criteria prescribed in that agreement in conducting a driving skills test is guilty of a felony.

(9) A person who forges, counterfeits, or alters a satisfactorily completed driving skills test certification issued by a designated examining officer appointed or designated by the secretary of state under this section or section 310e is guilty of a felony.

257.310e Graduated licensing.

Sec. 310e.

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

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

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

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

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

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

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

(5) 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:

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

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

(c) 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.

(d) Presented a certification by the parent or guardian that the person, 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 not less than 50 hours of behind-the-wheel experience including not less than 10 nighttime hours.

(e) Successfully completed a secretary of state approved driving skills test. The secretary of state may enter into an agreement with another public or private corporation or agency to conduct this driving skills test. Before the secretary of state authorizes a person to administer a corporation's or agency's driver skills testing operations or authorizes an examiner to conduct a driving skills

test, that person or examiner must complete both a state and federal bureau of investigation fingerprint based criminal history check through the department of state police. This subdivision applies to a person 16 years of age or over only if the person has satisfied subdivisions (a), (b), (c), and (d).

(6) A person issued a level 2 graduated licensing status under subsection (5) shall remain at level 2 for not less than 6 months. A person issued a level 2 graduated licensing status under subsection (5) shall not operate a vehicle under the following circumstances:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(13) For purposes of this section:

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

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

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

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

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

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

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

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

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

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

257.312 Restricted operator's or chauffeur's license; contents; expiration; suspension or revocation; violation as misdemeanor; exceptions.

Sec. 312.

(1) Upon proper showing of extenuating circumstances and special reasons, or need by an applicant who meets the age qualifications and when accompanied by the fee as provided in this act, the secretary of state may recommend a restricted operator's or chauffeur's license containing conditions and restrictions applicable to the licensee, the type of special mechanical control devices required in a motor vehicle operated by the licensee, and the area, time, or other condition that the secretary of state considers necessary to assure the safe operation of a vehicle by the licensee and under which the licensee may operate a motor vehicle. A license issued to a person who is at least 14 years of age and under 16 years of age shall contain only the conditions

determining the hours during which the licensee may drive a motor vehicle and the purpose for which it is to be driven. A license issued to a minor who is at least 14 years of age and under 16 years of age shall be revoked by the secretary of state on the written request of a parent, guardian, or person standing in loco parentis.

(2) An operator's license issued to a person who is at least 14 years of age and under 16 years of age expires on the birthday following issuance of the license or if that birthday is within 6 months after the date of issuance of the license, then 1 year after the date of that birthday.

(3) Upon receiving satisfactory evidence of a violation of the restrictions of the license, the secretary of state may suspend or revoke the license.

(4) A person who violates a restriction imposed in a restricted license issued to that person is guilty of a misdemeanor. This subsection does not apply to a person who is at least 14 years of age and under 16 years of age.

(5) If a motor vehicle is being driven by a person who is at least 14 years of age and under 16 years of age, and that person is accompanied by a parent, guardian, or person standing in loco parentis, the conditions, limitations, and restrictions set forth in this section do not apply.

257.323b Cancellation of minor's license.

Sec. 323b.

The license of a minor shall be canceled by the secretary of state upon the written request of the custodial parent or parents or legal guardian of the minor. The secretary of state may reduce the graduated driver license level or delay advancement to the next level of a minor upon the written request of the custodial parent or parents or legal guardian of the minor.

257.811 Fees for operator's license, chauffeur's license, or minor's restricted license; renewal; refund to county or municipality; traffic law enforcement and safety fund; operator's license issued to persons under 18 years of age or licensed in another state; person on active military service at time of expiration; renewal rate.

Sec. 811.

(1) An application for an original operator's or an original or renewal chauffeur's license as provided in sections 307 and 312 and an application for an original minor's restricted license as provided in section 312 shall be accompanied by the following fees:

Operator's license.....	\$ 25.00
Chauffeur's license.....	35.00
Minor's restricted license.....	25.00

The renewal fee for an operator's license renewed under this section is \$18.00. However, if an operator's license is expired at the time of the renewal, the fee is the same as the original fee, except as provided in subsection (4). The date of an application for a renewal of an operator's license under this section that is delivered to the secretary of state by regular mail is the postmark date in determining the fee to be assessed.

(2) The secretary of state shall deposit the money received and collected under subsection (1) in the state treasury to the credit of the general fund. The secretary of state shall refund out of the fees collected to each county or municipality acting as an examining officer or examining bureau \$2.50 for each applicant examined for an original license, \$1.00 for each applicant examined for an original chauffeur's license, and \$1.00 for every other applicant examined, if the application is not denied and the money refunded is paid to the county or local treasurer and is appropriated to the county, municipality, or officer or bureau receiving the money for the purpose of carrying out this act. The state treasurer shall deposit the sum of \$4.00 in the traffic law enforcement and safety fund created in section 819a for each person examined for an original license, a renewal operator's license, an original chauffeur's license, or a renewal chauffeur's license, except that the sum deposited for each 2-year operator's or 2-year chauffeur's license shall be \$2.00.

(3) Notwithstanding sections 306 and 308, an operator's license shall not be issued to a person under 18 years of age unless that person successfully passes a driver education course and examination given by a school licensed under the driver education and training schools act, 1974 PA 369, MCL 256.601 to 256.612. A person who has been a holder of a motor vehicle operator's license issued by any other state, territory, or possession of the United States, or any other sovereignty for 1 year immediately before application for an operator's license under this act is not required to comply with this subsection. Restricted licenses may be issued pursuant to section 312 without compliance with this subsection.

(4) A person who is on active military service at the time his or her operator's license expires shall be charged the renewal rate for renewing his or her operator's license under this section if all of the following apply:

(a) He or she applies for renewal within 30 days of returning to this state from active duty.

(b) He or she held a valid, unexpired operator's license from this state immediately prior to leaving this state for active military service.

(c) He or she presents such documentation as the secretary of state requires to establish eligibility under this subsection.

DEPARTMENT OF STATE

BUREAU OF BRANCH OFFICE SERVICES

VISUAL STANDARDS FOR MOTOR VEHICLE DRIVERS' LICENSES

(By authority conferred on the secretary of state by section 309 of Act No. 300 of the Public Acts of 1949, as amended, being S257.309 of the Michigan Compiled Laws)

R 257.1 Vision examinations.

Rule 1. A driver's license applicant and a licensed driver examined as required under chapter 3 of Act No. 300 of the Public Acts of 1949, as amended, being SS257.301 to 257.327 of the Michigan Compiled Laws, in order to be licensed shall successfully pass a vision test authorized or administered by the department and meet other requirements of law. Whenever required hereunder, he shall submit a statement of examination on a form prescribed by or acceptable to the department which shall contain the name, address, title, and signature of an ophthalmologist or an optometrist, and the full name, address, date of birth, result of the examination, date of examination, and signature of the applicant.

R 257.2 Unrestricted drivers' licenses.

Rule 2. An unrestricted driver's license may be issued to an applicant or licensee who has visual acuity of 20/40 and a peripheral field of vision of 140 degrees. Visual acuity less than 20/40 to and including 20/50 and a peripheral field of vision of 140 degrees or less to and including 110 degrees may be accepted if the applicant or licensee submits a statement of examination on a form prescribed by or acceptable to the department signed by an ophthalmologist or optometrist.

R 257.3 Restricted drivers' licenses.

Rule 3. (1) A restricted driver's license requiring the driver to wear appropriate corrective lenses while driving may be issued if corrective lenses are necessary to meet any vision requirement.

(2) A restricted driver's license permitting daylight driving only may be issued if an applicant or licensee submits a statement from an ophthalmologist or optometrist stating 1 of the following:

(a) He has visual acuity less than 20/50 to and including 20/70 with no recognizable progressive abnormalities affecting vision.

(b) He has visual acuity less than 20/50 to and including 20/60 with recognizable progressive abnormalities affecting vision.

(3) A restricted driver's license containing additional conditions and requirements may be issued to an applicant or licensee who has a peripheral field of vision of less than 110 degrees to and including 90 degrees. The applicant or licensee shall pass any driving test specified by the department.

(4) A restricted driver's license may contain additional conditions and requirements.

R 257.4 Denial or suspension of drivers' licenses.

Rule 4. A driver's license shall be denied or suspended indefinitely if an applicant or licensee has visual acuity less than 20/60 with recognizable progressive abnormalities affecting vision; visual acuity less than 20/70 without recognizable progressive abnormalities affecting vision; visual acuity of 20/100 or less in 1 eye and less than 20/50 in the other; or a peripheral field of vision less than 90 degrees.

R 257.5 Additional examinations.

Rule 5. The department may require an additional examination of the applicant or licensee.

DEPARTMENT OF STATE

BUREAU OF BRANCH OFFICE SERVICES

PHYSICAL AND MENTAL STANDARDS FOR DRIVERS

(By authority conferred on the secretary of state by section 309 of Act No. 300 of the Public Acts of 1949, as amended, being S257.309 of the Michigan Compiled Laws)

R 257.851 Definitions.

Rule 1. (1) As used in these rules:

(a) "Act" means Act No. 300 of the Public Acts of 1949, as amended, being S257.1 et seq. of the Michigan Compiled Laws.

(b) "Applicant" means a person who applies for any of the following:

- (i) An operator's license.
- (ii) A chauffeur's license.
- (iii) A minor's restricted license.
- (iv) Any license indorsement.

(c) "Department" means the department of state.

(d) "Disability" means a reduction in those mental or physical skills which are necessary to safely operate a motor vehicle.

(e) "Episode" means any of the following:

(i) A condition which causes or contributes to any of the following:

- (A) A lapse of consciousness.
- (B) Blackout.
- (C) Seizure.
- (D) Fainting spell.
- (E) Syncope.
- (F) Other impairment of the level of consciousness.

(ii) A condition which causes or contributes to an impairment of an individual's driving judgment or reaction time or affects an individual's ability to safely operate a motor vehicle.

(iii) A condition which causes or contributes to a violent or aggressive action relating to the operation of a motor vehicle.

(f) "Licensee" means a person who has been issued any of the following:

- (i) An operator's license.
- (ii) A chauffeur's license.
- (iii) A minor's restricted license.
- (iv) A temporary instruction permit.
- (v) A validated driver's instruction permit.

(g) "Neuropsychologist" means a psychologist who, by nature of training and experience, has developed expertise in the area of brain-behavior relationships.

(h) "Physician" means an individual who is currently licensed to practice medicine or osteopathic medicine in this or another state as provided by statute.

(i) "Psychiatrist" means a physician who, by nature of training and experience, has developed expertise in the area of psychiatry.

(j) "Psychologist" means an individual who is currently licensed to practice psychology in this or another state as provided by statute.

(k) "Statement of physical or mental history" means a statement from a physician or psychologist, on a form acceptable to the department, which contains information about a person's physical or mental history or condition as this history or condition relates to the person's ability to safely operate a motor vehicle.

(2) Nothing in these rules shall be construed to require medical testing or examination of an individual who objects on the grounds that such testing or examination violates his or her personal religious beliefs. However, such individual will still be required to meet all reasonable requirements to receive or retain a license or indorsement.

(3) A term defined in the act has the same meaning when used in these rules.

R 257.852 Health consultants.

Rule 2. (1) The secretary of state may appoint health consultants. Consultants shall serve 2-year terms from the date of original appointment. In selecting health consultants, the secretary of state shall appoint 1 or more person from each of the following categories:

(a) A handicapper knowledgeable in the area of functional limitations which may affect the safe operation of a motor vehicle.

(b) A licensed physical or occupational therapist knowledgeable in the area of functional limitations which may affect the safe operation of a motor vehicle.

(c) A driver evaluator or instructor specializing in driver education of the disabled and adaptive motor vehicle equipment instruction.

(2) When appointing a health consultant, the secretary of state shall select from persons possessing expertise in areas such as the following:

(a) Family practice.

(b) Internal medicine.

(c) Rehabilitation medicine.

(d) Occupational therapy.

(e) Physical therapy.

(f) Cardiology.

(g) Psychiatry.

(h) Psychology.

(i) Neurology.

(j) Neuropsychology.

(k) Ophthalmology.

(l) Optometry.

(m) Addiction counseling.

(n) Endocrinology.

(o) Pharmacology.

(p) Social work.

(q) Vocational rehabilitation counseling.

(r) Other areas related to the diagnosis, treatment, or rehabilitation of disabilities which could affect the safe operation of motor vehicles.

(3) A health consultant may advise the department concerning physical and mental standards related to the licensing of drivers and the safe operation of motor vehicles.

(4) Upon request, 1 or more health consultants shall advise the department concerning an applicant's or licensee's physical and mental ability to safely operate a motor vehicle.

(5) A recommendation from a health consultant shall be advisory only.

(6) Each health consultant shall complete a requested review in a timely fashion and shall submit a response to the department within a reasonable period of time, which shall not exceed 30 calendar days if a person's license has been suspended or revoked.

(7) If a consultant's response concerning a person whose license has been suspended or revoked takes more than 30 calendar days on 3 or more occasions, the health consultant shall be discharged.

R 257.853 Statement of physical or mental history; refusal to process, or denial of, license application pending receipt and review of statement; submission by licensee at or before reexamination; contents; confidentiality.

Rule 3. (1) If the department has reason to believe that an applicant has a physical or mental disability which affects his or her ability to safely operate a motor vehicle, the department shall not process the application until a statement of physical or mental history has been received and reviewed.

(2) The application shall be denied if, upon review, the statement indicates the person cannot safely operate a motor vehicle.

(3) If the department has reason to believe that a licensee has a physical or mental disability which affects his or her ability to safely operate a motor vehicle, the department shall require the licensee to submit a statement of physical or mental history at or before a reexamination of the licensee. A license or indorsement may be restricted, suspended, or revoked if that action is ordered at a reexamination conducted by the department or if the person who completed the statement recommends no driving privileges or otherwise indicates the licensee lacks the physical or mental ability to safely operate a motor vehicle.

(4) The statement of physical or mental history shall include all of the following information with respect to the person completing the examination:

(a) Name, address, title, and signature.

(b) Area or specialty of practice, if any.

(c) The person's professional license number, if any, and telephone number.

(5) The statement of physical or mental history shall include all of the following information pertaining to the applicant or licensee:

(a) The person's full name, address, and date of birth.

(b) The date of the report.

(c) The date of examination.

(6) The statement of physical or mental history shall contain the following information as it pertains to the current ability of the applicant or licensee to safely operate a motor vehicle:

(a) The diagnosis, age of onset, prognosis, and prescribed treatment or plan of therapy.

(b) Prescribed medications.

(c) The person's compliance with and response to treatment, therapy, or medication.

(d) Any adverse or other reaction to treatment, therapy, or medication.

(e) The results of the examination.

(f) The signature of the applicant or licensee on a release or waiver authorizing the use of the information by the department only for the purpose of assisting in evaluating the person's ability to safely operate a motor vehicle.

(g) Any other information required by these rules.

(7) A statement of physical or mental history may include an evaluation of the effect of the condition and treatment, therapy, or medication upon the person's ability to operate a motor vehicle and a recommendation for licensure restrictions or special limitations.

(8) If the statement is completed by a psychologist or neuropsychologist and the applicant or licensee is taking prescribed medication for the treatment of his or her condition or for any other reason or condition known to the psychologist or neuropsychologist, the statement shall also be signed by the physician who prescribed the medication.

(9) The department may request the applicant or licensee to provide additional information concerning his or her current ability to safely operate a motor vehicle, including additional medical information when appropriate.

(10) The department may require, as a condition for or a restriction upon a license, that a licensee submit statements of physical or mental history periodically during the duration of a license or indorsement or upon submission of an application for an operator's or chauffeur's license or indorsement.

(11) A licensing action taken by the department on the basis of a physical or mental condition or disability will be reassessed by the department upon receipt of new medical evidence and documentation that the condition or disability has changed or abated or no longer exists.

(12) All records and information received or secured pursuant to these rules shall be kept confidential and shall be used only for the purpose of assisting in evaluating a person's ability to safely operate a motor vehicle.

(13) Disclosure of the contents of any document or other information received pursuant to these rules by any employee of the department for any reason other than assisting in the evaluation of a person's ability to safely operate a motor vehicle may be grounds for disciplinary action.

R 257.854 Episodic and other conditions.

Rule 4. (1) An applicant or licensee who has experienced an episode shall be denied an operator's license or chauffeur's license or any indorsement or shall have his or her license or indorsement indefinitely suspended after reexamination until he or she submits a recent statement of physical or mental history.

(2) For an operator's license or motorcycle indorsement, the statement of physical or mental history shall include either of the following:

(a) Certification that the person's condition is under control by medical or other treatment and that all symptoms or conditions which would affect the safe operation of a motor vehicle have been corrected, cured, or controlled or have abated for not less than 6 months.

(b) Certification that the person has not had an episode within the previous 6 months.

(3) For a chauffeur's license or indorsement to operate a truck or bus, the statement of physical or mental history shall include either of the following:

(a) Certification that the person's condition is under control by medical or other treatment and that all symptoms or conditions which would affect the safe operation of a motor vehicle have been corrected, cured, or controlled or have abated for not less than 12 months.

(b) Certification that the person has not had an episode within the previous 12 months.

(4) The 6-month or 12-month period may be reduced or eliminated based upon a departmental review of the specific recommendation of a qualified physician or any other information which may come to the department, including evidence that the episode resulted from medical intervention or medically supervised experimentation with prescribed medication, as well as the evaluation of other evidence. The department may issue a limited or restricted license or indorsement.

R 257.855 License restrictions.

Rule 5. (1) The department may require an applicant or licensee who wishes to receive or retain an unrestricted license to demonstrate his or her ability to safely operate a vehicle.

(2) Notwithstanding any other provision of these rules, when an operator's or chauffeur's license or any indorsement is issued, restored, or retained, the license or indorsement may include reasonable restrictions which are necessary for the safe operation of the type of vehicle the person is authorized to operate.

R 257.856 Right to appeal.

Rule 6. A person who is aggrieved by a final decision of the department involving the application of these rules may appeal as provided in the act.

R 257.857 Written notice.

Rule 7. A person who is affected by an action under these rules shall be given written notice of that action by first-class mail. Notice shall be sent to the person at his or her mailing address currently on file with the department or shall be personally served.

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DRIVER EDUCATION PROVIDER CERTIFICATION**Renewals**

A renewal application will be mailed approximately 60 days in advance of the current certificate expiration date, and will contain a PIN number and information on how to renew on-line. The type of application mailed is based on the specialties appearing on the provider's certificate (e.g., Teen, Adult, or Truck Driver Training). An email notification will be sent approximately 90 days in advance of the current certificate expiration date. It is important to always have your current contact information on file with the Driver Education Section (email and mailing addresses, phone number, etc.). If you plan on making any changes, you must contact the Driver Education Section DriverEd@Michigan.gov prior to the change(s).

The driver education provider certificate expires exactly two years from the date of issuance. Existing providers may continue to offer driver education courses if a **completed** renewal application is received by the current certificate expiration date. If a completed renewal application is received within 30 days after the certificate expiration date, the application will be treated as a renewal, but the provider must cease offering instruction until the application is processed and the certificate is issued. If a renewal application is not received within 30 days after the certificate expiration date, the provider's certificate will expire, and an *DES-P01 Provider Certification Application* must be submitted along with ALL supporting documents.

Applications must be submitted with the appropriate nonrefundable application fee (\$225 for teen and/or adult driver education providers, and \$360 for truck driver training providers). Checks or money orders must be made out to the **State of Michigan**. Educational institutions and governmental agencies are exempt from these certification fees.

Teen driver education providers who submit renewal applications indicating use of a range must also submit the appropriate \$75 renewal fee for each site. Checks or money orders must be made out to the **State of Michigan**. Educational institutions and governmental agencies ARE NOT exempt from range original and renewal fees.

Teen providers seeking information on using a range should review Section 7, pages 11-13.

If you have lost or misplaced your renewal form, or have not received it at least 45 days prior to your current certificate's expiration date, please email the Driver Education Section DriverEd@Michigan.gov

Change of Partner, Officer, Director, Designated Representative or Coordinator

Any change of partner, officer, director, designated representative, or coordinator must be reported. Complete the *DES-P05 Request of Change-Form A* and submit it along with the required documents to the Driver Education Section. New partners, officers, directors, designated representatives or coordinators must complete a fingerprint-based criminal background check using the *Livescan Fingerprint Background Check Request*.

You must submit the following as applicable to your situation:

1. *DES-P05 Request of Change-Form A* Please complete all items. All current partners, officers, or directors, including the new applicants, must sign (Part H).
2. Rider for *DES-P03 Surety Bond* (Applies only to partnerships.) A bond rider must be submitted listing all current partners and showing the correct assumed name (d/b/a) and business address.
3. New Assumed Name Filing: (Applies only to partnerships.) A new assumed name or d/b/a filing listing all current partners and showing the correct business address must be submitted. The assumed name filing must be obtained from the County Clerk for the county in which your program is located.
4. Each new applicant listed in Part E & F must be **fingerprinted**. A private vendor performs this service. Fingerprints are taken by appointment only. The list of vendors is available on the Michigan State Police website. The State Police website and directions on how to schedule an appointment are available on the *Livescan Fingerprint Background Check Request*.

All fees associated with fingerprinting will be collected at the time of the fingerprinting appointment. You will receive a signed receipt as proof of fingerprinting. Please include a copy of that signed receipt when you submit your completed *DES-P05 Request of Change-Form A*.

Carefully complete the form and return it with the fingerprint receipt, the bond rider, and assumed name filing (if applicable). Please remember that the owners'/partners' names, business name, and business address must be exactly the same on all documents.

RETURN TO: Michigan Department of State, Driver Education Section, Lansing, MI 48918

Closing Your School

A driver education provider that stops operating must submit a *Driver Education Provider Close Out Report* which will include (among other things) the address where the school's records will be stored for the next four years; and the name, address, and phone number of a contact person should staff need to contact the provider. The report also notifies the provider to return **all** excess inventory of *Certificates of Completion* (teen providers) and submission of any other documentation needed by the Department. Email the Driver Education Section at drivered@michigan.gov if you plan to discontinue offering driver education.

FINGERPRINT BASED MICHIGAN AND FBI CRIMINAL HISTORIES

Recognized individuals of a driver education provider who are directly involved with the administration of a program (owner(s), coordinator, designated representative) are required to submit criminal history checks. All driver education providers are required by law to submit State (Michigan) and FBI criminal histories (fingerprint based) to the Secretary of State. The Michigan State Police provides an electronic fingerprinting service. **Criminal history checks from any agencies other than Michigan State Police will not be accepted.** This includes copies of criminal histories from public schools. In addition, the Secretary of State is prohibited from

sharing the criminal history check. To obtain fingerprint based criminal records, the following steps must be completed:

1. Applicants must use the *Livescan Fingerprint Background Check Request* to schedule a criminal history check with a Michigan State Police authorized private live scan vendor. The private vendor will collect fees at the appointment, and electronically forward the fingerprints to the Michigan State Police. Retain the receipt provided by the private vendor for confirmation of service.
2. Schedule an appointment to be fingerprinted:
 - a. Visit www.michigan.gov/msp
 - b. Type “**Private Live Scan Vendor**” in the search box, top right corner of the screen.
 - c. All applicants are REQUIRED to submit the completed *Livescan Fingerprint Background Check Request* form to the Driver Education Section. Your application cannot be reviewed without the completed form.
 - d. Fees incurred by utilizing an unauthorized live scan vendor and /or fees to be fingerprinted by an approved live scan vendor will be the responsibility of the applicant.
3. The Michigan State Police will conduct a criminal history check upon receipt of the completed Live Scan Fingerprint Request and required fees. A report of any information found will be provided to the Secretary of State.
4. The Secretary of State shall not approve an original or renewal driver education provider certificate before receiving and reviewing the applicable criminal history checks from the Michigan State Police and the Federal Bureau of Investigation.
5. The Secretary of State shall use the criminal history report only for evaluating an applicant’s qualifications to receive a driver education provider certificate.

See Section 59 of the DEPIA for a list of the convictions that, if appearing on an applicant’s criminal history, would result in an automatic denial or revocation for a not less than 10 years. After 10 years, the Secretary of State may take into consideration the conviction to move to deny an application.

Submitting Updated Criminal History Records

Providers are required to submit Michigan State Police and FBI criminal history records (fingerprint based) with the original provider certification application and every other renewal (four years) in order to maintain certification.

Submitting “fingerprints” does not satisfy the criminal history record requirement. The requirement is not satisfied until the actual State and FBI criminal history records are received and reviewed by Secretary of State staff.

SURETY BOND AND LIABILITY INSURANCE

Surety Bond

Applications for original driver education provider certificates (automobile and truck driver training classifications) must include a properly executed, **original** *DES-P03 Surety Bond* that shall be maintained continuously without interruption to protect the contractual rights of students. *Surety bonds are not required for educational institutions and governmental agencies.*

Surety bonds must be issued in the appropriate principal sum as listed below:

1. 999 or fewer students – Adult/Teen - \$20,000
2. 1,000 or more students – Adult/Teen - \$40,000
3. Truck Driver Education Provider - \$50,000

Separate bonds for each driver education certification (teen/adult or truck driver education) must be furnished to the Secretary of State.

Changes to Provider

If a provider changes its name or address, a bond rider must be submitted which includes the new name or address. If a provider changes its business type (e.g. sole proprietor to LLC), a new original bond must be submitted along with an original application for the new business (since the business type is changing).

Bond Cancellation or Termination

Bonding companies may cancel a bond by giving 30 days written or electronic notice to the Secretary of State. Upon receiving a cancellation notice, the Department will inform the provider of the cancellation notice and request a new bond be submitted before the effective date of the cancellation. If a new bond is not received, the provider's certificate will automatically be cancelled and the provider must cease operating immediately.

Providers who change or terminate their surety bond must immediately furnish the Secretary of State with properly executed new surety bond.

Larger Bond Amount Needed

If your school submitted a surety bond in the amount of \$20,000 (based on providing driver education to 999 or fewer students in a calendar year) and during the subsequent year provided driver education to 1,000 or more students, a surety bond in the larger dollar amount (\$40,000.00) is required. If not submitted, the school's renewal application for driver education provider certificate will not be processed until the larger bond is received. Your bonding company can

submit a rider increasing the dollar amount of your current bond. *This applies to automobile providers only.*

For automobile providers, student counts are calculated by adding:

Segment 1 students who passed + Segment 1 students who failed + Segment 2 students who passed + Segment 2 students who failed + adult students trained.

Liability Insurance

All driver education providers are required to maintain bodily injury and property damage liability insurance on the motor vehicles used in driver education course instruction. Evidence of proper insurance coverage must be submitted to the Secretary of State on an *Acord Certificate of Automobile Liability Insurance* (issued by an insurance company) and *DES-P06 Request of Change-Form B*.

The liability insurance must insure the liability of the driver education provider, the driver education instructors, and the person taking instruction in the following amounts:

- Bodily injury to or the death of 1 person in 1 accident - \$100,000 minimum
- Bodily injury to or the death of 2 or more persons in 1 accident - \$300,000 minimum
- Damage to the property of others in 1 accident - \$50,000 minimum

Insurers cannot cancel the insurance before its expiration date unless it gives the Secretary of State written (or electronic) notification of the insurer's intent to cancel the insurance at least 30 days before the cancellation. Upon receiving a cancellation notice, the Department will inform the provider of the cancellation notice and request an *Acord Certificate of Automobile Liability Insurance* (issued by an insurance company) and *DES-P06 Request of Change-Form B* containing evidence of a new insurance coverage be submitted before the effective date of the cancellation. If a new *Acord Certificate of Automobile Liability Insurance* (issued by an insurance company) and *DES-P06 Request of Change-Form B* is not received, the provider's certificate will automatically be cancelled, and the provider must cease operating immediately.

Providers who change or terminate their liability insurance coverage must immediately furnish the Secretary of State with an *Acord Certificate of Automobile Liability Insurance* (issued by an insurance company) and *DES-P06 Request of Change-Form B* containing evidence of new insurance coverage.

Providers must also submit a new *Acord Certificate of Automobile Liability Insurance* (issued by an insurance company) before it expires. Reminder letters will not be mailed to providers advising of the expiration date and the need to submit an *Acord Certificate of Automobile Liability Insurance* (issued by an insurance company).

CRIMINAL HISTORY DENIAL / REVOCATION CRITERIA

For the specific language regarding criminal history conviction information, review the Driver Education Provider and Instructor Act (*DEPIA, PA 384 of 2006*).

Section 59 – The Secretary of State shall automatically deny an original or renewal application for a driver education provider and shall automatically revoke a provider certificate without the necessity for notice and an opportunity for a hearing, if a criminal history check indicates a conviction of a violation or attempted violation of any of the following:

1. Criminal sexual conduct, assault with intent to commit criminal sexual conduct, or an attempt to commit criminal sexual conduct, in any degree under MCL 750.520b to 750.520g.
2. A felony involving a criminal assault or battery on an individual.
3. A crime involving felonious assault on a child, child abuse in the first degree, cruelty, torture, or indecent exposure involving a child.
4. A felony involving the manufacture, distribution, or dispensing of a controlled substance or possession with intent to manufacture, distribute, or dispense a controlled substance.
5. A felony conviction involving fraud as an element of the crime.

A denial or revocation shall continue for not less than 10 years from the date of the conviction.

Convictions Received After Certification

Section 57 – A driver education provider or a provider’s designated representative or coordinator must immediately notify the Secretary of State if convicted of a violation or attempted violation listed in Section 59 of the Driver Education Provider and Instructor Act (also listed above). The designated representative or coordinator of a provider must also notify his or her driver education provider employer.

Notifications to the Secretary of State must be in writing and must include the following:

1. Identify the conviction.
2. Identify the date of the conviction.
3. Identify the court that imposed the conviction.
4. Details must include an explanation of the events surrounding the arrest (complaint or information statement), the arresting police agency (warrant information), court of jurisdiction, judgment or sentence, guilty plea or plea agreement.

You may also include any other information you feel would help clarify the conviction.

DRIVING RECORD DENIAL / REVOCATION CRITERIA

For the specific language regarding driving record conviction information, review the Driver Education Provider and Instructor Act (*DEPIA, PA 384 of 2006*).

Section 61 – The Secretary of State shall automatically deny a driver education provider application, or revoke a provider’s certificate without notice and an opportunity for a hearing. The denial or revocation shall remain in effect until the provider or the designated representative or coordinator of the provider completes 5 consecutive years without a conviction for which 4 or more points were assessed under MCL 257.320a.

In addition, the Secretary of State shall automatically deny or revoke a provider’s certificate without notice and an opportunity for a hearing if the driving record of the applicant, provider, or the designated representative or coordinator of the applicant or provider contains 1 or more of the following with the prior 2 years:

- a. 3 or more driver license denials, suspensions, or revocations, or any combination, imposed by the Secretary of State for failure to appear in court (FAC) or a failure to comply with a court judgment (FCJ).
- b. Conviction or finding of responsibility for a traffic violation in connection with 2 or more motor vehicle accidents.
- c. Accumulated 6 or more points under MCL 257.320a.
- d. A conviction under Section 624A (open intoxicants in vehicle, [open intoxicants in vehicle/passenger], 625(6) [person under 21 with BAC (zero tolerance), or 626b [careless driving]).

DECEPTIVE OR UNCONSCIONABLE METHODS, ACTS, OR PRACTICES

For the specific language regarding deceptive or unconscionable methods, acts, or practices, review the Driver Education Provider and Instructor Act (*DEPIA, PA 384 of 2006*).

Section 67 - A driver education provider or instructor shall not engage in a deceptive or unconscionable method, act, or practice. Section 67 lists the following as deceptive or unconscionable methods, acts, or practices:

1. Using, adopting, or conducting business under a name that is the same as, like, or deceptively similar to, the name of another driver education provider.
2. Except as otherwise provided in this subsection, using the word “state,” “government,” “municipal,” “city,” or “county” as part of the name of the driver education provider. This provision does not apply to an educational institution or a governmental agency.
3. Advertising, representing, or implying that a driver education provider is supervised, recommended, or endorsed by, or affiliated or associated with, or employed by, or an agent or representative of this state, the Secretary of State, or a bureau of the Secretary of State.
4. Advertising or publicizing under a name other than the provider’s full business name as identified on the provider’s application for a driver education provider certificate.
5. Advertising that the provider is open for business before the Secretary of State issues a driver education provider certificate to the provider.
6. Soliciting business on the premises of any facility rented, leased, owned, or used by the Secretary of State.
7. Misrepresenting the quantity or quality of the instruction provided or the requirements for a driver license, endorsement, minor restricted or temporary permit, or driver education certificate.
8. Failing to promptly restore any deposit, down payment, or other payment that a person is entitled to after an agreement is rescinded, canceled, or otherwise terminated as required under the agreement or applicable law.
9. Taking advantage of a student’s or potential student’s inability to reasonably protect his or her interest because of a disability, illiteracy, or inability to understand the language of an agreement, if the driver education provider knows or reasonably should have known of the student’s or potential student’s inability.
10. Failing to honor a term of a student’s, parent’s, or legal guardian’s agreement.
11. Falsifying a document, agreement, record, report, or certificate required under this act or a rule promulgated under this act.
12. Causing or allowing a student, parent, or legal guardian to sign a document in blank.

SANCTIONS

For the specific language regarding sanctions, review the Driver Education Provider and Instructor Act (*DEPIA, PA 384 of 2006*).

Section 69 – (1) Grants the Secretary of State the authority to impose one or more of the sanctions in subsection (2) listed below after notice and opportunity for a hearing if the Secretary of State determines that a person, a driver education provider, a driver education instructor, or an applicant for either a provider or instructor certificate did 1 or more of the following:

1. Failed to meet a requirement under this act or a rule promulgated under this act.
2. Violated this act or a rule promulgated under this act.
3. Made an untrue or misleading statement of a material fact to the Secretary of State or concealed a material fact in connection with an application for a provider or instructor certificate.
4. Permitted fraud or engaged in a fraudulent method, act, or practice in connection with a driver license or temporary driving permit application submitted to the Secretary of State, or induced or countenanced fraud or a fraudulent method, act, or practice on the part of an applicant for a driver license or permit.
5. Engaged in an unfair or deceptive method, act, or practice or made an untrue statement of a material fact.
6. Violated a condition of probation or suspension or an order issued under this act.
7. Failed to maintain good moral character as defined and determined under 1974 PA 381, MCL 338.41 to 338.47, in connection with business operations.

(2) After the Secretary of State determines that a person, a driver education provider, a driver education instructor, or an applicant for a provider or instructor certificate committed a violation listed in subsection (1), the Secretary of State may impose upon the person, provider, instructor, or applicant 1 or more of the following sanctions:

1. Denial of an application for a driver education provider certificate or a driver education instructor certificate.
2. Suspension or revocation of a driver education provider certificate or a driver education instructor certificate.
3. An administrative fine paid to the Secretary of State in an amount not to exceed \$1,000 for each violation.
4. A requirement to take the affirmative action determined necessary by the Secretary of State, including payment of restitution to a student or to an injured person.

A sanction may be imposed under subsection (2) in addition to criminal penalties otherwise imposed for the same violation under this act or by law. The remedies and sanctions under this act are independent and cumulative.

ESTABLISHED OFFICE LOCATION**Established Office Location Requirements**

The driver education provider must maintain one, established (business) office location. The established office location means a building that meets all of the following requirements:

1. Is of a permanent nature where the provider's communications (mail) and notices are received.
2. Is heated, lighted, and ventilated and contains appropriate space to properly store and preserve the information, records, or other documents required to be maintained under this act.
3. Complies with applicable zoning and municipal requirements.

If an owner's residence is used as the established office location, it is the responsibility of the applicant or provider to ensure that the operation of a driver education provider's business office from the owner's residence is not in conflict with local zoning laws.

Also, please note that pursuant to the Driver Education Provider and Instructor Act (PA 384 of 2006), "A classroom facility may not be located in a person's residence or a structure attached or adjacent to the person's residence unless the classroom facility was used and approved by the Secretary of State in writing before the effective date of this act." Therefore, no new classroom locations will be approved for residential locations.

Moving the Established Office Location

If a driver education provider plans on moving its established office location, the provider must first notify the Driver Education Section, and all of the following must be submitted:

1. *DES-P05 Request of Change-Form A.*
2. Bond Rider obtained from the provider's surety company, indicating the new address.
3. Revised student contracts and any other documents which included the old address.
4. Driver Education Provider Certificate. An updated provider certificate will be issued identifying the new address.

CLASSROOM LOCATION

Adding a Classroom Location

A fee does not have to be paid for an additional classroom location if the site is used for the sole purpose of conducting instruction. Records cannot be maintained at the location and staff cannot be assigned except for the purpose of conducting instruction.

If a new classroom location is added during the year, or if you cease using a previously approved location, you must notify the Driver Education Section in writing of the change.

New classroom locations must be approved **before the site can be used for classes**. Please complete and submit the *DES-P04 Classroom Request* to the Secretary of State for review and approval. The Department will not mail a notice advising that a classroom site has been approved. The classroom site, when approved, will be added to the listing of approved classroom locations currently appearing on the Department's website. Once the new classroom location has been added to the website, you may begin using the new location.

Pursuant to the Driver Education Provider and Instructor Act of 2006 PA 384, Sec. 9(9), provides: "A classroom facility may not be located in a person's residence or a structure attached or adjacent to the person's residence unless the classroom facility was used and approved by the Secretary of State in writing before the effective date of this act." (See "Established Office Location".)

Behind-the-Wheel Driving Routes

If (teen) Segment 1 classes will be held at a newly requested classroom location, a Behind-the-Wheel instruction outline must be submitted, which needs to include written directions of the each of the driving routes as well as a map(s). The lessons must conform to the prescribed curriculum.

Student Capacity

The Driver Education Provider and Instructor Act mandates Segment 1 or Segment 2 programs shall not contain more than 36 students. However, if the local fire marshal has determined the seating capacity of a location is less than 36 students, you must not exceed the seating capacity established by the fire marshal.

A Segment 2 class size may exceed 36 students with the prior approval of the Secretary of State. The Secretary of State may approve a Segment 2 class size to exceed 36 students for up to 60 minutes per day when justified by a special presentation.

TRAINING VEHICLES

Training Vehicle List

Driver education providers must report all vehicles that are used for behind-the-wheel instruction on the *Acord Certificate of Automobile Liability Insurance (issued by insurance company)* and *DES-P06 Request of Change-Form B*.

Throughout the year, if new vehicles are purchased or sold, or are no longer being used as training vehicles, the *Acord Certificate of Automobile Liability Insurance (issued by insurance company)* and *DES-P06 Request of Change-Form B* must be updated. Submit updated forms to the Secretary of State. Be sure to include the model year, make, license plate number, and owner's name for each vehicle.

Training Vehicle Safety Standards

The Driver Education Provider and Instructor Act (PA 384 of 2006) mandates that a motor vehicle used by a driver education provider shall:

- a) Comply with the motor vehicle safety standards required under both federal law and the laws of this state when used as a driver education vehicle.
- b) Display an identity, in a size and design prescribed by the Secretary of State, that the vehicle is used in a driver education course (see Sign Specifications for Passenger Vehicles).
- c) Display a driver education provider's identity; in a size and design prescribed by the Secretary of State that uses the vehicle in a driver education course (see Sign Specifications for Passenger Vehicles).

A driver education provider shall not allow a driver education instructor to use a motor vehicle in a driver education course with more occupants than the number of safety belts installed in the vehicle. Not more than **one** student shall occupy the front seat of the vehicle with the instructor.

A passenger motor vehicle used by a driver education provider in a driver education course shall be a dual-controlled vehicle, defined as a motor vehicle that is equipped with a duplicate brake or, if applicable, a duplicate brake and clutch pedal that is positioned on the right front floorboard of the vehicle.

Sign Specifications for Passenger Vehicles

All driver training vehicles used to provide behind-the-wheel instruction to teens and adults must have a sign on the vehicle that is clearly visible to the passing public, identifies the name of the driver education provider, and identifies that the vehicle is being used for driving instruction. Sign specifications are as follows:

1. Identification signs may be a car-top design or may be placed on both the driver and passenger doors and the rear of the vehicle. The car-top sign or the signs placed on both the driver and passenger doors may contain both the school's name and the words "Student Driver." The sign on the rear of the vehicle need only contain the words "Student Driver."
2. The words "**STUDENT DRIVER**" must be printed using block style letters and be black in color, on a school bus yellow background. The letters must be a minimum height of 2 inches.

The name of the school must be identified using block style letters and be a minimum height of 1 inch. A driver education provider using signs on a training vehicle that contain just the words "Student Driver," with no other sign containing the school's name, is in violation of the DEPIA.

Sign Specifications for Truck Driver Training Vehicles

Truck driver training vehicles should have signs on both cab doors (driver and passenger) as well as on the back of the trailer containing the school's name and the words "Student Driver."

EMPLOYMENT OF INSTRUCTORS

A driver education provider must verify that a driver education instructor possesses a valid driver education instructor certificate issued under PA 384 of 2006, before employing, hiring, contracting, or otherwise engaging the person as an instructor for a driver education course.

The provider must verify an instructor's eligibility by checking the Department's website at www.Michigan.gov/DriverEd, Select "Resources" from the left navigation menu, Select "Verify Driver Education Provider or Classroom or Instructor Certification". Also shown is the instructor's certificate number and the type of program s/he has been approved to teach. Instructors whose certificates have been suspended or revoked have been removed from the listing.

A driver education instructor is required to provide a copy of his or her certificate to a driver education provider who utilizes the instructor's services. If a person presents an instructor certificate but you cannot locate them on the Department's website, contact the Driver Education Section for further instructions.

Providers must retain a copy of the instructor certificate in the school's files.

When a new employee is hired, or when an employee no longer works for the organization, the provider must notify the Secretary of State by completing the *DES-P06 Request of Change-Form B* and mailing it to the address on the form.

Although each instructor is responsible for renewing his or her instructor certificate, it is recommended that a provider monitors their instructors, to ensure there is no lapse in certification. It is also recommended that a provider reminds its instructors to complete an approved professional development option during their two-year renewal cycle.

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WEB-BASED KNOWLEDGE TEST INFORMATION FOR TEEN PROVIDERS

The Department of State contracted with *Intellectual Technology Inc.* (ITI) to develop a web-based knowledge testing program. This program is used by teen driver education providers to generate and print unique Segment 1 and 2 written tests for driver education courses.

The Department furnishes each teen provider with an Exam Access User ID and temporary password. In this section, teen providers will find a “Quick Reference Guide” and list of “Frequently Asked Questions” amongst other items.

Once a person is assigned an Exam Access User ID and password, it is the responsibility of the teen provider to ensure the Department’s rules for use are being followed. For security reasons, provider owners must contact the Department of State when a person assigned an Exam Access User ID leaves the organization so deactivation of the Exam Access User ID can be completed. The DES-P06 Request of Change: Form B is used to request additional Exam Access User IDs for designated representatives, instructors, and staff, as well as removing existing Exam Access Users.

The web-based program can create unique tests as often as desired. Effective November 1, 2010, **providers cannot use the same test for more than twelve months.** After twelve months, new tests must be generated.

All tests must be stored in a secure manner.

Providers must retain one copy of each of the tests and scoring templates used within the course records, and properly destroy (e.g., shred) any additional old tests. Each instructor teaching a Segment 1 or Segment 2 driver education class **must administer at least two unique tests, alternately distributing them amongst students in class. The Segment 1 and Segment 2 tests can ONLY be administered in-person, and a student has up to three attempts to pass the test (using a different test per attempt). Tests cannot be administered to students online or electronically.**

For additional information on the web-based knowledge tests, refer to the Driver Education Curriculum Guide, “Section 6 – Testing and Assessment,” located on the Driver Education webpage www.Michigan.gov/DriverEd under the “Provider resources” tab.

The Driver Education & Testing Section staff are the Help Desk for providers, instructors, designated representatives, and office staff who need assistance with registering computers and retrieving web-based knowledge tests. If teen providers have additional questions or need further assistance, please contact the Help Desk at (517) 241-6850 or email DriverEd@Michigan.gov.

QUICK REFERENCE GUIDE

ACCESSING THE WEB-BASED PROGRAM

The prior website for generating the Segment 1 and Segment 2 knowledge tests has been retired.

A **new website** called “*KnowTo Drive*” (K2D) is now available that can be accessed from ANY internet browser (such as Microsoft Edge, Google Chrome, Mozilla Firefox etc.) and will no longer require users to register their computer or download any “add-ons” to function.

Once logged in, functionality to generate and print unique tests remains the same and should look familiar to regular users.

1. Go to the “*KnowTo Drive*” website: <https://k2d-paper-mi.iti4dmv.com/WTS.dll>
2. Type in the following:
 - a. Username = *Exam Access User ID* provided by the *Driver Education & Testing Section*. (Note: The “*Exam Access User ID*” is listed on the original “*Provider Approval Letter*”, within the body of the “*Approval Email*”, and is also listed on every “*Provider Renewal Application*”.)
 - b. Password = ***drived*** (the default password) OR the password you created if you’ve previously accessed the test printing website.
3. Click on **Login**.

PRINTING TESTS

Once Logged in with your Exam Access User ID credentials:

1. Click on **Generate Print Test**.
2. Test Type: Select test **S 1 2022** (Segment 1) or **S 2 2022** (Segment 2).
3. Click on **Generate Test**.
4. Depending on your browser version, you “*should*” have a preview pane of the generated test and/or pages with a set of icons at the top to “print” and/or “save” the test. Note: *Some users have stated no icons appear above the preview pane, but “right clicking” on the preview image offered the same options to print or save.*
5. Once the generated test has been printed/saved, click on **Main** to return the *Main Functions* screen.
6. Repeat steps 1-4 to print a second version of the test, and rinse and repeat as needed.

CALLING HELPLINE FOR ASSISTANCE

If users have any issues with printing the tests or logging into the web-based program, the **ITI Support Helpline** is **(833) 939-2364**. When calling, state you are calling about the **Michigan Paper Test Server for Segment 1 and 2 tests** and need assistance with printing or accessing the program.

And on a limited basis, the **Driver Education and Testing Section** does have a staff member who can assist with certain login issues. The Driver Education Unit can be reached by calling **(517) 241-6850** or emailing DriverEd@Michigan.gov.

FREQUENTLY ASKED QUESTIONS (FAQS)**Q. Who should have access to the provider's Exam Access User ID?**

A. Only the person who is listed as the owner/designated representative should use the Exam Access User ID assigned to that teen provider. Any other users will need to be approved and personally assigned a unique Exam Access User ID.

Q. What do I do if I want my instructors, designated representative, or office staff to be able to create tests?

A. Complete a *DES-P06 Request of Change: Form B* and mail, email, or fax it to our office.

Q. How long are the tests good for?

A. Tests can be used for one year from the date displayed on the top of the test. After one year, retain a copy of each test and its answer key (for your records), properly discard (e.g., shred) the remaining tests. Then print new tests, answer sheets, scoring templates, and scoring keys.

Q. I get "Login Failed" when I try to access the tests.

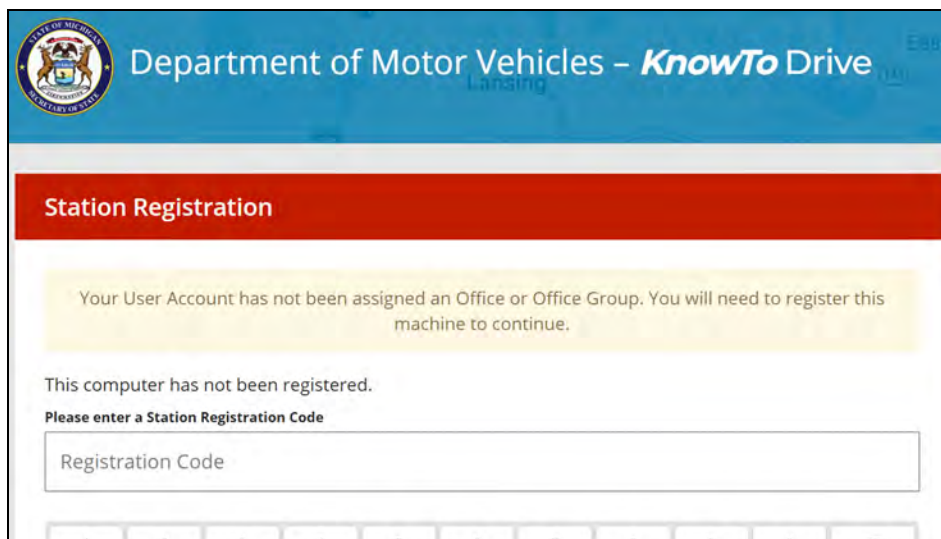
A. Username and Password are case sensitive.

Q. Are the tests available in other language.

A. Currently, the tests are only available in English.

Q. My computer states there is a "Station Registration" error.

A. The Exam Access User ID is not correctly tied to a provider business office or office group. **This error can only be fixed by the Driver Education and Testing Section.** Please call (517) 241-6850 or email DriverEd@Michigan.gov detailing the error and Exam Access User ID that was used.



The screenshot shows the Michigan Department of Motor Vehicles website. The header includes the state seal and the text "Department of Motor Vehicles - KnowTo Drive". Below the header is a red banner with the text "Station Registration". A yellow message box contains the text: "Your User Account has not been assigned an Office or Office Group. You will need to register this machine to continue." Below this, it says "This computer has not been registered." and "Please enter a Station Registration Code". There is a text input field labeled "Registration Code" with a numeric keypad below it.

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REPORTING TO DEPARTMENT

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PROGRAM REQUEST FORMS

Before holding a class, a teen, driver education provider must file a projected *Program Request* form with the Secretary of State. A truck driver education provider would need to submit a *Program Request* form only if it is holding a class with recognizable starting and ending dates. The *Program Request* form must contain the following:

1. The name of the provider (List both the legal name and DBA).
2. The dates and times of the class.
3. The classroom location.
4. List **only** the name(s) of the instructor(s) who will be teaching the course being reported.
5. Any other information the Secretary of State determines is needed to administer PA 384 of 2006 or to ensure the health, safety, and welfare of a student or the public.

Program Request forms (DES-101) must be filed with the Department of State’s Driver Education Section at least ten (10) days prior to beginning a Segment 1 or Segment 2 driver education program. Be sure to complete all sections of the *Program Request* form, and retain a copy for your files. **Submitting an incomplete or inaccurate *Program Request* form is a violation of the DEPIA and may be subject to disciplinary action.**

If a change occurs in the information (classroom location, class dates or time, or instructors who will be conducting the program) that has been filed with the Secretary of State the provider must file an updated *Program Request* (see “Corrections” for specific instructions). Before mailing the form to the address shown on the upper left corner, make a photocopy for your files. See **SAMPLE** below. **INCOMPLETE FORMS WILL BE RETURNED**

Michigan Department of State Driver Programs Division Driver Education Section Lansing, MI 48918 Phone: (517) 241-8850			PROGRAM REQUEST			Year 2013											
						Program Number 02-04-13-S1											
Instructions: Complete the form and submit it to Driver Programs Division at least TEN days before the scheduled start of the program.																	
Name of Provider Doing It Right Driving School						Driver Education Code 123											
Address 3141 E. Towne St.						City Anytown	State MI	Zip Code 47631									
						Phone (313) 555-7123											
I am requesting to start a (check one) Segment 1 <input checked="" type="checkbox"/> Segment 2 <input type="checkbox"/> Truck <input type="checkbox"/> driver training program on 02/04/13 (Month/Day/Year), at the following location:																	
Building Name East Towne Square			Street Address 3141 E. Towne St.			City Anytown											
The classroom portion of the program will be held on the dates indicated below from (circle one AM or PM) 6:00 AM <input type="radio"/> 8:00 AM <input checked="" type="radio"/>																	
Week 1			Week 2			Week 3			Week 4			Week 5			Week 6		
Month	Day	Year	Month	Day	Year	Month	Day	Year	Month	Day	Year	Month	Day	Year	Month	Day	Year
02	04	13	02	11	13	02	18	13									
02	05	13	02	12	13	02	19	13									
02	06	13	02	13	13	02	20	13									
02	07	13	02	14	13	02	21	13									
The behind-the-wheel portion of the program will begin and end during the weeks circled below.																	
Week 1			Week 2			Week 3			Week 4			Week 5			Week 6		
The instructors listed below will be responsible for conducting this program:																	
CLASSROOM PORTION				BEHIND THE WHEEL PORTION													
A. Andrew Johnson				A. Andrew Johnson													
B. _____				B. Patrick Williams													
C. _____				C. _____													
				D. _____													
				E. _____													
				F. _____													
If there is a change in the instructors responsible for conducting any part of the program, please submit a corrected Program Request form.																	
CERTIFICATION: I certify that the information submitted on this request is true and correct and that the program described will be provided in accordance with the Driver Education Provider and Instructor Act (2006 PA 384).																	
Signature of Owner/Designated Representative/Coordinator <i>Andrew Johnson</i>						Date 01/09/13											
DES-101 (10/2006) By The Authority of 2006 PA 384																	

Numbering Segment 1, Segment 2, and Truck Training Courses

Each Segment 1, Segment 2, and truck driver education course (class) must be assigned a “Program Number” that is distinct to that course. The “Program Number” must be recorded on the contract of each student enrolling in the course, the *Program Request* form, and the corresponding *Program Completion Data* form (teen programs). Again, every class must be assigned a **separate, unique** Program Number, and that no other class offered that year would have been assigned the same number.

There is no special format for Program Numbers. You are allowed to use any numbering system that works for your company. It can be as simple as 1, 2, 3 for the first three classes of the year. Another example would be to enter the “month-day-year-type of class (S1, S2, or TR)” as shown below.

Segment 1: **02-04-13-S1** Segment 2: **02-04-13-S2** Truck: **02-04-13-TR**

If you have multiple classroom locations and/or have courses starting on the same date and/or time at one location, you may want to add the location where the course will be held and/or starting time to the Program Number.

Examples:

02-04-13-S1, 10am and **02-04-13-S1, 2 pm**, (10 a.m. and 2 p.m. starting times), or

02-04-13-S1 Liv and **02-04-13-S1 Tay** (for Livonia and Taylor classroom locations).

If you are a teen driver education program provider, when the program has ended and you are filling in the corresponding *Program Completion Data* form, make sure you use the same Program Number. *Program Request* forms and *Program Completion Data* forms are matched up once received by the Driver Education Section. If there are any problems, such as incomplete or confusing information on the *Program Request* or *Program Completion Data* forms, the forms will be returned for corrections, and Notices of Non-Compliance may be issued.

Cancelled or Postponed Programs

If a *Program Request* form has been submitted and the scheduled program is subsequently cancelled or postponed, notify the Driver Education Section of the cancellation or postponement. An acceptable method of notification is to write the word “**Cancelled**” or “**Postponed**” across the top of a copy of the *Program Request* form that had been submitted and mail the form to the Driver Education Section. If the program is rescheduled, a new *Program Request* form must be completed and submitted.

Corrections

If a change occurs in the information contained in a report that has been filed with the Secretary of State, the provider must immediately file an updated projected driver education *Program Request* form. You may either correct the information on your copy of the previously submitted *Program Request* form, or create an entirely new form. Either way, the updated *Program Request* form should include “**Corrected**” or “**Revised**” at the top of the form, and **MUST** include the same Program Number. Be sure to keep a copy of the corrected form for your files.

Certificates of completion that have been “voided” due to errors made while preparing the certificates for distribution should NOT be recorded on the *Program Completion Data* form. A Provider should maintain a report of all certificates received, and identify on the report certificates that have been voided, the date voided.

Replacement Certificates

At the end of the year, a provider will submit (along with their year-end report) a *Replacement Certificates Form* (DES-103), on which the provider will list the information for students who received replacement certificates throughout the entire year. The form may be printed and mailed in, or the *Replacement Certificates Excel Spreadsheet* (DES-103) may be maintained and emailed at the end of the year. See the SOS website for the form and information. Additional information will be provided with the year-end report.

As with any form, before mailing the form to the Driver Education Section, make sure you retain a copy of the form for your files.

Corrections

If you need to correct a *Program Completion Data* form that has previously been filed with the Driver Education Section, enter the corrected information on your file copy of the form, enter the words “Corrected Form” in the upper right corner (above the box to enter the Year and Program Number), and mail the corrected form to the Driver Education Section. Make sure you keep a copy of the corrected form for your files.

MAINTAINING COPIES OF PROGRAM REQUEST AND PROGRAM COMPLETION DATA FORMS

Photocopies of all *Program Request* and *Program Completion Data* forms must be maintained at the provider's main office. It is recommended that the photocopies be maintained, by year, in a file folder or a ring binder.

As an alternative, if the information provided on the *Program Request* and *Program Completion Data* forms is stored electronically, then the provider is not required to maintain photocopies. However, it is recommended that providers that do keep electronic records maintain a copy on a removable device (e.g. CD, thumb drive, etc.). A provider may also scan and store the *Program Request* and *Program Completion Data* forms electronically. The reports should be accessible upon request (e.g. on-site visit), and the provider should be able to print any report if Department of State staff need hard copies. It is prudent to have backed-up electronic files stored off-site as well.

The file folder, ring binder, or electronic database will be considered the central record of each provider's inventory of Segment 1 and Segment 2 completion certificates. All driver education providers are responsible for maintaining the inventory of completion certificates and ensuring that ALL certificates sent and assigned to the provider are accounted for. This would include each certificate that is:

1. Issued,
2. Voided, or
3. Issued as a "duplicate" or "replacement" certificate.

A review of the *Program Request* and *Program Completion Data* forms will be completed during school inspections. Staff from the Driver Education Section must be able to review the *Program Completion Data* forms (or computer database) and/or any other report, and locate an entry (or accounting) for each completion certificate assigned to the provider.

TRUCK DRIVER TRAINING PROVIDER'S STUDENT TRAINING REPORT

Truck driver education providers are required to file a *Truck Driver Education Student Training Report* with the Secretary of State on (by) April 15 and October 15 of each year. Each report must contain:

1. The name, address, and driver license number of each student enrolled since the provider's last report.
2. The name of each student who completed a training program.
3. Any other information the Secretary of State determines is needed to administer the new law or ensure the health, safety, and welfare of a student or the public.

Even if no students were trained during the 6-month reporting period, the report must still be returned.

Student training report forms will be emailed to each certified truck driver education provider at least 30 days before the report is due. The email will include instructions on completing the report. If a truck driver training provider does not have an email address, the report and instructions will be mailed.

DISCONTINUANCE OF DRIVER EDUCATION

A driver education provider that discontinues offering driver education shall immediately notify the Secretary of State in writing of the decision. This may be done mail, or emailing drivered@michigan.gov.

The *Driver Education Provider Close Out Report* is available on the Secretary of State website. The provider shall submit/return the following:

1. The completed Driver Education Provider Close Out report.
2. The provider certificate.
3. **ALL** remaining Segment 1 and Segment 2 certificates of completion in the possession of the (teen) driver education provider.
4. Any outstanding *Program Request (DES-101)* and *Program Completion Data (DES-102)* forms for any classes held during the calendar year. If you submitted Program Request forms and the classes were cancelled, you will need to submit a copy of the form with “Cancelled” written on it.
5. The *Replacement Certificate Log* if replacement certificates were issued during the year in which the provider ceases offering instruction (teen providers only).
6. Sample copies of your most recent Segment 1, Segment 2, Adult, and/or Truck student contracts.

Student records must be maintained for a period of not less than 4 years. If the records are moved to a new location, you must notify us by mail (see above) or email at drivered@michigan.gov.

If your school has your instructors enrolled in a commercial (driving) record look up service, you will need to contact Commercial Services, either by email at Commercialservices@michigan.gov, or fax at (517) 322-3456, to request that your account be closed. You will need to include the name of your school and your account number.

YEAR-END REPORT

All providers will be sent a *Driver Education Provider Year-End report* by the end of each calendar year that must be completed and returned by January 31 (of the following year). The year-end report filing must include:

1. The name of the provider (list both the legal name and DBA);
2. The number of students who passed and failed Segment 1 and Segment 2, and the number of adult and truck driver training students who received instruction;
3. The tuition charged for each type of program;
4. A list of the instructors who taught during the year;
5. A list of classroom locations utilized during the year;
6. A list of approved range locations (teen providers, if applicable);
7. List of individuals with access to printing knowledge tests (teen provider);
8. The *Replacement Certificate Log* if any replacement certificates were issued during the year (teen providers), and
9. Any other information the Secretary of State determines is needed to administer this Act or to ensure the health, safety, and welfare of a student or the public.

The Year-End Report mailed to providers will include pre-populated information for the provider (name, address, etc.). At the same time, a blank year-end report will be posted on the website. If the mailed report is lost or not received, the report posted on the website can be used. However, a provider would need to contact the Driver Education Section at drivered@michigan.gov to obtain their supplemental lists that also need to be submitted by each provider (#4 - #7 above, if applicable).

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RECORD KEEPING REQUIREMENTS

The Driver Education Provider and Instructor Act (PA 384 of 2006) requires a driver education provider to maintain, at the ONE established office (business) location, all records relating to the instruction provided to each student.

The maintained records must include:

1. Signed student contract.
2. Enrollment and/or registration form.
3. Classroom record-keeping form. This form should include:
 - a. Attendance
 - b. Required state knowledge test scores(s). For teen providers, this includes the answer sheets for ALL attempts at the required state knowledge tests for both Segment 1 and Segment 2.
 - c. Any additional test, quiz, homework, etc. scores/completion that may factor into completion of the course.
4. Behind-the-Wheel/Observation record keeping form plus in-car evaluation checklist. For a teen driver education course, one of the following two agreements must be signed by both the provider and parent:
 - a. An agreement that the provider shall have not less than 2 students in the vehicle during BTW instruction, or
 - b. A waiver, allowing an instructor to be alone in a training vehicle with the student.
5. Copies (or verification) of valid temporary instruction permits (operator or commercial driver license) for any student 18 years of age or older receiving behind-the-wheel instruction (including both adult and or truck school students).

As noted above, student records must be maintained at the sole established office (business) location identified for the provider. Although it is recognized that student records may be maintained at a classroom location while the class is in progress, once the class is over and within a reasonable amount of time, the student records must be transferred to the established office (business) location.

Records must be maintained for a minimum of four calendar years after the student ceases instruction and must be open to inspection by the Secretary of State. Student records must be maintained so that the type and amount of instruction received by each student is easily ascertainable.

TEEN DRIVER TRAINING

Record Keeping

Instruction records for teen students (Segment 1 and Segment 2 courses) must contain the following:

1. The dates and number of hours of classroom and behind-the-wheel instruction, and observation time given the student. The records must be signed by the instructors that gave the instruction, and the BTW record-keeping form must be initialed by the student.
2. Complete registration and achievement records for the student.
3. A list of the student's payments for tuition, fees, and purchase or rental of supplies or equipment.
4. A copy of the signed contract between the school and the student.
5. Copies of the *Program Request* and *Program Completion Data* forms for the program.
6. Any other information the Secretary of State determines is needed to administer the Act or to ensure the health, safety, and welfare of a student or the public.

Classroom Instruction (Segment 1 and Segment 2)

State laws require that all students receive a minimum of 24 hours of classroom instruction when completing a Segment 1 driver education program (in addition to a minimum of 6 hours of behind-the-wheel instruction plus a minimum of 4 hours of behind-the-wheel observation time). The 24 hours of classroom instruction must be provided over the course of 3 or more weeks and students must not receive more than 2 hours of classroom instruction per day. The *Classroom Record Keeping Form* will help you record the necessary information for each student.

Enter the provider's name, the instructor's name, and the Program Number (which must coincide with the Program Number entered on the *Program Request* and *Program Completion Data* forms. Check whether the record keeping form is for a Segment 1 or Segment 2 course. The name of each student enrolled in the course should be recorded in the space provided along the left side of the form. Enter the class dates in the space provided across the top of the form and record the start and ending time for each class session. When taking roll call at the start of each class, you can place a check mark in the corresponding box for each student. If a student is late, tardy, or absent, it should be noted and the time missed must be made up by the student. Any made-up time must be entered on the form.

At the end of the course, enter the total hours of classroom instruction provided to each student and indicate whether the student passed or failed. In addition, the form may (should) also include test/quiz/homework scores, the state knowledge test score(s), the certificate of completion number, etc.

Behind-the-Wheel/Observation

All students enrolled in a Segment 1 course must receive a minimum of 6 hours of behind-the-wheel instruction and 4 hours of behind-the-wheel observation time. Students must not receive more than 1 hour of behind-the-wheel instruction per day and must have completed at least 4 hours of classroom instruction before being scheduled for behind-the-wheel instruction. Behind-the-wheel instruction of 3 or more hours must be completed before classroom instruction ends. All behind-the-wheel instruction must be completed no later than 3 weeks after the last classroom instruction has been completed.

The *Behind-the-Wheel/Observation Record Keeping Form* will help you record the necessary information for each student. The form provides a space at the top to record the provider's name and Program Number (which must coincide with the Program Number entered on the 'Program Request' and "Program Completion Data" forms). Using a separate form for each student, enter the student's name, address, date of birth, and phone number. At the end of each driving lesson, enter the date of the lesson, the "start" and "end" time for the drive, and calculate the "Total Time Driving" and record it in the space provided (right column). The student must initial verifying the information entered (the driving time, etc.) **after** the lesson has been completed. The student **shall not** pre-initial any lesson. (The driving tasks covered during each session can be entered in the middle column or the instructor can use the space for recording notes on the student's progress.) If the student is at least 18 years of age, see the behind-the-wheel record keeping section under Adult Driver Training regarding the Temporary Instruction Permit (TIP).

On the back of the *Behind-the-Wheel/Observation Record Keeping Form* is the Observation portion of the form. Again, once a student has completed an observation, enter the date, the "start" and "end" time, calculate the "Total Observation Time" and record it in the space provided (right column). The student must initial (and date) the observation time indicated after the observation, and **shall not** pre-initial any observation.

A space has also been provided on the form to record the Segment 1 completion certificate number issued to the student.

In-Car Evaluation

The *Driver Education Student In-Car Evaluation Checklist* is provided to assist instructors with ensuring that all aspects of the behind-the-wheel portion of the driver education course are completed.

Attach the *Driver Education Student In-Car Evaluation Checklist* to the *Behind-the-Wheel/Observation Record Keeping Form* and keep it in the students' file.

ADULT DRIVER TRAINING

Record Keeping

Instruction records for adult students must contain the following:

1. The dates and number of hours of classroom (if provided) and behind-the-wheel instruction given to the student and signed by the instructors that gave the instruction.
2. A list of the student's payments for tuition, fees, and purchase or rental of supplies or equipment.
3. A copy of the signed contract between the school and the student.

It is recommended that a copy of the student's Temporary Instruction Permit (TIP) also be maintained, or some form of verification that the student obtained a TIP prior to receiving behind-the-wheel lessons.

Classroom Instruction

If adult students are provided with classroom instruction which was agreed upon in the student contract, records must be maintained showing the date the classroom instruction was provided and the number of hours of instruction that was provided on that date. The *Adult Classroom Instruction Record Keeping Form* will help you record the necessary information for each student.

Enter the provider's and student's names at the top of the form. Enter the class dates in the space provided and record the start and end time for each class session. The subject(s) covered during each classroom session can be entered in the middle column, the student should initial indicating the class date and "start" and "end" time is correct, and the instructor should sign the entry. The number of hours of classroom instruction indicated on the record keeping form must be at least the number of hours of classroom instruction described in the *Adult Student Contract*.

Behind-the-Wheel

The *Adult Behind-The-Wheel Record Keeping Form* will help you record the necessary BTW instruction information for each student. Using a separate form for each student, enter the student's name, address, TIP number, and phone number. Enter the date of each scheduled drive, the "start" and "end" time for the drive, and calculate the "Total Time Driving" and record it in the space provided (right column). The student must initial the driving time indicated. (The driving tasks covered during each session can be entered in the middle column or the instructor can use the space for recording notes on the student's progress.) Prior to beginning behind-the-wheel instruction, the provider must verify that the student has a valid TIP issued by the Secretary of State. It is recommended that the TIP license number and expiration date be recorded either on the student contract or on the BTW record-keeping form.

TRUCK DRIVER TRAINING

Record Keeping

Instruction records for truck driver training students must contain the following:

7. The dates and number of hours of classroom and on-road/range instruction given to the student and signed by the instructors that gave the instruction and initialed by the student to confirm he/she received the instruction.
8. A list of the student's payments for tuition, fees, and purchase or rental of supplies or equipment.
9. A copy of the signed contract between the provider and the student.
10. A copy of the student's valid Commercial Driver License (CDL) temporary instruction permit (TIP).

Classroom Instruction

If a truck driver training course includes classroom instruction, records must be maintained showing each date classroom instruction was provided and the number of hours of instruction that was provided on that date. The *Truck Driver Training Classroom Instruction Record Keeping Form* will help you record the necessary information for each student.

Enter the provider's and student's names at the top of the form. Enter the class dates in the space provided and record the starting and ending times for each class session, and the total number of hours of instruction for that day. There is space available to enter the subjects covered during each classroom session. **AFTER** the hours of instruction is recorded, the student must initial indicating the class date and "Start" and "End" time is correct, and the instructor must sign the entry. The number of hours of classroom instruction indicated on the record keeping form must be *at least* the number of hours of classroom instruction described in the student contract. If a provider chose to offer additional hours of instruction, which may appear on the record-keeping form, they could, but the provider could not charge for the additional hours since they would not be identified in the student contract.

On-Road/Range Instruction

The *Truck Driver Training On-Road/Range Instruction Record Keeping Form* will help you record the necessary information for each student. Using a separate form for each student, enter the student's name, the date of each scheduled drive and whether it was "On-Road" or "Range," the "Start" and "End" time for the drive, and the total hours for each type of instruction for each day. **AFTER** the hours of instruction is recorded, the student must initial indicating the date and "Start" and "End" time is correct, and the instructor must sign the entry.

Prior to beginning behind-the-wheel instruction (BTW), the provider must verify that the student has a valid CDL-TIP issued by the Secretary of State. It is recommended that the TIP license number and expiration date be recorded on the student contract and on the BTW record-keeping form.

RECORD KEEPING FORMS

Driver education providers may create their own record keeping forms that will be used to capture the required student information, or they may use the standard record keeping forms that were developed by the Secretary of State. Whatever forms are used must include the provider's name. Forms must be submitted to the Driver Education Section for review and approval prior to being used. All sample forms developed by the Secretary of State are available on the website. The forms can be downloaded from the website, and revised to meet your needs.

The standard record keeping forms developed by the Department include:

1. Classroom Record Keeping Form (Segment 1 and Segment 2 driver education courses)
2. Behind-The-Wheel/Observation Record Keeping Form
3. Driver Education Student In-Car Evaluation Checklist (for use by teen driver training providers)
4. Adult Classroom Instruction Record Keeping Form
5. Adult Behind-the-Wheel Record Keeping Form (for use by adult driver training providers)
6. Truck Driver Training Classroom Instruction Record Keeping Form
7. Truck Driver Training On-Road/Range Instruction Record Keeping Form (for use by truck driver training providers)

STUDENT CONTRACTS

A driver education provider must have a written agreement (contract) with each of its students. Providers may not give any instruction to a student until after the provider and the student have entered into a written agreement. The agreement must be dated and signed by both the provider and the student and/or legal guardian ***and a fully executed copy of the contract must be given to the student/parent before any instruction begins.***

The agreement (or student contract) must contain all of the terms of the agreement between the provider and the student and include (at least) the following:

1. The driver education provider's name, established business office location, office hours, and phone number (at the top of the document).
2. Provider certificate number.
3. Program number (as assigned by the provider and which appears on the *Program Request* and *Program Completion Data* forms).
4. The address where the student will be given classroom instruction and where the student must report for behind-the-wheel instruction (if different from the provider's established business office location).
5. Dates of the classroom instruction.
6. Student's **full** name (last, first, middle), address, and telephone number, and birth date.
7. If the student is a minor, the parent's or legal guardian's name, address, and telephone number.
8. Fees charged for instruction, including a specification as to the price per hour, per lesson, or for the course.
9. Explanation of the program being provided including: the number of hours of instruction (classroom and behind-the-wheel/range); make-up days; requirements for passing the course (e.g., homework, tests including State test) and receiving a completion certificate.
10. Fees charged for materials and supplies; cancellation fees.
11. Tuition payment plan (cash, check, money order, etc.) and when tuition is due.
12. A description of the provider's refund policy (full or partial refund after specified length of instruction).
13. Student's signature and date. If the student is a minor, the parent's or legal guardian's signature. (The signature lines must be titled.)
14. Provider's signature and date.
15. Date of contract.

Required Language for All Contracts

Segment 1 and Segment 2 student contracts must include the following statements, which must be printed **on the front of the contract** in large, bold type. All statements must be printed exactly as they are typed below:

Notice: This provider is required to be certified by the Secretary of State. If you have any complaint, which you cannot settle with this provider, write: Michigan Department of State, Driver Programs Division, Lansing, MI 48918. Completion of driver education instruction does not guarantee qualification for a driver license.

In addition to the above, the following sentences are required on all Segment 1 student contracts:

1. “(Name of provider) will conduct the behind-the-wheel instruction in a dual controlled automobile, fully insured, covering each student enrolled in the program.”
2. “The student must be at least 14 years and 8 months of age by the first day of class (verification by birth certificate required).”

The following must appear on all Segment 2 student contracts:

For a student to participate in Segment 2, verification must be received that the student has completed a minimum of 30 hours of driving (including 2 hours at night) with a licensed parent or guardian (or parent designee) on a Level 1 license, which has been held for not less than 3 continuous months.

Parent Waiver / Minimum Two Students During Driving Instruction Agreement

Statutorily, a driver education instructor may not be alone in a training vehicle with a student that is less than 18 years of age. There must always be no less than three individuals (including the instructor) in the training vehicle when providing instruction to students who are less than 18 years of age. A provider must sign a written agreement with the parent attesting to this requirement.

This requirement may only be waived by obtaining a written statement from the student’s parent giving their permission for the driver education instructor to be alone in a driver education vehicle with their son or daughter. The written statement must be signed and dated by the parent and must be maintained in the student’s records.

If the written agreement (verifying a minimum of two students in the vehicle during driving instruction) or “Parent Waiver” is part of the student contract, the parents and/or legal guardians and provider must sign the agreement (minimum 2 students) or parent waiver and the contract separately. One signature cannot be used for both agreement/waiver and student contract. See the sample Segment 1 student contract for an example.

Sample copies of a Segment 1 contract, Segment 2 contract, and Adult Student Contract can be found on the website.

Student Contract for Coordinated Segment 1 Driver Education Course

Once a provider has received approval to offer a coordinated Segment 1 driver education course from the Secretary of State, instruction cannot begin until after the provider and the student have entered into a written agreement (student contract). The agreement must be dated and signed by both the provider and the student. (If the student is a minor, the agreement must be signed by a parent or legal guardian.)

The agreement must contain all of the terms of the agreement between the provider and the student and include all of the following:

1. The student's name, address, birth date, and telephone number.
2. If the student is a minor, the parent's or legal guardian's name, address, and telephone number.
3. The name of each provider that will give instruction.
4. A description of the instruction that each provider will give.
5. A description of the assessment or test to be administered by each provider.
6. The amount of the fee or tuition charged and paid for the instruction.
7. The name of the provider responsible for issuing a Segment 1 education course certificate of completion.
8. A statement of who is responsible for maintaining each part of the student's records.
9. Any other information prescribed by the Secretary of State.

A copy of the signed agreement must be given to the student.

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CLASSROOM / BEHIND-THE-WHEEL INSTRUCTION

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SCHEDULING DRIVER EDUCATION COURSES**Segment 1**Student Eligibility

A driver education provider that has been issued a certificate with a teen driver education classification must comply with the following when enrolling students in a Segment 1 driver education course:

1. Verify that the person enrolled is 14 years, 8 months of age or older before beginning a Segment 1 curriculum.
 - a. A student's initial attendance or participation in a class may not begin on a date after the first day of that scheduled class without good cause. Being less than 14 years and 8 months on the first day of class is not good cause.
 - b. If less than 14 years, 8 months of age, and the Secretary of State has issued the person written approval for a minor restricted driver license, obtain a copy of the letter and retain in the student's file.
 - c. Students must meet the physical and mental requirements for a motor vehicle operator's license.
 - i. The student's visual acuity must be at least 20/40 corrected for an unrestricted driver license. An eye chart and instructions for administering a vision screening is included in the Appendix at the end of the Manual.
 - ii. The student has not had a fainting spell, blackout, seizure, or other uncontrolled loss of consciousness in the six months immediately preceding the class.
 - iii. The student may not have a physical or mental condition which would affect his/her ability to drive a motor vehicle safely in the six months immediately preceding the class.
2. For a student or customer who is less than 18 years of age, sign a written agreement with the student, customer or the student's or customer's parent or legal guardian. The agreement must provide that the driver education provider shall have not less than 2 students in the vehicle used by the student or customer during behind-the-wheel instruction. A student's or customer's parent or legal guardian may waive this requirement only in writing.
3. For a student or customer who is 18 years of age or older, the student must present a valid temporary instruction permit (TIP) prior to receiving behind-the-wheel instruction. (See "Adult Driver Training," page 7.

Segment 1 Course

A driver education provider shall offer a Segment 1 driver education course that has been approved by the Secretary of State. Segment 1 driver education courses must include classroom and behind-the-wheel instruction, as well as observation time. The classroom instruction and behind-the-wheel instruction must be integrated (i.e., scheduled to include a mix of classroom and behind-the-wheel instruction throughout the duration of the course), relate to each other, and meet the following requirements:

1. Each student shall receive not less than 24 hours of classroom instruction which must be scheduled to occur as follows:
 - a. Classroom instruction shall occur not more than 2 hours per day.
 - b. Classroom instruction shall occur over the course of 3 or more weeks.
 - c. Classroom instruction of 4 or more hours shall be received before the student begins to receive behind-the-wheel instruction.
 - d. A Segment 1 knowledge test approved by the Secretary of State must be administered to each student at the completion of a Segment 1 driver education course in accordance with the standards prescribed by the Secretary of State (see Section 4 for more details).
 - e. Class size will be limited to a maximum of 36 students, or the maximum allowed by the fire marshal, whichever is less.
2. Each student shall receive not less than 6 hours of behind-the-wheel instruction or substitute hours (i.e., one hour of instruction received at a multiple vehicle driving facility may be substituted as credit for 1 hour of behind-the-wheel experience; a maximum of 2 hours of behind-the-wheel experience can be substituted with instruction received at a multiple vehicle driving facility). Behind-the-wheel instruction must be scheduled to occur as follows:
 - a. A student shall receive not more than 1 hour of behind-the-wheel instruction per day.
 - b. Not more than 1 student must occupy the front seat of the vehicle with the instructor.
 - c. A driver education training vehicle shall contain not more than 4 students during the behind-the-wheel instruction.
 - d. Behind-the-wheel instruction of 3 or more hours shall be completed before classroom instruction terminates.
 - e. Not later than 3 weeks after the last classroom instruction has been completed, a student shall complete any remaining required behind-the-wheel instruction.
3. All students shall receive 4 hours or more of behind-the-wheel observation time. "Observation time" means the time a student in a driver education course sits in the rear seat of a vehicle and observes another student in the front seat behind the wheel operating the controls of the vehicle, responding to driving situations, and with an instructor sitting in the front seat. There is no limit on the maximum number of hours per day a student may complete observation time.

A Segment 1 driver education course shall be completed (classroom instruction, behind-the-wheel instruction, and observation time) no later than 3 weeks after the last day of the classroom phase.

Specific forms need to be utilized when providing Segment 1 instruction. These include a student contract and registration form. In addition, classroom and behind-the-wheel (AND OBSERVATION TIME) record keeping forms are also required. Guidelines on how to create these forms and sample forms can be found in each of the sections listed. Samples of all forms can be found on the website (see the Appendix at the end of the Manual).

Foreign Exchange Students

When the Graduated Driver License Law (PA 387 of 1996) became effective on April 1, 1997, the Secretary of State no longer had authority to issue a Michigan driver license to foreign exchange students. There is a difference between “foreign exchange students” and “foreign students.”

A “foreign exchange student” is under contract with a school district and is usually sponsored by a host family here in Michigan. Foreign exchange students are generally high school students, are less than 18 years of age, and are here for a short period of time. A “foreign student” comes to Michigan to go to college, is usually 18 years of age or older, and intends to stay in Michigan. In most instances, a foreign student will possess an F-1 student visa.

Foreign exchange students may enroll in a Segment 1 driver education course; however, s/he can enroll only with the understanding that a Michigan graduated driver license cannot and will not be issued. Completing Segment 1 will be as far as the student will progress through the GDL system. This information must be clearly communicated to the student and host parents prior to finalizing the contract and it should be pointed out continually to the student that licensing information provided to the other students does not apply to them.

Since the student would not be eligible for a Level 1 license, the provider **shall NOT issue a Segment 1 certificate of completion.** It would, however, be appropriate to provide a letter (on school letterhead), verifying the instruction the student received.

The provider, sponsoring agency, and host parents must be in agreement that the student has the written permission of the natural parents or legal guardians to allow the student to receive the Segment 1 instruction.

Out of State Residents

Just as with foreign exchange students, the law does not prohibit an individual who resides in another state from taking a Segment 1 course. A resident of another state may enroll in a Segment 1 driver education course; however, s/he can enroll only with the understanding that a Michigan graduated driver license cannot and will not be issued. Completing Segment 1 will be as far as the student will progress through the GDL system. This information must be clearly communicated to the student and parent prior to finalizing the contract and should be pointed out

continually to the student that licensing information provided to the other students does not apply to them.

Since the student would not be eligible for a Level 1 license, the provider **shall NOT issue a Segment 1 certificate of completion**. It would be appropriate to provide a letter (on school letterhead), verifying the instruction the student received.

The student and parent should also be informed that the provider makes no guarantee that the instruction the student receives will be recognized in their state. It would be prudent for the parent to contact the licensing agency in their state (prior to taking the class) to determine if the instruction their student will receive in Michigan will be accepted or recognized in their state.

Special Need Students

Some students wishing to enroll in driver education may require auxiliary aids and services (e.g. interpreters, adaptive devices, etc.) to take part in the classroom and/or behind-the-wheel instruction phases. If you are contacted by persons seeking driver education for anyone who may need auxiliary aids or services, you may be obligated to provide the course under the guidelines of the Americans with Disabilities Act. All persons are entitled to equal access to education, thereby possibly requiring you to provide or pay the cost for an interpreter, hand controls, etc.

You may wish to consult with an attorney regarding your responsibilities for providing driver education to special needs student. Should you have questions regarding your responsibility to pay for the services of a sign language interpreter, you may wish to contact the Division on Deafness of the Michigan Commission on Disability Concerns at 1-877-499-6232.

Coordinated Segment 1 Course

Driver education providers may, with prior written approval from the Secretary of State, offer a student a coordinated Segment 1 driver education course. A coordinated Segment 1 driver education course can be offered by two certified driver education providers in the use of auxiliary aids and services (includes qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments; qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments; acquisition or modification of equipment or devices; and other similar services and actions). One provider may offer the classroom instruction portion of the Segment 1 driver education course while a second provider may offer the behind-the-wheel instruction.

A driver education provider shall not give a coordinated Segment 1 driver education course without the prior written approval from the Secretary of State. Providers must file a request for approval in the manner described below:

1. Written requests on the provider's letterhead must be submitted at least 5 business days before the courses scheduled start date. Requests may be mailed, emailed (DriverEd@Michigan.gov), or faxed (517-335-3155) to the Driver Education Section.

2. The request must include the name, address, and certificate number of each provider; the name, address, phone number of the student and parent (or legal guardian) and an explanation of why the student is being offered a coordinated Segment 1 course; an explanation of the portion of the Segment 1 driver education course each provider will offer; the name and certificate number of the instructor who will be teaching the student; the name of the provider who will be issuing the Segment 1 driver education completion certificate.
3. Attach a copy of the signed Segment 1 coordinated driver education course student contract. (See Section 6 - Student Contracts for information on preparing a coordinated driver education course student contract.)
4. Once reviewed, written approvals will be mailed, emailed or faxed to the providers.

The provider approved to offer the classroom portion of the course is responsible for maintaining the student's classroom records. The provider approved to offer the behind-the-wheel portion is responsible for maintaining these records and reporting to the classroom instruction provider whether the student successfully completed the behind-the-wheel portion of the course. Upon completion of the coordinated course, the provider who issued the Segment 1 driver education completion certificate is responsible for maintaining the student's records [i.e., signed student contract, copy of the request (and approval) to provide a coordinated Segment 1 driver education course, the classroom record keeping documents, and the report prepared by the behind-the-wheel instruction provider].

Parent Driving Permits

During Segment 1, a student who has completed at least 10 hours of classroom and 2 hours of behind-the-wheel instruction **may** be issued a temporary driver education certificate (Parent Driving Permit) furnished by the Secretary of State. The permit authorizes a student to drive a motor vehicle, other than a vehicle requiring a motorcycle or commercial motor vehicle endorsement, when accompanied by a licensed parent or guardian, or when accompanied by a non-licensed parent or guardian and a licensed adult for the purpose of receiving additional instruction. The permit is valid until the end of the student's driver education course.

If you wish to utilize the Parent Driving Permit, contact the Driver Education Section via email at DriverEd@Michigan.gov.

Segment 2

Student Eligibility

For a student to be eligible to enroll in Segment 2, s/he must have:

1. Successfully completed a Segment 1 driver education course;
2. Held a valid level 1 graduated driver license for not less than 3 continuous months; and
3. Acquired 30 or more hours driving experience on a level 1 graduated driver license that includes not less than 2 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.

Segment 2 Course

A Segment 2 driver education course shall consist of the following:

1. 6 or more hours of classroom instruction that is scheduled so the student receives not more than 2 hours of classroom instruction per day.
2. A Segment 2 knowledge test approved by the Secretary of State must be administered to each student at the completion of a Segment 2 driver education course in accordance with the standards prescribed by the Secretary of State (see Section 4 for more details).

Teen Curriculum

A provider who conducts Segment 1 and/or Segment 2 classes must utilize the Driver Education Curriculum Guide as distributed by the Secretary of State and teach the Michigan prescribed curriculum, or an alternative curriculum which has been approved by the Secretary of State.

Parent Meeting

Driver education advocates recognize the importance of timely and informative communication with parents of Segment 1 and Segment 2 driver education students. To accomplish this, a parent meeting is recommended. Each provider should determine when to hold a parent meeting, whether it is before or at the conclusion of Segment 1 and/or Segment 2. It is vital that parents understand their responsibilities as parents/coaches, and what they can expect as their sons and daughters progress through the graduated licensing system.

Parent - Teen Safe Driving Contract

When a student attains level 2 licensure status, s/he also achieves an increased level of freedom. Many parents worry about how their sons and daughters will accept the responsibility of this freedom. The Secretary of State recognizes that both parents and teens need to agree on the responsibilities that the new driver and their parents must meet. A *Parent – Teen Safe Driving Contract* is listed in the Appendix at the end of the Manual, which will link to the department's Web site. Encourage your students and their parents to take advantage of this contract, to ensure that each will accept their roles in helping the teens become safe drivers.

Adult Driver Training

Adult driver training instruction (classroom and/or behind-the-wheel) is provided to a person 18 years of age or older in the operation of a motor vehicle. Before a driver education provider can give behind-the-wheel instruction to an adult student, the provider must verify that the student has a valid temporary instruction permit issued by the Secretary of State. Providers can verify whether a student has a valid temporary instruction permit by making a photocopy of the permit or recording the license number, issuance date, and expiration date. Both records (photocopy or record entry) must be maintained in the students' records.

A driver education provider must not give instruction to a student until after the provider and the student have entered into a written agreement (contract). The agreement must be dated and signed by both the provider and the student. For information on creating an adult student contract and to view a sample adult contract, see Section 6 – Record Keeping Requirements.

Adult driver education students must be given behind-the-wheel instruction using the provider's training vehicle that has been equipped with a duplicate brake or, if applicable, a duplicate brake and clutch pedal that is positioned on the right front floorboard of the vehicle. The training vehicle must comply with motor vehicle safety standards, be insured by the provider as outlined in the DEPIA, and display a sign indicating that the vehicle is being used in a driver education course. The vehicle must also display the proper signs. See Section 3 – Training Vehicles for sign requirements.

Adult driver education driving lessons cannot be provided to an adult student using the student's vehicle unless all of the requirements in the above paragraph are met.

If a provider accepts an adult student into a Segment 1 class, a certificate of completion **shall NOT be issued**, since the adult student is not eligible for a Level 1 license. The provider may create and issue a certificate or provide documentation that the adult student has successfully completed a Segment 1 class that is approved by the Secretary of State.

Truck Driver Training

Truck driver training instruction (classroom and/or behind-the-wheel/range) is provided to a person to operate a commercial motor vehicle. Before a truck driver education provider can give behind-the-wheel course instruction to a truck driver training student, the provider must verify that the student has a valid Commercial Driver License (CDL) temporary instruction permit issued by the Secretary of State. Providers can verify whether a student has a valid CDL temporary instruction permit by making a photocopy of the permit or recording the permit number, issuance date, and expiration date. Both records (photocopy or record entry) must be maintained in the students' records.

A truck driver education provider must not give instruction to a student until after the provider and the student have entered into a written agreement (contract). The agreement must be dated and signed by both the provider and the student. For information on creating a truck driver training student contract, see Section 6 – Record Keeping Requirements.

MULTIPLE VEHICLE DRIVING FACILITY (RANGE)

"Multiple vehicle driving facility" means that part of a driver education course that enables the driver education instructor, from a position outside the vehicle, and using electronic or oral communication, to teach and supervise several students simultaneously, each of whom is operating a vehicle at an off-street facility specifically designed for that type of instruction.

RANGE FACILITY CRITERIA

Course Dimensions:	Minimum 150' x 300'
Number of Vehicles:	No less than 4 cars
Identifiable Lane Markings:	Paint, tape, or cones
Communication Device:	Instructor positioned outside of vehicles, using some type of one-way or two-way device (including megaphone).
Duration:	Maximum of one hour of instruction per day for each student. Maximum of two hours of driving instruction may be counted toward the total required 6 hours of behind-the-wheel instruction.
Lessons:	Instruction must include: <ul style="list-style-type: none">- 2-way traffic, and- point(s) of conflict (intersection).

Lane markings and traffic signs should be utilized.

Instruction should include some type of interaction between drivers, such as:

1. Multiple vehicles approaching an intersection at the same time;
2. Experiencing cross traffic at an intersection;
3. Turning at an intersection with oncoming traffic present;
4. Lane changing with other vehicles present;
5. Overtaking (passing).

On the back of this page is a sample lesson plan for two hours of range instruction. Two hours is the maximum allowed to substitute for behind-the-wheel instruction. However, by providing additional range instruction, students may attain a higher level of proficiency, which may eliminate the need for additional drives beyond the minimum six hours.

For assistance or questions regarding range instruction, please contact the Driver Education Section, either by e-mail at DriverEd@Michigan.gov or by telephone at (517) 241-6850. Range instruction will be provided in four, ½ hour lessons. All lessons will re-enforce maneuvers performed during previous lessons. All objectives are from Michigan Department of State Driver Education Curriculum Guide page 29 - 31 Section 5B – Segment 1 Behind-The-Wheel Objectives.

SAMPLE LESSON PLAN

Lesson 1 (30 minutes)

S1 Behind-the-Wheel Objectives

- | | |
|------------------------------|-------------|
| 1. Explain Range Rules | |
| 2. Pre-Start / Start | 1-1 a, b, c |
| 3. Forward Movement | 1-1 e |
| 4. Turns | 1-1 d, e |
| 5. Backing | 3-1 h |
| 6. Stop/secure/leave vehicle | 1-1 f |

Range Notes:

- a) There will be at least four cars on the range.
- b) There will be (paint, cones, or tape) on the pavement to distinguish the range from the parking lot.
- c) The driver education instructor will have a (bullhorn, two-way device, one-way radio, student's windows will be in the down position, or megaphone) to communicate with the students.

Special notes: Each student will drive for 30 minutes. No two-way traffic direction on this lesson. Drivers will keep a minimum 50-foot following distance between their vehicle and other vehicles. Vehicles will be parallel to each other when performing episodes 4 and 5 (straight backing). Vehicles will drive in a clockwise direction. Range instruction will be provided in four, ½-hour lessons. All lessons will reinforce maneuvers performed during previous lessons.

Lesson 2 (30 minutes)S1 Behind-the-Wheel Objectives

- | | | |
|----|-----------------------|------------------------|
| 1. | Turns at Intersection | 1-1 e, 2-1 c, 3-1 d, f |
| 2. | Lane Changes, Passing | 3-1 g, 4-1 b |

Comments: The traffic pattern will be two-way for episode 1, and include controlled and uncontrolled intersections. The traffic pattern will be strictly one-way for episode 2, keeping vehicles separated with initial lane changes maneuvers, and then adding other vehicles traveling in the same direction to simulate passing situations.

APPLICATION

For approval to offer range driving lessons, submit the:

1. Multiple Driving Facility (Range) Original Application for Teen Driver Education Program (DES-023),
2. Application fee of \$125
3. Detailed diagram (drawn to scale) of range, including obstacles.
4. Photos of the range.
5. Lesson plans for instruction. Lesson plans must include:
 - a. Detailed outline of each lesson, including time spent, and
 - b. Specific behind-the-wheel performance objectives being covered.

Number of Students in Training Vehicle

State law mandates that a provider, offering teen driver education for a student or customer who is less than 18 years of age, must sign a written agreement with the student or customer or the student's or customer's parent or legal guardian. The agreement shall provide that the driver education provider shall have not less than **two** students in the driver education vehicle during behind-the-wheel instruction.

A student's or customer's parent or legal guardian may waive this requirement only in writing, thus allowing individualized instruction. The provider must develop a "parent waiver" for use in their program. If the waiver is incorporated into the provider's segment 1 student contract, parents (or legal guardians) must sign both the waiver and the student contract. If a separate form is used, the waiver must be included in the student's file and be maintained for a minimum of four years.

Signing the waiver does not preclude students from completing the statutorily required four hours of observation time.

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DRIVER EDUCATION INSTRUCTOR CERTIFICATION - ORIGINAL

Applicants requesting certification as driver education instructors may apply to the Secretary of State for a driver education instructor certificate in one or more of the following classifications:

1. Adult driver training.
2. Teen driver training.
3. Truck driver training.

To qualify for a driver education instructor certificate from the Secretary of State an applicant must:

1. Be at least 21 years of age.
2. Possess a valid driver license that has been in continuous effect for not less than 5 years immediately preceding the application.
3. Complete and submit an *DES-101 Instructor Certification Application*. Provide the applicant's driver license number (If an out-of-state resident, an up-to-date certified driving record must also be submitted).
4. Provide a statement indicating whether the applicant has applied for a driver education instructor certificate in this or any other state, and the result of that application.
5. Provide a statement indicating whether the applicant has previously had a driver education instructor certificate revoked or suspended in this state or any other state.
6. Complete a criminal history check.
7. Certify there is no pending criminal matter or outstanding arrest, warrant, or conviction since submitting a request for a criminal history check.
8. Submit a \$45 nonrefundable application processing fee.
9. Submit a certified medical examination report that is not older than 90 days that is prepared by a physician, physician's assistant, or certified nurse practitioner.
10. An official transcript from an approved college, university, or person to verify the completion of a driver education instructor preparation program as described in Section 23 of PA 384 of 2006.
11. Other information and documents as requested by the Secretary of State to determine an applicant's qualifications for certification.

A driver education provider may not employ a person as an instructor until the person has been certified by the Secretary of State, and the provider has received a photocopy of the instructor certificate. Instructor certification applicants may not begin providing training (classroom or behind-the-wheel) to students until a certificate has been issued.

A certified instructor may teach for multiple providers on a single instructor certificate. Separate certifications are not required for providing instruction in the same classification for multiple providers.

The driver education instructor certificate is the official identification of an instructor and, when presented to a student, assures them that s/he is certified. The certificate must be displayed in a location that is in view of the students while giving instruction.

Conditional Driver Education Instructor Certificate (for teen, adult classifications)

A conditional driver education instructor approval letter may be issued to an individual who provides evidence that he/she has completed the first three courses of an approved driver education instructor preparation program and is enrolled in the practicum. A person shall not participate in a practicum course conducted by a college, university, or person approved by the Secretary of State unless the person possesses a conditional driver education instructor approval letter.

A person shall apply to the Secretary of State for conditional driver education instructor approval. The Secretary of State may issue an approval letter after the person presents satisfactory evidence to the Secretary of State that the applicant complies with the following:

1. Meets all of the driver education instructor application requirements for an original instructor certificate (including having completed the first three IPP courses), except for the completion of a practicum course.
2. Is enrolled in a practicum course conducted by a college or university or by a person approved by the Secretary of State.
3. The mentor instructor identified on page two of the instructor application is in good standing with the Secretary of State, and has been certified to teach teenagers for not less than four years.
4. The employing provider is in good standing with the Secretary of State.

This does not apply to an applicant for a driver education instructor certificate that is limited to the truck driver education classification.

The list of “Driver Education Instructor Preparation Program Approved Agencies” can be found on the Secretary of State www.Michigan.gov/DriverEd website.

DRIVER EDUCATION INSTRUCTOR RENEWAL CERTIFICATION

A certified driver education instructor may apply to the Secretary of State for renewal of his or her driver education instructor certificate by submitting:

1. A properly completed application signed by the applicant.
2. A certification that the applicant complies with the professional development requirements and any additional verification regarding compliance with the professional development requirements as prescribed by the Secretary of State.
3. A nonrefundable application processing fee of \$45.
4. A certified medical examination report that is not older than 90 days.
5. A criminal history check (every four years at the time of certificate renewal).
6. Other information and documents prescribed by the Secretary of State.

Instructor renewal applications will be mailed approximately 60 days prior to the respective certificate expiration dates. Email notifications will be sent approximately 90 days prior to the certificate expiration dates. Providers should be aware of the expiration dates of their instructors' certificates, and encourage them to renew early so there is no lapse in employment.

If the Secretary of State receives a properly completed renewal application before the applicant's current certificate expires, the certificate continues in full force and effect until the new application is approved or denied. If a properly completed renewal application is **not received** before a driver education instructor certificate expires, the driver education instructor shall not offer to engage or engage in the activity of a driver education instructor until the Secretary of State issues the holder of the expired certificate an original or renewal certificate.

An instructor that applies for a certificate renewal later than 30 days after the certificate expires shall apply to the Secretary of State for an original driver education instructor certificate.

An instructor's renewal certificate expires 2 years after its issuance on the same day and month that the original certificate expired.

REMINDER... Instructors are required to complete an approved professional development option during each two-year renewal cycle. Options are posted on the Secretary of State's website. As noted on the instructor renewal application, when an instructor renews, he/she is certifying that they have completed an approved professional development option during the past two-year renewal cycle. Failure to complete an approved option is a violation of the law.

FINGERPRINT BASED MICHIGAN AND FBI CRIMINAL HISTORIES - INSTRUCTOR

All driver education instructors are required by law to provide State (Michigan) and FBI criminal records (fingerprint based) to the Secretary of State. The electronic fingerprinting service is offered by private vendors throughout the state. The Michigan State Police website maintains the list of approved vendors. To obtain fingerprint based criminal records, the following steps must be completed:

1. Applicants must send a request for a criminal history check to the Michigan State Police with the required fees. The *Livescan Fingerprint Background Check Request* must be used when getting fingerprinted by one of the approved private vendors.
2. To schedule an appointment, follow the instructions on the *Livescan Fingerprint Background Check Request*.
3. The Michigan State Police (MSP) will conduct a criminal history check after receiving a proper request from an MSP approved live scan vendor. To locate an MSP approved live scan vendor please visit www.Michigan.gov/MSP. In the “search” box (upper right corner) type in “Private Live Scan Vendors” and click GO. A report of any information found will be provided to the Secretary of State.
4. The Secretary of State shall not approve an original or renewal driver education instructor certificate before receiving and reviewing the applicable criminal history checks from the Michigan State Police and the Federal Bureau of Investigation.
5. The Secretary of State shall use the criminal history report only for evaluating an applicant’s qualifications to receive a driver education instructor certificate.

Some individuals have had their local police agencies perform the electronic fingerprint services. For this to be accepted, the *Livescan Fingerprint Background Check Request* must be used, and the **Agency ID (3720E)** and **Reason Fingerprinted (LDE – Dept of State, Driver Education Certification)** must be entered. Be sure to check to ensure these two requirements are met. Otherwise, the results will not be sent to the Secretary of State, and the individual may need to get fingerprinted again.

The Secretary of State is prohibited from issuing a certificate to a driver education applicant whose criminal history includes a disqualifying conviction as described in Section 59 of PA 384 of 2006.

Submitting Updated Criminal History Records

Instructors are required to submit Michigan State Police and FBI criminal history records (fingerprint based) with the original instructor certification application and every four years with the renewal certification application in order to be certified.

Submitting “fingerprints” does not satisfy the criminal history record requirement. The requirement is not satisfied until the actual State and FBI criminal history records are received and reviewed by Secretary of State staff.

CRIMINAL HISTORY DENIAL CRITERIA

The following information can also be found in the Driver Education Provider and Instructor Act (DEPIA, PA 384 of 2006).

Section 59 – The Secretary of State shall automatically deny an original or renewal application for a driver education instructor and shall automatically revoke an instructor certificate without the necessity for notice and an opportunity for a hearing, if a criminal history check indicates a conviction of a violation or attempted violation of any of the following:

1. Criminal sexual conduct, assault with intent to commit criminal sexual conduct, or an attempt to commit criminal sexual conduct, in any degree under MCL 750.520b to 750.520g.
2. A felony involving a criminal assault or battery on an individual.
3. A crime involving felonious assault on a child, child abuse in the first degree, cruelty, torture, or indecent exposure involving a child.
4. A felony involving the manufacture, distribution, or dispensing of a controlled substance or possession with intent to manufacture, distribute, or dispense a controlled substance.
5. A felony conviction involving fraud as an element of the crime.

A denial or revocation shall continue for not less than 10 years from the date of the conviction.

Convictions Received After Certification

A driver education provider or a provider's designated representative or coordinator must immediately notify the Secretary of State if convicted of a violation or attempted violation listed in Section 59 of the Driver Education Provider and Instructor Act (also listed above). The designated representative or coordinator of a provider must also notify his or her driver education provider employer.

Notifications to the Secretary of State must be in writing and must include the following:

1. Identify the conviction.
2. Identify the date of the conviction.
3. Identify the court that imposed the conviction.
4. Details must include an explanation of the events surrounding the arrest (complaint or information statement), the arresting police agency (warrant information), court of jurisdiction, judgment or sentence, guilty plea or plea agreement.

You may also include any other information you feel would help clarify the conviction.

Section 63 – In addition to Section 59 above, this section provides:

1. The secretary of state shall automatically suspend or revoke a driver education instructor's certificate without notice and an opportunity for a hearing if the instructor's driver license is denied, suspended, revoked, or canceled by this state or another state. A driver education instructor whose driver license is denied, suspended, revoked, or canceled by this state or another state shall immediately return his or her instructor's certificate to the Secretary of State.
2. The Secretary of State may reinstate a driver education instructor's certificate suspended under this section if the instructor's driver license denial, suspension, revocation, or cancellation terminates before the instructor's certificate expires and the instructor submits a written request to the Secretary of State, as prescribed by the Secretary of State, for that reinstatement.
3. The Secretary of State shall not reinstate a driver education instructor certificate that is revoked under this section. A driver education instructor whose certificate is revoked may apply to the Secretary of State for an original driver education instructor certificate.

If an instructor is “associated” with a provider, in that a provider submitted a *DES-P06 Request of Change-Form B*, the Secretary of State will notify the driver education provider that the instructor's certificate has been cancelled, suspended, or revoked. It is the responsibility of the provider to immediately discontinue the use of an instructor. Providers who do not adhere to the law will be in violation and may face disciplinary action.

DRIVING RECORD DENIAL CRITERIA

Section 61

1. The Secretary of State shall automatically deny a driver education provider or instructor application or revoke a provider's or instructor's certificate without notice and an opportunity for a hearing, for a conviction for a violation or attempted violation for which 4 or more points are assessed under MCL 257.320a.

The denial or revocation shall remain in effect until the individual completes 5 consecutive years without another 4 or more point conviction under MCL 257.320a.

[If an instructor certification applicant moved to Michigan from another state during the 5-year period preceding the date on the instructor certification application and was issued a driver license by that state, a certified copy of the applicant's driving record from the prior state of residence must be submitted with the instructor certification application].

2. The Secretary of State shall automatically deny a driver education provider or instructor application, or revoke a provider's or instructor's certificate without notice and an opportunity for a hearing, until the individual does **not** have within the prior 2 years, 1 or more of the following:
 - a. Any combination of three or more driver license denials, suspensions, or revocations for failure to appear in court or a failure to comply with a court judgment under MCL 257.321a.
 - b. Conviction or finding of responsibility for a traffic violation in connection with 2 or more motor vehicle accidents.
 - c. An accumulation of 6 or more points under MCL 257.320a.
 - d. Transportation or possession of open alcohol container in vehicle.
 - e. Person less than 21 years of age with any bodily alcohol content.
 - f. Careless or negligent driving resulting in civil infraction.

Suspensions

Section 63 – In addition to Section 61 above, this section provides:

1. The Secretary of State shall automatically suspend or revoke a driver education instructor's certificate without notice and an opportunity for a hearing if the instructor's driver license is denied, suspended, revoked, or canceled by this state or another state. A driver education instructor whose driver license is denied, suspended, revoked, or canceled by this state or another state shall immediately return his or her instructor's certificate to the Secretary of State.
2. The Secretary of State may reinstate a driver education instructor's certificate suspended under this section if the instructor's driver license denial, suspension, revocation, or cancellation terminates before the instructor's certificate expires and the instructor submits a written request to the Secretary of State, as prescribed by the Secretary of State, for that reinstatement.
3. The Secretary of State shall not reinstate a driver education instructor certificate that is revoked under this section. A driver education instructor whose certificate is revoked may apply to the Secretary of State for an original driver education instructor certificate.

If an instructor is “associated” with a provider, in that a provider submitted a *DES-P06 Request of Change-Form B*, the Secretary of State will notify the driver education provider that the instructor's certificate has been cancelled, suspended, or revoked. It is the responsibility of the provider to immediately discontinue the use of an instructor. Providers who do not adhere to the law will be in violation and may face disciplinary action.

Out-of-State Driver License

A driver education instructor certification applicant who is not a resident of Michigan must submit an up-to-date certified driving record from their state of residence to the Secretary of State. The applicant must submit an up-to-date certified driving record every 60 days for as long as the applicant is not a resident of this state.

MEDICAL EXAMINATION REPORTS

All driver education instructors must be physically able to operate a motor vehicle and to train others in the operation of motor vehicles. To verify an instructor's physical ability, a dated medical examination report, preferably the Secretary of State's *DES-105 Medical Examination Report*, must be submitted to the Secretary of State.

The U.S. Department of Transportation's "Medical Examiner's Certificate (for Commercial Driver Medical Certification), MCSA-5876" will be accepted in place of the form prescribed by the Secretary of State.

A medical examination report cannot be more than 90 days old when submitted.

Submitting an Updated Medical Examination Report Upon Renewal

An updated medical examination reports must be submitted by the instructor certificate's expiration date. If the updated medical report is not received by the instructor certificate's expiration date, it may impact the application renewal process, and subsequently the instructor's certification.

A medical examination report must be submitted with the original instructor certificate application and an updated medical examination report with every subsequent certificate renewal application (biennially).

PROFESSIONAL DEVELOPMENT

Driver Education Instructor Professional Development Requirements

The Driver Education Provider and Instructor Act, MCL 256.641, requires instructors to certify compliance with the professional development requirements prescribed by the Secretary of State upon each renewal of his or her instructor certificate. In order to fulfill the requirement for each renewal cycle (every two years), an instructor must complete one of the options approved by the Secretary of State. The requirement must be attained within the instructor's current certification period.

Options that are recognized as approved and ongoing include:

1. Attendance at a state, regional, or national professional traffic safety organization conference or workshop approved by the Department of State.
2. Completing an online, distance learning, or email correspondence course.
3. Attendance at an approved workshop, seminar, or other training offered or sponsored by a professional organization (e.g., AAA, Association of Driving Educators for the Disabled, Michigan Center for Truck Safety, Michigan Driver and Traffic Safety Education Association, Office of Highway Safety Planning). To obtain approval for an option in this category which is not listed on the Department's Web site, instructors should submit information describing the proposed workshop, seminar, or training (including date, time, location, and topics presented) to the Traffic Safety Programs Division for review. If the proposed option is acceptable, the workshop, seminar, or training class will be added as an approved option.

To access the professional development options that are currently available click on the following link, and scroll to the bottom bullet that reads "Approved Driver Education Instructor Professional Development":

If you are reading a paper copy of this page, go to www.Michigan.gov/DriverEd. In the "search" box (upper right corner) type in "Approved Driver Education Instructor Professional Development", and click GO. Click on the first item listed (the PDF entitled "Approved Driver Education Instructor Professional Development").

Approved instructor professional development options are posted on the Department's Web site and updated regularly.

Instructors must retain appropriate documentation (e.g., registration receipts, certificates of completion, etc.) which reflects completion of professional development requirements. Random reviews will be performed to ensure instructors have completed the minimum requirements. **Do not send in the professional development documentation unless contacted.**

As a driver education provider, it would be prudent to remind your instructors as to this requirement, and monitor their compliance, so their certification does not become jeopardized.

If you have questions or need further information about professional development requirements, please contact the Michigan Department of State, Driver Programs Division, at (517) 241-6850.

DECEPTIVE OR UNCONSCIONABLE METHODS, ACTS, OR PRACTICES**Section 67**

A driver education provider or instructor shall not engage in a deceptive or unconscionable method, act, or practice. The following are deceptive or unconscionable methods, acts, or practices.

- a. Using, adopting, or conducting business under a name that is the same as, like, or deceptively similar to, the name of another driver education provider.
- b. Except as otherwise provided in this subsection, using the word “state,” “government,” “municipal,” “city,” or “county” as part of the name of the driver education provider. This provision does not apply to an educational institution or a governmental agency.
- c. Advertising, representing, or implying that a driver education provider is supervised, recommended, or endorsed by, or affiliated or associated with, or employed by, or an agent or representative of this state, the Secretary of State, or a bureau of the Secretary of State.
- d. Advertising or publicizing under a name other than the provider’s full business name as identified on the provider’s application for a driver education provider certificate.
- e. Advertising that the provider is open for business before the Secretary of State issues a driver education provider certificate to the provider.
- f. Soliciting business on the premises of any facility rented, leased, owned, or used by the Secretary of State.
- g. Misrepresenting the quantity or quality of the instruction provided or the requirements for a driver license, endorsement, minor restricted or temporary permit, or driver education certificate.
- h. Failing to promptly restore any deposit, down payment, or other payment that a person is entitled to after an agreement is rescinded, canceled, or otherwise terminated as required under the agreement or applicable law.
- i. Taking advantage of a student’s or potential student’s inability to reasonably protect his or her interest because of a disability, illiteracy, or inability to understand the language of an agreement, if the driver education provider knows or reasonably should have known of the student’s or potential student’s inability.
- j. Failing to honor a term of a student’s, parent’s, or legal guardian’s agreement.
- k. Falsifying a document, agreement, record, report, or certificate required under this act or a rule promulgated under this act.
- l. Causing or allowing a student, parent, or legal guardian to sign a document in blank.

SANCTIONS

The following information can also be found in the Driver Education Provider and Instructor Act (DEPIA, PA 384 of 2006).

Section 69 – Grants the Secretary of State the authority to impose one or more of the sanctions in subsection (2) after notice and opportunity for a hearing if the Secretary of State determines that a person, a driver education provider, a driver education instructor, or an applicant for either a provider or instructor certificate did 1 or more of the following:

1. Failed to meet a requirement under this act or a rule promulgated under this act.
2. Violated this act or a rule promulgated under this act.
3. Made an untrue or misleading statement of a material fact to the Secretary of State or concealed a material fact in connection with an application for a provider or instructor certificate.
4. Permitted fraud or engaged in a fraudulent method, act, or practice in connection with a driver license or temporary driving permit application submitted to the Secretary of State, or induced or countenanced fraud or a fraudulent method, act, or practice on the part of an applicant for a driver license or permit.
5. Engaged in an unfair or deceptive method, act, or practice or made an untrue statement of a material fact.
6. Violated a condition of probation or suspension or an order issued under this act.
7. Failed to maintain good moral character as defined and determined under 1974 PA 381, MCL 338.41 to 338.47, in connection with business operations.

After the Secretary of State determines that a person, a driver education provider, a driver education instructor, or an applicant for a provider or instructor certificate committed a violation listed in subsection (1), the Secretary of State may impose upon the person, provider, instructor, or applicant 1 or more of the following sanctions:

1. Denial of an application for a driver education provider certificate or a driver education instructor certificate.
2. Suspension or revocation of a driver education provider certificate or a driver education instructor certificate.
3. An administrative fine paid to the Secretary of State in an amount not to exceed \$1,000 for each violation.
4. A requirement to take the affirmative action determined necessary by the Secretary of State, including payment of restitution to a student or to an injured person.

A sanction may be imposed under subsection (2) in addition to criminal penalties otherwise imposed for the same violation under this act or by law. The remedies and sanctions under this act are independent and cumulative.

RESOURCES AND MATERIALS**PAGE**

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**MICHIGAN DEPARTMENT OF STATE
CONTACT INFORMATION**

**DRIVER EDUCATION UNIT
DRIVER EDUCATION AND TESTING SECTION
BUSINESS COMPLIANCE AND REGULATION DIVISION**

Mailing Address

Michigan Department of State
Driver Education & Testing Section
430 West Allegan, 3rd Floor
Lansing, MI 48918

Phone: (517) 241-6850

Fax: (517) 335-3155

E-mail: DriverEd@Michigan.gov

Website: www.Michigan.gov/DriverEd

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INVENTORY SERVICES SECTION

Mailing/Delivery Address

Inventory Services Section
MDOS Sunset Warehouse
Lansing, Michigan 48917-1806

Phone: 517-371-5284

Fax: 517-316-1621

Email: SOSInvControl@Michigan.gov

CERTIFICATES OF COMPLETION (Teen Driver Education Providers)

Issuing Certificates of Completion

Always issue completion certificates (both Segment 1 and Segment 2) in sequential order.

Certificates should be filled in electronically, or hand-written using a pen. NEVER USE PENCIL. Enter the student's FULL name, as it appears on their birth certificate. Students should never be allowed to fill out their own certificates. If an error is made while filling out a Segment 1 or Segment 2 completion certificate, **do not attempt to alter or erase the error.** Secretary of State Branch office personnel have been advised not to accept certificates containing erasures, certificates containing "white-out" or certificates where a line has been drawn through any information. The certificate must be voided, and a new certificate must be used. Follow the procedures listed below to void certificates.

1. Write the word "**VOID**" in bold letters across the face of the certificate.
2. Attach the voided certificate to the **school's** copy of the *Program Completion Data* form. **Do not mail the voided certificate to the Driver Education Section.**

Issuing "Replacement" Certificates of Completion

If a student loses or damages a completion certificate:

1. Document the issuance of the replacement certificate on school letterhead. The document should contain the following information:
 - a. Student's name and Program Number of the class the student attended (add program dates in parentheses).
 - b. A brief accounting of whether the original certificate was damaged, lost or stolen.
 - c. The control number of the replacement certificate and date issued.
 - d. The name and signature of the instructor issuing the replacement.
 - e. The letterhead document, along with a photocopy of the replacement certificate, should be attached to the student's record.
2. Record the replacement certificate information on the *Replacement Certificate* log form (DES-103). Enter the new (or replacement) certificate number and the old (or lost, destroyed, stolen) certificate number, the program attended, and the student's name. The *Replacement Certificate* log will be kept for the entire year, and submitted with the year-end report.

Reporting Stolen or Missing Certificate Inventory

Driver education providers, authorized representatives, and driver education coordinators must keep completion certificates (Segment 1 and Segment 2) secured at all times. If unused certificate inventory is stolen or cannot be accounted for, this must be reported immediately to the Driver Education Section. The report must be in writing on the provider's letterhead and contain the following:

1. Driver education provider, educational institution, or governmental agency name and certificate number.
2. A complete listing of the stolen or missing certificate control number(s).
3. A detailed account of how the certificates were stolen or became missing, including any information regarding possible suspects or reasons for the loss.
4. Police reports are encouraged, particularly in case of forced entry or burglary.

Fax your report to 517-335-3155 or mail it to: Michigan Department of State, Driver Programs Division, Driver Education Section, Lansing, MI 48918. If using a commercial delivery service (e.g. UPS or FedEx), send to: Michigan Department of State, Driver Programs Division, Driver Education Section, 430 W. Allegan St., Lansing, MI 48933.

Ordering Certificates

Driver education Segment 1 and Segment 2 certificates of completion must be ordered by the driver education provider, authorized representative, or driver education coordinator. Keep a copy of all orders for your files. When placing an order, follow the procedures below.

1. Determine a realistic estimate (3 or 4 month supply) of certificates needed. The Secretary of State reserves the right to limit quantities based on overall program needs. **Completion certificates will not be released to a driver education provider who has not returned a *Material Movement Form* from a prior shipment or has not submitted *Program Request* or *Program Completion Data* forms. Certificate orders will also be held if the provider is delinquent in submitting forms, updates, reports, or there are any other HOLDS or ALERTS on the provider.**
2. Do not allow your supply of certificates to become exhausted before submitting a request for additional supplies. Conversely, you should not stockpile certificates beyond a 4-month supply.
3. Orders MUST be placed by using the Department's *DES-P10 Driver Education Materials Request* form.
4. Orders for certificates must include the provider's certification number, the owner's, authorized representative's or driver education coordinator's name and signature, and the number of certificates needed. Orders will ONLY be shipped to the business address. **Certificates cannot be shipped to a P.O. Box.** Certificates are delivered via UPS. The signature of the person accepting delivery of the certificates is required by UPS. If you anticipate that someone would not be at your business office to sign for the certificates, you should make arrangements with your local UPS center for them to hold the certificates and you pick them up there.

5. The unit of issue for the Segment 1 and Segment 2 certificates is by the “package.” Each package contains 100 certificates (25 sheets with 4 certificates per sheet). Therefore, a minimum of one (1) package or 100 certificates must be ordered.
6. **Do not attempt to pick up supplies of completion certificates at the Secretary of State Inventory Services Section or the Driver Education Section office. Supplies of the certificates are not maintained at these locations.**
7. All completion certificate orders submitted on the *DES-P10 Driver Education Materials Request* form and must be faxed or mailed to the address below on the Phoned-in orders and orders from instructors will not be processed.
8. Allow up to 14 days for processing and UPS delivery. To check on the status of an order call the Inventory Services Section at (517) 371-5284.

Inventory Services Section
MDOS Sunset Warehouse
Lansing, Michigan 48917-1806
Phone: 517-371-5284
Fax: 517-316-1621
Email: SOSInvControl@Michigan.gov

Completing the Certificate Material Movement Form

The Secretary of State’s Inventory Services Section is responsible for the assignment and distribution of Segment 1 and Segment 2 certificates of completion to all driver education providers. The Secretary of State reserves the right to limit quantities of certificates shipped based on the number of students trained in the past and to prevent stockpiling.

Each shipment of completion certificates should contain an *Inventory Control Unit Material Movement Form*. The form specifies the numbered block of certificates (Segment 1 and Segment 2) assigned and shipped to the school. (If the shipment is received without an *Inventory Control Unit Material Movement Form*, the Inventory Control Unit mails a second copy of the form a day after the order is shipped.) See appendix for a sample of the Material Movement Form.

Upon delivery of the certificates, verify the control numbers of the inventory received against the *Material Movement Form*. This form verifies receipt of the inventory and must be signed by a school official (i.e., school owner, authorized representative, or driver education coordinator) and returned to the Department’s Inventory Control Unit within five days. **Failure to return the Material Movement Form will result in the denial of subsequent certificate orders until the form is received.** Keep a copy of the signed *Material Movement Form* for your files. Attach it to your copy of the supply order. See a sample of the Material Movement form on the next page.

Once the supply of certificates has been verified, the certificates must be kept in a secure place that is inaccessible to unauthorized persons at all times. It is your responsibility to account for

PARENT DRIVING PERMITS – Teen Programs

During Segment 1, a student who has completed at least 10 hours of classroom and 2 hours of behind-the-wheel instruction **may** be issued a temporary driver education certificate (Parent Driving Permit) furnished by the Secretary of State. The permit authorizes a student to drive a motor vehicle, other than a vehicle requiring a motorcycle or commercial motor vehicle endorsement, when accompanied by a licensed parent or guardian, or when accompanied by a non-licensed parent or guardian and a licensed adult for the purpose of receiving additional instruction.

The Secretary of State currently makes available a template, from which a provider may duplicate the permits. **The student may only drive in Michigan on the permit.** In an effort to reduce the likelihood of permit misuse follow the guidelines below for the issuance and use of parent driving permits.

1. Maintain tight security of the template and fill in all required information (typing the information is recommended). Since the permit is often referred to as the “pink permit,” it should be duplicated on pink paper.
2. Number the permits and maintain an accurate log that includes the student name, permit number, issue date, and expiration date.
3. Parental permission must be obtained prior to issuing a permit to a student. The parent should be informed of the availability of the permit and its intent. The purpose of the permit is to provide an opportunity for reinforcement of the instruction already received. Students should not attempt driving tasks that have not been previously introduced to them in driver education.
4. Thoroughly review the information and restrictions on the permit with the student and parent(s). The permit can only be used when a licensed parent or legal guardian accompanies the student or when both a non-licensed parent or legal guardian and a licensed adult accompany the student. Inform the parent(s) of the student’s progress before issuance of the permit. The student must also meet the physical requirements specified by law for operation of a motor vehicle.
5. Instruct parents to contact their insurance company to determine whether a change to the policy is required prior to using the permit

The permit is valid as long as the student is enrolled in a Segment 1 driver education class. The permit expires once the student’s Segment 1 course is completed or the student leaves the class. The permit should be retrieved from the student upon issuance of a Segment 1 completion certificate. Since driver education is an “integrated and related” program, with regards to classroom and behind-the-wheel, the parent driving permit may not have an expiration date more than three weeks past the ending date of the classroom phase.

If you wish to utilize the Parent Driving Permit, and do not already have the “Secretary of State” template, please contact the Driver Education Section by email at DriverEd@Michigan.gov to request the template and instructions.

DRIVER EDUCATION MATERIALS

Ordering Driver Education Materials

Driver education materials must be ordered by the driver education provider, authorized representative, or driver education coordinator. Keep a copy of all orders for your files. When placing an order, follow the steps below.

1. Determine a realistic estimate (3 or 4 month supply) of driver education materials needed. The Secretary of State reserves the right to limit quantities based on overall program needs.
2. Do not include orders for Segment 1 and Segment 2 certificates of completion with orders for driver education materials.
3. Do not allow your supply of driver education materials to become exhausted before submitting a request for additional supplies.
4. Orders may only be submitted using the Department’s *DES-P10 Driver Education Materials Request* form you must include the provider’s certification number, the owner’s, authorized representative’s or driver education coordinator’s name and signature. The order must also contain a physical street address. **Driver education materials are shipped UPS and cannot be shipped to a P.O. Box.** Certificates are delivered via UPS. Include the form number listed below on the order form.

<u>Form Name</u>	<u>Form Number</u>	<u>Unit of Issue</u>
What Every Driver Must Know	SOS-133	<u>Each</u> (100 per box)
GDL: A Guide for Parents	SOS-383	<u>Pkg</u> of 25
Driving Skills Test Study Guide (packages)	SOS-360	<u>Pkg</u> of 25 (limit 20 packages)
Your Probationary License	SOS-215 (packages)	<u>Pkg</u> of 100 (limit 2 packages)
ID Requirements for Original Driver’s License or ID	SOS-428	<u>Pkg</u> of 250 (limit 2 packages)
Michigan Commercial Driver License Manual (Limit 2 Boxes)	TS-004	<u>Box</u> of 38

Do not attempt to pick up supplies of driver education materials at the Secretary of State Inventory Services Section or the Driver Education Section office. Supplies are not maintained at these locations.

5. All driver education material orders must be faxed or emailed to the address below. Phoned-in orders and orders from instructors will not be processed.

Inventory Services Section
MDOS Sunset Warehouse
Lansing, Michigan 48917-1806
Phone: 517-371-5284
Fax: 517-316-1621
Email: SOSInvControl@Michigan.gov

6. Allow up to 14 days for processing and UPS delivery. To check on the status of an order call the Inventory Services Section at (517) 371-5284.

DRIVER EDUCATION WEBSITE

The Driver Education website contains information pertinent to the driver education providers, instructors, parents and students. The website is used in-house, and for referring providers, instructors, and the public to driver education rules, regulations, policies, procedures, forms, and general information.

Steps to access the website are as follows:

Provider and Instructor Website

Click on www.Michigan.gov/DriverEd

Or go to:

1. www.michigan.gov/sos
2. Click on Driver License and State ID
3. Click on Michigan's Driver Education

What can be found:

- Driver Education Publications and Forms
- Renewing provider and instructor certificates on-line
- Driver Education Section contact information
- Graduated driver license restrictions
- Correspondence sent to providers and instructors
- Segment 1 minimum age verification tables
- Segment 2 driver education Risk Awareness Fact Sheets
- Multiple vehicle driving facility (range) information
- Approved Instructor Preparation programs
- Driver education instructor certification requirements
- Driver education instructor application packet
- Professional development postings
- Archived correspondences/documents

Teen Driver Website

Click on www.michigan.gov/teendrivers

What can be found:

- Parent/Teen safe driving contract
- Driver education provider classroom locations
- Link to Parent's Supervised Driving Guide
- Driver education complaint form
- Information on Segment 1 and Segment 2 courses
- Graduated driver license requirements

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Select www.Michigan.gov/DriverEd will take you to the Secretary of State website where you will find the forms. If you choose to maintain a printed version of the Driver Education Provider Manual, please be aware that the forms are periodically updated on the department website.

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