



# TRAFFIC SERVICES SECTION FIELD UPDATE

January 4, 2011

Issue No. 38

“Field Update” is a publication produced by the Michigan State Police’s Traffic Safety Division. To subscribe, e-mail Sgt. Michael Church at [churchma@michigan.gov](mailto:churchma@michigan.gov). Updates are sent to subscribers as traffic-related policy develops.

## New Graduated Driver’s License Restrictions

According to the Insurance Institute for Highway Safety (IIHS), “[s]ixty-three percent of teenage passenger deaths in 2008 occurred in vehicles driven by another teenager. Among deaths of passengers of all ages, 19 percent occurred when a teenager was driving.” This statistic is available at [http://www.iihs.org/research/fatality\\_facts\\_2008/teenagers.html](http://www.iihs.org/research/fatality_facts_2008/teenagers.html). Additional studies on that website show that “strong restrictions on nighttime [driving] and teenage passengers” can help to reduce the rate of fatal car crashes.

Although there may be various explanations for the IIHS’s findings, it is clear that nighttime driving and driving with youthful passengers increase the hazards already faced by youthful, inexperienced drivers.

Governor Jennifer Granholm signed House Bill 4493 of 2009 on December 14, 2010. This bill adds new restrictions to the Graduated Driver License (GDL). These restrictions address the concerns created by inexperienced drivers who drive at night or with teenage passengers. House Bill 4493 will become effective 90 days after the Michigan Legislature’s 2010 term adjourns.

Most notably, HB 4493 prohibits GDL level two drivers from having more than one passenger under

the age of 21 (“youthful passengers”). There are two exceptions to this restriction. First, a GDL level two driver may have additional youthful passengers if those passengers are members of the driver’s immediate family. Second, a GDL level two driver may have additional youthful passengers when driving to or from a school-sanctioned event.

The amended statute also prohibits a GDL level two driver from operating a motor vehicle between the hours of 10 p.m. and 5 a.m. (“nighttime”). GDL level two drivers were previously prohibited from driving between midnight and 5 a.m.

There are two exceptions to the nighttime driving restriction. The first exception is that a GDL level two driver may drive at nighttime if he or she is accompanied by his or her parent, legal guardian, or a licensed driver over the age of 21 who has been designated by the driver’s parent or legal guardian. The second exception is that a GDL level two driver may drive during nighttime if he or she is traveling to or from employment.

GDL level two drivers and their parents should pay close attention to these restrictions and their exceptions. There are two categories of restrictions: nighttime driving and youthful passengers. It is very important to realize that the exceptions for these restrictions do not overlap. For example, the employment exception for the nighttime driving restriction does not apply to the passenger restriction. Likewise, the school-sanctioned event exception for the passenger restriction does not apply to the nighttime driving restriction.

This update is provided for informational purposes only. Officers should contact their local prosecutor for an interpretation before applying the information contained in this update