

Act No. 280
Public Acts of 1989
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**STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1989**

Introduced by Senators Faust, Geo. Hart, O'Brien, Binsfeld, J. Hart, Holmes and Vaughn

ENROLLED SENATE BILL No. 353

AN ACT to amend sections 7a, 226, 305, 305a, 309, 312e, 312h, 313, 314, 314b, 316a, 801g, and 812 of Act No. 300 of the Public Acts of 1949, entitled as amended "An act to provide for the registration, titling, sale, transfer, and regulation of vehicles operated upon the public highways of this state or any other place open to the general public and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," section 226 as amended by Act No. 136 of the Public Acts of 1989, sections 305, 309, 312e, 312h, and 314 as amended and section 7a as added by Act No. 346 of the Public Acts of 1988, sections 305a and 316a as amended by Act No. 112 of the Public Acts of 1981, section 313 as amended by Act No. 63 of the Public Acts of 1983, section 314b as amended by Act No. 495 of the Public Acts of 1988, section 801g as amended by Act No. 311 of the Public Acts of 1986, and section 812 as amended by Act No. 232 of the Public Acts of 1987, being sections 257.7a, 257.226, 257.305, 257.305a, 257.309, 257.312e, 257.312h, 257.313, 257.314, 257.314b, 257.316a, 257.801g, and 257.812 of the Michigan Compiled Laws; to add sections 57c and 821; and to repeal certain parts of the act.

The People of the State of Michigan enact:

Section 1. Sections 7a, 226, 305, 305a, 309, 312e, 312h, 313, 314, 314b, 316a, 801g, and 812 of Act No. 300 of the Public Acts of 1949, section 226 as amended by Act No. 136 of the Public Acts of 1989, sections 305, 309, 312e, 312h, and 314 as amended and section 7a as added by Act No. 346 of the Public Acts of 1988, sections 305a and 316a as amended by Act No. 112 of the Public Acts of 1981, section 313 as amended by Act No. 63 of the Public Acts of 1983, section 314b as amended by Act No. 495 of the Public Acts of 1988, section 801g as amended by Act No. 311 of the Public Acts of 1986, and section 812 as amended by Act No. 232 of the Public Acts of 1987, being sections 257.7a, 257.226, 257.305, 257.305a, 257.309, 257.312e, 257.312h, 257.313, 257.314, 257.314b, 257.316a, 257.801g, and 257.812 of the Michigan Compiled Laws, are amended and sections 57c and 821 are added to read as follows:

Sec. 7a. "Commercial motor vehicle" means a bus, school bus, school transportation vehicle, or a motor vehicle, except a motor home, having a gross vehicle weight rating of 26,001 or more pounds; a motor vehicle towing a vehicle with a gross vehicle weight rating of more than 10,000 pounds; or a motor vehicle carrying hazardous material and on which is required to be posted a placard as defined and required under 49 C.F.R. parts 100 to 199. A commercial motor vehicle does not include a vehicle used exclusively to transport personal possessions or family members for nonbusiness purposes.

Sec. 57c. "School transportation vehicle" means every motor vehicle with a manufacturer's rated seating capacity of less than 16 passengers, including the driver, owned by a public, private, or governmental agency and operated for the regularly scheduled transportation of children directly to or from school and home, or privately owned and operated for compensation for the regularly scheduled transportation of children directly to or from school and home. Transportation to extracurricular events shall not be considered regularly scheduled transportation.

Sec. 226. (1) A vehicle registration issued by the secretary of state expires on the owner's birthday, unless another expiration date is provided for under this act or unless the registration is for the following vehicles, in which case registration expires on the last day of February:

(a) A commercial vehicle other than a pickup truck or van owned by an individual.

(b) A trailer or semitrailer owned by a business, corporations, or person other than an individual; or a pole trailer.

(2) The expiration date for a registration issued for a motorcycle is March 31.

(3) The expiration date for a registration bearing the letters "SEN" or "REP" is February 1.

(4) In the case of a vehicle owned by a business, corporation, or an owner other than an individual, the secretary of state may assign or reassign the expiration date of the registration.

(5) The secretary of state shall do all of the following:

(a) After December 31, 1982, if the year designated on the registration is 1984, after December 31, 1987, if the registration expired on February 28, 1989, or after the October 1 immediately preceding the year designated on the registration for all years other than 1984 or 1989, issue a registration upon application and payment of the proper fee for a commercial vehicle, other than a pickup or van owned by an individual; or a trailer owned by a business, corporation, or person other than an individual.

(b) On or after January 1 of the year designated on an international registration plan registration plate, issue a registration under section 801g upon application and payment of the proper apportioned fee for a commercial vehicle engaged in interstate commerce.

(c) After the February 14 immediately preceding the year designated on a registration, issue a registration upon application and payment of the proper fee for a motorcycle.

(d) Beginning 45 days before the owner's birthday and 120 days before the expiration date assigned by the secretary of state, issue a registration for a vehicle other than those designated in subsection (1)(a) or (b). However, if an owner whose registration period begins 45 days before his or her birthday will be out of the state during the 45 days immediately preceding expiration of a registration or for other good cause shown cannot apply for a renewal registration within the 45-day period, application for a renewal registration may be made not more than 6 months before expiration.

(6) Except as otherwise provided in this subsection, the secretary of state, upon application and payment of the proper fee, shall issue a registration for a vehicle to a resident which shall expire on the owner's birthday. If the owner's next birthday is at least 6 months but not more than 12 months in the future, the owner shall receive a registration valid until the owner's next birthday. If the owner's next birthday is less than 6 months in the future, the owner shall receive a registration valid until the owner's birthday following the owner's next birthday. The tax required under this act for a registration described in this subsection shall bear the same relationship to the tax required under section 801 for a 12-month registration as the length of time of the registration bears to 12 months. Partial months shall be considered as whole months in the calculation of the required tax and in the determination of the length of time between the application for a registration and the owner's next birthday. The tax required for that registration shall be rounded off to whole dollars as provided in section 801.

(7) A certificate of title shall remain valid until canceled by the secretary of state for cause or upon a transfer of an interest shown on the certificate of title.

(8) The secretary of state, upon request, shall issue special registration for commercial vehicles, valid for 6 months after the date of issue, if the full registration fee exceeds \$50.00, on the payment of 1/2 the full registration fee and a service charge as enumerated in section 802(1).

(9) The secretary of state may issue a special registration for each of the following:

(a) A new vehicle purchased outside of this state and delivered in this state to the purchaser by the manufacturer of that vehicle for removal to a place outside of this state, if a certification is made that the vehicle will be primarily used, stored, and registered outside of this state and will not be returned to this state by the purchaser for use or storage.

(b) A vehicle purchased in this state and delivered to the purchaser by a dealer or by the owner of the vehicle for removal to a place outside of this state, if a certification is made that the vehicle will be primarily used,

stored, and registered outside of this state and will not be returned to this state by the purchaser for use or storage.

(10) A special registration issued under subsection (9) is valid for not more than 30 days after the date of issuance, and a fee shall be collected for each special registration as provided in section 802(3). The special registration may be in the form determined by the secretary of state. If a dealer makes a retail sale of a vehicle to a purchaser who is qualified and eligible to obtain a special registration, the dealer shall apply for the special registration for the purchaser. If a person other than a dealer sells a vehicle to a purchaser who is qualified and eligible to obtain a special registration, the purchaser shall appear in person, or by a person exercising the purchaser's power of attorney, at an office of the secretary of state and furnish a certification that the person is the bona fide purchaser or that the person has granted the power of attorney, together with other forms required for the issuance of the special registration. The certification required in this subsection shall contain all of the following:

- (a) The address of the purchaser.
- (b) A statement that the vehicle is purchased for registration outside of this state.
- (c) A statement that the vehicle shall be primarily used, stored, and registered outside of this state.
- (d) The name of the jurisdiction in which the vehicle is to be registered.
- (e) Other information desired by the secretary of state.

(11) Upon request, the secretary of state may issue a registration valid for 6 months after the date of issuance for use on a trailer or semitrailer weighing 1,500 pounds or less and that is used for recreational purposes, upon payment of 1/2 the full registration fee imposed under section 801(1)(l).

Sec. 305. A person, whether licensed under this act or not, who is 17 years of age or less shall not drive a motor vehicle while in use as a school bus or school transportation vehicle. Before driving a school bus or school transportation vehicle, a person shall pass annual physical and driver competence examinations as authorized by the superintendent of public instruction. The tests shall be made available annually in each of the intermediate school districts. A person shall not operate a school bus or school transportation vehicle unless that person possesses a valid chauffeur's license, the appropriate vehicle group designation, and a passenger vehicle indorsement under section 312e.

Sec. 305a. A driver of a public or nonpublic school bus or school transportation vehicle shall have in his or her possession a certificate stating that he or she has been enrolled in or has completed a course in school bus safety education. The course shall be approved by the superintendent of public instruction and shall be provided by an intermediate school district or a state university. The cost of the course of instruction and the compensation of the driver during the course of instruction shall be reimbursed by the state on an equal basis for public and nonpublic schools as provided for by the department of education. The certificate of enrollment or completion of the course shall be prescribed by the superintendent of public instruction and completed by an instructor of the course. Failure to complete the course shall be reported by the instructor to the department of education and to the school which employs the driver. A driver who fails to complete the course within the school year in which he or she is enrolled shall not be permitted to drive a school bus or school transportation vehicle. This section shall not be construed to apply to employees or transportation equipment operators of commercial bus companies engaged in the regular business of carrying passengers for hire.

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 be required to certify to his or her physical capability to operate a motor vehicle.

(2) Sheriffs, their deputies and the chiefs of police of cities and villages having organized police departments within this state and their duly authorized representatives, and employees of the secretary of state may be appointed examining officers for the purpose of examining applicants for operator's and chauffeur's licenses by the secretary of state. An examining officer shall conduct examinations of applicants for operator's and chauffeur's licenses, under this chapter, and in accordance with 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, Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.328 of the Michigan Compiled Laws, 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 which 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) An original operator's or chauffeur's license without a vehicle group designation or indorsement shall not be issued by the secretary of state without an examination conducted by the secretary of state or by a designated examining officer under subsection (2). The fee for a behind-the-wheel road test for an operator's or a chauffeur's license shall be \$11.00. An original vehicle group designation or indorsement shall not be issued by the secretary of state without a knowledge test conducted by the secretary of state. Knowledge tests for original vehicle group designations or indorsements conducted by the secretary of state prior to April 1, 1992, shall be valid for 12 months from the date of the test. Except as provided in section 312f(1), an original vehicle group designation or passenger indorsement shall not be issued by the secretary of state without a behind-the-wheel road test conducted by an examiner appointed or authorized by the secretary of state. While in the course of taking a behind-the-wheel road test conducted by the examiner who shall occupy a seat beside the applicant, an applicant for an original vehicle group designation or passenger indorsement who has been issued a temporary instruction permit to operate a commercial motor vehicle shall be permitted to operate a vehicle requiring a vehicle group designation or passenger indorsement without a person licensed to operate a commercial motor vehicle occupying a seat beside him or her. The fee for a behind-the-wheel road test for a vehicle group designation or indorsement shall be \$60.00. A refund shall not be given to an applicant who fails a behind-the-wheel road test. Except for issuance of a vehicle group designation or passenger indorsement, unless the applicant qualifies under section 307(1)(d), a behind-the-wheel road test shall not be required of an applicant if the applicant has successfully passed a driver education course and examination, within the year preceding the application for license, the course and examination were given pursuant to section 811, and the course and examination included on-the-street driver experience. As used in this subsection, "on-the-street driver experience" means that the applicant operated a motor vehicle as a part of the driver education course on a freeway or other laned roadway for not less than 1 hour.

(5) A person who fails a knowledge test or pretrip inspection for a vehicle group designation or an indorsement and a person who cannot be scheduled for a behind-the-wheel road test before his or her license expires may apply to the secretary of state for a 90-day extension of his or her driving privileges. If an extension is issued, it shall expire 90 days after the date the license expired. A person making application under this subsection shall pay a license extension fee of \$5.00. The secretary of state shall not issue more than one 90-day extension to a person. This subsection shall apply until April 1, 1992.

Sec. 312e. (1) Except as provided in subsections (4), (5), and (6), a person, before operating a vehicle towing a vehicle having a gross vehicle weight rating over 10,000 pounds, shall procure a group A vehicle designation on his or her operator's or chauffeur's license. Unless an indorsement is required, a person licensed to operate a group A designated vehicle may operate a group B or C designated vehicle without taking another test. A person, before operating a single vehicle having a gross vehicle weight rating of 26,001 pounds or more, or any combination of vehicles having a gross combination weight rating of 26,001 pounds or more if the vehicle being towed does not have a gross vehicle weight rating over 10,000 pounds, shall procure a group B vehicle designation on his or her operator's or chauffeur's license. Unless an indorsement is required, a person licensed to operate a group B vehicle may operate a group C vehicle without taking another test. A person, before operating a school transportation vehicle or a single vehicle having a gross vehicle weight rating under 26,001 pounds or a combination of vehicles having a gross combination weight rating under 26,001 pounds if the vehicle being towed does not have a gross vehicle weight rating over 10,000 pounds and carrying hazardous materials on which a placard is required under 49 C.F.R. parts 100 to 199, or designed to transport 16 or more passengers including the driver, shall procure a group C vehicle designation and a hazardous material or passenger vehicle indorsement on his or her operator's or chauffeur's license. An applicant for a vehicle group designation shall take knowledge and driving skills tests that comply with minimum federal standards prescribed in 49 C.F.R. part 383 as required under this act. The license shall be issued, suspended, revoked, canceled, or renewed in accordance with this act.

(2) A person, before operating a commercial motor vehicle pulling double or triple trailers, shall procure the appropriate vehicle group designation and a T vehicle indorsement under this act. A person, before operating a commercial motor vehicle that is a tank vehicle, shall procure the appropriate vehicle group designation and an N vehicle indorsement under this act. A person, before operating a commercial motor vehicle carrying hazardous materials, shall procure the appropriate vehicle group designation and an H vehicle indorsement

under this act. A person, before operating a commercial motor vehicle that is a tank vehicle carrying hazardous material, shall procure the appropriate vehicle group designation and an X vehicle indorsement under this act. A person, before operating a bus, school bus, or school transportation vehicle, shall procure the appropriate vehicle group designation and a P vehicle indorsement under this act. A person who fails the air brake portion of the written or driving tests provided under section 312f or who takes the driving test provided under that section in a commercial motor vehicle that is not equipped with air brakes shall not operate a commercial motor vehicle equipped with air brakes. One or more indorsements may be necessary to operate a commercial motor vehicle. An applicant for an indorsement shall take the knowledge and driving skills tests described and required pursuant to 49 C.F.R. part 383. An applicant for a P vehicle indorsement shall take the driving skills test in a bus or school bus.

(3) The holder of an unexpired operator's or chauffeur's license may be issued a vehicle group designation and indorsement valid for the remainder of the license upon meeting the qualifications of section 312f and payment of the original vehicle group designation fee of \$20.00 and an indorsement fee of \$5.00 per indorsement for a 4-year operator's or chauffeur's license, payment of a vehicle group designation fee of \$20.00 for a 2-year operator's or chauffeur's license under section 314b and an indorsement fee of \$5.00 per indorsement, or payment of a vehicle group designation fee of \$20.00 for a 1-year chauffeur's license under section 312h and an indorsement fee of \$5.00 per indorsement, and a corrected license fee of \$5.00.

(4) This section does not apply to a farmer who drives a passenger vehicle, pickup truck, or truck with a farm registration plate and a gross vehicle weight rating of not more than 26,000 pounds that is towing a trailer or semitrailer used exclusively in agricultural operations for the transportation of agricultural products, farm machinery, or farm supplies within 150 miles of the farm.

(5) This section does not apply to a fire fighter operating an authorized emergency vehicle who has met the driver training standards of the Michigan fire fighters' training council.

(6) This section does not apply to a person operating a motor home or a vehicle used exclusively to transport personal possessions or family members for nonbusiness purposes.

(7) A licensee who holds an operator's or chauffeur's license with a class 1 indorsement issued before October 1, 1989, may operate a single vehicle weighing over 24,000 pounds gross vehicle weight without having been issued a group B vehicle designation on his or her license until the license expires as provided in subsection (8). A licensee who holds an operator's or chauffeur's license with a class 2 indorsement issued before October 1, 1989, may operate a combination of vehicles weighing over 24,000 pounds gross vehicle weight or a vehicle towing a vehicle weighing over 10,000 pounds gross vehicle weight or a single vehicle weighing over 24,000 pounds gross vehicle weight without having been issued a group A or B vehicle designation on his or her license until the license expires as provided in subsection (8). A licensee who holds an operator's or chauffeur's license with a class 3 indorsement issued before October 1, 1989, may operate a bus or school bus without having been issued a vehicle group designation or passenger vehicle indorsement on his or her license until the license expires as provided in subsection (8).

(8) The class 1, class 2, or class 3 indorsement on a person's operator's or chauffeur's license which expires after March 31, 1992 shall expire on the person's next birthday after March 31, 1991.

(9) The money received and collected under subsection (3) for a vehicle group designation or indorsement shall be deposited 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, \$3.00 for each applicant examined for a first designation or indorsement to a 4-year operator's or chauffeur's license, \$2.50 for each original designation or indorsement to a 2-year operator's or chauffeur's license, \$1.50 for each renewal designation or indorsement to a 2- or 4-year operator's or chauffeur's license, whose application is not denied, on the condition, however, that the money refunded shall be paid to the county or local treasurer and is appropriated to the county, municipality, or officer or bureau receiving that money for the purpose of carrying out this act.

Sec. 312h. (1) A person who is issued an original chauffeur's license as described in section 314(3), upon payment of a fee of \$20.00 for a vehicle group designation and \$5.00 for each indorsement in addition to any other chauffeur's license fees and compliance with section 312f, may be issued a vehicle group designation and indorsement for the same period.

(2) A person, 60 years of age or older, who has the option under section 314(3) to renew his or her chauffeur's license annually also has the option upon payment of a fee of \$20.00 for a vehicle group designation and \$5.00 for each indorsement in addition to any other chauffeur's license fees and compliance with section 312f to make application for a vehicle group designation and indorsement for the same 1-year period.

(3) The money received and collected under this section shall be deposited 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, \$2.00 for each applicant examined for a vehicle group

designation or indorsement to a first chauffeur's license and \$1.50 for each applicant examination for a vehicle group designation or indorsement to a 1-year chauffeur's license whose application is not denied, on the condition, however, that the money refunded shall be paid to the county or local treasurer and is appropriated to the county, municipality, or officer or bureau receiving that money for the purpose of carrying out this act.

Sec. 313. If an operator's or chauffeur's license issued under this chapter is lost, destroyed, or mutilated, or becomes illegible, the person to whom the license was issued may obtain a duplicate upon the payment of the fee required in section 812, upon furnishing proof satisfactory to the secretary of state that the license has been lost, destroyed, or mutilated, or has become illegible, and upon certifying that the license is not being held by a court as a condition of that person's recognizance.

Sec. 314. (1) Except as provided in subsections (2), (3), (4), (5), and (6), an operator's license shall expire on the birthday of the person to whom the license is issued in the fourth year following the date of the issuance of the license unless suspended or revoked before that date or issued pursuant to section 314b. A license shall not be issued for a period longer than 4 years. A person holding a license at any time within 45 days before the expiration of his or her license may make application for a new license as provided for in this chapter. Beginning November 15, 1989 through March 31, 1992, a person who has a license with a class 1, class 2, or class 3 indorsement may make application for renewal of his or her license 90 days before expiration of the license. However, a knowledge test for an original group designation or indorsement may be taken at any time during this period and the results shall be valid for 12 months. However, if the licensee will be out of the state during the 45 days immediately preceding expiration of the license or for other good cause shown cannot apply for a license within the 45-day period, application for a new license may be made not more than 6 months before expiration of the license. This new license when granted shall expire as provided for in this chapter.

(2) Effective October 1, 1985, the first operator's license issued to a person who at the time of application is less than 20-1/2 years of age shall expire on the licensee's twenty-first birthday unless suspended or revoked. The secretary of state shall code the license in a manner which clearly identifies the licensee as being less than 21 years of age.

(3) The first chauffeur's license issued to a person shall expire on the licensee's next birthday or if the applicant requests, on the licensee's birthday in the fourth year following the date of issuance unless the license is suspended or revoked before that date or is issued pursuant to section 314b. Effective October 1, 1985, the chauffeur's license of a person who at the time of application is less than 20-1/2 years of age and who requests a chauffeur's license for more than 1 year shall expire on the licensee's twenty-first birthday unless suspended or revoked. The secretary of state shall code the license in a manner which clearly identifies the licensee as being less than 21 years of age. A subsequent chauffeur's license shall expire on the birthday of the person to whom the license is issued in the fourth year following the date of issuance of the license unless the license is suspended or revoked before that date or is issued pursuant to section 314b. A person age 60 or over has the option to renew a chauffeur's license annually at \$4.00 per each year of renewal unless the license is suspended or revoked before that date.

(4) A person may apply for an extension of his or her driving privileges if he or she is out of state on the date that his or her operator's license expires. The extension may extend the operator's license for 90 days beyond the expiration date or within 2 weeks after the applicant returns to Michigan, whichever occurs first.

(5) A person who will be out of state for more than 90 days beyond the expiration date of his or her operator's license may apply for a 2-year extension of his or her driving privileges. The applicant for this extension shall submit a statement evidencing a vision examination in accordance with the rules promulgated by the secretary of state under section 309. The fee for a 2-year extension shall be the same as provided in section 314b(2).

(6) A person whose operator's or chauffeur's license is unexpired but whose class 1, class 2, or class 3 indorsement has expired pursuant to section 312e(8) may apply for a vehicle group designation or indorsement. Upon proper application and payment of the fees prescribed in section 312g or 314b and section 811, the expiration of the person's operator's or chauffeur's license shall be extended for 4 years beyond the expiration which would have applied except for the operation of section 312e(8).

Sec. 314b. (1) The secretary of state may issue a 2-year license which shall expire on the birthday of the person to whom it is issued when a licensed driver is charged in the 24 months immediately preceding the expiration date of that person's current license with a total of 12 or more points as provided in section 320a, or has his or her license suspended or revoked for a reason other than those provided in sections 321a, 515, or 801c in the 36 months immediately preceding the expiration date of his or her current license, or was convicted of any 6-point violation as provided in section 320a or a violation provided in section 625b in the 36 months immediately preceding the expiration date of his or her current license.

(2) A person issued a 2-year license shall pay the following fees:

Operator's license renewal \$ 6.00

Chauffeur's license renewal	10.00
Motorcycle indorsement original.....	6.00
Motorcycle indorsement renewal.....	5.00
Vehicle group designation.....	20.00
Vehicle indorsement	5.00

(3) Two dollars of each renewal motorcycle indorsement fee shall be placed in a motorcycle safety fund in the state treasury and shall be used only for funding the motorcycle safety education program as provided under sections 312b and 811a.

Sec. 316a. All regular drivers and substitute drivers of school buses and school transportation vehicles shall meet the following qualifications:

(a) The driver shall be in good physical and mental health, be able-bodied, free from communicable disease, and strong enough physically to handle the bus or vehicle with ease.

(b) As evidence of his or her physical fitness and mental alertness, the driver shall submit, not less than once each 5 years, to a physical examination by a reputable physician designated by the local board of education, and he or she shall present the physician's certificate to the employing school board or the superintendent of the school to which the pupils are being transported. A superintendent who has reason to believe that a driver is not physically qualified to drive a school bus or school transportation vehicle may require a physical examination for that driver at more frequent intervals.

(c) A record of each employed school bus driver and school transportation vehicle driver, together with a physician's certificate shall be maintained in the office of the local school superintendent. In case of a primary school district, the record and certificate shall be filed with the intermediate school superintendent on forms prescribed by the superintendent of public instruction.

(d) A person shall not smoke on a school bus or school transportation vehicle within 1 hour of the use of the bus or vehicle by pupils.

Sec. 801g. (1) Notwithstanding section 801(1)(j) or 801(1)(k), for a truck, truck tractor, or road tractor engaged in interstate commerce, for which a registration fee otherwise would be provided in section 801(1)(j) or 801(1)(k), the fee may be apportioned under the international registration plan according to the miles traveled in this state in relation to the total miles traveled by the vehicle, if the apportionment is permitted by a reciprocal compact, agreement, or other arrangement entered into by the Michigan highway reciprocity board.

(2) For the purposes of this section, "international registration plan" means a method of licensing trucks and bus fleets proportionally among 2 or more member jurisdictions and includes an apportioned fee that is determined according to the fleet's percentage of miles generated in the various jurisdictions. Upon payment of the apportioned fee there shall be issued 1 registration plate and 1 cab card for each vehicle with the cab card indicating the jurisdictions in which the unit is registered and the registered weight for each jurisdiction.

(3) If the apportionment is permitted and if by August 1 or at the time of purchase, whichever occurs first, a person elects to have the fees apportioned, the annual international registration plan plates may be purchased by paying any out of state portion and 1/2 the amount apportioned for Michigan fees and an extra \$10.00 service fee per vehicle upon purchase and the balance on or before September 1. The secretary of state shall by August 1 notify a person who has elected to use the installment option of this subsection informing the person of the amount due and of the penalties that shall be imposed if payment is not received by September 1. If a person is late on paying the balance, a penalty shall be assessed and collected in addition to the fee and that person shall not be eligible to elect the apportionment payment plan for the next 2 registration years following the year of the delinquency. The penalty shall be 25% of the outstanding balance. The secretary of state shall suspend the registration of any vehicle for which the registration fee is not paid in full and transmit a statement of the delinquent balance, including the penalty, to the department of treasury for collection.

(4) If a person surrenders a registration plate purchased under section 801(1)(j) or 801(1)(k) for a registration under this section for the same vehicle, the apportioned fee for the exchange registration shall bear the same relationship to the fee required under this section for a 12-month registration as the length of time the exchange registration bears to 12 months. Partial months shall be considered as whole months in the calculation of the required fee and in the determination of the length of time between the application for a registration and the last day of February. The calculation shall include any refund as a credit provided for in section 801b(8). The fee required for the registration shall be rounded off to whole dollars as provided in section 801.

(5) If a person does not surrender a registration plate purchased under section 801(1)(j) or 801(1)(k) for a registration under this section, the apportioned fee shall be determined as provided for in this section except the apportioned fee for a registration purchased shall bear the same relationship to the fee required under this section for a 12-month registration as the length of time the registration bears to 12 months. Partial months shall be considered as whole months in the calculation of the required fee and in the determination of the length

of time between the application for a registration and the last day of February. The fee required for this registration shall be rounded off to whole dollars as provided in section 801.

(6) (a) Upon proper application for registration of a vehicle under this section, the secretary of state may issue a temporary registration which shall be valid for not more than 45 days from the date of issuance.

(b) The secretary of state may designate an owner or registrant having a fleet of motor vehicles currently registered under this section to act as an agent for the secretary of state for the purpose of issuing to himself or herself a temporary registration. Upon issuance of a temporary registration an agent shall make proper application for an international registration plan registration to the secretary of state within 5 days after issuance of the temporary registration.

(c) An owner issued a temporary registration under this section shall be liable for the fees provided in this section.

(d) If the owner of a vehicle for which a temporary registration is issued pursuant to this subsection fails to pay the registration fee as required in this section the secretary of state shall suspend the registrations of all vehicles registered by that owner under this section. The registrations shall remain suspended until payment of the fee is made.

Sec. 812. For each duplicate license as provided in section 313, and for each correction of a license, a person may apply for renewal of the license and pay the renewal fee prescribed in this act or the person may, at his or her option and upon payment of the fee prescribed in this section, apply for a duplicate license which expires on the same date as the license which was lost, destroyed, mutilated, or became illegible. The fee for a duplicate chauffeur's license shall be \$12.00. The fee for a duplicate operator's license shall be \$6.00. In the case of a person issued a 2-year license under section 314b, the secretary of state may determine whether the license shall be renewed for 2 years or 4 years. A renewal fee shall not be charged for a change of address or a correction required to correct a department error.

Sec. 821. For the fiscal year ending September 30, 1990 and each fiscal year thereafter, \$120,000.00 or 5% of the revenue from the road test fees, whichever is greater, shall be deposited in the transportation economic development fund from behind-the-wheel road test fees collected pursuant to section 309 in connection with the issuance of a vehicle group designation or indorsement. The balance of the revenue from these fees shall be deposited in the state treasury and credited to the general fund and shall be used to cover administrative costs of the department of state associated with new duties imposed with respect to commercial vehicles pursuant to Act No. 346 of the Public Acts of 1988.

Section 2. Section 312g of Act No. 300 of the Public Acts of 1949, being section 257.312g of the Michigan Compiled Laws, is repealed.

This act is ordered to take immediate effect.

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Secretary of the Senate.

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Clerk of the House of Representatives.

Approved

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Governor.

