

HOUSE BILL No. 5142

October 9, 1989, Introduced by Rep. Trim and referred to the Committee on Transportation.

A bill to amend sections 307 and 309 of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," as amended by Act No. 346 of the Public Acts of 1988, being sections 257.307 and 257.309 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 307 and 309 of Act No. 300 of the
2 Public Acts of 1949, as amended by Act No. 346 of the Public Acts
3 of 1988, being sections 257.307 and 257.309 of the Michigan
4 Compiled Laws, are amended to read as follows:

5 Sec. 307. (1) An application for an operator's or
6 chauffeur's license shall be made upon a form furnished by the
7 secretary of state and shall contain ALL OF the following:

8 (a) For an operator's or chauffeur's license, full name,
9 date of birth, address of residence, OTHER information required

1 or permitted on the license pursuant to this chapter, and
2 signature of the applicant.

3 (b) For an operator's or chauffeur's license with a vehicle
4 group designation or indorsement, full name, social security
5 number, date of birth, address of residence, height, sex, OTHER
6 information required or permitted on the license pursuant to this
7 chapter, and signature of the applicant.

8 (c) For an operator's or chauffeur's license with a vehicle
9 group designation or indorsement, the following certifications
10 ~~shall be~~ made by the applicant:

11 (i) That the applicant meets the applicable federal physical
12 driver qualification requirements pursuant to 49 C.F.R. part 391
13 if the applicant operates or intends to operate in interstate
14 commerce or meets the applicable physical qualifications pursuant
15 to the rules promulgated by the department of state police under
16 the motor carrier safety act of 1963, Act No. 181 of the Public
17 Acts of 1963, being sections 480.11 to 480.21 of the Michigan
18 Compiled Laws, if the applicant operates or intends to operate in
19 intrastate commerce.

20 (ii) That the vehicle in which the applicant will take the
21 driving skills tests is representative of the type of vehicle the
22 applicant operates or intends to operate.

23 (iii) That the applicant has not been convicted of an
24 offense as described in section 312f or 319b.

25 (iv) That the applicant does not have a driver's license
26 from more than 1 state.

1 (d) For an operator's or chauffeur's license with a vehicle
2 group designation or indorsement and for which the applicant
3 claims a waiver of the driving test as provided in section 312f,
4 the following additional certifications ~~shall be~~ made by the
5 applicant concerning the 2-year period immediately prior to
6 application:

7 (i) That the applicant has not had more than 1 license.

8 (ii) That the applicant has not had any license suspended,
9 revoked, or canceled.

10 (iii) That the applicant has not been convicted of any
11 offense listed in section 319b while operating a motor vehicle.

12 (iv) That the applicant has not been convicted of a moving
13 violation under state or local law relating to motor vehicle
14 traffic control arising in connection with ~~any~~ A traffic
15 accident.

16 (v) That the applicant is regularly employed in a job
17 requiring the operation of a commercial motor vehicle.

18 (vi) That the applicant qualifies under either of the
19 following:

20 (A) Has passed a behind-the-wheel driving test given by a
21 state with a classified licensing and testing system and taken in
22 a representative vehicle for that applicant's driver's license
23 classification.

24 (B) Has operated, for at least 2 years immediately preceding
25 application, a vehicle representative of the commercial motor
26 vehicle group or passenger vehicle for which he or she is
27 applying.

1 (2) An applicant for an operator's or chauffeur's license
2 may be photographed ~~simultaneously~~ at the time the application
3 for the ~~respective~~ license is made. The secretary of state
4 shall acquire by purchase or lease the equipment for taking the
5 ~~pictures~~ PHOTOGRAPHS and SHALL furnish ~~it~~ THE EQUIPMENT to
6 the local unit. Equipment purchased or leased ~~for carrying out~~
7 ~~this act~~ PURSUANT TO THIS SECTION shall be acquired under stan-
8 dard purchasing procedures of the department of management and
9 budget based on standards and specifications established by the
10 secretary of state. Equipment shall not be purchased or leased
11 until an appropriation for the equipment has been made by the
12 legislature. ~~after a budget request has been properly presented~~
13 ~~to the legislature. The~~ A photograph TAKEN PURSUANT TO THIS
14 SECTION shall appear on the applicant's ~~driver's~~ OPERATOR'S OR
15 CHAUFFEUR'S license only, and ~~a~~ THE photograph, A COPY OF THE
16 PHOTOGRAPH, or A negative of the photograph shall not be ~~kept on~~
17 ~~file~~ RETAINED by the secretary of state or any other
18 ~~enforcement~~ agency.

19 (3) An application shall be signed and certified by the
20 applicant ~~. An application~~ AND shall be accompanied by the
21 proper fee. ~~to~~ THIS FEE SHALL be collected by the examiner and
22 forwarded to the secretary of state with the application. This
23 fee shall be refunded to the applicant ~~when~~ IF the license
24 applied for is denied, but the fee shall not be refunded to an
25 applicant who fails to complete the examination requirements of
26 the secretary of state within 90 days after the date of
27 application for a license.

1 (4) If an application is received from a person previously
2 licensed in another jurisdiction, the secretary of state shall
3 request a copy of the applicant's record from the other
4 jurisdiction. When received, the driving record shall become a
5 part of the driver's record in this state with the same force and
6 effect as ~~though~~ IF IT HAD BEEN entered on the driver's record
7 in this state in the original instance. If the application is
8 for an original, renewal, or change of a vehicle group designa-
9 tion or indorsement, the secretary of state shall also check the
10 applicant's driving record with the national drivers register and
11 the United States department of transportation before issuance of
12 that group designation or indorsement.

13 (5) Except for a vehicle group designation or indorsement,
14 the secretary of state may issue a renewal operator's or
15 chauffeur's license for 1 additional 4-year period by mail. The
16 secretary of state shall not issue a renewal license by mail
17 unless the licensee IS LESS THAN 65 YEARS OF AGE AND has a driv-
18 ing record ~~which~~ THAT is free of convictions and civil infrac-
19 tion determinations for the 48 months preceding renewal.
20 However, the secretary of state shall not refuse to issue a
21 renewal license by mail because of a conviction or civil infrac-
22 tion determination for which fines and costs were waived pursuant
23 to section 901a or section 907. When a license is renewed by
24 mail, the secretary of state shall issue evidence of renewal,
25 which shall be affixed to the previously issued license to indi-
26 cate the date the license expires in the future. This
27 ~~evidentiary document~~ EVIDENCE OF RENEWAL shall be manufactured

1 in the same manner required ~~of~~ FOR the operator's license in
2 section 310. ~~of this act.~~

3 (6) Upon request, the secretary of state shall provide an
4 information manual to an applicant explaining how to obtain a
5 vehicle group designation or indorsement. The manual shall con-
6 tain the information required pursuant to 49 C.F.R. part 383.

7 Sec. 309. (1) Before issuing ~~a license, the secretary of~~
8 ~~state shall examine each applicant for~~ an operator's or
9 chauffeur's license TO AN APPLICANT who at the time of the appli-
10 cation is not the holder of a valid, unrevoked operator's or
11 chauffeur's license under a law of this state providing for the
12 licensing of drivers, THE SECRETARY OF STATE SHALL EXAMINE THE
13 APPLICANT. ~~In all other cases~~ FOR ANY OTHER APPLICANT, the
14 secretary of state may waive the examination, except that an
15 examination shall not be waived if THE APPLICANT IS 65 YEARS OF
16 AGE OR OLDER OR it appears from the application, from the appar-
17 ent physical or mental condition of the applicant, or from any
18 other information ~~which~~ THAT has come to the secretary of state
19 from another source, that the applicant does not possess the
20 physical, mental, or other qualifications necessary to operate a
21 motor vehicle in a manner as not to jeopardize the safety of per-
22 sons or property; or that the applicant is not entitled to a
23 license under section 303. A licensee who applies for the
24 renewal of his or her license by mail pursuant to section 307
25 shall be required to certify to his or her physical capability to
26 operate a motor vehicle.

1 (2) Sheriffs and their deputies and the chiefs of police of
2 cities and villages having organized police departments within
3 this state and their duly authorized representatives, and employ-
4 ees of the secretary of state, may be appointed examining offi-
5 cers for the purpose of examining applicants for operator's and
6 chauffeur's licenses by the secretary of state. An examining
7 officer shall conduct examinations of applicants for operator's
8 and chauffeur's licenses ~~under~~ IN ACCORDANCE WITH this chap-
9 ter ~~and in accordance with~~ the rules promulgated by the
10 secretary of state under subsection (3). Upon conducting an
11 examination, an examining officer shall make a written report of
12 his or her findings and recommendations to the secretary of
13 state.

14 (3) The secretary of state shall promulgate rules pursuant
15 to the administrative procedures act of 1969, Act No. 306 of the
16 Public Acts of 1969, as amended, being sections 24.201 to 24.328
17 of the Michigan Compiled Laws, for the examination of the
18 applicant's physical and mental qualifications to operate a motor
19 vehicle in a manner as not to jeopardize the safety of persons or
20 property, and shall ascertain whether facts exist ~~which~~ THAT
21 would bar the issuance of a license under section 303. The sec-
22 retary of state shall also ascertain whether the applicant has
23 sufficient knowledge of the English language to understand high-
24 way warnings or direction signs written in that language. The
25 examination shall not include investigation of facts other than
26 those facts directly pertaining to the ability of the applicant

1 to operate a motor vehicle with safety or facts declared to be
2 prerequisite to the issuance of a license under this act.

3 (4) ~~An original license shall not be issued by~~ EXCEPT AS
4 OTHERWISE PROVIDED IN SUBSECTION (5), the secretary of state
5 ~~without~~ SHALL NOT ISSUE AN ORIGINAL LICENSE TO ANY APPLICANT,
6 OR A RENEWAL LICENSE TO AN APPLICANT 65 YEARS OF AGE OR OLDER,
7 UNLESS THE APPLICANT PASSES an examination, INCLUDING A
8 BEHIND-THE-WHEEL ROAD TEST, conducted by the secretary of state
9 or by ~~a designated~~ AN APPOINTED examining officer under subsec-
10 tion (2). The fee for a behind-the-wheel road test for an
11 operator's license shall be \$11.00. The fee for a
12 behind-the-wheel road test for a vehicle group designation or
13 indorsement or an original chauffeur's license shall be \$25.00.
14 A refund shall not be given to an applicant who fails a
15 behind-the-wheel road test.

16 (5) Except for issuance of a ~~vehicle~~ VEHICLE group designa-
17 tion or passenger indorsement, unless the applicant qualifies
18 under section 307(1)(d), a behind-the-wheel road test shall not
19 be required of an applicant if the applicant has successfully
20 passed a driver education course and examination, within the year
21 preceding the application for license, and the course and exami-
22 nation were given pursuant to section 811. This subsection shall
23 not apply to an applicant if the driver education course taken by
24 the applicant did not include on-the-street driver experience.
25 As used in this subsection, "on-the-street driver experience"
26 means that the applicant operated a motor vehicle as a part of

1 the driver education course on a freeway or other laned roadway
2 for not less than 1 hour.