

SENATE BILL No. 353

April 20, 1989, Introduced by Senators FAUST, GEO. HART, O'BRIEN, BINSFELD, J. HART, HOLMES and VAUGHN and referred to the Committee on State Affairs, Tourism, and Transportation.

A bill to amend sections 309, 312e, 312h, 313, 314b, and 812 of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," sections 309, 312e, and 312h as amended by Act No. 346 of the Public Acts of 1988, 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, and section 812 as amended by Act No. 232 of the Public Acts of 1987, being sections 257.309, 257.312e, 257.312h, 257.313, 257.314b, and 257.812 of the Michigan Compiled Laws; to add section 821; and to repeal certain parts of the act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 309, 312e, 312h, 313, 314b, and 812 of
2 Act No. 300 of the Public Acts of 1949, sections 309, 312e, and
3 312h as amended by Act No. 346 of the Public Acts of 1988,

1 section 313 as amended by Act No. 63 of the Public Acts of 1983,
2 section 314b as amended by Act No. 495 of the Public Acts of
3 1988, and section 812 as amended by Act No. 232 of the Public
4 Acts of 1987, being sections 257.309, 257.312e, 257.312h,
5 257.313, 257.314b, and 257.812 of the Michigan Compiled Laws, are
6 amended and section 821 is added to read as follows:

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 who at the time of the application is not the
10 holder of a valid, unrevoked operator's or chauffeur's license
11 under a law of this state providing for the licensing of
12 drivers. In all other cases, the secretary of state may waive
13 the examination, except that an examination shall not be waived
14 if it appears from the application, from the apparent physical or
15 mental condition of the applicant, or from any other information
16 which has come to the secretary of state from another source,
17 that the applicant does not possess the physical, mental, or
18 other qualifications necessary to operate a motor vehicle in a
19 manner as not to jeopardize the safety of persons or property; or
20 that the applicant is not entitled to a license under section
21 303. A licensee who applies for the renewal of his or her
22 license by mail pursuant to section 307 shall be required to cer-
23 tify to his or her physical capability to operate a motor
24 vehicle.

25 (2) Sheriffs, ~~and~~ their deputies and the chiefs of police
26 of cities and villages having organized police departments within
27 this state and their duly authorized representatives, and

1 employees of the secretary of state may be appointed examining
2 officers for the purpose of examining applicants for operator's
3 and chauffeur's licenses by the secretary of state. An examining
4 officer shall conduct examinations of applicants for operator's
5 and chauffeur's licenses, under this chapter, and in accordance
6 with the rules promulgated by the secretary of state under sub-
7 section (3). ~~Upon~~ AFTER conducting an examination ~~—~~ an
8 examining officer shall make a written report of his or her find-
9 ings and recommendations to the secretary of state.

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

25 (4) An original license shall not be issued by the secretary
26 of state without an examination conducted by the secretary of
27 state or by a designated examining officer under subsection (2).

1 The fee for a behind-the-wheel road test for an operator's OR A
2 CHAUFFEUR'S license shall be \$11.00. The fee for a
3 behind-the-wheel road test for a vehicle group designation or
4 indorsement ~~or an original chauffeur's license~~ shall be
5 ~~\$25.00~~ \$60.00. A refund shall not be given to an applicant who
6 fails a behind-the-wheel road test. Except for issuance of a
7 ~~vehicle~~ VEHICLE group designation or passenger indorsement,
8 unless the applicant qualifies under section 307(1)(d), a
9 behind-the-wheel road test shall not be required of an applicant
10 if the applicant has successfully passed a driver education
11 course and examination, within the year preceding the application
12 for license, and the course and examination were given pursuant
13 to section 811. This subsection shall not apply to an applicant
14 if the driver education course taken by the applicant did not
15 include on-the-street driver experience. As used in this subsec-
16 tion, "on-the-street driver experience" means that the applicant
17 operated a motor vehicle as a part of the driver education course
18 on a freeway or other laned roadway for not less than 1 hour.

19 (5) A PERSON WHO FAILS A TEST FOR A VEHICLE GROUP DESIGNA-
20 TION OR AN INDORSEMENT AND WHOSE OPERATOR'S OR CHAUFFEUR'S
21 LICENSE WILL EXPIRE WITHIN 7 DAYS AND A PERSON WHO CANNOT BE
22 SCHEDULED FOR A BEHIND-THE-WHEEL ROAD TEST BEFORE HIS OR HER
23 LICENSE EXPIRES MAY APPLY TO THE SECRETARY OF STATE FOR A 30-DAY
24 EXTENSION OF HIS OR HER DRIVING PRIVILEGES. IF AN EXTENSION IS
25 ISSUED, IT SHALL EXPIRE 30 DAYS AFTER THE DATE THE LICENSE
26 EXPIRED. A PERSON MAKING APPLICATION UNDER THIS SUBSECTION SHALL
27 PAY A LICENSE EXTENSION FEE OF \$5.00. THE SECRETARY OF STATE

1 SHALL NOT ISSUE MORE THAN ONE 30-DAY EXTENSION TO A PERSON. THIS
2 SUBSECTION SHALL APPLY UNTIL APRIL 1, 1992.

3 Sec. 312e. (1) A person, before operating a vehicle towing
4 a vehicle having a gross vehicle weight rating over 10,000
5 pounds, shall procure a group A vehicle designation on his or her
6 operator's or chauffeur's license. Unless an indorsement is
7 required, a person licensed to operate a group A designated vehi-
8 cle may operate a group B or C vehicle without taking another
9 test. A person, before operating a single vehicle having a gross
10 vehicle weight rating of 26,001 pounds or more, or any combina-
11 tion of vehicles having a gross combination weight of 26,001
12 pounds or more if the vehicle being towed does not have a gross
13 vehicle weight rating over 10,000 pounds, shall procure a group B
14 vehicle designation on his or her operator's or chauffeur's
15 license. Unless an indorsement is required, a person licensed to
16 operate a group B vehicle may operate a group C vehicle without
17 taking another test. A person, before operating a single vehicle
18 having a gross vehicle weight rating under 26,001 pounds or a
19 combination of vehicles having a gross combination weight rating
20 under ~~26,000~~ 26,001 pounds if the vehicle being towed does not
21 have a gross vehicle weight rating over 10,000 pounds and carry-
22 ing hazardous materials on which a placard is required under 49
23 C.F.R. parts 100 to 199, or designed to transport 16 or more pas-
24 sengers including the driver, shall procure a group C vehicle
25 designation and a hazardous material or passenger vehicle
26 indorsement on his or her operator's or chauffeur's license. The

1 license shall be issued, suspended, revoked, canceled, or renewed
2 in accordance with this act.

3 (2) A person, before operating a commercial motor vehicle
4 pulling double or triple trailers, shall procure the appropriate
5 vehicle group designation and a T vehicle indorsement ~~—~~ under
6 this act. A person, before operating a commercial motor vehicle
7 which is a tank vehicle, shall procure the appropriate vehicle
8 group designation and an N vehicle indorsement ~~—~~ under this
9 act. A person, before operating a commercial motor vehicle car-
10 rying hazardous materials, shall procure the appropriate vehicle
11 group designation and an H vehicle indorsement ~~—~~ under this
12 act. ~~A person, before operating a commercial motor vehicle~~
13 ~~which is a tank vehicle carrying hazardous material, shall pro-~~
14 ~~cure the appropriate vehicle group designation and an X vehicle~~
15 ~~indorsement under this act.~~ A person, before operating a bus or
16 school bus, shall procure the appropriate vehicle group designa-
17 tion and a P vehicle indorsement under this act. A person who
18 fails the air brake portion of the written or driving tests pro-
19 vided under section 312f or who takes the driving test provided
20 under that section in a commercial motor vehicle which is not
21 equipped with air brakes shall not operate a commercial motor
22 vehicle equipped with air brakes. One or more indorsements may
23 be necessary to operate a commercial motor vehicle. An applicant
24 for an indorsement shall take the knowledge and skills tests
25 described and required pursuant to 49 C.F.R. part 383.

26 (3) The holder of an unexpired operator's or chauffeur's
27 license may be issued a vehicle group designation and indorsement

1 valid for the remainder of the license upon meeting the
2 qualifications of section 312f and payment of the original vehi-
3 cle group designation fee of ~~-\$7.00~~ \$20.00 AND AN INDORSEMENT
4 FEE OF \$5.00 PER INDORSEMENT for a 4-year operator's or
5 chauffeur's license, ~~under section 312g, \$4.00~~ PAYMENT OF A
6 VEHICLE GROUP DESIGNATION FEE OF \$20.00 for a 2-year operator's
7 or chauffeur's license under section 314b AND AN INDORSEMENT FEE
8 OF \$5.00 PER INDORSEMENT, or ~~-\$3.00~~ PAYMENT OF A VEHICLE GROUP
9 DESIGNATION FEE OF \$20.00 for a 1-year chauffeur's license under
10 section 312h AND AN INDORSEMENT FEE OF \$5.00 PER INDORSEMENT, and
11 a corrected license fee of \$5.00.

12 (4) This section does not apply to a farmer who drives a
13 passenger vehicle, pickup truck, or truck with a farm registra-
14 tion plate and a gross vehicle weight rating of not more than
15 26,000 pounds which is towing a trailer or semitrailer which is
16 used exclusively in agricultural operations for the transporta-
17 tion of agricultural products, farm machinery, or farm supplies
18 within 150 miles of the farm.

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

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

25 (7) THIS SECTION DOES NOT APPLY TO EMPLOYEES OF THE SECRE-
26 TARY OF STATE WHO ADMINISTER BEHIND-THE-WHEEL ROAD TESTS WHILE IN
27 THE PERFORMANCE OF THEIR DUTIES.

1 (8) ~~(7)~~ A licensee who holds an operator's or chauffeur's
2 license with a class 1 indorsement issued before October 1, 1989,
3 may operate a single vehicle weighing over 24,000 pounds gross
4 vehicle weight without having been issued a group B vehicle des-
5 ignation on his or her license until the license expires as pro-
6 vided in subsection ~~(8)~~ (9). A licensee who holds an
7 operator's or chauffeur's license with a class 2 indorsement
8 issued before October 1, 1989, may operate a combination of vehi-
9 cles weighing over 24,000 pounds gross vehicle weight or a vehi-
10 cle towing a vehicle weighing over 10,000 pounds gross vehicle
11 weight or a single vehicle weighing over 24,000 pounds gross
12 vehicle weight without having been issued a group A or B vehicle
13 designation on his or her license until the license expires as
14 provided in subsection ~~(8)~~ (9). A licensee who holds an
15 operator's or chauffeur's license with a class 3 indorsement
16 issued before October 1, 1989, may operate a bus or school bus
17 without having been issued a vehicle group designation or passen-
18 ger vehicle indorsement on his or her license until the license
19 expires as provided in subsection ~~(8)~~ (9).

20 (9) ~~(8)~~ The class 1, class 2, or class 3 indorsement on a
21 person's operator's or chauffeur's license which expires after
22 March 31, 1992 shall expire on the person's next birthday after
23 March 31, 1991.

24 (10) THE MONEY RECEIVED AND COLLECTED UNDER SUBSECTION (3)
25 FOR A VEHICLE GROUP DESIGNATION OR INDORSEMENT FOR A 2-YEAR OR
26 4-YEAR LICENSE SHALL BE DEPOSITED IN THE STATE TREASURY TO THE
27 CREDIT OF THE GENERAL FUND. THE SECRETARY OF STATE SHALL REFUND

1 OUT OF THE FEES COLLECTED TO EACH COUNTY OR MUNICIPALITY ACTING
 2 AS AN EXAMINING OFFICER OR EXAMINING BUREAU, \$3.00 FOR EACH
 3 APPLICANT EXAMINED FOR A FIRST DESIGNATION OR INDORSEMENT TO A
 4 4-YEAR OPERATOR'S OR CHAUFFEUR'S LICENSE, \$2.50 FOR EACH ORIGINAL
 5 DESIGNATION OR INDORSEMENT TO A 2-YEAR OPERATOR'S OR CHAUFFEUR'S
 6 LICENSE, \$1.50 FOR EACH RENEWAL DESIGNATION OR INDORSEMENT TO A
 7 2- OR 4-YEAR OPERATOR'S OR CHAUFFEUR'S LICENSE, WHOSE APPLICATION
 8 IS NOT DENIED, ON THE CONDITION, HOWEVER, THAT THE MONEY REFUNDED
 9 SHALL BE PAID TO THE COUNTY OR LOCAL TREASURER AND IS APPROPRI-
 10 ATED TO THE COUNTY, MUNICIPALITY, OR OFFICER OR BUREAU RECEIVING
 11 THAT MONEY FOR THE PURPOSE OF CARRYING OUT THIS ACT.

12 Sec. 312h. (1) A person who is issued an original
 13 chauffeur's license as described in section ~~314(2)~~ 314(3), upon
 14 payment of a fee of ~~\$3.00~~ \$20.00 FOR A VEHICLE GROUP DESIGNA-
 15 TION AND \$5.00 FOR EACH INDORSEMENT in addition to any other
 16 chauffeur's license fees and compliance with section 312f, may be
 17 issued a vehicle group designation ~~or~~ AND indorsement for the
 18 same period.

19 (2) A person, 60 years of age or older, who has the option
 20 under section ~~314(2)~~ 314(3) to renew his or her chauffeur's
 21 license annually also has the option upon payment of a fee of
 22 ~~\$2.00~~ \$20.00 FOR A VEHICLE GROUP DESIGNATION AND \$5.00 FOR EACH
 23 INDORSEMENT in addition to any other chauffeur's license fees and
 24 compliance with section 312f to make application for a vehicle
 25 group designation ~~or~~ AND indorsement for the same 1-year
 26 period.

1 (3) The money received and collected under this section
2 shall be deposited in the state treasury to the credit of the
3 general fund. The secretary of state shall refund out of the
4 fees collected to each county or municipality acting as an
5 examining officer or examining bureau, \$2.00 for each applicant
6 examined for a vehicle group designation or indorsement to a
7 first chauffeur's license and \$1.50 for each applicant examina-
8 tion for a vehicle group designation or indorsement to a 1-year
9 chauffeur's license whose application is not denied, on the con-
10 dition, however, that the money refunded shall be paid to the
11 county or local treasurer and is appropriated to the county,
12 municipality, or officer or bureau receiving that money for the
13 purpose of carrying out this act.

14 Sec. 313. If an operator's or chauffeur's license issued
15 under this chapter is lost, destroyed, or mutilated, or becomes
16 illegible, the person to whom the license was issued may obtain a
17 duplicate upon the payment of the ~~required~~ fee REQUIRED IN
18 SECTION 812, upon furnishing proof satisfactory to the secretary
19 of state that the license has been lost, destroyed, or mutilated,
20 or has become illegible, and upon certifying that the license is
21 not being held by a court as a condition of that person's
22 recognizance.

23 Sec. 314b. (1) The secretary of state may issue a 2-year
24 license which shall expire on the birthday of the person to whom
25 it is issued when a licensed driver is charged in the 24 months
26 immediately preceding the expiration date of that person's
27 current license with a total of 12 or more points as provided in

1 section 320a, or has his or her license suspended or revoked for
 2 a reason other than those provided in sections 321a, 515, or 801c
 3 in the 36 months immediately preceding the expiration date of his
 4 or her current license, or was convicted of any 6-point violation
 5 as provided in section 320a or a violation provided in section
 6 625b in the 36 months immediately preceding the expiration date
 7 of his or her current license.

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

10 ~~(a) Effective on and after April 1, 1989:~~

11	Operator's license renewal.....	\$ 6.00
12	Chauffeur's license renewal.....	10.00
13	Motorcycle indorsement original.....	6.00
14	Motorcycle indorsement renewal.....	5.00

15 ~~(b) Effective until October 1, 1989:~~

16	Class 1, Class 2, or Class 3 indorsement	
17	original.....	\$ 4.00
18	Class 1, Class 2, or Class 3 indorsement	
19	renewal.....	2.50

20 ~~(c) Effective on and after October 1, 1989:~~

21	Vehicle group designation original.....	\$ 4.00	20.00
22	Vehicle group designation renewal.....	2.50	
23	Vehicle group indorsement original...	4.00	5.00
24	Vehicle group indorsement renewal.....	2.50	

25 (3) Two dollars of each renewal motorcycle indorsement fee
 26 shall be placed in a motorcycle safety fund in the state treasury

1 and shall be used only for funding the motorcycle safety
2 education program as provided under sections 312b and 811a.

3 Sec. 812. For each duplicate license as provided in section
4 313, and for each correction of a license, a person ~~shall~~ MAY
5 apply for renewal of the license and pay the renewal fee pre-
6 scribed in this act OR THE PERSON MAY, AT HIS OR HER OPTION AND
7 UPON PAYMENT OF THE FEE PRESCRIBED IN THIS SECTION, APPLY FOR A
8 DUPLICATE LICENSE WHICH EXPIRES ON THE SAME DATE AS THE LICENSE
9 WHICH WAS LOST, DESTROYED, MUTILATED, OR BECAME ILLEGIBLE. ~~If~~
10 ~~the duplicate is issued or the correction is made within the~~
11 ~~first 4 months after the license was previously renewed, the~~
12 ~~license shall be renewed for the balance of the license period~~
13 ~~for a fee of \$4.00.~~ THE FEE FOR A DUPLICATE CHAUFFEUR'S LICENSE
14 SHALL BE \$12.00. THE FEE FOR A DUPLICATE OPERATOR'S LICENSE
15 SHALL BE \$6.00. In the case of a person issued a 2-year license
16 under section 314b, the secretary of state may determine whether
17 the license shall be renewed for 2 years or 4 years. A renewal
18 fee shall not be charged for a change of address or a correction
19 required to correct a department error.

20 SEC. 821. FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1990 AND
21 EACH FISCAL YEAR THEREAFTER, \$120,000.00 SHALL BE DEPOSITED IN
22 THE TRANSPORTATION ECONOMIC DEVELOPMENT FUND FROM
23 BEHIND-THE-WHEEL ROAD TEST FEES COLLECTED PURSUANT TO SECTION 309
24 IN CONNECTION WITH THE ISSUANCE OF A VEHICLE GROUP DESIGNATION OR
25 INDORSEMENT. THE BALANCE OF THE REVENUE FROM THESE FEES SHALL BE
26 DEPOSITED IN THE STATE TREASURY AND CREDITED TO THE GENERAL FUND
27 AND SHALL BE USED TO COVER ADMINISTRATIVE COSTS OF THE DEPARTMENT

1 OF STATE ASSOCIATED WITH NEW DUTIES IMPOSED WITH RESPECT TO
2 COMMERCIAL VEHICLES PURSUANT TO ACT NO. 346 OF THE PUBLIC ACTS OF
3 1988.

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

7 Section 3. This amendatory act shall take effect October 1,
8 1989.