

# SENATE BILL No. 576

October 4, 1989, Introduced by Senator O'BRIEN and referred to the Committee on State Affairs, Tourism, and Transportation.

A bill to amend sections 226b, 243, 312e, 312h, 314, 802, and 811 of Act No. 300 of the Public Acts of 1949, entitled as amended

"Michigan vehicle code,"

section 226b as amended by Act No. 19 of the Public Acts of 1982, sections 312e, 312h, 314, and 802 as amended by Act No. 346 of the Public Acts of 1988, and section 811 as amended by Act No. 232 of the Public Acts of 1987, being sections 257.226b, 257.243, 257.312e, 257.312h, 257.314, 257.802, and 257.811 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Section 1. Sections 226b, 243, 312e, 312h, 314, 802, and
- 2 811 of Act No. 300 of the Public Acts of 1949, section 226b as
- 3 amended by Act No. 19 of the Public Acts of 1982, sections 312e,
- 4 312h, 314, and 802 as amended by Act No. 346 of the Public Acts

1 of 1988, and section 811 as amended by Act No. 232 of the Public  
 2 Acts of 1987, being sections 257.226b, 257.243, 257.312e,  
 3 257.312h, 257.314, 257.802, and 257.811 of the Michigan Compiled  
 4 Laws, are amended to read as follows:

5       Sec. 226b. (1) A temporary registration may be issued to an  
 6 owner of a vehicle. ~~other than a motor vehicle with an elected~~  
 7 ~~gross vehicle weight of 24,000 pounds or more.~~ The registration  
 8 shall be valid for 14 days from date of issue, and shall be in a  
 9 form as determined by the secretary of state. A fee shall be  
 10 collected for each temporary registration as provided in section  
 11 802.

12       (2) A vehicle which has a temporary registration shall not  
 13 be used for the transportation of passengers for hire, for the  
 14 transportation of goods, wares, or merchandise, or draw other  
 15 vehicles transporting goods, wares, or merchandise.

16       Sec. 243. (1) ~~(a)~~ A nonresident owner, except as other-  
 17 wise provided in this section, owning any foreign vehicle of a  
 18 type otherwise subject to registration ~~hereunder~~ UNDER THIS ACT  
 19 may operate or permit the operation of ~~such~~ THE vehicle within  
 20 this state without registering ~~such~~ THE vehicle in, or paying  
 21 any fees to, this state ~~subject to the condition that such~~ IF  
 22 THE vehicle at all times when operated in this state is duly reg-  
 23 istered in, and displays upon it a valid registration certificate  
 24 and registration plate or plates issued for ~~such~~ THE vehicle in  
 25 the place of residence of ~~such~~ THE owner.

26       (2) ~~(b)~~ A nonresident owner of a foreign vehicle operated  
 27 within this state for the transportation of persons or property

1 for compensation ~~—~~ shall register ~~such~~ THE vehicle and pay  
2 the same fees ~~therefor~~ FOR ITS REGISTRATION as is required with  
3 reference to like vehicles owned by residents of this state,  
4 except that the department may issue to the nonresident ~~owners~~  
5 OWNER a temporary permit authorizing the operation of the foreign  
6 vehicle within this state for a period of ~~+10 days~~ 72 HOURS,  
7 without registering the vehicle, on the payment of a fee as pro-  
8 vided in section 802a of this act. The temporary permit ~~may~~  
9 SHALL be in ~~such~~ A form as prescribed by, and shall be dis-  
10 played on ~~such~~ A foreign vehicle in a manner determined by the  
11 secretary of state. EACH REQUEST FOR A TEMPORARY PERMIT UNDER  
12 THIS SUBSECTION SHALL BE BASED ON EMERGENCY OR INFREQUENT NEED  
13 FOR THE PERMIT. THE SECRETARY OF STATE MAY REFUSE TO ISSUE A  
14 PERMIT IF HE OR SHE HAS REASON TO BELIEVE THE APPLICANT HAS PRE-  
15 VIOUSLY FORGED OR MISUSED A PERMIT, HAS ATTEMPTED TO CIRCUMVENT  
16 THE REGISTRATION LAWS OF THIS STATE, OR HAS NOT DEMONSTRATED AN  
17 EMERGENCY OR INFREQUENT USE.

18 (3) THE SECRETARY OF STATE MAY DESIGNATE AN OWNER OR REGIS-  
19 TRANT HAVING A FLEET OF MOTOR VEHICLES CURRENTLY REGISTERED UNDER  
20 THIS ACT TO ACT AS AN AGENT FOR THE SECRETARY OF STATE FOR THE  
21 PURPOSE OF ISSUING TO HIMSELF OR HERSELF A TEMPORARY REGISTRATION  
22 UNDER THIS SECTION.

23 (4) ~~(c)~~ A nonresident owner of a pleasure vehicle other-  
24 wise subject to registration under this act shall not operate the  
25 ~~same~~ VEHICLE for a period exceeding 90 days without securing  
26 registration in this state.

1       (5) ~~(d)~~ Every nonresident, including any foreign  
 2 corporation carrying on business within this state and owning and  
 3 operating in ~~such~~ THAT business any vehicle subject to regis-  
 4 tration as provided in this chapter, shall ~~be required to~~ reg-  
 5 ister ~~each such~~ THE vehicle and pay the same fee ~~therefor~~ FOR  
 6 THE REGISTRATION as is required with reference to like vehicles  
 7 owned by residents of this state, except as otherwise provided by  
 8 law.

9       Sec. 312e. (1) A person, before operating a vehicle towing  
 10 a vehicle having a gross vehicle weight rating over 10,000  
 11 pounds, shall procure a group A vehicle designation on his or her  
 12 operator's or chauffeur's license. Unless an indorsement is  
 13 required, a person licensed to operate a group A designated vehi-  
 14 cle may operate a group B or C vehicle without taking another  
 15 test. A person, before operating a single vehicle having a gross  
 16 vehicle weight rating of 26,001 pounds or more, or any combina-  
 17 tion of vehicles having a gross combination weight of 26,001  
 18 pounds or more if the vehicle being towed does not have a gross  
 19 vehicle weight rating over 10,000 pounds, shall procure a group B  
 20 vehicle designation on his or her operator's or chauffeur's  
 21 license. Unless an indorsement is required, a person licensed to  
 22 operate a group B vehicle may operate a group C vehicle without  
 23 taking another test. A person, before operating a single vehicle  
 24 having a gross vehicle weight rating under 26,001 pounds or a  
 25 combination of vehicles having a gross combination weight rating  
 26 under ~~26,000+~~ 26,001 pounds if the vehicle being towed does not  
 27 have a gross vehicle weight rating over 10,000 pounds and

1 carrying hazardous materials on which a placard is required under  
2 49 C.F.R. parts 100 to 199, or designed to transport 16 or more  
3 passengers including the driver, shall procure a group C vehicle  
4 designation and a hazardous material or passenger vehicle  
5 indorsement on his or her operator's or chauffeur's license. The  
6 license shall be issued, suspended, revoked, canceled, or renewed  
7 in accordance with this act.

8       (2) A person, before operating a commercial motor vehicle  
9 pulling double or triple trailers, shall procure the appropriate  
10 vehicle group designation and a T vehicle indorsement ~~—~~ under  
11 this act. A person, before operating a commercial motor vehicle  
12 which is a tank vehicle, shall procure the appropriate vehicle  
13 group designation and an N vehicle indorsement ~~—~~ under this  
14 act. A person, before operating a commercial motor vehicle car-  
15 rying hazardous materials, shall procure the appropriate vehicle  
16 group designation and an H vehicle indorsement ~~—~~ under this  
17 act. A person, before operating a commercial motor vehicle which  
18 is a tank vehicle carrying hazardous material, shall procure the  
19 appropriate vehicle group designation and an X vehicle indorse-  
20 ment under this act. A person, before operating a bus or school  
21 bus, shall procure the appropriate vehicle group designation and  
22 a P vehicle indorsement under this act. A person who fails the  
23 air brake portion of the written or driving tests provided under  
24 section 312f or who takes the driving test provided under that  
25 section in a commercial motor vehicle which is not equipped with  
26 air brakes shall not operate a commercial motor vehicle equipped  
27 with air brakes. One or more indorsements may be necessary to

1 operate a commercial motor vehicle. An applicant for an  
2 indorsement shall take the knowledge and skills tests described  
3 and required pursuant to 49 C.F.R. part 383.

4 (3) The holder of an unexpired operator's or chauffeur's  
5 license may be issued a vehicle group designation and indorsement  
6 valid for the remainder of the license upon meeting the qualifi-  
7 cations of section 312f and payment of the original vehicle group  
8 designation fee of \$7.00 for a 4-year operator's or chauffeur's  
9 license under section 312g, OR \$4.00 for a 2-year operator's or  
10 chauffeur's license under section 314b, ~~or \$3.00 for a 1 year~~  
11 ~~chauffeur's license under section 312h,~~ and a corrected license  
12 fee of \$5.00.

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

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

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

26 (7) A licensee who holds an operator's or chauffeur's  
27 license with a class 1 indorsement issued before ~~October 1,~~

1 ~~1989~~ JANUARY 1, 1990, may operate a single vehicle weighing over  
2 24,000 pounds gross vehicle weight without having been issued a  
3 group B vehicle designation on his or her license until the  
4 license expires as provided in subsection (8). A licensee who  
5 holds an operator's or chauffeur's license with a class 2  
6 indorsement issued before ~~October 1, 1989~~ JANUARY 1, 1990, may  
7 operate a combination of vehicles weighing over 24,000 pounds  
8 gross vehicle weight or a vehicle towing a vehicle weighing over  
9 10,000 pounds gross vehicle weight or a single vehicle weighing  
10 over 24,000 pounds gross vehicle weight without having been  
11 issued a group A or B vehicle designation on his or her license  
12 until the license expires as provided in subsection (8). A  
13 licensee who holds an operator's or chauffeur's license with a  
14 class 3 indorsement issued before ~~October 1, 1989~~ JANUARY 1,  
15 1990, may operate a bus or school bus without having been issued  
16 a vehicle group designation or passenger vehicle indorsement on  
17 his or her license until the license expires as provided in  
18 subsection (8).

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

23 Sec. 312h. (1) A person who is issued an original  
24 chauffeur's license as described in section 314(2), upon payment  
25 of a fee of \$3.00 in addition to any other chauffeur's license  
26 fees and compliance with section 312f, may be issued a vehicle  
27 group designation or indorsement for the same period.

1       ~~(2) A person, 60 years of age or older, who has the option~~  
2 ~~under section 314(2) to renew his or her chauffeur's license~~  
3 ~~annually also has the option upon payment of a fee of \$2.00 in~~  
4 ~~addition to any other chauffeur's license fees and compliance~~  
5 ~~with section 312f to make application for a vehicle group designa-~~  
6 ~~tion or indorsement for the same 1 year period.~~

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

20       Sec. 314. (1) Except as provided in subsections (2), (3),  
21 (4), (5), and (6), an operator's license shall expire on the  
22 birthday of the person to whom the license is issued in the  
23 fourth year following the date of the issuance of the license  
24 unless suspended or revoked before that date or issued pursuant  
25 to section 314b. A license shall not be issued for a period  
26 longer than 4 years. A person holding a license at any time  
27 within 45 days before the expiration of his or her license may



1 make application for a new license as provided for in this  
2 chapter. However, if the licensee will be out of the state  
3 during the 45 days immediately preceding expiration of the  
4 license or for other good cause shown cannot apply for a license  
5 within the 45-day period, application for a new license may be  
6 made not more than 6 months before expiration of the license.  
7 This new license when granted shall expire as provided for in  
8 this chapter.

9 (2) Effective October 1, 1985, the first operator's license  
10 issued to a person who at the time of application is less than  
11 20-1/2 years of age shall expire on the licensee's twenty-first  
12 birthday unless suspended or revoked. The secretary of state  
13 shall code the license in a manner which clearly identifies the  
14 licensee as being less than 21 years of age.

15 (3) The first chauffeur's license issued to a person shall  
16 expire ~~on the licensee's next birthday or if the applicant~~  
17 ~~requests,~~ on the licensee's birthday in the fourth year follow-  
18 ing the date of issuance unless the license is suspended or  
19 revoked before that date or is issued pursuant to section 314b.  
20 Effective October 1, 1985, the chauffeur's license of a person  
21 who at the time of application is less than 20-1/2 years of age  
22 ~~and who requests a chauffeur's license for more than 1 year~~  
23 shall expire on the licensee's twenty-first birthday unless sus-  
24 pended or revoked. The secretary of state shall code the license  
25 in a manner which clearly identifies the licensee as being less  
26 than 21 years of age. A subsequent chauffeur's license shall  
27 expire on the birthday of the person to whom the license is

1 issued in the fourth year following the date of issuance of the  
2 license unless the license is suspended or revoked before that  
3 date or is issued pursuant to section 314b. ~~A person age 60 or~~  
4 ~~over has the option to renew a chauffeur's license annually at~~  
5 ~~\$4.00 per each year of renewal unless the license is suspended or~~  
6 ~~revoked before that date.~~

7 (4) A person may apply for an extension of his or her driv-  
8 ing privileges if he or she is out of state on the date that his  
9 or her operator's OR CHAUFFEUR'S license expires. The extension  
10 may extend the ~~operator's~~ license for 90 days beyond the expi-  
11 ration date or within 2 weeks after the applicant returns to  
12 Michigan, whichever occurs first.

13 (5) A person who will be out of state for more than 90 days  
14 beyond the expiration date of his or her operator's license may  
15 apply for a 2-year extension of his or her driving privileges.  
16 The applicant for this extension shall submit a statement evi-  
17 dencing a vision examination in accordance with the rules promul-  
18 gated by the secretary of state under section 309. The fee for a  
19 2-year extension shall be the same as provided in section  
20 314b(2).

21 (6) A person whose operator's or chauffeur's license is  
22 unexpired but whose class 1, class 2, or class 3 indorsement has  
23 expired pursuant to section 312e(8) may apply for a vehicle group  
24 designation or indorsement. Upon proper application and payment  
25 of the fees prescribed in section 312g or 314b and section 811,  
26 the expiration of the person's operator's or chauffeur's license

1 shall be extended for 4 years beyond the expiration which would  
2 have applied except for the operation of section 312e(8).

3       Sec. 802. (1) For a special registration issued as provided  
4 for in section 226(8), there shall be paid 1/2 the tax imposed  
5 under section 801 and in addition a fee of \$10.00. The fee shall  
6 be credited to the Michigan transportation fund and used to  
7 defray the expenses of the special registration.

8       (2) For all commercial vehicles registered after August 31  
9 for the period expiring the last day of February and all motorcy-  
10 cles registered after September 30 for the period expiring on the  
11 last day of March, a tax of 1/2 the rate otherwise imposed by  
12 this act shall be collected. This subsection is not applicable  
13 to vehicles registered by manufacturers or dealers under  
14 sections 244 to 247a.

15       (3) For each special registration as provided for in section  
16 226(9), a fee of \$5.00 shall be collected. The fee shall be  
17 credited to the Michigan transportation fund and used to defray  
18 the expenses of the special registrations.

19       (4) For temporary registration plates or markers as provided  
20 for in section 226a(1), a fee of \$5.00 for each group of 5 of  
21 those temporary registration plates or markers shall be  
22 collected. The fee shall be credited to the Michigan transporta-  
23 tion fund and used to defray the expenses of the temporary regis-  
24 tration plates or markers.

25       ~~(5) For each temporary registration as provided for in~~  
26 ~~section 226b, a~~ A fee of \$5.00 ~~for a vehicle weighing 5,000~~  
27 ~~pounds or less or a fee of \$10.00 for a vehicle weighing more~~

1 ~~than 5,000 pounds~~ shall be collected FOR EACH TEMPORARY  
2 REGISTRATION AS PROVIDED FOR IN SECTION 226B, the fee to be cred-  
3 ited to the Michigan transportation fund and used to defray the  
4 expenses of the temporary registrations.

5 (6) For registration plates as provided for in section  
6 226a(5), (6), and (7), a fee of \$40.00 for 2 registration plates  
7 and \$20.00 for each additional registration plate shall be  
8 collected. The fee shall be credited to the Michigan transporta-  
9 tion fund and used to defray the expenses of the temporary plates  
10 or markers.

11 (7) For special registrations issued for special mobile  
12 equipment as provided in section 216(d), a fee of \$15.00 each for  
13 the first 3 special registrations, and \$5.00 for each special  
14 registration issued in excess of the first 3 shall be collected.  
15 The fee shall be credited to the Michigan transportation fund and  
16 used to defray the expenses of the plates or markers.

17 (8) The secretary of state, upon request, may issue a regis-  
18 tration valid for 3 months for use on a vehicle with an elected  
19 gross weight of 24,000 pounds or greater on the payment of 1/4  
20 the full registration fee provided in section 801(1)(k) and in  
21 addition a service charge of \$10.00. The service charge shall be  
22 credited to the Michigan transportation fund ~~of the state~~ and  
23 used to defray the expense of the registration plates or tabs.

24 (9) Upon application to the secretary of state, an owner of  
25 a truck, truck tractor, or road tractor which is used exclusively  
26 for the purpose of gratuitously transporting farm crops between  
27 the field where produced and the place of storage or used to

1 transport fertilizer, seed or spray material from the farm  
2 location to the field may obtain a special registration. The fee  
3 for each special registration shall be \$15.00. The fee shall be  
4 credited to the Michigan transportation fund and used to defray  
5 the expenses of the special registration program. The special  
6 registration shall be valid for a period of up to 12 months and  
7 shall expire on December 31.

8       (10) The secretary of state, upon request, may issue a spe-  
9 cial registration valid for 3 or more months for a road tractor,  
10 truck, or truck tractor owned by a farmer, if the motor vehicle  
11 is used exclusively in connection with the farmer's farming oper-  
12 ations or for the transportation of the farmer and the farmer's  
13 family and not used for hire. The fee for the registration shall  
14 be  $1/10$  of the fee provided in section 801(1)(c) times the number  
15 of months for which the special registration is requested and, in  
16 addition, a service fee of \$10.00. The fee shall be credited to  
17 the Michigan transportation fund and used to defray the expenses  
18 of the registration. No special registration shall be issued for  
19 a motor vehicle for which the fee under section 801(1)(c) would  
20 be less than \$50.00.

21       (11) The secretary of state, upon request, may issue a reg-  
22 istration valid for 3 months or more for use on a vehicle with an  
23 elected gross weight of 24,000 pounds or greater. The fee for  
24 the registration shall be  $1/10$  of the fee provided in  
25 section 801(1)(k), times the number of months for which the spe-  
26 cial registration is requested and, in addition, a service fee of

1 \$10.00. The fee shall be credited to the Michigan transportation  
2 fund and used to defray the expenses of the registration.

3 Sec. 811. (1) An application for an operator's or  
4 chauffeur's license as provided in sections 307 and 312 and an  
5 application for a minor's restricted license as provided in sec-  
6 tion 312 shall be accompanied by the following fees:

7	<del>Original license.....</del>	<del>\$ 12.00</del>
8	Operator's license <del>renewal</del> .....	\$ 12.00
9	<del>Original chauffeur's license (1 year).....</del>	<del>5.00</del>
10	<del>Original chauffeur's license (4 year).....</del>	<del>20.00</del>
11	Chauffeur's license <del>renewal</del> .....	20.00
12	Minor's restricted license.....	5.00

13 (2) The money received and collected under subsection (1)  
14 shall be deposited by the secretary of state in the state trea-  
15 sury to the credit of the general fund. The secretary of state  
16 shall refund out of the fees collected to each county or munici-  
17 pality, acting as an examining officer or examining bureau, \$2.50  
18 for each applicant examined for an original license, \$1.00 for an  
19 original chauffeur's license, and \$1.00 for every other applicant  
20 examined, whose application is not denied, on the condition that  
21 the money refunded is paid to the county or local treasurer and  
22 is appropriated to the county, municipality, or officer or bureau  
23 receiving the money for the purpose of carrying out this act.  
24 The sum of \$4.00 shall be deposited by the state treasurer in a  
25 driver education fund for each person examined for an original  
26 license, a renewal operator's license, an original chauffeur's

1 license, or a renewal chauffeur's license, except that the sum  
2 deposited for each 2-year operator's or 2-year chauffeur's  
3 license shall be \$2.00. Money in the driver education fund shall  
4 be used by the department of education for administration of a  
5 driver education program, and for distribution to local school  
6 districts to be used for driver education programs.

7 (3) From the money credited to the driver education fund,  
8 the legislature shall annually appropriate the sum of \$100,000.00  
9 to the department of education for state administration of the  
10 program. In addition there shall be distributed to local public  
11 school districts from the driver education fund the amount of  
12 \$45.00 per student, but not to exceed the actual cost, for each  
13 student completing an approved driver education course. The  
14 driver education courses shall be conducted by the local public  
15 school district, or may be conducted for the local school dis-  
16 trict by the intermediate district at the request of the local  
17 district, and enrollment in driver education courses shall be  
18 open to children enrolled in the high school grades of public,  
19 parochial, and private schools as well as resident out-of-school  
20 youth. Reimbursement to local school districts shall be made on  
21 the basis of an application made by the local school district  
22 superintendent to the department of education.

23 (4) As used in this section, "driver education courses"  
24 include classroom instruction, behind the wheel instruction, and  
25 observation in an automobile under the supervision of a qualified  
26 teacher or licensed instructor. The department of education  
27 shall not require that licensed driver training school teachers

1 or instructors be certificated under Act No. 451 of the Public  
2 Acts of 1976, as amended, being sections 380.1 to 380.1852 of the  
3 Michigan Compiled Laws.

4 (5) The department of education may promulgate rules pursu-  
5 ant to Act No. 306 of the Public Acts of 1969, as amended, being  
6 sections 24.201 to 24.328 of the Michigan Compiled Laws, includ-  
7 ing instructional standards, teacher qualifications, reimburse-  
8 ment procedures, and other requirements to further implement this  
9 section.

10 (6) Notwithstanding sections 301, 303, 306, and 308, an  
11 operator's license shall not be issued to a person under 18 years  
12 of age unless that person successfully passes a driver education  
13 course and examination given by a public school, nonpublic  
14 school, or an equivalent course approved by the department of  
15 education given by a licensed driver training school. A person  
16 who has been a holder of a motor vehicle operator's license  
17 issued by any other state, territory, or possession of the United  
18 States, or any other sovereignty for 1 year immediately before  
19 application for an operator's license under this act, shall not  
20 be required to comply with this subsection. Restricted licenses  
21 may be issued pursuant to section 312 without compliance with  
22 this subsection. A driver education course shall be made avail-  
23 able for a person under 18 years of age within a time that will  
24 enable that person to qualify for a license before the time that  
25 the person is permitted by law to have a license.

26 (7) A charge or enrollment fee for a driver education course  
27 shall not be required to be paid by a student desiring to take



1 the course as a duly enrolled student for the course in a school  
2 of the public school system.