

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4451**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 309 (MCL 257.309), as amended by 2021 PA 71.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 309. (1) Before issuing a license, the secretary of state
2 shall examine each applicant for an operator's or chauffeur's
3 license who at the time of the application is not the holder of a
4 valid, unrevoked operator's or chauffeur's license under a law of
5 this state providing for the licensing of drivers. Before the
6 secretary of state authorizes an individual to administer vehicle
7 group designation or endorsement knowledge tests, that individual
8 must successfully complete both a state and Federal Bureau of
9 Investigation fingerprint-based criminal history check or the



1 equivalent through the department of state police. In all other
2 cases, the secretary of state may waive the examination, except
3 that an examination must not be waived if it appears from the
4 application, from the apparent physical or mental condition of the
5 applicant, or from any other information that has come to the
6 secretary of state from another source, that the applicant does not
7 possess the physical, mental, or other qualifications necessary to
8 operate a motor vehicle in a manner as not to jeopardize the safety
9 of persons or property, or that the applicant is not entitled to a
10 license under section 303. A licensee who applies for the renewal
11 of his or her license by mail under section 307 shall certify to
12 his or her physical capability to operate a motor vehicle. The
13 secretary of state may check the applicant's driving record through
14 the National Driver Register and the Commercial Driver's License
15 Information System before issuing a license under this section.

16 (2) The secretary of state may appoint sheriffs, their
17 deputies, the chiefs of police of cities and villages that have
18 organized police departments within this state, their duly
19 authorized representatives, ~~or~~ employees of the secretary of state,
20 **or the secretary of state's duly authorized representatives** as
21 examining officers for the purpose of examining applicants for
22 operator's and chauffeur's licenses. An examining officer shall
23 conduct examinations of applicants for operator's and chauffeur's
24 licenses in accordance with this chapter and the rules promulgated
25 by the secretary of state under subsection (3). After conducting an
26 examination an examining officer shall make a written report of his
27 or her findings and recommendations to the secretary of state.

28 (3) The secretary of state shall promulgate rules under the
29 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to



1 24.328, for the examination of the applicant's physical and mental
2 qualifications to operate a motor vehicle in a manner as not to
3 jeopardize the safety of persons or property, and shall ascertain
4 whether facts exist that would bar the issuance of a license under
5 section 303. The secretary of state may consider a written medical
6 report and recommendation submitted under section 5139 of the
7 public health code, 1978 PA 368, MCL 333.5139, from the personal
8 physician or optometrist of an applicant, in making the examination
9 regarding the applicant's physical and mental qualifications to
10 operate a motor vehicle under this section and R 257.851 to R
11 257.855 of the Michigan Administrative Code. A report received by
12 the secretary of state from a physician or an optometrist under
13 this section is confidential. The secretary of state shall also
14 ascertain whether the applicant has sufficient knowledge of the
15 English language to understand highway warnings or direction signs
16 written in that language. The examination must not include
17 investigation of facts other than those facts directly pertaining
18 to the ability of the applicant to operate a motor vehicle with
19 safety or facts declared to be prerequisite to the issuance of a
20 license under this act.

21 (4) The secretary of state shall not issue an original
22 operator's or chauffeur's license without a vehicle group
23 designation or indorsement without an examination that includes a
24 driving skills test conducted by the secretary of state or by a
25 designated examining officer under subsection (2) or section 310e.
26 The secretary of state may enter into an agreement with another
27 public or private corporation or agency to conduct a driving skills
28 test conducted under this section. Before the secretary of state
29 authorizes an individual to administer a corporation's or agency's



1 driver skills testing operations or authorizes an examiner to
2 conduct a driving skills test, that individual or examiner must
3 successfully complete both a state and Federal Bureau of
4 Investigation fingerprint-based criminal history check through the
5 department of state police as required by law and as provided under
6 49 CFR 384.228. In an agreement with another public or private
7 corporation or agency to conduct a driving skills test, the
8 secretary of state shall prescribe the method and examination
9 criteria to be followed by the corporation, agency, or examiner
10 when conducting the driving skills test and the form of the
11 certification to be issued to an individual who satisfactorily
12 completes a driving skills test. An original vehicle group
13 designation or indorsement ~~shall~~**must** not be issued by the
14 secretary of state without a knowledge test conducted by the
15 secretary of state. Except as provided in section 312f(1), an
16 original vehicle group designation or passenger or school bus
17 indorsement must not be issued by the secretary of state without a
18 driving skills test conducted by an examiner appointed or
19 authorized by the secretary of state or an equivalent driving
20 skills test meeting the requirements of 49 CFR part 383 conducted
21 in another jurisdiction.

22 (5) Except as otherwise provided in this act, the secretary of
23 state may waive the requirement of a driving skills test, knowledge
24 test, or road sign test of an applicant for an original operator's
25 or chauffeur's license without a vehicle group designation or
26 indorsement who at the time of the application is the holder of a
27 valid, unrevoked operator's or chauffeur's license issued by
28 another state or country.

29 (6) A driving skills test conducted under this section must



1 include a behind-the-wheel road test. Before conducting a behind-
2 the-wheel road test for an applicant seeking a vehicle group
3 designation, including any upgrade to a vehicle group designation,
4 or for any indorsement required to operate a commercial motor
5 vehicle, the examiner shall determine that the applicant was issued
6 his or her commercial learner's permit not less than 14 days before
7 the date of that test and that he or she has that permit in his or
8 her possession.

9 (7) A person who corrupts or attempts to corrupt a designated
10 examining officer appointed or designated by the secretary of state
11 under this section or section 310e by giving, offering, or
12 promising any gift or gratuity with the intent to influence the
13 opinion or decision of the examining officer conducting the test is
14 guilty of a felony.

15 (8) A designated examining officer appointed or designated by
16 the secretary of state who conducts a driving skills test under an
17 agreement entered into under this section or section 310e and who
18 varies from, shortens, or in any other way changes the method or
19 examination criteria prescribed in that agreement in conducting a
20 driving skills test is guilty of a felony.

21 (9) A person who forges, counterfeits, or alters a
22 satisfactorily completed driving skills test certification issued
23 by a designated examining officer appointed or designated by the
24 secretary of state under this section or section 310e is guilty of
25 a felony.

26 (10) The secretary of state shall waive the requirement of a
27 written knowledge test, road sign test, and driving skills test of
28 an applicant for an original motorcycle endorsement if the person
29 has successfully passed a motorcycle safety course approved by the



1 department as described in sections 811a and 811b.

2 (11) An operator's or chauffeur's license that expires on or
3 after March 1, 2020 is valid until March 31, 2021. An operator's or
4 chauffeur's license that expires after March 31, 2021 but before
5 August 1, 2021 is valid until 120 days after the date of the
6 expiration.

