



SENATE BILL No. 1024

May 14, 1996, Introduced by Senator BOUCHARD and referred to the Committee on Transportation and Tourism.

A bill to amend sections 309 and 312b of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," section 309 as amended by Act No. 280 of the Public Acts of 1989 and section 312b as amended by Act No. 59 of the Public Acts of 1992, being sections 257.309 and 257.312b of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 309 and 312b of Act No. 300 of the
2 Public Acts of 1949, section 309 as amended by Act No. 280 of the
3 Public Acts of 1989 and section 312b as amended by Act No. 59 of
4 the Public Acts of 1992, being sections 257.309 and 257.312b of
5 the Michigan Compiled Laws, are amended to read as follows:

6 Sec. 309. (1) Before issuing a license, the secretary of
7 state shall examine each applicant for an operator's or

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

17 (2) Sheriffs, their deputies, and the chiefs of police of
18 cities and villages having organized police departments within
19 this state and their duly authorized representatives, and employ-
20 ees of the secretary of state may be appointed examining officers
21 for the purpose of examining applicants for operator's and
22 chauffeur's licenses by the secretary of state. An examining
23 officer shall conduct examinations of applicants for operator's
24 and chauffeur's licenses ~~—~~ under this chapter, and in accord-
25 ance with the rules promulgated by the secretary of state under
26 subsection (3). After conducting an examination an examining

1 officer shall make a written report of his or her findings and
2 recommendations to the secretary of state.

3 (3) The secretary of state shall promulgate rules pursuant
4 to the administrative procedures act of 1969, Act No. 306 of the
5 Public Acts of 1969, ~~as amended,~~ being sections 24.201 to
6 24.328 of the Michigan Compiled Laws, for the examination of the
7 applicant's physical and mental qualifications to operate a motor
8 vehicle in a manner as not to jeopardize the safety of persons or
9 property, and shall ascertain whether facts exist which would bar
10 the issuance of a license under section 303. The secretary of
11 state shall also ascertain whether the applicant has sufficient
12 knowledge of the English language to understand highway warnings
13 or direction signs written in that language. The examination
14 shall not include investigation of facts other than those facts
15 directly pertaining to the ability of the applicant to operate a
16 motor vehicle with safety or facts declared to be prerequisite to
17 the issuance of a license under this act.

18 (4) An original operator's or chauffeur's license without a
19 vehicle group designation or indorsement shall not be issued by
20 the secretary of state without an examination conducted by the
21 secretary of state or by a designated examining officer under
22 subsection (2). THE SECRETARY OF STATE MAY ENTER INTO AN AGREE-
23 MENT WITH ANOTHER PUBLIC OR PRIVATE PERSON OR AGENCY TO CONDUCT A
24 BEHIND-THE-WHEEL ROAD TEST UNDER THIS SECTION. The fee for a
25 behind-the-wheel road test CONDUCTED BY THE SECRETARY OF STATE
26 for an operator's or a chauffeur's license shall be \$11.00. An
27 original vehicle group designation or indorsement shall not be

1 issued by the secretary of state without a knowledge test
2 conducted by the secretary of state. ~~Knowledge tests for origi-~~
3 ~~nal vehicle group designations or indorsements conducted by the~~
4 ~~secretary of state prior to April 1, 1992, shall be valid for 12~~
5 ~~months from the date of the test.~~ Except as provided in
6 section 312f(1), an original vehicle group designation or passen-
7 ger indorsement shall not be issued by the secretary of state
8 without a behind-the-wheel road test conducted by an examiner
9 appointed or authorized by the secretary of state. While in the
10 course of taking a behind-the-wheel road test conducted by the
11 examiner who shall occupy a seat beside the applicant, an appli-
12 cant for an original vehicle group designation or passenger
13 indorsement who has been issued a temporary instruction permit to
14 operate a commercial motor vehicle shall be permitted to operate
15 a vehicle requiring a vehicle group designation or passenger
16 indorsement without a person licensed to operate a commercial
17 motor vehicle occupying a seat beside him or her. The fee for a
18 behind-the-wheel road test for a vehicle group designation or
19 indorsement shall be \$60.00. A refund shall not be given to an
20 applicant who fails a behind-the-wheel road test. Except for
21 issuance of a vehicle group designation or passenger indorsement,
22 unless the applicant qualifies under section 307(1)(d), a
23 behind-the-wheel road test shall not be required of an applicant
24 if the applicant has successfully passed a driver education
25 course and examination, within the year preceding the application
26 for license, the course and examination were given pursuant to
27 section 811, and the course and examination included

1 on-the-street driver experience. As used in this subsection,
2 "on-the-street driver experience" means that the applicant oper-
3 ated a motor vehicle as a part of the driver education course on
4 a freeway or other laned roadway for not less than 1 hour.

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

15 Sec. 312b. (1) Before a person who is less than 18 years of
16 age is issued an original motorcycle ~~indorsement~~ ENDORSEMENT on
17 an operator's or chauffeur's license, the person shall pass an
18 examination as required by this section and a motorcycle safety
19 course as provided in section 811a or 811b.

20 (2) Before a person who is 18 years of age or older is
21 issued an original motorcycle ~~indorsement~~ ENDORSEMENT on an
22 operator's or chauffeur's license, the person shall pass an exam-
23 ination as required by this section. A person who fails this
24 examination 2 or more times is required to successfully complete
25 a motorcycle safety course as provided in section 811a or 811b.
26 Each written examination given an applicant for a motorcycle
27 ~~indorsement~~ ENDORSEMENT on an operator's or chauffeur's license

1 as provided in section 309 shall also include subjects designed
2 to cover a motorcycle. A person shall pass an examination that
3 shall include a driving test designed to test the competency of
4 the applicant for the first motorcycle ~~indorsement~~ ENDORSEMENT
5 on an operator's or chauffeur's license to operate a motorcycle
6 upon the roads and highways of this state with safety to himself
7 or herself and other persons and property. All examinations
8 shall be administered as provided in this act. The requirement
9 of a motorcycle driving test shall be waived for an applicant who
10 has successfully completed a motorcycle safety course conducted
11 by a school or business enterprise as provided in section 811a or
12 811b. The motorcycle safety course skills test shall meet or
13 exceed the motorcycle skills test from the secretary of state.
14 The requirement of a motorcycle driving test may be waived if the
15 applicant has a valid license or ~~indorsement~~ ENDORSEMENT to
16 operate a motorcycle from another state.

17 (3) A motorcycle ~~indorsement~~ ENDORSEMENT issued to a
18 person who operates a 3-wheeled motorcycle or an autocycle shall
19 be restricted to operation of that type of motorcycle and does
20 not permit operation of a 2-wheeled motorcycle. The secretary of
21 state shall develop a driving test specifically pertaining to an
22 autocycle or a 3-wheeled motorcycle.

23 (4) The secretary of state is responsible for establishing
24 and conducting the motorcycle operator driving test and shall
25 promulgate rules under the administrative procedures act of 1969,
26 Act No. 306 of the Public Acts of 1969, ~~as amended,~~ being
27 sections 24.201 to 24.328 of the Michigan Compiled Laws, for

1 purposes of this subsection. The secretary of state shall be
2 reimbursed from the motorcycle safety fund for additional reason-
3 able costs incurred by the department in developing and adminis-
4 tering the driving test required UNDER THIS SECTION AND THE THIRD
5 PARTY TESTING PROGRAM AUTHORIZED under this section. An audit of
6 the motorcycle safety fund shall be conducted in conjunction with
7 the audit of school management services by the office of the
8 auditor general to determine compliance with the requirement that
9 funds are being withdrawn only to reimburse additional reasonable
10 costs related to this act and not costs that are already a func-
11 tion or duty of the education act. A copy of this audit shall be
12 transmitted to the legislature upon completion.

13 (5) The ~~secretary of state shall charge a \$15.00~~ fee for
14 each motorcycle operator driving test CONDUCTED BY THE SECRETARY
15 OF STATE SHALL BE \$15.00. The \$15.00 fee shall be placed in a
16 motorcycle safety fund in the state treasury and shall be used
17 only for funding the motorcycle safety education program as pro-
18 vided for under this section and section 811a.

19 (6) THE SECRETARY OF STATE MAY ENTER INTO AN AGREEMENT WITH
20 ANOTHER PUBLIC OR PRIVATE PERSON OR AGENCY TO CONDUCT A DRIVING
21 TEST REQUIRED UNDER THIS SECTION.